

STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION

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

VOLUME 1



Summaries of All Bills and Adopted Amendments and All Laws Enacted or Finally
Passed During the First Regular Session of the 125th Maine Legislature

First Regular Session convened Wednesday, December 1, 2010
First Regular Session adjourned sine die Wednesday, June 29, 2011

Senate Legislative Days.....66
House Legislative Days.....65
Bills Considered.....1588

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JULY 2011

STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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

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

The effective date for non-emergency legislation enacted in the First Regular Session of the 125th Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON AGRICULTURE,
CONSERVATION AND FORESTRY**

July 2011

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Joint Standing Committee on Agriculture, Conservation and Forestry

LD 11 An Act To Regulate the Keeping of Wolf Hybrids

**PUBLIC 100
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	S-50

LD 11 changes the registration requirement for a wolf hybrid kennel to a licensing requirement. It directs the Department of Agriculture, Food and Rural Resources to consult with the Department of Inland Fisheries and Wildlife on potential threats to wildlife and public safety prior to issuing a license. It provides for the conditional licensure of kennels that were previously registered.

Committee Amendment "A" (S-50)

This amendment replaces the bill. It prohibits the keeping of a wolf hybrid without a permit for keeping wildlife in captivity issued by the Department of Inland Fisheries and Wildlife. It provides an exception to the prohibition for wolf hybrids that are kept as pets and licensed under the dog licensing statutes in 2011.

Enacted Law Summary

Public Law 2011, chapter 100 prohibits the keeping of a wolf hybrid without a permit for keeping wildlife in captivity issued by the Department of Inland Fisheries and Wildlife. It provides an exception to the prohibition for wolf hybrids that are kept as pets and licensed under the dog licensing statutes in 2011. It enacts provisions for the disposition of wolf hybrids that are found at large. A shelter that accepts a wolf hybrid that is not claimed by its owner within 6 days may transfer ownership to a person holding a permit to possess wildlife in captivity or a person who operates a licensed animal refuge outside the State or after 8 days may have the animal euthanized. It directs the Commissioner of Inland Fisheries and Wildlife to adopt rules to regulate the importation and possession of wolf hybrids and establish confinement standards to protect the public. It directs the Commissioner of Agriculture, Food and Rural Resources to update the Commissioner of Inland Fisheries and Wildlife on the status of wolf hybrids kept as pets and to submit a bill to update statutory provisions pertaining to the keeping of wolf hybrids when all animals kept as pets under these provisions are deceased.

It amends the definition of "dog" to distinguish between dogs and wolf hybrids under certain chapters of the animal welfare laws while continuing to include wolf hybrids in the definition of "dog" in others. It allows a licensed animal shelter that is functioning as a wolf hybrid refuge in this State to continue to accept wolf hybrids from within the State until July 1, 2012. The facility must obtain a permit to possess wildlife from the Department of Inland Fisheries and Wildlife by December 31, 2012.

Public Law 2009, chapter 100 was enacted as an emergency measure effective May 19, 2011.

**LD 16 An Act To Revise Notification Requirements for Pesticides Applications
Using Aircraft or Air-carrier Equipment**

ONTP

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

LD 16 revises the criteria for required notification of pesticides application to those on the notification registry.

Joint Standing Committee on Agriculture, Conservation and Forestry

It changes the distance requiring notification when pesticides are applied using aircraft from 1,320 feet to 100 feet and when pesticides are sprayed into the crowns of fruit trees or Christmas trees using air-carrier equipment from 500 feet to 50 feet.

LD 17 An Act To Reