

*Legislative
Council*

July 19, 2017

*Proposed
Legislative
Studies*

Protocols for Review of Legislative Study Proposals
128th Legislature
Legislative Council Meeting
July 19, 2017

Background: Requirements Relevant to Studies in the First Regular Session

Under the terms of the Joint Rules of the 128th Legislature, section 353, all joint orders and legislation proposing legislative studies regardless of funding source must be placed on a special study table. The Legislative Council must review proposed studies and establish priorities for allocation of budgetary and staffing resources.

For studies authorized by the Legislative Council, the Legislative Council must provide funds sufficient to enable the committee to reasonably conduct and complete the requirements of the studies.

Also under the Joint Rules, the Legislative Council must adopt a policy relating to preparing study legislation. On January 31, 2017, the Legislative Council unanimously adopted a policy on legislative studies for the 128th Legislature. Joint Rules and the related council policy specify the manner of appointment, selection of chair, compensation of members, report date and other relevant as part of study legislation. Copies of the Joint Rules and the adopted policy are in your notebook (see appendices).

Decision: Suggested Protocol for Authorizing Legislative Studies

- The Legislative Council will review study requests in LD order grouped by funding source.
- Voting will be by a show of hands, and each Legislative Council member's vote on each bill will be recorded. The record of each vote will be made available for public inspection following the meeting.
- Committee chairs and others are welcome to observe the council's deliberations on the study requests, but discussion of the requests will be confined to council members. However, Legislative Council members may ask questions of committee chairs and other legislators regarding the proposed study if needed.
- The Legislative Council shall specifically review those studies that do not conform to applicable standards and policies approved by the Council. The Council will include as part of its motion to authorize a study acceptance of any non-conforming elements of the study. Floor amendments to authorized studies making Council-authorized changes will be prepared in the name of the Senate Majority Leader, except for studies tabled in the House which will be in the name of the House Majority Leader.

Issues: Policy Issues Needing Decision

1. **Number of authorized meetings and meeting location-Recommendation:** Unless otherwise specified by the Legislative Council, the number of study meetings is not to exceed four (4) and meetings are to be held in the Augusta area.
2. **Studies conducted using non-General Fund sources-Recommendation:** When a study committee is required to be funded by outside funds, the study committee may not convene until sufficient funds are received to pay for the study.
3. **Interim committee meetings-Recommendation:** Unless authorized by law or joint order or approved jointly by the presiding officers, joint standing and joint select committees may not meet during the legislative interim. The number of authorized days may not exceed availability of budgeted funds. Committee clerks are not authorized to staff interim committee meetings or studies. Joint standing and joint select committees must complete all assigned work within their authorized meeting days.

**128th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL REVIEW OF PROPOSED STUDIES
FIRST REGULAR SESSION**

MS= Misc. Studies Budget; APP=GF App; OSR =Other special Revenue

PROPOSED STUDIES SUMMARY

Does it Conform to Rules and Council Policy?														
Page #	LD (or other)	Notes	Policy Area	Study Name	Purpose	Membership	Report Date(s)	Staff	Jt. Rule and Council Policies	Compensation and # mtgs.	FY 2017	FY 2018	FY 2019	FY 2020
General Fund Miscellaneous Studies														
P16	LD 214, as amended by Committee Amendment "A" (on Study Table)	Emergency	VLA	Commission To Streamline Veterans' Licensing and Certification	Study and address military service members' and veterans' transition from military service to civil workforce; make recommendations to streamline licensing and certification processes for service members and veterans.	TOTAL: 13 Legis: 5 Sen: 2(LCRED or VLA) House: 3(LCRED or VLA) Chairs: First-named Senator and Representative	January 15, 2018: Labor, Commerce, Research and Economic Development Committee and Veterans and Legal Affairs Committee	Legislative Council	Nonconforming Membership - majority not legislators; does not specify that members include 2 parties holding largest # of seats Report - late (12/06/17) LC staff - for nonconforming study	Legislative per diem and expenses; 4 meetings		\$ 2,750		
P20	LD 309, as amended by Committee Amendment "A" and House Amendment "A" (on Study Table)	Not an emergency	JUD	Working Group to Restore Judicial Discretion	Review mandatory minimum sentences that are currently required under the state law and make recommendations to amend or repeal specific mandatory minimum sentence requirements as appropriate.	TOTAL: 5 Legis: 5 Sen: 2 House: 3 Chairs: First-named Senator and Representative	December 6, 2017: Second Regular Session of the 128th Legislature	Legislative Council	Conforming	Legislative per diem and expenses; 4 meetings		\$ 2,750		
P23	*PL 2017, c. 284, Sec. UUUU-17 (LD 390) (law but not yet started)	Emergency	JUD	Working Group to Improve the Provision of Indigent Legal Services	Develop recommendations to improve the delivery of indigent legal services to those eligible to receive such services in the State. The recommendations must focus on ensuring adequate representation, increasing the efficiency in delivering legal services, verifying eligibility throughout representation and reducing costs while still fully honoring the constitutional and statutory obligations to provide representation.	TOTAL: 11 Legis: 4 Sen: 2 House: 2 Chairs: First-named Senator and Representative	December 6, 2017: Second Regular Session of the 128th Legislature	Legislative Council	Nonconforming Membership - majority not legislators LC staff - for nonconforming study	Legislative per diem and expenses; 4 meetings		\$ 2,250		
P26	LD 523, as amended by Committee Amendment "A" (on Study Table)	Emergency	CJPS	Commission to Review the Laws Governing Domestic Violence	Conduct a comprehensive examination of the laws governing domestic violence in Maine to determine whether principles of ensuring victim safety and batterer accountability are upheld under the existing statutory scheme; examine domestic violence cases from investigation through court process and evaluate needs of victims and how to deter batterers' behavior.	TOTAL: 11 Legis: 7 Sen: 3 House: 4 Chairs: First-named Senator and Representative	December 6, 2017: Second Regular Session of the 128th Legislature	Legislative Council	Conforming	Legislative per diem and expenses; 4 meetings		\$ 3,750		

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									Jt. Rule and Council Policies	Compensation and # mtgs.	FY 2017	FY 2018	FY 2019	FY 2020	
P29	LD 642, as amended by Committee Amendment "A" (on Study Table)	Emergency	EDU	Task Force to Identify Special Education Cost Drivers and Innovative Approaches to Services	Address the rising cost of special education and the maintenance of high-quality services that accommodate the needs of all children by identifying cost drivers and recommending innovative approaches to serving students.	TOTAL: 13 Legis: 2 Sen: 1(EDU) House: 1(EDU) Chairs: Senator and Representative	December 6, 2017: Education and Cultural Affairs Committee	Legislative Council	Nonconforming Membership - majority not legislators; does not specify that members include 2 parties holding largest # of seats LC staff - for nonconforming study	Legislative per diem and expenses; 5 meetings		\$ 1,500			
P33	LD 1015, as amended by Committee Amendment "A" (on Study Table)	Not an emergency	EDU	Commission to Study the Student Transfer Process	Conduct a comprehensive review of the appeal process under the laws governing the transfer of a student from one school administrative unit to another school administrative unit, including, but not limited to, a review of the criteria used by the Commissioner of Education and the State Board of Education to make a decision regarding a parent's request to review a decision to not approve a transfer.	TOTAL: 11 Legis: 4 Sen: 1(EDU) House: 3(EDU) Chairs: Senator and first-named Representative	December 6, 2017: Education and Cultural Affairs Committee	Legislative Council	Nonconforming Membership - majority not legislators; does not specify that members include 2 parties holding largest # of seats LC staff - for nonconforming study	Legislative per diem and expenses; 4 meetings		\$ 2,250			
P36	LD 1021, as amended by Committee Amendment "A" (on Study Table)	Emergency	SLG	Study Committee to Develop a Disposition Plan for Future Surplus State Property in York County	Study and plan the disposition of the 3 district courthouses and of associated surplus state property in York County to be vacated when the courts are consolidated into one building in 2021.	TOTAL: 10 Legis: 6 Sen: 3 House: 3 Chairs: First-named Senator and Representative	December 6, 2017: Second Regular Session of the 128th Legislature	Legislative Council	Nonconforming Membership - does not specify that members include 2 parties holding largest # of seats (York, Springvale, Biddeford only) LC staff - for nonconforming study	Legislative per diem and expenses; 6 meetings		\$ 3,250			
P39	LD 1128, as amended by Committee Amendment "A" (on Study Table)	Not an emergency	CJPS	Committee to Study the Processing of Evidence from Sexual Assault Test Kits	Study the processing of evidence from sexual assault test kits, including: reviewing data from state, county and municipal law enforcement agencies and from programs that serve victims of sexual assault and advocates of victims of sexual assault; determining the current status of the processing of sexual assault test kits and the prevalence of and reasons for kits not being analyzed; and reviewing information on the resources and funding necessary to ensure the timely processing of sexual assault test kits.	TOTAL: 11 Legis: 4 Sen: 2 House: 2 Chairs: First-named Senator and Representative	December 6, 2017: Criminal Justice and Public Safety Committee	Legislative Council	Nonconforming Membership - majority not legislators LC staff - for nonconforming study	Legislative per diem and expenses; 4 meetings (may seek funding to partially or fully fund costs of study)		\$ 2,250			

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P42	LD 1143, as amended by Committee Amendment "A" (on Special Appropriations Table)	Not an emergency	EDU	Maine Bicentennial Commission	Prepare and administer a comprehensive plan and program for adequate observance and celebration on a statewide basis of the bicentennial anniversary of the formation of the State of Maine, coordinate the program and activities of all public and private agencies and organizations in the State that are planned for the observation of the anniversary and engage in such other activities as the commission determines necessary and appropriate.	TOTAL: 22 Legis: 4 Sen: 2 House: 2 Chairs: Commission selects chair from among its members	December 6, 2017, November 7, 2018, December 4, 2019 and November 4, 2020: Education and Cultural Affairs Committee	Maine State Cultural Affairs Council	Nonconforming Membership - majority not legislators	Legislative per diem and expenses; 4 meetings (may accept contributions from outside sources)		\$ 3,090	\$3,090	\$3,090
P47	LD 1260, as amended by Committee Amendment "A" and Senate Amendment "A" (on Study Table)	Emergency	JUD	Commission to Create a Plan to Enhance the Efficiency and Effectiveness of the Probate Court System	Create a plan for a more efficient and effective probate court system and describe how the system would be funded. May consider for inclusion in the plan any features that the commission determines relevant, including, features that will ensure timely, convenient and meaningful access to justice, promote judicial responsibility and adherence to the code of judicial responsibility, provide for qualified judges, provide for adequate professional staff, reflect efficient practices in scheduling and case management throughout the system, allow for convenient and consumer-friendly processing of matters that are not contested and reflect economies of scale in all appropriate operational aspects.	TOTAL: 13 Legis: 4 Sen: 2 House: 2 Chairs: First-named Senator and Representative	December 6, 2017: Judiciary Committee	Legislative Council	Nonconforming Membership - majority not legislators LC staff - for nonconforming study	Legislative per diem and expenses; 4 meetings (may seek funding to partially or fully fund costs of study)		\$ 2,250		

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951	LD 1466, as amended by Committee Amendment "A" as amended by House Amendment "B" (on Special Appropriations Table)	Not an emergency	HHS	Commission to Study Long-term Care Workforce Issues	Study and make recommendations regarding: measuring current demand for direct care workers and projecting future needs; developing a statewide recruitment strategy; supporting career ladders; identifying education needs and methods to overcome hiring barriers; developing strategies to improve quality of long-term care jobs; increasing opportunities for shared staffing among long-term care providers; and making policy recommendations for public and private funding mechanisms to implement. Make recommendations for establishment of a program that will contribute to long-term care direct care workers' postsecondary education in related fields and for establishment of a pilot program to pool part-time home care workers' hours for purposes of providing greater employment opportunity and obtaining employee health benefits.	TOTAL: 18 Legis: 5 Sen: 2 House: 3 Chairs: First-named Senator and Representative	February 18, 2018: Health and Human Services Committee	Legislative Council	Nonconforming Membership - majority not legislators Report - late (12/06/17) LC staff - for nonconforming study	Legislative per diem and expenses; 4 meetings		\$ 2,750		

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General Fund Appropriation														
P60	*PL 2017, c. 278 (LD 243) HP 96, Joint Select Committee on Marijuana Legalization Implementation (approved during 1st Regular and in progress)	Emergency; MLI convened in 1st Regular (LD 243, An Act to Change the Oversight Agency for Recreational Marijuana from ACF to DAFS, BABLO and to Allocate Funds for Implementation)	MLI	Joint Select Committee on Marijuana Legalization Implementation	LD 243 appropriates funds for consultant services and necessary travel and expenses and other purposes determined to be appropriate by the Joint Select Committee on Marijuana Legalization Implementation. HP 96 created JSC on MLI whose duties are to review existing MLA and identify and make recommendations (legislation) to resolve outstanding issues regarding implementation.	TOTAL: 17 Legis: 17 Sen: 5 House: 12 Chairs: First-named Senator and Representative	None	Contract staff during legislative session; Legislative Council staff during legislative interim		Requesting up to 15 meetings in interim		\$ 200,000		
P72	LD 1006, as amended by Committee Amendment "A" (on Special Appropriations Table)	Not an emergency	LCRED	Advisory Council on Senior Housing	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; make recommendations to the director of MSHA for development by 01/01/23 of strategic elderly housing plan.	TOTAL: 12 Legis: 2 Sen: 1 House: 1 Chairs: Not specified	March 15th of each First Regular Session regarding progress of development or implementation of strategic plan: Labor, Commerce, Research and Economic Development Committee	Not specified	Exception to Joint Rule 353 Created in statute and codified in Title 5 exempted, except use of new legislative financial resources (legislative per diems) must be referred to special study table for review and approval by LC regarding use of those resources; unclear who is staffing.	Legislative per diem and expenses; 4 meetings		\$ 1,000	\$ 1,000	\$ 1,000
P71	LD 1008, as amended by Committee Amendment "A" (on Special Appropriations Table)	Not an emergency	SLG	Permanent Commission on the Status of Racial and Ethnic Populations	Promote, carry out and coordinate programs designed to improve opportunities for racial and ethnic populations by carrying out research 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.	TOTAL: 15 Legis: 5 Sen: 2 House: 3 Chairs: Governor selects chair from among the members of the commission	Initial report by March 1, 2018 to the Second Regular Session of the Legislature; Beginning January 1, 2019 and biennially thereafter to the Governor and Legislature	Secretary of State	Nonconforming Membership - majority not legislators Chairs - not legislators	Legislative per diem and expenses; 4 meetings		\$ 2,500	\$ 2,500	\$ 2,500

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General Fund Legislative - Interim JSC Meeting Budget														
P83	*SP 210 (approved during 1st Regular and in progress)		HHS	Task Force to Address the Opioid Crisis in the State	Examine the current laws in the State addressing opiate abuse and heroin use, including but not limited to existing laws focused on law enforcement, prevention, treatment and recovery; review recommendations of Maine Opiate Collaborative and review successful initiatives in other states including proposals for increased law enforcement, substance abuse prevention, treatment and peer recovery services and substance abuse prevention education in schools and communities.	TOTAL: 19 Legis: 8 Sen: 4 House: 4 Chairs: First-named Senator and Representative	April 30, 2017, initial report to the First Regular Session of the 128th Legislature; December 6, 2017, final report to the Second Regular Session of the 128th Legislature	Contract staff during legislative session; Legislative Council staff during legislative interim	Nonconforming Membership - majority not legislators LC staff - for nonconforming study	Legislative per diem and expenses; public members may receive per diem and expenses; 3 meetings held; 10 more possible	\$ 12,557	\$ 10,250		
P86	*SP 294 (approved during 1st Regular and in progress)		LCRED	Task Force on Maine's 21st Century Economy and Workforce	Review ways to strengthen the State's economy, improve the State's business climate and facilitate growth in the State, including strategies to make targeted and strategic investments in the State's workforce and businesses; to expand partnerships among the State's workers, educators and businesses to specifically address workforce needs and worker training; to develop strategies for attracting, retaining and training Maine workers in sectors of industry most acutely affected by workforce shortage; and to help improve the ability of small businesses to innovate and expand.	TOTAL: 18 Legis: 8 Sen: 4 House: 4 Chairs: First-named Senator and Representative	Initial report may be submitted prior to the adjournment of the 128th Legislature; final report due March 1, 2018 to the Second Regular Session of the 128th Legislature	Contract staff during legislative session; Legislative Council staff during legislative interim	Nonconforming Membership - majority not legislators Report - late (12/06/17) LC staff - for nonconforming study	Legislative per diem and expenses; public members may receive per diem and expenses; 4 meetings	\$ 1,924	\$ 4,250		
P90	*PL 2017, c. 284, Sec. TT-2 (LD 390) (law but not yet started)	Emergency	ACF	Joint Standing Committee on Agriculture, Conservation and Forestry Study of Conserved Lands Owned by Nonprofit Conservation Organizations	ACF Committee to study the financial and nonfinancial aspects of conserved lands owned by nonprofit conservation organizations, including property taxes paid, community benefits realized and value of lands to the State's economy.	TOTAL: 13 Legis: 13 Sen: 3 House: 10 Chairs: Chairs of the ACF Committee	February 15, 2018	Legislative Council	Nonconforming Report - late (12/06/17)	Legislative per diem and expenses; at least 3 meetings	\$ 5,415	\$ 32,125		

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P92	LD 1150, as amended by Committee Amendment "A" (on Special Highway Table)	Not an emergency	TRA	Commission to Study Transportation Funding Reform	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; focus on funding the state highway and bridge system and consider capital funding of multimodal infrastructure.	TOTAL: 11 Legis: 10 Sen: 3 House: 7 Chairs: First-named Senator and Representative	December 6, 2017: Transportation Committee	Legislative Council	Conforming	Legislative per diem and expenses; may meet up to 6 times; 3 meetings must include public comment and be held in different parts of the state		\$ 5,250		
Other Special Revenue Funds														
P96	SP 592 (on House Study table)	Not an emergency	IFS	Task Force on Health Care Coverage for All of Maine	Propose at least three design options, including implementation plans, for creating a system of health care that ensures all residents of the State have access to and coverage for affordable, quality health care.	TOTAL: 18 Legis: 8 Sen: 4 House: 4 Chairs: First-named Senator and Representative	Initial report due January 1, 2018; Final report due November 1, 2018; First Regular Session of the 129th Legislature	Legislative Council; may contract for staff during legislative session	Nonconforming Membership - majority not legislators LC staff - for nonconforming study; possibly during legislative session	Legislative per diem and expenses; 4 meetings		\$ 4,682	\$ 4,682	
P103	LD 512, as amended by Committee Amendment "A" (on Study Table)	Not an emergency	CJPS	Committee to Study the State's Response to the Commercial Sexual Exploitation of Youth	Assess the current policies, systems and resources related to preventing and responding to the commercial sexual exploitation of youth in the State to identify gaps and to make recommendations related to improving those policies, systems and resources.	TOTAL: 13 Legis: 4 Sen: 2 House: 2 Chairs: First-named Senator and Representative	December 6, 2017: Criminal Justice and Public Safety Committee and Health and Human Services Committee	Legislative Council	Nonconforming Membership - majority not legislators LC staff - for nonconforming study	Legislative per diem and expenses; 4 meetings (shall seek funding to fully or partially fund study costs)		\$ 2,250		
Total Cost of Proposed Studies (All Funds):											\$ 19,896	\$ 291,147	\$ 11,272	\$ 6,590
Available Studies Budget (General Fund): (Adjusted for previously authorized studies)														
Other Required Funding Sources (Federal & Other Special Revenue):											\$ -	\$ -	\$ -	
General Fund Appropriation:											\$ -	\$ -	\$ -	
Remaining Balance/(Shortfall) Studies Budget (General Fund):											(\$19,896)	(\$291,147)	(\$11,272)	(\$6,590)

* Future budgets will be adjusted to include the cost of studies authorized on an ongoing basis.

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Additional Legislative Resources for Interim Work														
P106	*Resolve 2017, c. 18 (law but not yet started)	Not an emergency	VLA	Legislative staff Recodification and Revision of Title 28-A	Prepare a recodification and revision of the Maine Revised Statutes, Title 28-A.	TOTAL: 0 Legis: 0 Sen: 0 House: 0 Chairs: No chairs required	January 15, 2019; Veterans and Legal Affairs Committee	OPLA and ROS		No compensation or expenses required				

Rule 353. Legislative Studies.

To assist in the exercise of its duties, the Legislature may establish legislative study committees or may alternatively refer matters to joint standing committees or subcommittees of joint standing committees for study. This Joint Rule establishes standards that govern the drafting of legislative study instruments and the authorization of legislative studies. All legislative studies must be consistent with this Joint Rule and with Legislative Council policies adopted under this Joint Rule. Any bill, resolve or joint order proposing a legislative study that is inconsistent with this rule must be reviewed and approved by the Legislative Council.

- **1. Definitions.** For the purposes of this Joint Rule, the following terms have the following meanings:
 - A. The term “legislative study” or “legislative study committee” means any group of individuals established in an Act, Resolve or Joint Order or by the Legislative Council, except those exempted under policies adopted by the Legislative Council, whose duties include studying and reporting to the Legislature on any matter or advising the Legislature on any matter and that requires the use of legislative resources;
 - B. The term “legislative resources” means the expenditure of any funds appropriated or allocated to the Legislative Account, the appointment of one or more persons by the Legislature, the inclusion of one or more legislators as members of the legislative study committee or the use of Legislative Council staff; and
 - C. The term “non-legislative study” or “non-legislative study group” means any group of individuals directed by legislation to report back to the Legislature on any issue but that is not otherwise a legislative study.
- **2. Establishing legislative studies.** A legislative study may only be created by joint study order, unless the instrument directs an agency or a person who is not a legislator to take an action or has an existence that extends beyond the Legislature in which it is introduced. A joint standing committee may report out a joint study order requesting that a study be conducted.
- **3. Appointment of members.** A majority of legislative study members must be legislators and the legislative study committee must be chaired by legislators appointed in a manner consistent with subsection 4. The legislative study committee must include members of the 2 parties holding the largest number of seats in the Legislature. All members of legislative study committees established by joint study order must be appointed by the presiding officers: Senate members by the President and House members by the Speaker. Members of a legislative study created by joint study order who are not legislators must be appointed either by the President or the Speaker. Legislative studies may include a minority of non-legislative members appointed by someone outside the Legislature. Joint appointment of members is not permitted.
- **4. Appointment of chairs.** Legislative studies having more than 5 members must be cochaired by legislators. The first appointed Senate member must be the Senate chair and the first appointed House member must be the House chair. Legislative studies having 5 or fewer members must have a single legislative chair appointed by the presiding officer of the body of the originating study order or legislation. The chair of a legislative study

having 5 or fewer members shall appoint a chair pro tem from among the appointed members to serve in the chair's absence.

- **5. Committee size.** Legislative study committees may consist of no fewer than 3 and no more than 13 members.
- **6. Staffing.** Unless the Legislative Council directs otherwise, Legislative Council staff will only be assigned to legislative studies that conform to this Joint Rule.
- **7. Reporting dates.** All reports of legislative study committees that are to be submitted to a first regular session must be completed and submitted not later than the first Wednesday in November preceding the convening of the first regular session of the next legislature. All reports of legislative study committees that are to be submitted to a second regular session must be completed and submitted not later than the first Wednesday in December preceding the convening of the second regular session. Upon request of the study committee, the Legislative Council may extend the reporting date, except that the extension may not go beyond December 15th in odd numbered years or beyond the first Wednesday of December in even numbered years.
- **8. Legislation may not be introduced by legislative studies or non-legislative study groups.** Legislative and non-legislative study committees or groups may include proposed legislation in their reports to the Legislature, but are not authorized to introduce legislation. Upon receipt of a report submitted by a legislative or non-legislative study committee or group, the joint standing committee to which the report is submitted, or the appropriate joint standing committee of jurisdiction in the event that the report is submitted to the Legislature as a whole, may introduce a bill during the session to which the report is submitted to implement its recommendations on matters relating to the study.
- **9. Compensation.** Legislative members are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of a study committee. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses and, upon demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of a study committee.
- **10. Study table.** All joint study orders or legislation proposing legislative studies must be placed on a special study table in the Senate or House. The Legislative Council shall review the proposed studies and authorize the allocation of budgetary and staffing resources for those studies.
- **11. Legislative Council study policies.** The Legislative Council shall adopt policies governing legislative studies at the beginning of each legislative biennium. Those policies may include conditions on the funding of legislative studies, exceptions to this Joint Rule, drafting standards or other provisions necessary to satisfy the requirements of this Joint Rule.

REP. SARA GIDEON
CHAIR

SEN. MICHAEL D. THIBODEAU
VICE-CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER



128TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

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SEN. ANDRE E. CUSHING
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SEN. NATHAN L. LIBBY
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REP. ELEANOR M. ESPLING

Legislative Council Policy on Legislative Studies for 128th Maine Legislature

1. Introduction

On March 22, 2007, the Legislative Council unanimously endorsed revisions to Joint Rule 353 and revisions to Legislative Council policies proposed by a Legislative Council subcommittee established to study the legislative study process. On May 15, 2007, the Legislative Council's proposed revisions to Joint Rule 353 were adopted by the House and the Senate, as amended by the Joint Select Committee on Joint Rules. Joint Rules adopted by each successive legislature have included Joint Rule 353.

Joint Rule 353, Section 11, requires the Legislative Council to adopt policies governing legislative studies at the beginning of each legislative biennium. Pursuant to that authority, the Legislative Council adopts this policy on legislative studies to establish policies and procedures governing the Legislative Council's authorization of legislative studies, conditions on the funding of legislative studies, exceptions to the definition of legislative study, legislative study drafting standards and other provisions necessary to satisfy the requirements of Joint Rule 353.

2. Council authorization of legislative studies

Legislative studies are authorized only upon the approval of a majority of the Legislative Council during its review of the study table, except that approval of 2/3 of the Legislative Council is required to authorize a legislative study that is required to submit a report to a subsequent Legislature.

3. Funding of legislative studies

The Legislative Council shall establish a study line in the Legislative Account to which legislative studies are budgeted and study expenses charged. That study line must include funds appropriated by the Legislature for those purposes and funds allocated by the Legislature from other departmental accounts to the Legislative Account for the purposes of funding a legislative study. The Legislative Council shall also establish budgets and provide sufficient money from the legislative account for studies to be conducted by joint standing committees, joint select committees and other study committees of the Legislature. The Legislative Council shall

provide sufficient money to enable the committees to reasonably conduct and complete the requirements of the studies.

4. Acceptance of private contributions to support legislative studies

Private financial or in-kind contributions to support the work of legislative studies may not be accepted from any party having a pecuniary or other vested interest in the outcome of the study. Any person, other than a state agency, authorized and desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. All such contributions are subject to the approval of the Legislative Council. All contributions accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of contributions, the date the contributions were received, from whom the contributions were received and the purpose of and any limitation on the use of those contributions. The Executive Director of the Legislative Council shall administer the contributions and shall notify the chairs of the legislative study committee when those contributions have been received. If funding for a legislative study is contingent upon receipt of private contributions and sufficient contributions have not been received within 30 days after the effective date of the study instrument, then no meetings of the study are authorized and no study-related expenses of any kind may be incurred or reimbursed.

5. Exceptions to Joint Rule 353

The following limited exemptions to Joint Rule 353 are provided.

- A. Boards and commissions created in statute and codified in Title 5, chapter 379 are exempted from the provisions of this Joint Rule, except that the use of new legislative financial resources or Legislative Council staffing by a new board or commission or as the result of an amendment to an existing board or commission must be referred to a special study table for review and approval by the Legislative Council regarding the use of those resources;
- B. Legislation directing an agency or a group of stakeholders to study and report to the Legislature on any matter may include the appointment of not more than two members of the Legislature, provided that the report of the agency or group is required to be submitted within the biennium in which the legislation is introduced, that there are no other legislative appointments required, that the legislators are appointed consistent with subsection 3 and that no other legislative resources are required. Legislation creating such groups must be referred to a special study table for review and approval by the Legislative Council regarding the use of those resources.
- C. Notwithstanding Joint Rule 353, section 8, a joint select committee established in a manner consistent with Joint Rule 351 may, if so authorized in joint order establishing the joint select committee, introduce legislation to implement its recommendations.


6. Council review of committee requests to vary from Joint Rule 353

Pursuant to Joint Rule 353, the Legislative Council must specifically review and approve as an exception any legislative study that is inconsistent with that joint rule.

7. Authority and effective date

Pursuant to its authority under Joint Rule 353, Section 11, the Legislative Council hereby adopts this policy governing legislative studies on this 31st day of January, 2017.

This policy takes effect immediately.

BY: 
Grant T. Pennoyer, Executive Director

LD 214

**Commission to Streamline Veterans'
Licensing and Certification**

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND AND SEVENTEEN

H.P. 170 - L.D. 214

Resolve, To Establish the Commission To Streamline Veterans' Licensing and Certification

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this resolve establishes the Commission To Streamline Veterans' Licensing and Certification to identify ways to streamline licensing and certification requirements for veterans; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Commission To Streamline Veterans' Licensing and Certification.

Resolved: That, notwithstanding Joint Rule 353, the Commission To Streamline Veterans' Licensing and Certification, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 13 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate who are veterans of military service or who are members of either the Joint Standing Committee on Labor, Commerce, Research and Economic Development or the Joint Standing Committee on Veterans and Legal Affairs;

2. Three members of the House of Representatives appointed by the Speaker of the House of Representatives who are veterans of military service or who are members of

either the Joint Standing Committee on Labor, Commerce, Research and Economic Development or the Joint Standing Committee on Veterans and Legal Affairs;

3. The Commissioner of Defense, Veterans and Emergency Management or the commissioner's designee;

4. The Commissioner of Professional and Financial Regulation or the commissioner's designee;

5. The Commissioner of Labor or the commissioner's designee;

6. Three members appointed by the President of the Senate with experience in:

A. Membership on a licensing or certification board;

B. Work at an educational institution with programming that results in licensing or certification;

C. Work in the field of human resources; or

D. Prior or current service in the military; and

7. Two members appointed by the Speaker of the House of Representatives with experience in:

A. Membership on a licensing or certification board;

B. Work at an educational institution with programming that results in licensing or certification;

C. Work in the field of human resources; or

D. Prior or current service in the military; and be it further

Sec. 3. Chairs. Resolved: That the first appointed Senate member is the Senate chair and the first appointed House of Representatives member is the House chair of the commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business; and be it further

Sec. 5. Duties. Resolved: That the commission shall:

1. Identify workforce needs in the State that could be met by the recruitment of veterans and service members who are transitioning out of the military;

2. Identify similarities and differences between military occupational specialty training and state licensing and certification requirements for those fields of work identified by the commission;

3. Address barriers commonly encountered by transitioning service members and veterans by:

A. Assisting civilian licensing boards in recognizing the military documentation of veterans' training and experience;

B. Developing strategies to prevent duplicative training requirements for attaining relevant licensure or certification; and

C. Streamlining the administrative rules and processes within civilian licensing and certification systems that create barriers for veterans to obtain licensure or certification; and

4. Develop strategies to accelerate veterans' licensure and certification by:

A. Assessing the equivalency of military training courses and using official documentation to permit veterans with fully or partially equivalent training and experience either to sit for civilian licensure examinations or to be licensed by endorsement;

B. Addressing training gaps by working with educational institutions to set up accelerated programs for veterans that bridge training gaps, provide veterans advanced standing in existing programs or offer bridge courses that prepare veterans to enter existing programs;

C. Addressing administrative or process challenges by assessing any non-skill-related licensing or certification requirements that might place veterans at a disadvantage, such as fees or length of experience; and

D. Taking steps to make civilian employment pathways friendlier to veterans through concerted outreach to both veterans and prospective employers; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission; and be it further

Sec. 7. Report. Resolved: That, no later than January 15, 2018, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to both the Joint Standing Committee on Labor, Commerce, Research and Economic Development and the Joint Standing Committee on Veterans and Legal Affairs. The Joint Standing Committee on Labor, Commerce, Research and Economic Development and the Joint Standing Committee on Veterans and Legal Affairs may report out a bill to the Second Regular Session of the 128th Legislature based upon the report.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

LD 309

**Working Group to Restore
Judicial Discretion**

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND SEVENTEEN

S.P. 97 - L.D. 309

Resolve, To Establish the Working Group To Restore Judicial Discretion

Sec. 1. Working group established. Resolved: That the Working Group To Restore Judicial Discretion, referred to in this resolve as "the working group," is established; and be it further

Sec. 2. Working group membership. Resolved: That the working group consists of 5 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature; and

2. Three members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the working group; and be it further

Sec. 4. Appointments; convening of working group. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the working group. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the working group to meet and conduct its business; and be it further

Sec. 5. Duties. Resolved: That the working group shall review mandatory minimum sentences that are currently required under state law and make recommendations to amend or repeal specific mandatory minimum sentence requirements as appropriate. In reviewing and making recommendations about mandatory minimum sentence requirements, the working group shall seek 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; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the working group; and be it further

Sec. 7. Report. Resolved: That, no later than December 6, 2017, the working group shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 128th Legislature.

PL 2017, c. 284, Sec. UUUU-17

**Working Group to Improve the
Provision of Indigent Legal Services**

**PL 2017, c. 284, Sec. UUUU-17
(LD 390)**

Sec. UUUU-17. Working group established. Notwithstanding Joint Rule 353, the Working Group to Improve the Provision of Indigent Legal Services, referred to in this section as "the working group," is established.

1. Membership. The working group consists of 11 members appointed as follows:

A. Two members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature;

B. Two members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature;

C. Two members appointed by Chief Justice of the Supreme Judicial Court, at least one of whom is on a court-appointed attorney roster administered by the Maine Commission on Indigent Legal Services;

D. The Attorney General or the Attorney General's designee;

E. The Commissioner of Administrative and Financial Services or the commissioner's designee;

F. The Director of the Governor's Office of Policy and Management or the director's designee;

G. The President of the Maine Prosecutors Association or the president's designee; and

H. The Chair of the Maine Commission on Indigent Legal Services or the chair's designee.

2. Chairs. The first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the working group.

3. Appointments; convening. All appointments must be made no later than 30 days following the effective date of this section. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. When the appointment of all members has been completed, the chairs shall call and convene the first meeting of the working group. If 30 days or more after the effective date of this section a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the working group to meet and conduct its business.

4. Duties. The working group shall develop recommendations to improve the delivery of indigent legal services to those eligible to receive such services in the State. The recommendations must focus on ensuring adequate representation, increasing the efficiency in delivering legal services, verifying eligibility throughout representation and reducing costs while still fully honoring the constitutional and statutory obligations to provide representation. Notwithstanding any other provision of law, the working group may access data maintained by the Maine Commission on Indigent Legal Services and shall maintain the confidentiality of any confidential information provided to the working group. The working group may invite the participation and input of additional interested parties and request information as necessary to carry out its duties.

5. Staff assistance. The Legislative Council shall provide necessary staffing services to the working group.

6. Report. No later than December 6, 2017, the working group shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the 2nd Regular Session of the 128th Legislature. The Joint Standing Committee on Judiciary may report out to the Second Regular Session of the 128th Legislature legislation to implement recommendations on matters related to the report.

LD 523

**Commission to Review the Laws
Governing Domestic Violence**

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND AND SEVENTEEN

H.P. 367 - L.D. 523

Resolve, To Establish the Commission To Review the Laws Governing Domestic Violence

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation establishes the Commission To Review the Laws Governing Domestic Violence; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Commission established. Resolved: That the Commission To Review the Laws Governing Domestic Violence, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 11 members appointed as follows:

1. Three members of the Senate, appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature. When making the appointments, the President shall give preference to members of the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Judiciary;

2. Four members of the House of Representatives, appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature. When making the appointments, the Speaker shall give preference to

members of the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Judiciary;

3. The Attorney General or the Attorney General's designee;
4. The Chief of the State Police or the chief's designee;
5. A representative of a statewide organization to end domestic violence and assault, appointed by the Speaker of the House; and
6. A judge or retired judge from the District Court, appointed by the Chief Justice of the Supreme Judicial Court; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business; and be it further

Sec. 5. Duties. Resolved: That the commission shall conduct a comprehensive examination of the laws governing domestic violence in the State to determine whether the principles of ensuring victim safety and batterer accountability are upheld under the existing statutory scheme. The commission shall review the domestic violence laws of other states, invite the participation of experts and interested parties, gather information and request necessary data from public and private entities. As part of its review, the commission shall examine the handling of all aspects of domestic violence cases from investigation to prosecution to movement through the court system and shall evaluate the ways in which the needs of victims of domestic violence are or are not being addressed in the current legal system and the contribution that can be made by laws to deterring batterers' behavior; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission; and be it further

Sec. 7. Report. Resolved: That, no later than December 6, 2017, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 128th Legislature.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

LD 642

**Task Force to Identify Special
Education Cost Drivers and
Innovative Approaches to Services**

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND AND SEVENTEEN

H.P. 456 - L.D. 642

Resolve, To Establish the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services will work to address the rising cost of special education while maintaining high-quality services that accommodate the needs of all children; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Task force established. Resolved: That, notwithstanding Joint Rule 353, the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services, referred to in this resolve as "the task force," is established; and be it further

Sec. 2. Task force membership. Resolved: That the task force consists of 13 members appointed as follows:

1. A Senate member of the Joint Standing Committee on Education and Cultural Affairs, appointed by the President of the Senate;
2. A House of Representatives member of the Joint Standing Committee on Education and Cultural Affairs, appointed by the Speaker of the House;

3. A school superintendent representing the Maine School Superintendents Association, appointed by the President of the Senate;

4. A member of a school board representing the Maine School Boards Association, appointed by the Speaker of the House;

5. Two special education directors representing a statewide association of special education directors or teachers, appointed by the President of the Senate. One of the members must be a special education director who serves an urban school administrative unit, and the other member must be a special education director who serves a rural school administrative unit;

6. A principal representing the Maine Principals' Association, appointed by the Speaker of the House;

7. A teacher representing the Maine Education Association, appointed by the President of the Senate;

8. A parent of a student with special needs representing a statewide association of parents of students with special needs, appointed by the Speaker of the House;

9. An advocate for students with special needs, appointed by the President of the Senate;

10. A school finance manager or a school business manager, appointed by the Speaker of the House;

11. A special education student who graduated from a school administrative unit in the State within the last 5 years, appointed by the President of the Senate; and

12. An employee of the Department of Education, appointed by the Commissioner of Education; and be it further

Sec. 3. Chairs. Resolved: That the Senate member is the Senate chair and the House of Representatives member is the House chair of the task force; and be it further

Sec. 4. Appointments; convening of task force. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the task force. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the task force to meet and conduct its business; and be it further

Sec. 5. Duties; authorized meetings. Resolved: That the task force shall address the rising cost of special education and the maintenance of high-quality services that accommodate the needs of all children by identifying cost drivers and recommending innovative approaches to serving students. The task force may hold no more than 5 meetings; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the task force; and be it further

Sec. 7. Report. Resolved: That, no later than December 6, 2017, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Education and Cultural Affairs. The Joint Standing Committee on Education and Cultural Affairs may submit a bill to the Second Regular Session of the 128th Legislature.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

LD 1015

**Commission to Study the Student
Transfer Process**

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND SEVENTEEN

H.P. 717 - L.D. 1015

Resolve, To Study the Student Transfer Process

Sec. 1. Commission To Study the Student Transfer Process. Resolved: That, notwithstanding Joint Rule 353, the Commission To Study the Student Transfer Process, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Membership. Resolved: That the commission consists of 11 members as follows:

1. One member of the Senate who is a member of the Joint Standing Committee on Education and Cultural Affairs, appointed by the President of the Senate;
2. Three members of the House of Representatives who are members of the Joint Standing Committee on Education and Cultural Affairs, appointed by the Speaker of the House;
3. One member who is a representative of the Maine School Superintendents Association, appointed by the President of the Senate;
4. One member who is a representative of the Maine Education Association, appointed by the Speaker of the House;
5. One member who is a principal, appointed by the President of the Senate;
6. One member who is a school board member, appointed by the Speaker of the House;
7. One member who is a parent of a student who requested a transfer from one school administrative unit to another, appointed by the President of the Senate;
8. The chair of the State Board of Education or the chair's designee; and
9. The Commissioner of Education or the commissioner's designee; and be it further

Sec. 3. Chairs. Resolved: That the Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business; and be it further

Sec. 5. Duties. Resolved: That the commission shall conduct a comprehensive review of the appeal process under the laws governing the transfer of a student from one school administrative unit to another school administrative unit pursuant to the Maine Revised Statutes, Title 20-A, section 5205, subsection 6. The review must include, but is not limited to, the following:

1. A review of the criteria used by the Commissioner of Education and the State Board of Education to make a decision regarding a parent's request for the Commissioner of Education or the State Board of Education to review a decision to not approve a request for a student from one school administrative unit to transfer to another school administrative unit; and

2. An examination of potential criteria for reviewing a parent's appeal request regarding a request for a student to transfer from one school administrative unit to another school administrative unit. As part of the examination, the commission shall consider criteria that support the best interests of students and make the appeal process convenient and simple for parents; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission; and be it further

Sec. 7. Report. Resolved: That, no later than December 6, 2017, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Education and Cultural Affairs. The Joint Standing Committee on Education and Cultural Affairs may report out a bill to the Second Regular Session of the 128th Legislature.

LD 1021

**Study Committee to Develop a
Disposition Plan for Future Surplus
State Property in York County**

—
**IN THE YEAR OF OUR LORD
TWO THOUSAND AND SEVENTEEN**

—
H.P. 723 - L.D. 1021

**Resolve, To Establish the Study Committee To Develop a Disposition Plan for
Future Surplus State Property in York County**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Study Committee To Develop a Disposition Plan for Future Surplus State Property in York County must be established in order to study and plan the disposition of the 3 district courthouses in York County to be vacated when the courts are consolidated into one building in 2021 and of associated surplus state property; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Committee established. Resolved: That the Study Committee To Develop a Disposition Plan for Future Surplus State Property in York County, referred to in this resolve as "the committee," is established; and be it further

Sec. 2. Committee membership. Resolved: That the committee consists of 10 members appointed as follows:

1. Three members of the Senate, who represent York, Springvale and Biddeford, appointed by the President of the Senate;
2. Three members of the House of Representatives, who represent York, Springvale and Biddeford, appointed by the Speaker of the House;
3. Three municipal officials, one each from York, Springvale and Biddeford, who are involved in economic development, appointed by the President of the Senate; and

4. A representative of the Southern Maine Regional Planning Commission appointed by the Speaker of the House; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the committee; and be it further

Sec. 4. Appointments; convening of committee. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the committee. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the committee to meet and conduct its business; and be it further

Sec. 5. Duties. Resolved: That the committee shall study and plan the disposition of the 3 district courthouses in York County to be vacated when the courts are consolidated into one building in 2021 and of associated surplus state property; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the committee; and be it further

Sec. 7. Report. Resolved: That, no later than December 6, 2017, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 128th Legislature.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

LD 1128

**Committee to Study the
Processing of Evidence from Sexual
Assault Test Kits**

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND AND SEVENTEEN

H.P. 791 - L.D. 1128

**Resolve, To Establish the Committee To Study the Processing of Evidence
from Sexual Assault Test Kits**

Sec. 1. The Committee To Study the Processing of Evidence from Sexual Assault Test Kits established. Resolved: That the Committee To Study the Processing of Evidence from Sexual Assault Test Kits, referred to in this resolve as "the committee," is established; and be it further

Sec. 2. Committee membership. Resolved: That the committee consists of 11 members as follows:

1. Four members appointed by the President of the Senate as follows:
 - A. Two members of the Senate, including one member from each of the 2 parties holding the largest number of seats in the Senate;
 - B. One member who is a representative of an organization working to provide victim services to victims of sexual violence and who has experience in accompanying victims during the collection of forensic evidence; and
 - C. One member who is a representative of a statewide organization of district attorneys;
2. Five members appointed by the Speaker of the House of Representatives as follows:
 - A. Two members of the House, including one member from each of the 2 parties holding the largest number of seats in the House;
 - B. One member who is a representative of a statewide coalition of organizations working to end sexual assault;
 - C. One member who is a representative of a statewide organization of chiefs of police; and
 - D. One member who is a representative of a statewide organization of sheriffs;
3. The Attorney General or the Attorney General's designee; and

4. The Director of the Maine State Police Crime Laboratory or the director's designee; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the committee; and be it further

Sec. 4. Appointments; convening of committee. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the committee. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the committee to meet and conduct its business; and be it further

Sec. 5. Duties. Resolved: That the committee shall study the processing of evidence from sexual assault test kits as follows:

1. Receive information on the use of sexual assault test kits and review data from state, county and municipal law enforcement agencies and from programs that serve victims of sexual assault and advocates for victims of sexual assault;

2. Determine the current status of the processing of sexual assault test kits and the prevalence of and reasons for kits' not being analyzed; and

3. Review information on the resources and funding necessary to ensure the timely processing of sexual assault test kits and to meet the needs of victims of sexual assault; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the committee; and be it further

Sec. 7. Report. Resolved: That, no later than December 6, 2017, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Criminal Justice and Public Safety for consideration during the Second Regular Session of the 128th Legislature; and be it further

Sec. 8. Outside funding. Resolved: That the committee may seek funding contributions to partially or fully fund the costs of the study. All funding is subject to approval by the Legislative Council in accordance with its policies.

LD 1143

Maine Bicentennial Commission

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND SEVENTEEN

H.P. 806 - L.D. 1143

**Resolve, Providing for the Official Observance of the 200th Anniversary of
the Formation of the State of Maine**

Sec. 1. Commission established. Resolved: That, notwithstanding Joint Rule 353, the Maine Bicentennial Commission, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 22 members as follows:

1. Two members of the Senate, appointed by the President of the Senate;
2. Two members of the House of Representatives, appointed by the Speaker of the House;
3. One member of the public, appointed by the Governor;
4. The Governor, or the Governor's designee;
5. The President of the Senate, or the President's designee;
6. The Speaker of the House, or the Speaker's designee;
7. The Secretary of State, or the Secretary of State's designee;
8. The State Historian, or the State Historian's designee;
9. The Chancellor of the University of Maine System, or the chancellor's designee;
10. The President of the Maine Community College System, or the president's designee;
11. A representative of a statewide business advocacy organization, appointed by the President of the Senate;
12. A representative of a statewide organization to promote tourism of the State, appointed by the President of the Senate;

13. One member representing prekindergarten to adult education and one member representing private postsecondary education, appointed by the President of the Senate;

14. A representative of a statewide museum organization that promotes the State's historical and natural heritage, appointed by the Speaker of the House;

15. A representative of a statewide humanities organization that uses humanities as a tool for positive change in the State's communities, appointed by the Speaker of the House;

16. A representative of a statewide organization that promotes arts and culture in the State, appointed by the Speaker of the House;

17. A representative of a statewide organization that promotes the heritage and history of the State, appointed by the Speaker of the House;

18. A representative of a statewide organization that promotes and enhances the value of state libraries, appointed by the Speaker of the House; and

19. A representative of a statewide organization that promotes historical preservation, appointed by the Speaker of the House; and be it further

Sec. 3. Appointment terms. Resolved: That the Legislators appointed to the commission serve terms coincident with their legislative terms and are appointed every 2 years. Legislators may be reappointed to the commission and may continue to serve until their replacements are designated. Other members are appointed for terms that expire December 31, 2020; a vacancy is filled in the same manner as the original appointment; and be it further

Sec. 4. Appointments; chair; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. When appointment of all members is complete, the Executive Director of the Legislative Council shall call and convene the first meeting of the commission no later than October 16, 2017. The commission shall select a chair from among its legislative members; and be it further

Sec. 5. Duties. Resolved: That the commission shall prepare and administer a comprehensive plan and program for the adequate observance and celebration on a statewide basis of the bicentennial anniversary of the formation of the State of Maine, coordinate the programs and activities of all public and private agencies and organizations in the State that are planned for the observation of the anniversary and engage in such other activities as the commission determines necessary and appropriate to carry out the purposes of this resolve; and be it further

Sec. 6. Staff assistance. Resolved: That the Maine State Cultural Affairs Council shall provide necessary staffing services to the commission; and be it further

Sec. 7. Meetings. Resolved: That the commission may hold up to 5 meetings a year, one of which must be a public hearing. The chair may request authority and the Legislative Council may grant authority for additional meetings; and be it further

Sec. 8. Report. Resolved: That, no later than December 6, 2017, November 7, 2018, December 4, 2019 and November 4, 2020, the commission shall submit a progress report that includes its findings and recommendations for presentation to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs; and be it further

Sec. 9. Funding. Resolved: That the commission may accept donations and contributions from any source to assist it in carrying out the purposes of this resolve. The commission shall keep a record of contributions received and disbursements made and publish that record on the State's publicly accessible website; and be it further

Sec. 10. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

CULTURAL AFFAIRS COUNCIL, MAINE STATE

State of Maine Bicentennial Celebration N257

Initiative: Provides one-time funds for staff support and other expenses during the 4-year planning of the State of Maine bicentennial celebration. Funds appropriated for this purpose do not lapse but must be carried forward into the next fiscal year to be used only to support the expenses of planning the bicentennial celebration.

GENERAL FUND	2017-18	2018-19
All Other	\$75,000	\$0
GENERAL FUND TOTAL	<u>\$75,000</u>	<u>\$0</u>

State of Maine Bicentennial Celebration N257

Initiative: Provides an ongoing allocation for outside funds received for the State of Maine bicentennial celebration to be used by the Maine Bicentennial Commission.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$500</u>	<u>\$500</u>

**CULTURAL AFFAIRS COUNCIL, MAINE
STATE**

DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	\$75,000	\$0
OTHER SPECIAL REVENUE FUNDS	\$500	\$500
DEPARTMENT TOTAL - ALL FUNDS	\$75,500	\$500

LD 1260

**Commission to Create a Plan to
Enhance the Efficiency
and Effectiveness of the
Probate Court System**

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND AND SEVENTEEN

S.P. 423 - L.D. 1260

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

Preamble. Whereas, the existing probate court system established pursuant to the Constitution of Maine, Article VI, Section 6 was conditionally repealed by a vote of the people of Maine in 1967; and

Whereas, a different probate court system has not been created since the repeal and the Legislature has not considered a plan to establish a probate court system; and

Whereas, this legislation is necessary to honor the intent of a long-standing vote of Maine people and ensure that Maine people currently have the same access to justice in all Maine courts; now, therefore, be it

Sec. 1. Commission established. Resolved: That the Commission To Create a Plan To Enhance the Efficiency and Effectiveness of the Probate Court System, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 13 members as follows:

1. Two members of the Senate appointed by the President of the Senate, including one member from each of the 2 parties holding the largest number of seats in the Legislature;

2. Two members of the House of Representatives appointed by the Speaker of the House of Representatives, including members from each of the 2 parties holding the largest number of seats in the Legislature;

3. Two members appointed by the Chief Justice of the Supreme Judicial Court;

4. One member who is a sitting Probate Court Judge, appointed by the Speaker of the House of Representatives;

5. One member who is a register of probate, appointed by the President of the Senate;

6. One member who is a judicial branch clerk, appointed by the Chief Justice of the Supreme Judicial Court;

7. The chair of the Probate and Trust Law Advisory Commission or the chair's designee;

8. The chair of the Family Law Advisory Commission or an attorney member of that commission designated by the chair; and

9. Two members who represent the interests of counties, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives.

The appointing authorities shall make every effort to ensure that appointments to the commission represent diversity with regard to geography and population across the State; and be it further

Sec. 3. Chairs; subcommittees. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission. The chairs of the commission are authorized to establish subcommittees to work on the duties listed in section 5 and to assist the commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business; and be it further

Sec. 5. Duties. Resolved: That the commission shall create a plan for a more efficient and effective probate court system. The commission may consider for inclusion in the plan any features that the commission determines relevant, including, but not limited to, features that will ensure timely, convenient and meaningful access to justice, promote judicial responsibility and adherence to the code of judicial responsibility, provide for qualified judges, provide for adequate professional staff, reflect efficient practices in scheduling and case management throughout the system, allow for convenient and consumer-friendly processing of matters that are not contested and reflect economies of scale in all appropriate operational aspects. The commission shall describe how the system would be funded. In making its funding recommendations, the commission must consider a plan that ensures a level of payment and benefits that would fairly compensate judges for their duties and prohibits them from practicing law during their term of service; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission; and be it further

Sec. 7. Information and assistance. Resolved: That the Administrative Office of the Courts, registers of probate shall provide to the commission information and assistance requested by the commission and required for the commission to perform its duties; and be it further

Sec. 8. Report. Resolved: That, no later than December 6, 2017, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Judiciary. The Joint Standing Committee on Judiciary may report out a bill regarding the subject matter of the report to the Second Regular Session of the 128th Legislature; and be it further

Sec. 9. Outside funding. Resolved: That the commission may seek private and public funding contributions to partially or fully fund the costs of the commission. All funding is subject to approval by the Legislative Council in accordance with its policies. If sufficient funding to fund the commission has not been received within 30 days after the effective date of this resolve, no meetings are authorized and no expenses of any kind may be incurred or reimbursed.

LD 1466

**Commission to Study Long-term
Care Workforce Issues**

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND AND SEVENTEEN

S.P. 512 - L.D. 1466

An Act To Address Severe and Ongoing Shortfalls in the Funding of Direct Care Workers in Long-term Care Settings and To Establish the Commission To Study Long-term Care Workforce Issues

Be it enacted by the People of the State of Maine as follows:

Sec. 1. Rate increases for certain personal care and related services. The Department of Health and Human Services shall amend its rules in 10-144, Chapter 101: MaineCare Benefits Manual, Chapter III, Section 12, Allowances for Consumer-Directed Attendant Services; Chapter III, Section 19, Home and Community Benefits for Elderly and Adults with Disabilities; and Chapter III, Section 96, Private Duty Nursing and Personal Care Services; and in 10-149, Chapter 5: Office of Aging and Disability Services Policy Manual, Section 63, In-Home and Community Support Services for Elderly and Other Adults; and 14-197, Chapter 11: Consumer Directed Personal Assistance Services, to provide for the following rate increases.

1. Rate increases for fiscal year 2017-18 based on Burns & Associates, Inc. rate review. For the state fiscal year ending June 30, 2018, the MaineCare payment rates for personal care and related services under each of the provisions under this section must be increased to the levels necessary to fully fund and implement the recommendations in "Rate Review for Personal Care and Related Services: Final Rate Models," the report prepared by Burns & Associates, Inc. dated February 1, 2016.

2. Rate increases for fiscal year 2018-19 and thereafter. For the state fiscal year ending June 30, 2019 and each year thereafter, the MaineCare payment rates for personal care and related services under each of the provisions under this section calculated under subsection 1, must be increased by an inflation adjustment cost-of-living percentage change in reimbursement in accordance with the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index medical care services index.

Sec. 2. Rate increases for adult family care services, adult day services and homemaker services. The Department of Health and Human Services shall amend its rules in 10-144, Chapter 101: MaineCare Benefits Manual, Chapter III, Section 2, Adult Family Care Services; Chapter III, Section 26, Day Health Services; and in 10-

149, Chapter 5: Office of Aging and Disability Services Policy Manual, Section 61, Adult Day Services and Section 69, Independent Support Services Program, to provide for the following rate increases.

1. Rate increases for fiscal year 2017-18. For the state fiscal year ending June 30, 2018, the MaineCare payment rates attributable to wages and salaries for personal care and related services under each of the provisions under this section must be increased by 10%.

2. Rate increases for fiscal year 2018-19 and thereafter until completion of rate study. For the state fiscal year ending June 30, 2019 and each year thereafter until the completion of the rate study under subsection 3, the MaineCare payment rates attributable to wages and salaries for personal care and related services under each of the provisions under this section calculated under subsection 1 must be increased by an inflation adjustment cost-of-living percentage change in reimbursement in accordance with the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index medical care services index.

3. Rate study. Cost-of-living increases as described in subsection 2 must continue on an annual basis until the Department of Health and Human Services has completed a rate study conducted by a 3rd party, including participation of providers, for adult family care services, adult day services or homemaker services and the rates in the rate study have been implemented.

Sec. 3. Rate increases for nursing facilities. The Department of Health and Human Services shall amend its rule in 10-144, Chapter 101: MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for Nursing Facilities to provide for the following rate changes to address the recent changes in the minimum wage laws and the ongoing shortfall in funding needed to compensate direct care workers.

1. Rate increases for fiscal year 2017-18. For the state fiscal year ending June 30, 2018, an extraordinary circumstance supplemental allowance must be made as required by section 34 of the Principles of Reimbursement for Nursing Facilities equal to 10% of the portion of each facility's prospective and final prospective rate that is attributable to wages and wage-related benefits in both the direct care cost component and routine care cost component. This supplemental allowance must be provided as part of each facility's prospective rate, notwithstanding any otherwise applicable caps or limits on reimbursement, except that the allowance must be limited as provided in subsection 4. This supplemental allowance must also be allowed and paid at final audit to the full extent that the facility has reported increased costs for wages and wage-related benefits, notwithstanding any otherwise applicable caps or limits on reimbursement, including without limitation the amount of the supplemental allowance added to prospective payment rates, except that the allowance must be limited as provided in subsection 4.

2. Rate increases for fiscal year 2018-19 and thereafter until completion of rate study. For the state fiscal year ending June 30, 2019 and each year thereafter until the completion of the rate study under subsection 3, an additional extraordinary circumstance supplemental allowance must be made as required by section 34 of the Principles of

Reimbursement for Nursing Facilities equal to the amount of an inflation adjustment cost-of-living percentage change in reimbursement in accordance with the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index medical care services index of the portion of each facility's prospective and final prospective rate that is attributable to wages and wage-related benefits in both the direct care cost component and the routine care cost component. This supplemental allowance must be provided as part of each facility's prospective rate, notwithstanding any otherwise applicable caps or limits on reimbursement, except that the allowance must be limited as provided in subsection 4. This supplemental allowance must also be allowed and paid at final audit to the full extent that the facility has reported increased costs for wages and wage-related benefits, notwithstanding any otherwise applicable caps or limits on reimbursement, including without limitation the amount of the supplemental allowance added to prospective payment rates, except that the allowance must be limited as provided in subsection 4.

3. Rate study. Cost-of-living increases as described in subsection 2 must continue on an annual basis until the Department of Health and Human Services has completed a rate study conducted by a 3rd party, including participation of providers, for nursing facilities and the rates in the rate study have been implemented.

4. Upper payment limit. The supplemental allowances provided in this section to individual facilities must be limited as necessary to ensure that aggregate payments for nursing facility services do not exceed the upper payment limit established in 42 Code of Federal Regulations, Section 447.272, using the methods of complying with that limit set forth in section 10 of the Principles of Reimbursement for Nursing Facilities.

Sec. 4. Rate increases for residential care facilities. The Department of Health and Human Services shall amend its rules in 10-144, Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Appendix C, Principles of Reimbursement for Medical and Remedial Service Facilities; and 10-144, Chapter 115: Principles of Reimbursement for Residential Care Facilities - Room and Board Costs to provide for the following rate changes.

1. Rate increase for fiscal year 2017-18. For the state fiscal year ending June 30, 2018, additional reimbursement by a supplemental payment of 10% of the portion of the facility's per diem rate that is attributable to wages, wage-related benefits and workers' compensation must be added to the per diem rate until the department adjusts the direct care pricer, the routine limit and the personal care services limit, as applicable, to incorporate this 10% increase going forward. This increase must be provided as part of each facility's per diem rate notwithstanding any otherwise applicable caps or limits on reimbursement. This supplemental payment must also be allowed and paid at final audit to the full extent that the facility has reported increased costs for wages, wage-related benefits and workers' compensation, notwithstanding any otherwise applicable caps or limits on reimbursement, including without limitation the amount of the supplemental payment added to prospective payment rates.

2. Rate increase for fiscal year 2018-19 and thereafter until completion of rate study. For the state fiscal year ending June 30, 2019 and each year thereafter until the

completion of the rate study under subsection 3, additional reimbursement by a supplemental payment in the amount of an inflation adjustment cost-of-living percentage change in reimbursement in accordance with the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index medical care services index over the payment rate calculated under subsection 1 of the portion of the facility's per diem rate that is attributable to wages, wage-related benefits and workers' compensation must be added to the per diem rate until the department adjusts the direct care pricer, the routine limit and the personal care services limit, as applicable, to incorporate this increase going forward. This increase must be provided as part of each facility's per diem rate notwithstanding any otherwise applicable caps or limits on reimbursement. This supplemental payment must also be allowed and paid at final audit to the full extent that the facility has reported increased costs for wages, wage-related benefits and workers' compensation, notwithstanding any otherwise applicable caps or limits on reimbursement, including without limitation the amount of the supplemental payment added to prospective payment rates.

3. Rate study. Cost-of-living increases as described in subsection 2 must continue on an annual basis until the Department of Health and Human Services has completed a rate study conducted by a 3rd party, including participation of providers, for residential care facilities and the rates in the rate study have been implemented.

Sec. 5. Commission To Study Long-term Care Workforce Issues. Notwithstanding Joint Rule 353, the Commission To Study Long-term Care Workforce Issues, referred to in this section as "the commission," is established.

1. Members. The commission consists of up to 18 members as follows:

A. Two members of the Senate appointed by the President of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature;

B. Three members of the House of Representatives appointed by the Speaker of the House, including a member from each of the 2 parties holding the largest number of seats in the Legislature; and

C. Up to 13 members who possess expertise in the subject matter of the study as follows:

(1) A direct care worker appointed by the President of the Senate;

(2) A provider of home-based long-term care who is a member of a statewide association representing home-based long-term care providers appointed by the President of the Senate;

(3) A representative of a statewide association representing nonprofit housing and senior service programming appointed by the President of the Senate;

(4) A representative of an organization providing services to individuals with intellectual disabilities and autism including employment services and long-term home supports appointed by the President of the Senate;

- (5) A provider of facility-based long-term care who is a member of a statewide association representing facility-based long-term care providers appointed by the Speaker of the House;
- (6) A representative of an organization providing statewide homemaker services through the state-funded independent support services program within the Department of Health and Human Services appointed by the Speaker of the House;
- (7) A representative of an institution of higher education engaged in workforce development appointed by the Speaker of the House;
- (8) A representative of a service coordination agency providing service coordination to people receiving home-based and community-based long-term care appointed by the Speaker of the House;
- (9) A representative of an organization promoting independent living for individuals with disabilities appointed by the Speaker of the House;
- (10) A representative of a business that acts as a labor intermediary helping unemployed and underemployed people obtain employment appointed by the Speaker of the House;
- (11) The executive director of the long-term care ombudsman program described under the Maine Revised Statutes, Title 22, section 5106, subsection 11-C;
- (12) The Commissioner of Health and Human Services, or the commissioner's designee, who may be invited to participate; and
- (13) The Commissioner of Labor, or the commissioner's designee, who may be invited to participate.

2. Chairs and subcommittees. The first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission. The chairs of the commission are authorized to establish subcommittees to work on the duties listed in subsection 4 and to assist the commission. The subcommittees must be composed of members of the commission and interested persons who are not members of the commission and who volunteer to serve on the subcommittees without reimbursement.

3. Appointments. All appointments must be made no later than 30 days following the effective date of this Act. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members and after adjournment of the First Regular Session of the 128th Legislature, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this Act a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

4. Directive of commission. The commission shall study and make policy recommendations in each of the following areas:

- A. Measuring current demand for direct care workers and projecting future needs;

- B. Developing a campaign and statewide recruitment strategies to encourage more people to work in facility-based and home-based long-term care;
- C. Supporting career ladders throughout various long-term care settings;
- D. Identifying education needs and methods to fill education needs for direct care workers;
- E. Identifying barriers to hiring and methods to overcome barriers to hiring;
- F. Developing strategies to improve the quality of long-term care jobs; and
- G. Increasing opportunities for shared staffing among long-term care providers.

The commission shall make policy recommendations for public and private funding mechanisms to implement the commission's recommendations.

5. Program. The commission shall make recommendations for the establishment of a program that will contribute to long-term care direct care workers' postsecondary education in related fields.

6. Pilot program. The commission shall make recommendations for the establishment of a pilot program to pool part-time home care workers' hours for purposes of providing greater employment opportunity and obtaining employee benefits.

7. Staffing. The Legislative Council shall provide necessary staffing services to the commission.

8. Administration. The Commissioner of Health and Human Services, the State Auditor and the State Budget Officer shall provide necessary information and assistance to the commission as required for the commission's duties.

9. Report. No later than February 1, 2018, the commission shall submit a report that includes its findings and recommendations pursuant to subsections 4 to 6, including suggested legislation, to the Joint Standing Committee on Health and Human Services. The joint standing committee may report out a bill regarding the subject matter of the report to the Second Regular Session of the 128th Legislature.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Developmental Services - Community 0122

Initiative: Provides appropriations for an increase to rates for certain services.

GENERAL FUND	2017-18	2018-19
All Other	\$50,242	\$96,465
GENERAL FUND TOTAL	\$50,242	\$96,465

Long Term Care - Office of Aging and Disability Services 0420

Initiative: Provides appropriations for an increase to rates for certain services.

GENERAL FUND	2017-18	2018-19
All Other	\$697,255	\$1,421,378
GENERAL FUND TOTAL	<u>\$697,255</u>	<u>\$1,421,378</u>

Medical Care - Payments to Providers 0147

Initiative: Provides appropriations and allocations for an increase to rates for certain services.

GENERAL FUND	2017-18	2018-19
All Other	\$4,804,013	\$9,585,335
GENERAL FUND TOTAL	<u>\$4,804,013</u>	<u>\$9,585,335</u>

FEDERAL EXPENDITURES FUND	2017-18	2018-19
All Other	\$23,082,456	\$47,473,310
FEDERAL EXPENDITURES FUND TOTAL	<u>\$23,082,456</u>	<u>\$47,473,310</u>

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$579,970	\$1,214,774
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$579,970</u>	<u>\$1,214,774</u>

Nursing Facilities 0148

Initiative: Provides appropriations and allocations for an increase to rates for certain services.

GENERAL FUND	2017-18	2018-19
All Other	\$6,157,663	\$12,901,721
GENERAL FUND TOTAL	<u>\$6,157,663</u>	<u>\$12,901,721</u>

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$1,246,070	\$2,609,923
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$1,246,070</u>	<u>\$2,609,923</u>

PNMI Room and Board Z009

Initiative: Provides appropriations for an increase to rates for certain services.

GENERAL FUND	2017-18	2018-19
All Other	\$773,294	\$1,619,699
GENERAL FUND TOTAL	<u>\$773,294</u>	<u>\$1,619,699</u>

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF (FORMERLY DHS)
DEPARTMENT TOTALS**

	2017-18	2018-19
GENERAL FUND	\$12,482,467	\$25,624,598
FEDERAL EXPENDITURES FUND	\$23,082,456	\$47,473,310
OTHER SPECIAL REVENUE FUNDS	\$1,826,040	\$3,824,697
DEPARTMENT TOTAL - ALL FUNDS	<u>\$37,390,963</u>	<u>\$76,922,605</u>

PL 2017, c. 278 and HP 96

**Joint Select Committee on Marijuana
Legalization Implementation**

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND AND SEVENTEEN

H.P. 176 - L.D. 243

An Act To Amend the Marijuana Legalization Act to Provide Licensing, Rulemaking and Regulatory and Enforcement Authority within the Department of Administrative and Financial Services; Assign Rulemaking, Regulatory and Enforcement Authority Related to Agricultural Purposes to the Department of Agriculture, Conservation and Forestry; and Allocate Funds for Implementation

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, implementing a system for the regulation and administration of the cultivation, distribution and retail sale of recreational marijuana, a controlled substance, is a complex function with significant financial costs; and

Whereas, ensuring that possession and use of recreational marijuana is limited to persons who are 21 years of age and older is necessary to protect those who have not yet reached adulthood from the potential negative effects of irresponsible use of a controlled substance; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 7 MRSA §1-C is enacted to read:

§1-C. Rules and regulatory and enforcement authority regarding the Marijuana Legalization Act

1. Rules and regulatory and enforcement authority. The department shall adopt rules and exercise regulatory and enforcement authority regarding retail marijuana cultivation facilities, retail marijuana manufacturing facilities and retail marijuana testing

facilities licensed by the Department of Administrative and Financial Services pursuant to section 2444. This authority pertains to marijuana cultivation, including, but not limited to, all aspects of marijuana seeds, clones, seedlings and plants, use of pesticides, harvesting and storage, and the preparation, manufacturing, testing, packaging and labeling of retail marijuana under the Marijuana Legalization Act.

2. Effective administration and enforcement. For the purposes of the effective administration and enforcement of chapter 417, the department and the Department of Administrative and Financial Services shall work cooperatively to ensure that rules are adopted and the Marijuana Legalization Act is implemented and enforced in a manner that is consistent with the requirements of chapter 417.

Sec. 2. 7 MRSA §2442, sub-§7, as enacted by IB 2015, c. 5, §1, is amended to read:

7. **Commissioner.** "Commissioner" means the Commissioner of ~~Agriculture, Conservation and Forestry~~ Administrative and Financial Services.

Sec. 3. 7 MRSA §2442, sub-§9, as enacted by IB 2015, c. 5, §1, is amended to read:

9. **Department.** "Department" means the Department of ~~Agriculture, Conservation and Forestry~~ Administrative and Financial Services.

Sec. 4. 7 MRSA §2444, as amended by PL 2017, c. 1, §6, is further amended to read:

§2444. State licensing authority

For the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, testing, tracking from seed or clone to sale and sale of retail marijuana and retail marijuana products and the licensing of retail marijuana social clubs in this State, the state licensing authority is the ~~Department of Agriculture, Conservation and Forestry~~ department.

1. **Commissioner is chief administrative officer.** The ~~Commissioner of Agriculture, Conservation and Forestry~~ commissioner is the chief administrative officer of the state licensing authority and may employ such officers and employees as may be determined to be necessary. The state licensing authority has the authority to:

- A. Grant or refuse licenses for the cultivation, manufacture, distribution, sale and testing of retail marijuana and retail marijuana products and licenses for the operation of retail marijuana social clubs as provided by this chapter;
- B. Suspend, fine, restrict or revoke licenses under paragraph A upon a violation of this chapter or any rule adopted pursuant to this chapter; and
- C. Impose any penalty authorized by this chapter or any rule adopted pursuant to this chapter.

2. Adoption of rules by commissioner. The state licensing authority shall adopt rules for the proper regulation and control of the ~~cultivation, manufacture, distribution, tracking and sale and testing by retail marijuana stores~~ of retail marijuana and retail marijuana products; ~~for the licensing and operation of retail marijuana social clubs;~~ and for the enforcement of this chapter, ~~not later than 9 months after the effective date of this Act,~~ and shall ~~adopt amended~~ amend rules and ~~such special rules and make findings~~ as necessary. For the purpose of adopting and amending rules pursuant to this subsection, the commissioner may delegate rule-making authority granted under this section to the Commissioner of ~~Administrative and Financial Services~~ Agriculture, Conservation and Forestry, the Commissioner of Labor or the Commissioner of Public Safety, ~~or both,~~ if the commissioner determines that the expertise and resources of those other departments would be beneficial in the development of the rules and the enforcement of those rules. These rules are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A. Rules must address but are not limited to the following issues:

- A. ~~The hearing of contested state license denials~~ appeal of the denial of a license issued pursuant to this chapter at a public hearing, employing full due process, including the subpoena power, the taking of oaths, the calling of witnesses and the maintaining of the confidentiality of customer records. Provision must be made for the conduct of appeal hearings following license actions, including, but not limited to, the denial of a license renewal or of an initial license and license revocation and suspension, and hearings contesting the imposition of a fine;
- B. The development of such forms, licenses, identification cards and applications as necessary for the administration of this chapter or of any of the rules adopted under this chapter;
- C. The preparation and transmission annually, in the form and manner prescribed by this chapter, of a report to the Legislature accounting for the efficient discharge of all responsibilities assigned by law or rules to the state licensing authority;
- D. Procedures consistent with this chapter for the issuance, renewal, suspension and revocation of licenses to operate retail marijuana establishments and retail marijuana social clubs;
- E. ~~Limits on the concentration of THC and other cannabinoids per serving in any retail marijuana product;~~
- F. Qualifications for licensure including, but not limited to, the requirement for a fingerprint-based criminal history record check for all owners, officers, managers, employees and other support staff of entities licensed pursuant to this chapter; and
- G. Security requirements for any ~~licensed~~ premises licensed as retail marijuana stores, retail marijuana testing facilities and retail marijuana social clubs under this chapter including, at a minimum, lighting, physical security, alarm requirements and other minimum procedures for internal control as determined necessary by the state licensing authority to properly administer and enforce the provisions of this chapter, including reporting requirements for changes, alterations or modifications to the licensed premises. Security requirements may not be unreasonably impracticable; and.

~~H. Securing and recording permission for a local fire department or the State Fire Marshal to conduct an annual fire inspection of a retail marijuana cultivation facility.~~

3. Adoption of rules by Commissioner of Agriculture, Conservation and Forestry. The Commissioner of Agriculture, Conservation and Forestry shall adopt rules for the proper regulation and control of the cultivation, manufacture and testing of retail marijuana and retail marijuana products and shall amend rules as necessary. For the purpose of adopting and amending rules pursuant to this subsection, the Commissioner of Agriculture, Conservation and Forestry may delegate rule-making authority granted under this section to the Commissioner of Administrative and Financial Services, the Commissioner of Labor 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 and the enforcement of those rules. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Rules must address but are not limited to the following issues:

A. The appeal of the denial of a license issued pursuant to this chapter at a public hearing, employing full due process, including the subpoena power, the taking of oaths, the calling of witnesses and the maintaining of the confidentiality of customer records. Provision must be made for the conduct of appeal hearings following license actions, including, but not limited to, the denial of a license renewal or of an initial license and license revocation and suspension, and hearings contesting the imposition of a fine;

B. The development of any forms, licenses, identification cards and applications that are necessary for the administration of this chapter or of any of the rules adopted under this chapter;

C. The preparation and transmission annually, in the form and manner prescribed by this chapter, of a report to the Legislature accounting for the efficient discharge of all responsibilities assigned by law or rules to the Department of Agriculture, Conservation and Forestry;

D. Procedures consistent with this chapter for the issuance, renewal, suspension and revocation of licenses to operate retail marijuana cultivation facilities, retail marijuana production facilities and retail marijuana testing facilities;

E. Limits on the concentration of THC and other cannabinoids per serving in any retail marijuana product;

F. Security requirements for any premises licensed as a retail marijuana cultivation facility, retail marijuana products manufacturing facility or retail marijuana testing facility under this chapter including, at a minimum, lighting, physical security, alarm requirements and other minimum procedures for internal control as determined necessary by the state licensing authority to properly administer and enforce the provisions of this chapter, including reporting requirements for changes, alterations or modifications to the licensed premises. Security requirements may not be unreasonably impracticable; and

G. Securing and recording permission for a local fire department or the State Fire Marshal to conduct an annual fire inspection of a retail marijuana cultivation facility.

Sec. 5. 7 MRS §2445, first ¶, as amended by PL 2017, c. 1, §7, is further amended to read:

Beginning February 1, 2018, the state licensing authority shall establish, within a specific time frame, a retail marijuana and retail marijuana products independent testing and certification program. This program must require licensees to test retail marijuana and retail marijuana products to ensure at a minimum that products sold for human consumption do not contain contaminants that are injurious to health and to ensure correct labeling. The Commissioner of Agriculture, Conservation and Forestry shall adopt rules regarding retail marijuana testing facilities as authorized by sections 1-C and 2444, subsection 2. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 6. 7 MRS §2446, sub-§2, as enacted by IB 2015, c. 5, §1, is amended to read:

2. Health and safety rules. The state licensing authority and the Department of Agriculture, Conservation and Forestry, as provided in section 2444, subsections 2 and 3, shall adopt health and safety rules, which are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A, and standards for the manufacture of retail marijuana products, the sale of retail marijuana by a retail marijuana store and the cultivation of retail marijuana, which must include:

- A. Limitations on the display of retail marijuana and retail marijuana products;
- B. Regulation of the storage of, warehouses for and transportation of retail marijuana and retail marijuana products; and
- C. Sanitary requirements for retail marijuana establishments, including but not limited to sanitary requirements for the preparation of retail marijuana products.

Sec. 7. 7 MRS §2448, sub-§4, as enacted by IB 2015, c. 5, §1, is amended to read:

4. Retail marijuana cultivation facility license. The state licensing authority shall create a statewide licensure class system for retail marijuana cultivation facilities. The Commissioner of Agriculture, Conservation and Forestry shall adopt rules to implement the statewide licensure class system. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

A. The following provisions govern retail marijuana cultivation facilities.

(1) A retail marijuana cultivation facility licensee is permitted to cultivate retail marijuana for sale and distribution only to licensed retail marijuana stores, retail marijuana products manufacturing facilities, other retail marijuana cultivation facilities or retail marijuana social clubs.

(2) A retail marijuana cultivation facility may have a retail marijuana store if it is located on the same licensed premises as the retail marijuana cultivation facility.

If the retail marijuana cultivation facility chooses the option to have a retail marijuana store, it must meet all requirements set by the state licensing authority, the Department of Agriculture, Conservation and Forestry and the municipality in which it is located. A retail marijuana store located on the licensed premises of a retail marijuana cultivation facility does not count against any municipal limits on the number of retail marijuana stores.

(3) A retail marijuana cultivation facility shall track the marijuana it cultivates from seed, clone or immature plant to wholesale purchase. ~~The state licensing authority~~ Commissioner of Agriculture, Conservation and Forestry may not make rules that are unreasonably impracticable concerning the tracking of marijuana from seed, clone or immature plant to wholesale purchase.

(4) A retail marijuana cultivation facility may provide, except as required by subsection 6, a sample of its products to a retail marijuana testing facility for testing and research purposes. A retail marijuana cultivation facility shall maintain a record of what was provided to the retail marijuana testing facility, the identity of the retail marijuana testing facility and the testing results.

B. Retail marijuana may be transported between a licensed retail marijuana cultivation facility and retail marijuana stores, other retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, retail marijuana social clubs and retail marijuana testing facilities.

Sec. 8. 7 MRSA §2448, sub-§6, as enacted by IB 2015, c. 5, §1, is amended to read:

6. Retail marijuana testing facility license. A retail marijuana testing facility license may be issued to a person who performs testing and research on retail marijuana. The facility may develop and test retail marijuana products.

~~The state licensing authority~~ Department of Agriculture, Conservation and Forestry shall adopt rules pursuant to its authority in section 2445 related to acceptable testing and research practices, including but not limited to testing, standards, quality control analysis, equipment certification and calibration, chemical identification and other practices used in bona fide research methods. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

A. A person that has an interest in a retail marijuana testing facility license from the state licensing authority for testing purposes may not have any interest in a registered dispensary, a registered caregiver, a licensed retail marijuana store, a licensed retail marijuana social club, a licensed retail marijuana cultivation facility or a licensed retail marijuana products manufacturing facility. A person that has an interest in a registered dispensary, a registered caregiver, a licensed retail marijuana store, a licensed retail marijuana social club, a licensed retail marijuana cultivation facility or a licensed retail marijuana products manufacturing facility may not have an interest in a facility that has a retail marijuana testing facility license. For purposes of this paragraph, "interest" includes an ownership interest or partial ownership interest or any other type of financial interest, such as being an investor or serving in a management position.

B. Retail marijuana and retail marijuana products may be transported between the licensed retail marijuana testing facility and retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs.

Sec. 9. 7 MRSA §2448, sub-§8, as enacted by IB 2015, c. 5, §1, is amended to read:

8. Inspection of books and records. Each licensee shall keep a complete set of all records necessary to show fully the business transactions of the licensee, all of which must be open at all times during business hours for the inspection and examination by the state licensing authority or its duly authorized representatives and the Department of Agriculture, Conservation and Forestry and its duly authorized representatives. The state licensing authority and the Department of Agriculture, Conservation and Forestry may require any licensee to furnish such information as ~~the department~~ considers necessary for the proper administration of this chapter and may require an audit to be made of the books of account and records on such occasions as ~~the department~~ may consider necessary by an auditor to be selected by the state licensing authority. The auditor must have access to all books and records of the licensee, and the cost of the audit must be paid by the licensee.

The licensed premises, including any places of storage, where retail marijuana or retail marijuana products are stored, cultivated, sold, dispensed or tested are subject to inspection by the State or the municipality in which the licensed premises are located and by the investigators of the State or municipality during all business hours and other times of apparent activity for the purpose of inspection or investigation. Access must be granted during business hours for examination of any inventory or books and records required to be kept by a licensee. When any part of the licensed premises consists of a locked area, upon demand to the licensee this area must be made available for inspection, and, upon request by authorized representatives of the State or municipality, the licensee shall open the area for inspection.

Each licensee shall retain all books and records necessary to show fully the business transactions of the licensee for a period comprising the current tax year and the 2 immediately preceding tax years.

Sec. 10. 7 MRSA §2455 is enacted to read:

§2455. Retail Marijuana Regulatory Coordination Fund

The Retail Marijuana Regulatory Coordination Fund, referred to in this section as "the fund," is established as a dedicated, nonlapsing Other Special Revenue Funds account in the department. The fund is administered and used by the commissioner for the purposes of adopting rules as required by this chapter by the department and by any other department of State Government that is authorized to adopt rules under this chapter. The commissioner may expend funds to enter into contracts with consultants and employ staff, as determined necessary by the commissioner, conduct meetings with stakeholders and conduct other activities related to the operation of this chapter.

Sec. 11. Transfer from General Fund unappropriated surplus; Retail Marijuana Regulatory Coordination Fund, Other Special Revenue Funds account; fiscal year 2016-17. Notwithstanding any other provision of law to the contrary, the State Controller shall transfer \$1,400,000 from the General Fund unappropriated surplus to the Retail Marijuana Regulatory Coordination Fund program, Other Special Revenue Funds account within the Department of Administrative and Financial Services no later than 10 days after the effective date of this Act.

Sec. 12. Progress reports. The Department of Administrative and Financial Services shall report to the Joint Select Committee on Marijuana Legalization Implementation 60 days after the effective date of this Act and every 60 days thereafter until final adjournment of the Second Regular Session of the 128th Legislature. The report must provide information on the progress of the Department of Administrative and Financial Services, the Department of Agriculture, Conservation and Forestry and all other state departments involved with implementing the Marijuana Legalization Act.

Sec. 13. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Retail Marijuana Regulatory Coordination Fund N233

Initiative: Allocates funds to establish the Retail Marijuana Regulatory Coordination Fund.

OTHER SPECIAL REVENUE FUNDS	2016-17	2017-18	2018-19
All Other	\$500	\$1,400,000	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$500</u>	<u>\$1,400,000</u>	<u>\$0</u>

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS	2016-17	2017-18	2018-19
OTHER SPECIAL REVENUE FUNDS	\$500	\$1,400,000	\$0
DEPARTMENT TOTAL - ALL FUNDS	<u>\$500</u>	<u>\$1,400,000</u>	<u>\$0</u>

LEGISLATURE

Legislature 0081

Initiative: Appropriates funds on a one-time basis to the Legislature to provide resources for the Joint Select Committee on Marijuana Legalization Implementation for the purposes of covering the costs of consultant services and necessary travel and expenses and any other purposes determined to be appropriate by the Joint Select Committee on Marijuana Legalization Implementation to assist the committee in the performance of its duties.

GENERAL FUND	2016-17	2017-18	2018-19
All Other	\$0	\$200,000	\$0
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$200,000</u>	<u>\$0</u>

LEGISLATURE DEPARTMENT TOTALS	2016-17	2017-18	2018-19
GENERAL FUND	\$0	\$200,000	\$0
DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$200,000</u>	<u>\$0</u>

SECTION TOTALS	2016-17	2017-18	2018-19
GENERAL FUND	\$0	\$200,000	\$0
OTHER SPECIAL REVENUE FUNDS	\$500	\$1,400,000	\$0
SECTION TOTAL - ALL FUNDS	<u>\$500</u>	<u>\$1,600,000</u>	<u>\$0</u>

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

HP0096

Session - 128th Maine Legislature

LR 2189
Item 1

Joint Order, Establishing the Joint Select Committee on Marijuana Legalization Implementation

WHEREAS, "An Act To Legalize Marijuana" was approved by Maine voters on November 8, 2016 establishing a new law to allow for the use, retail sale and taxation of marijuana by individuals over 21 years of age; and

WHEREAS, the new law makes significant changes to various portions of existing law requiring extensive rulemaking and policy changes; and

WHEREAS, the existing law governing the use of medical marijuana may be affected by the implementation of the new law regarding the use, retail sale and taxation of marijuana by individuals over 21 years of age; and

WHEREAS, the issues that must be addressed in order to properly implement the new law are generally heard by several different joint standing committees of the Legislature; and

WHEREAS, in order to most expediently resolve the outstanding issues regarding implementation of the new law, it is necessary to create a single committee that is dedicated to comprehensively addressing these issues; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Select Committee on Marijuana Legalization Implementation is established as follows.

1. Establishment. The Joint Select Committee on Marijuana Legalization Implementation, referred to in this order as "the committee," is established.

2. Membership. The committee consists of 17 members of the Legislature: 5 members of the Senate appointed by the President of the Senate and 12 members of the House of Representatives appointed by the Speaker of the House of Representatives. The President of the Senate shall appoint no more than 3 Senators from the party holding the largest number of seats in the Senate and no more than 2 Senators from the party holding the 2nd largest number of seats in the Senate. The Speaker of the House of Representatives shall appoint no more than 7 Representatives from the party holding the largest number of seats in the House of Representatives and no more than 5 Representatives from the party holding the 2nd largest number of seats in the House of Representatives. In making their appointments, both the President of the Senate and the Speaker of the House of Representatives shall consider including members of the Joint Standing Committee on Agriculture, Conservation and Forestry, the Joint Standing Committee on Criminal Justice and Public Safety, the Joint Standing Committee on Health and Human Services, the Joint Standing Committee on State and Local Government, the Joint Standing Committee on Taxation and the Joint Standing

LD 1006

**Advisory Council on
Senior Housing**

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND SEVENTEEN

H.P. 707 - L.D. 1006

An Act Regarding Housing Insecurity of Older Citizens

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §12004-I, sub-§34-A is enacted to read:

34-A.

Housing Advisory Council on Not Authorized 30-A MRSA §4726
Senior Housing

Sec. 2. 30-A MRSA §4726 is enacted to read:

§4726. Advisory Council on Senior Housing

1. Appointment; composition. The Advisory Council on Senior Housing, referred to in this section as "the council" and established by Title 5, section 12004-I, subsection 34-A, consists of the following members, appointed by the director of the Maine State Housing Authority, referred to in this section as "the director," unless otherwise specified:

- A. A representative of a state association that advocates on behalf of elderly residents;
- B. A representative of a national organization that advocates on behalf of the elderly population;
- C. A representative of a state organization that advocates for affordable housing;
- D. A representative of a state organization that advocates for low-income residents;
- E. A representative of a state organization that advocates for low-income elderly residents;
- F. A representative of a state organization that advocates for individuals with disabilities;
- G. A municipal or regional planner;

H. A representative of a community action agency as defined in Title 22, section 5321, subsection 2;

I. An individual licensed as an architect pursuant to Title 32, section 220, subsection 1 by the Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers;

J. A representative of an entity that receives funds from the Community Development Block Grant Program established in Title 5, section 13073;

K. One Senator, appointed by the President of the Senate; and

L. One member of the House of Representatives, appointed by the Speaker of the House.

At least one member of the council must be a member of a racial or ethnic minority in the State.

2. Terms; vacancy. A term of a member of the council appointed by the director is 2 years, except a vacancy of a member before the expiration of the member's term must be filled in the same manner as the original member for the unexpired portion of the member's term. A legislative member serves during the term of office for which the member was elected.

3. Advisory group of federal agency representatives. The council may form an advisory group of federal agency representatives that may include representatives of the United States Department of Housing and Urban Development and the United States Department of Agriculture's rural development authority.

4. Meetings. The council shall meet at least 4 times per year at a time and location determined by the director, except that the council is not required to meet more than twice in 2017.

5. Duties. The council shall make recommendations to the director for the development of a strategic housing plan enabling elderly residents of the State to live in affordable, safe housing as they age. In developing its recommendations under this subsection, the council shall:

A. Review existing data, reports and other materials to determine the unmet need for affordable housing units for elderly residents;

B. Assess the financial burden of home modifications or repairs necessary to allow elderly residents to remain in their homes, including elderly residents whose income is at or below the area median income for their county or metropolitan area; and

C. Identify innovative strategies employed either within the State or by other states to improve the ability of elderly residents to remain in their homes or to secure alternative housing of their choice.

6. Strategic housing plan. The director shall develop by January 1, 2023 a strategic housing plan enabling elderly residents of the State to live in affordable, safe housing as they age. The strategic plan must set forth the recommendations submitted by the council under subsection 5 and a summary of the information gathered by the council under

subsection 5 in support of those recommendations. The strategic plan must also include plans for meeting the unmet need for affordable housing units for elderly residents in the State and the financial resources that may be used to alleviate the financial burden of home modifications necessary to allow elderly residents of the State, including elderly residents whose income is at or below the area median income for their county or metropolitan area, to remain in their homes.

7. Report. The director shall submit a report regarding the development or implementation of the strategic housing plan described in subsection 6 to the joint standing committee of the Legislature having jurisdiction over housing matters on or before March 15th of the first regular session of each Legislature.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

HOUSING AUTHORITY, MAINE STATE

Advisory Council on Senior Housing N247

Initiative: Provides ongoing funds for administrative costs and staff support for the Advisory Council on Senior Housing.

GENERAL FUND	2017-18	2018-19
All Other	\$45,200	\$45,200
GENERAL FUND TOTAL	<u>\$45,200</u>	<u>\$45,200</u>

HOUSING AUTHORITY, MAINE STATE	2017-18	2018-19
DEPARTMENT TOTALS		
GENERAL FUND	\$45,200	\$45,200
DEPARTMENT TOTAL - ALL FUNDS	<u>\$45,200</u>	<u>\$45,200</u>

LEGISLATURE

Legislature 0081

Initiative: Provides funding for the ongoing costs of one Senator and one member of the House of Representatives to participate on the Advisory Council on Senior Housing.

GENERAL FUND	2017-18	2018-19
Personal Services	\$440	\$440
All Other	\$560	\$560
GENERAL FUND TOTAL	<u>\$1,000</u>	<u>\$1,000</u>

LEGISLATURE		
DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	\$1,000	\$1,000
DEPARTMENT TOTAL - ALL FUNDS	\$1,000	\$1,000
SECTION TOTALS	2017-18	2018-19
GENERAL FUND	\$46,200	\$46,200
SECTION TOTAL - ALL FUNDS	\$46,200	\$46,200

LD 1008

**Permanent Commission on the Status
of Racial and Ethnic Populations**

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND SEVENTEEN

H.P. 709 - L.D. 1008

An Act To Establish the Permanent Commission on the Status of Racial and
Ethnic Populations

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §12004-I, sub-§74-J is enacted to read:

74-J.

<u>Racial and Ethnic Populations</u>	<u>Permanent Commission on the Status of Racial and Ethnic Populations</u>	<u>Not Authorized</u>	<u>5 MRSA §25001</u>
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Sec. 2. 5 MRSA Pt. 31 is enacted to read:

PART 31

PERMANENT COMMISSION ON THE STATUS OF RACIAL AND ETHNIC
POPULATIONS

CHAPTER 631

PERMANENT COMMISSION ON THE STATUS OF RACIAL AND ETHNIC
POPULATIONS

§25001. Commission established

The Permanent Commission on the Status of Racial and Ethnic Populations established by section 12004-I, subsection 74-J and referred to in this chapter as "the commission," is an independent commission. The commission shall promote, carry out and coordinate programs designed to improve opportunities for racial and ethnic populations in the State.

§25002. Membership

The commission consists of the following members:

1. Members of the Senate. Two members of the Senate appointed by the President of the Senate, including one member from each of the 2 parties holding the largest number of seats in the Legislature;

2. Members of the House of Representatives. Three members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature; and

3. Public members. The following members representing the public:

A. A representative of a community economic development organization appointed by the President of the Senate;

B. A representative of an economic policy organization appointed by the Speaker of the House;

C. The district director of the Maine district office of the United States Small Business Administration, or the district director's designee;

D. The president of the Maine State Chamber of Commerce or its successor organization, or the president's designee;

E. Two members of the public that represent racial and ethnic populations in the State, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House; and

F. Three members of the public appointed by the Governor representing each of the following: the elderly, low-income people and youth.

The commission shall invite the participation, as a voting member, of a representative of a federally recognized Indian tribe in the State.

In making appointments, the Governor, the President of the Senate and the Speaker of the House shall consider and appoint residents of the State who have a knowledge of problems facing racial and ethnic populations in the State, who have experience in advocacy relating to racial and ethnic populations' issues and who provide leadership in programs or activities that improve opportunities for racial and ethnic populations. The members of the commission must be chosen from throughout the State, and the majority of members must be members of racial and ethnic populations.

§25003. Term of office

Members of the commission are appointed for 2-year terms. A member may serve multiple terms.

Members of the commission may serve after the expiration of their terms until their successors have taken office. The Governor, the President of the Senate and the Speaker of the House may terminate the membership of their respective appointees for good cause. The reason for the termination must be communicated in writing to a member

whose membership is terminated. The membership of any member of the commission must be terminated if the member is absent from 3 consecutive meetings without communicating good cause to the chair of the commission.

§25004. Vacancies

A member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed serves only for the remainder of that term and must be appointed by the same appointing authority. Any vacancy on the commission does not affect its powers.

§25005. Chair

The Governor shall select a chair from among the members of the commission. The chair is authorized to appoint subcommittees.

§25006. Powers and duties

The commission shall advise and consult with the Governor and the Legislature about, and assist them in improving, opportunities for racial and ethnic populations in the State by:

1. Research; policy proposals. Carrying out research necessary to determine the status of racial and ethnic populations in the State and considering policy proposals. The commission shall:

A. Study income levels of and opportunities available to historically disadvantaged racial and ethnic populations in the State and examine quantitative and qualitative data associated with those populations regarding business ownership, household assets, debts and income, housing, employment and access to inherited wealth, capital and benefits; and

B. 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, including, but not limited to, proposals to:

(1) Develop a program to provide to aspiring and new business owners technical assistance workshops and training on topics such as the creation of business plans, accessing capital and funding and securing job training;

(2) Provide assistance to vendors to become registered with the State and create a clearinghouse to serve as a resource for state-registered vendors seeking government contracts; and

(3) Establish an office to coordinate the educational and technical assistance needs of emerging small businesses and to provide information to small businesses seeking to open, operate or expand their businesses;

2. Activities. Promoting and coordinating activities on state and local levels designed to meet the problems of racial and ethnic populations in the State;

3. Advocate. Serving as an advocate for racial and ethnic populations in making recommendations on proposed budgetary, legislative and policy actions to the Governor, the Legislature and other officials of the State and the Federal Government with respect to state and federal policies, programs and other activities affecting or relating to racial and ethnic populations in the State;

4. Information. Informing the public about the presence or absence of opportunities for racial and ethnic populations in the State;

5. Meetings. Conducting public hearings, conferences, workshops and other such meetings to obtain information about, discuss and publicize the needs of and solutions to the problems of racial and ethnic populations; and

6. Reports. Beginning January 1, 2019 and biennially thereafter, reporting to the Governor and the Legislature concerning the work and interests of the commission.

The commission may accept funds from the Federal Government, from a political subdivision of the State or from an individual, a foundation or a corporation and may expend funds for purposes that are consistent with this chapter. Funds received under this section must be deposited in a nonlapsing Other Special Revenue Funds account within the Department of the Secretary of State to support the work of the commission.

§25007. Meetings; compensation

The commission shall meet at the call of the chair not less than 4 times each year.

§25008. Staff support

The Secretary of State shall provide staffing support as required.

Sec. 3. Initial members. Notwithstanding the Maine Revised Statutes, Title 5, section 25003, of those members first appointed to the Permanent Commission on the Status of Racial and Ethnic Populations, one appointed by the Governor, 2 appointed by the President of the Senate and 3 appointed by the Speaker of the House must be appointed for one-year terms. The term of office of each member must be designated at the time of appointment.

Sec. 4. Initial report. No later than March 1, 2018, the Permanent Commission on the Status of Racial and Ethnic Populations established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 74-J shall submit a report that includes the commission's findings and recommendations on the commission's research and consideration of policy proposals pursuant to Title 5, section 25006, subsection 1, including suggested legislation, for presentation to the Second Regular Session of the 128th Legislature.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF

Bureau of Administrative Services and Corporations 0692

Initiative: Provides funding for one Planning and Research Assistant I position and related costs to provide support to the Permanent Commission on the Status of Racial and Ethnic Populations.

GENERAL FUND	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$59,540	\$62,279
All Other	\$3,100	\$3,242
GENERAL FUND TOTAL	\$62,640	\$65,521

SP 210

**Task Force to Address the Opioid
Crisis in the State**

SP0210

Session - 128th Maine Legislature

LR 2199
Item 1

Joint Order, Establishing the Task Force To Address the Opioid Crisis in the State

ORDERED, the House concurring, that, notwithstanding Joint Rule 353, the Task Force To Address the Opioid Crisis in the State, referred to in this order as "the task force," is established as follows.

1. Appointment; composition. The task force consists of members appointed as follows:

- A. Four members of the Senate, appointed by the President of the Senate, including 2 members of the party holding the largest and 2 members of the party holding the 2nd-largest number of seats in the Senate;
- B. Four members of the House of Representatives, appointed by the Speaker of the House, including 2 members of the party holding the largest and 2 members of the party holding the 2nd-largest number of seats in the House of Representatives;
- C. One member who is an administrator at a hospital in the State, appointed by the President of the Senate;
- D. One member representing the interests of law enforcement, appointed by the President of the Senate;
- E. One member representing the interests of providers of services at opioid treatment facilities, appointed by the President of the Senate;
- F. One member representing a statewide association of physicians in the State, appointed by the President of the Senate;
- G. One member who is recovering from opioid addiction, appointed by the Speaker of the House;
- H. One member representing the interests of providers of substance abuse and recovery services, appointed by the Speaker of the House;
- I. One member who is a physician specializing in addiction treatment, appointed by the Speaker of the House; and
- J. One member who is a behavioral health specialist, appointed by the Speaker of the House.

The President of the Senate and the Speaker of the House shall invite to participate as members of the task force the Governor, or the Governor's designee; the Attorney General, or the Attorney General's designee; and a representative of the judicial branch.

2. Chairs. The first-named Senator is the Senate chair of the task force and the first-named member of the House of Representatives is the House chair of the task force.

3. Appointments; convening. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the task force shall call and convene the first meeting of the task force. If 30 days or more after the passage of this order a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the task force to meet and conduct its business.

4. Duties. The task force shall examine the current laws in the State addressing opiate abuse and heroin use, including but not limited to existing laws focused on law enforcement, prevention, treatment and recovery. As part of its study, the task force shall review the report and recommendations of the Maine Opiate Collaborative issued on May 6, 2016 as well as initiatives that have been successfully undertaken by other states, including but not limited to proposals for increased law enforcement personnel or funding; substance abuse prevention, treatment and peer recovery services; and substance abuse prevention and education in schools and communities, and shall develop recommendations to address the opioid crisis in the State.

5. Compensation. The legislative members of the task force are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the task force. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the task force.

6. Quorum. A quorum is a majority of the members of the task force, including those members invited to participate who have accepted the invitation to participate.

7. Staffing. The Legislative Council shall contract for necessary staff support for the task force during the legislative session and may contract for such staff support for a longer period to the extent needed and if sufficient funding is available. At the request of the task force, the Legislative Council may provide drafting assistance to the task force during the legislative session and other staffing support to the task force when the Legislature is not in session.

8. Reports. No later than April 30, 2017, the task force shall submit an initial report that includes its findings and recommendations, including suggested legislation, for introduction to the First Regular Session of the 128th Legislature. No later than December 6, 2017, the task force shall submit a final report that includes its findings and recommendations, including suggested legislation, for introduction to the Second Regular Session of the 128th Legislature.

Related Pages

Status for LD 0	Search Bill Text	Session Information
Bill Directory		Legislative Information
Additional Documents		Maine Legislature

SP 294

**Task Force on Maine's 21st Century
Economy and Workforce**

SP0294

Session - 128th Maine Legislature

LR 2200
Item 1

Joint Order, Establishing the Task Force on Maine's 21st Century Economy and Workforce

WHEREAS, historically, Maine has been world-renowned for its hard-working people, its enviable quality of life and its production of high-quality products; and

WHEREAS, for generations, citizens of the State had jobs in industries such as logging, shipbuilding, papermaking, textiles, manufacturing, farming and fishing that allowed workers to live and raise families in the State; and

WHEREAS, jobs that supported a thriving Maine economy were responsible for decades of growth in many of our communities in the State, but over the years, jobs that provided living wages, benefits and job security became harder and harder to find; and

WHEREAS, as the prospects for well-paying jobs diminished in the rapidly changing world economy, so too did Maine's ability to retain its young people, who increasingly sought opportunities elsewhere, contributing to Maine's looming demographic crisis; and

WHEREAS, a prosperous Maine economy will require skilled workers capable of succeeding in the modern economy as well as innovative investments that will help Maine businesses grow and thrive; and

WHEREAS, it is essential that the Legislature work with the State's businesses, education community and workforce, as well as with policy experts, to develop and implement measures to strengthen the State's economy, bring back jobs and young people and expand the middle class; and

WHEREAS, the members of the Joint Select Committee on Maine's Workforce and Economic Future in the 126th Legislature worked together in a bipartisan manner with input from experts throughout the State to unanimously support legislation to help move Maine toward stronger economic growth and to prepare Maine's workers and businesses to compete in the global marketplace; now, therefore, be it

ORDERED, the House concurring, that, notwithstanding Joint Rule 353, the Task Force on Maine's 21st Century Economy and Workforce, referred to in this order as "the task force," is established as follows.

1. Appointments; composition. The task force consists of members appointed as follows:

- A. Four members of the Senate, appointed by the President of the Senate, including 2 members of the party holding the largest and 2 members of the party holding the 2nd largest number of seats in the Senate;
- B. Four members of the House of Representatives, appointed by the Speaker of the House of Representatives, including 2 members of the party holding the largest and 2 members of the party holding the 2nd largest number of seats in the House of Representatives;
- C. One member representing the interests of the Maine Community College System, appointed by the President of the Senate;
- D. One member representing the interests of the University of Maine System, appointed by the Speaker of the House of Representatives;
- E. One member representing the interests of apprenticeship programs in the State, appointed by the Speaker of the House of Representatives;
- F. One member representing the interests of providers and teachers of adult education in the State, appointed by the President of the Senate;
- G. One member representing the interests of private colleges in the State, appointed by the Speaker of the House of Representatives;
- H. One member representing the statewide interests of the business community, appointed by the President of the Senate;
- I. One member representing the interests of a Maine business that employs more than 1,000 workers, appointed by the President of the Senate; and
- J. One member representing the interests of a Maine business that employs fewer than 1,000 workers, appointed by the Speaker of the House of Representatives.

The President of the Senate and the Speaker of the House of Representatives shall invite to participate as members of the task force the Commissioner of Education, or the commissioner's designee, and the Commissioner of Labor, or the commissioner's designee.

2. Chairs. The first-named Senator is the Senate chair of the task force and the first-named member of the House of Representatives is the House chair of the task force. Notwithstanding Joint Rule 353, the chairs may appoint, as nonvoting members, individuals who represent the interests of those sectors of industry that have experienced significant workforce shortages. Any additional members appointed pursuant to this section are not entitled to compensation or reimbursement under section 5.

3. Appointments; convening. All appointments must be made no later than 15 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the task force shall call and convene the first meeting of the task force. If 15 days or more after the passage of this order a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the task force to meet and conduct its business.

PL 2017, c. 284, Sec. TT-2

**Joint Standing Committee on
Agriculture, Conservation and
Forestry Study of Conserved Lands
Owned by Nonprofit Conservation
Organizations**

LD 1150

**Commission to Study
Transportation Funding Reform**

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND AND SEVENTEEN

H.P. 813 - L.D. 1150

Resolve, To Establish the Commission To Study Transportation Funding Reform

Sec. 1. Commission established. Resolved: That the Commission To Study Transportation Funding Reform, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 11 members as follows:

1. Three members of the Senate appointed by the President of the Senate, at least one of whom is from the party holding the 2nd largest number of seats in the Senate, including at least one member of the Joint Standing Committee on Transportation and one member of either the Joint Standing Committee on Appropriations and Financial Affairs or the Joint Standing Committee on Taxation;

2. Seven members of the House of Representatives appointed by the Speaker of the House of Representatives, at least 3 of whom are from the party holding the 2nd largest number of seats in the House, including at least one member of the Joint Standing Committee on Transportation and one member of either the Joint Standing Committee on Appropriations and Financial Affairs or the Joint Standing Committee on Taxation; and

3. The Commissioner of Transportation, or the commissioner's designee; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission. The first-named Senate member must be from the Joint Standing Committee on Transportation and the first-named House member must be from the Joint Standing Committee on Transportation; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members,

the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business; and be it further

Sec. 5. Duties. Resolved: That the commission shall 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 state transportation system. The study must focus on funding the state highway and bridge system, but must also consider capital funding of multimodal infrastructure. The commission shall:

1. Determine funding levels necessary to achieve the highway and bridge capital goals set forth in the Maine Revised Statutes, Title 23, section 73, subsection 7, paragraphs A to D, including anticipated shortfalls for the next 10 years;

2. Identify mechanisms that will increase the predictability of general obligation bonding levels for capital planning at the Department of Transportation for the state highway and bridge system and multimodal infrastructure for the next 10 years;

3. Identify mechanisms to address the erosion of Highway Fund receipts and the rising inequity caused by higher automobile fuel efficiency and alternative fuel vehicles, such as adding a registration fee surcharge on hybrid, electric or other alternative fuel passenger automobiles;

4. Consider a voluntary pilot program to assess the potential for mileage-based revenue collection as an alternative to the gas tax system;

5. Identify methods to more equitably share the costs of the highway system between residents of this State and nonresidents, including exploring the feasibility of reducing year-round baseline gasoline tax rates and adding a seasonal gasoline tax surcharge;

6. Consider new highway tolling options;

7. Consider adding a wholesale fuel tax component, including options that would reduce baseline per gallon fuel tax rates;

8. Consider adjusting fuel tax rates, including options that can be implemented or eliminated as fuel prices rise due to market forces or increases in the federal fuel tax rates;

9. Consider dedicating a portion of sale tax receipts from transportation-related sales to transportation;

10. Evaluate the likelihood of possible future funds being dedicated to transportation from revenues from potential additional casinos in the State; and

11. Invite knowledgeable stakeholders to provide written and oral comments on draft recommendations of the commission. Knowledgeable stakeholders must include representatives from the American Council of Engineering Companies of Maine, the

Maine section of the American Society of Civil Engineers, the Associated General Contractors of Maine, the Maine Automobile Dealers Association, the Maine Better Transportation Association, the Maine State Chamber of Commerce, the Mayors' Coalition on Jobs and Economic Development, the Maine Motor Transport Association, the Maine Municipal Association, the Maine Service Center Coalition, the Maine Tourism Association and the Maine Turnpike Authority.

The commission may meet up to 6 times. At least 3 meetings must allow public comment and be held at different locations in the State to allow input from residents of several regions in the State; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission; and be it further

Sec. 7. Report. Resolved: That, no later than December 6, 2017, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Transportation. The Joint Standing Committee on Transportation may submit legislation to the Second Regular Session of the 128th Legislature; and be it further

Sec. 8. Funding. Resolved: That the costs of the study under section 5 must be provided from the Highway Fund; and be it further

Sec. 9. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Study Commissions - Funding 0444

Initiative: Provides a one-time allocation for the costs of Legislators serving as members of the Commission To Study Transportation Funding Reform.

HIGHWAY FUND	2017-18	2018-19
Personal Services	\$2,200	\$0
All Other	\$3,050	\$0
HIGHWAY FUND TOTAL	\$5,250	\$0

SP 592

**Task Force on Health Care
Coverage for All of Maine**

SP0592

Session - 128th Maine Legislature

LR 2371
Item 1

Joint Study Order, To Establish the Task Force on Health Care Coverage for All of Maine

ORDERED, the House concurring, that, notwithstanding Joint Rule 353, the Task Force on Health Care Coverage for All of Maine, referred to in this order as "the task force," is established as follows.

1. Purpose. It is the intent of the Legislature to ensure that all residents of the State have access to and coverage for affordable, quality health care. It is the intent of the Legislature to study the design and implementation of options for a health care plan that provides coverage for all residents of the State; and be it further

2. Appointments; composition. The task force consists of members appointed as follows:

A. Four members of the Senate, appointed by the President of the Senate, including 2 members of the party holding the largest number of seats in the Senate and 2 members of the party holding the 2nd largest number of seats in the Senate, of whom at least one member is a member of the Joint Standing Committee on Insurance and Financial Services and at least one member is a member of the Joint Standing Committee on Health and Human Services;

B. Four members of the House of Representatives, appointed by the Speaker of the House of Representatives, including 2 members of the party holding the largest number of seats in the House of Representatives and 2 members of the party holding the 2nd largest number of seats in the House of Representatives, of whom at least 3 members are members of the Joint Standing Committee on Insurance and Financial Services or the Joint Standing Committee on Health and Human Services;

C. One member representing the interests of hospitals, appointed by the President of the Senate;

D. One member representing the interests of health care providers, appointed by the Speaker of the House of Representatives;

E. Two members representing the interests of health insurance carriers, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;

F. Two members representing the interests of consumers, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;

G. One member representing the interests of employers with fewer than 50 employees, appointed by the Speaker of the House of Representatives; and

H. One member representing the interests of the employers with 50 or more employees, appointed by the President of the Senate.

The President of the Senate and the Speaker of the House of Representatives shall invite to participate as members of the task force the Commissioner of Health and Human Services or the commissioner's designee and the Superintendent of Insurance or the superintendent's designee.

3. Chairs. The first-named Senator is the Senate chair of the task force, and the first-named member of the House of Representatives is the House chair of the task force. Notwithstanding Joint Rule 353, the chairs may appoint, as nonvoting members, individuals with expertise in health care policy, health care financing or health care delivery. Any additional members appointed pursuant to this section are not entitled to compensation or reimbursement under section 6.

4. Appointments; convening. All appointments must be made no later than 15 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the task force shall call and convene the first meeting of the task force. If 15 days or more after the passage of this order a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the task force to meet and conduct its business.

5. Duties; design options. The task force shall propose at least 3 design options, including implementation plans, for creating a system of health care that ensures all residents of the State have access to and coverage for affordable, quality health care. The design options must meet the principles and goals outlined in this order. The proposals designed under this order must contain the analysis and recommendations as provided for in this section.

A. The proposal must include the following design options:

- (1) A design for a government-administered and publicly financed universal payer health benefits system that is decoupled from employment, that prohibits insurance coverage for the health services provided by the system and that allows for private insurance coverage of only supplemental health services;
- (2) A design for a universal health benefits system with integrated delivery of health care and integrated payment systems for all individuals that is centrally administered by State Government or an entity under contract with State Government; and
- (3) A design for a public health benefits option administered by State Government or an entity under contract with State Government that allows individuals to choose between the public option and private insurance coverage and allows for fair and robust competition among public and private plans.

Additional options may be designed by the task force, taking into consideration the parameters described in this section.

Each design option must include sufficient detail to allow the task force to report back to the Legislature to enable the Legislature to consider the adoption of one design and to determine an implementation plan for that design during the First Regular Session of the 129th Legislature, including the submission of any necessary waivers pursuant to federal law.

B. In creating the design options under paragraph A, the task force shall review and consider the following fundamental elements:

- (1) The findings and reports from previous studies of health care reform in the State, including the December 2002 document titled "Feasibility of a Single-Payer Health Care Model for the State of Maine" produced by Mathematica Policy Research, Inc., and studies and reports provided to the Legislature;
- (2) The State's current health care reform efforts;
- (3) The health care reform efforts in other states, including any efforts in other states to develop state innovation waivers for universal health coverage plans as an alternative to the federal Patient Protection and Affordable Care Act;
- (4) The federal Patient Protection and Affordable Care Act or any other successor federal legislation; the federal Employee Retirement Income Security Act of 1974, as amended; and the Medicare program, the Medicaid program and the State Children's Health Insurance Program under Titles XVIII, XIX and XXI, respectively, of the federal Social Security Act; and
- (5) The health care systems adopted in other countries.

C. Each design option under paragraph A must maximize federal funds to support the system and must be composed of the following components:

- (1) A payment system for health services that includes one or more packages of health services providing for the integration of physical and mental health services; budgets, payment methods and a process for determining payment amounts; and mechanisms for cost reduction and cost containment;
- (2) Coordinated regional delivery systems;
- (3) Health system planning and regulation and public health;
- (4) Financing and estimated costs, including federal financing. Each design option must provide:
 - (a) An estimate of the total costs of the design option, including any additional costs for providing access to and coverage for health services to the uninsured and underinsured, any estimated costs necessary to build a new system and any estimated savings from implementing a single system;
 - (b) Financing proposals for sustainable revenue, including by maximization of federal revenues or by reductions from existing health care programs, services, state agencies or other sources necessary for funding the cost of the new system;

(c) A proposal to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to waive provisions of Titles XVIII, XIX and XXI of the federal Social Security Act, if necessary, to align the federal programs with the proposals contained within the design option in order to maximize federal funds or to promote the simplification of administration, cost containment or promotion of health care reform initiatives; and

(d) A proposal to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to waive provisions of the federal Patient Protection and Affordable Care Act, if necessary, to implement the proposals contained within the design option in order to maximize federal funds;

(5) A method to address compliance of the proposed design option with federal law. Unless specifically authorized by federal law, the proposed design option must provide coverage supplemental to coverage available under the Medicare program of the federal Social Security Act, Title XVIII and the federal TRICARE program, 10 United States Code, Chapter 55;

(6) A benefit package or packages of health services that meet the requirements of state and federal law and provide for the integration of physical and mental health care, including access to and coverage for primary care, preventive care and wellness services; specialty care; chronic care and chronic disease management; acute episodic care; palliative and end-of-life care; hospital services; prescription drugs and durable medical equipment; maternity, newborn and pediatric care; laboratory services; mental health and substance use disorder services; and dental, vision and health care;

(7) A method for administering payment for health services, which may include administration by a government agency, under an open bidding process soliciting bids from insurance carriers or 3rd-party administrators, through a private nonprofit insurer or 3rd-party administrator, through private insurers or from a combination of methods;

(8) Enrollment processes;

(9) Integration of pharmacy best practices and cost control programs and other mechanisms to promote evidence-based prescribing, clinical efficacy and cost containment, such as a single statewide preferred drug list, prescriber education and utilization reviews;

(10) Appeals processes for decisions made by entities or agencies administering coverage for health services;

(11) Integration of the workers' compensation system;

(12) A recommendation for budgets and payment methods and a process for determining payment amounts. Payment methods for mental health services must be consistent with mental health parity. The design option must consider:

(a) Recommending a global health care budget when it is appropriate to ensure cost containment by a health care facility, a health care provider,

a group of health care professionals or any combination of these entities. Any recommendation must include a process for developing a global health care budget, including circumstances under which an entity may seek an amendment of its budget;

(b) Payment methods to be used for each health care sector that are aligned with the goals of this section and provide for cost containment, provision of high-quality, evidence-based health services in a coordinated setting, patient self-management and healthy lifestyles; and

(c) What process or processes are appropriate for determining payment amounts with the intent to ensure reasonable payments to health care professionals and providers and to eliminate the shift of costs between the payers of health services by ensuring that the amount paid to health care professionals and providers is sufficient. Payment amounts must be sufficient to provide reasonable access to health services, provide uniform payments to health care professionals and assist in creating financial stability for health care professionals. Payment amounts for mental health services must be consistent with mental health parity;

(13) Mechanisms for cost reduction and cost containment and for oversight to ensure accountability and transparency of all financial transactions;

(14) A regional health system that ensures that the delivery of health services to the residents of the State is coordinated in order to improve health outcomes, improve the efficiency of the health system and improve patients' experiences of health services; and

(15) An overall approach to funding that is broadly based to ensure financial stability.

D. The proposal must include a method to address compliance of the proposed design options under paragraph A with federal law, if necessary, including the federal Patient Protection and Affordable Care Act or any other successor federal legislation; the federal Employee Retirement Income Security Act of 1974, as amended; and Titles XVIII, XIX and XXI of the federal Social Security Act.

E. The proposal must include an analysis of:

(1) The impact of each design option on the State's current private and public insurance system;

(2) The expected net fiscal impact of each design option;

(3) The impact of each design option on the State's economy;

(4) The benefits and drawbacks of alternative timing for the implementation of each design option, including the sequence and rationale for the phasing in of the major components; and

(5) The benefits and drawbacks of each design option and of not changing the current system.

6. Compensation. The legislative members of the task force are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance

at authorized meetings of the task force. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the task force.

7. Quorum. A quorum is a majority of the voting members of the task force, including those members invited to participate who have accepted the invitation to participate.

8. Staffing. The Legislative Council shall provide staff support for the task force. To the extent needed when the Legislature is in session, the Legislative Council may contract for such staff support if sufficient funding is available.

9. Consultants; additional staff assistance. The task force may solicit the services of one or more outside consultants to assist the task force to the extent resources are available. Upon request, the Department of Health and Human Services, the Department of Professional and Financial Regulation, Bureau of Insurance and the University of Maine System shall provide any additional staffing assistance to the task force to ensure the task force and its consultant or consultants have the information necessary to create the design options required by this order.

10. Reports. The task force may submit an initial report, including suggested legislation, prior to January 1, 2018. No later than November 1, 2018, the task force shall submit a final report that includes its findings and recommendations, including suggested legislation, for introduction to the First Regular Session of the 129th Legislature.

11. Additional funding; sources. The task force may apply for and receive funds, grants or contracts from public and private sources to support its activities. No General Fund appropriations may be used to support its activities.

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LD 512

**Committee to Study the State's
Response to the Commercial Sexual
Exploitation of Youth**

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND SEVENTEEN

S.P. 173 - L.D. 512

**Resolve, To Establish the Committee To Study the State's Response to the
Commercial Sexual Exploitation of Youth**

Sec. 1. Committee To Study the State's Response to the Commercial Sexual Exploitation of Youth established. Resolved: That, notwithstanding Joint Rule 353, the Committee To Study the State's Response to the Commercial Sexual Exploitation of Youth, referred to in this resolve as "the committee," is established; and be it further

Sec. 2. Committee membership. Resolved: That the committee consists of 13 members as follows:

1. Five members appointed by the President of the Senate as follows:

- A. Two members of the Senate, including one member from each of the 2 parties holding the largest number of seats in the Senate;
- B. One member who is a representative of a sex trafficking survivor leadership organization;
- C. One member who is a representative of the Department of Corrections; and
- D. One member who is a representative of a mental health provider;

2. Six members appointed by the Speaker of the House of Representatives as follows:

- A. Two members of the House, including one member from each of the 2 parties holding the largest number of seats in the House;
- B. One member who is a representative of a statewide coalition of organizations working to end sexual assault;
- C. One member who is a representative of a statewide coalition of organizations working to end domestic violence;
- D. One member who is a representative of youth homelessness services; and
- E. One member who is a representative of a statewide organization of district attorneys;

3. The Attorney General or the Attorney General's designee; and

4. The director of the office of children and family services within the Department of Health and Human Services or the director's designee; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the committee; and be it further

Sec. 4. Appointments; convening of committee. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the committee. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the committee to meet and conduct its business; and be it further

Sec. 5. Duties. Resolved: That the committee shall study issues related to the commercial sexual exploitation of youth in the State as follows:

1. The existing policies, systems and resources related to preventing and responding to the commercial sexual exploitation of youth in the State, including but not limited to those related to the Department of Health and Human Services, juvenile justice, law enforcement and social services; and

2. The gaps and needs in existing policies, systems and resources related to preventing and responding to the commercial sexual exploitation of youth in the State.

The committee shall make recommendations related to improvement of the existing policies, systems and resources; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the committee; and be it further

Sec. 7. Report. Resolved: That, no later than December 6, 2017, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Criminal Justice and Public Safety and to the Joint Standing Committee on Health and Human Services for consideration during the Second Regular Session of the 128th Legislature; and be it further

Sec. 8. Outside funding. Resolved: That the committee shall seek funding contributions to fully or partially fund the costs of the study. All funding is subject to approval by the Legislative Council in accordance with its policies.

LD 957

**Legislative Staff Recodification and
Revision of Title 28-A of the Maine
Revised Statutes**

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND SEVENTEEN

S.P. 313 - L.D. 957

**Resolve, To Direct Legislative Staff To Recodify and Revise Title 28-A of the
Maine Revised Statutes**

Sec. 1. Recodification and revision of Title 28-A of the Maine Revised Statutes. Resolved: That the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes, referred to in this resolve as "legislative staff," shall prepare a recodification and revision of the Maine Revised Statutes, Title 28-A for introduction in the First Regular Session of the 129th Legislature. Legislative staff may consult with the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, the Office of the Attorney General and other interested parties in preparing the recodification and revision.

Legislative staff shall submit the recodification and revision to the joint standing committee of the Legislature having jurisdiction over liquor matters no later than January 15, 2019.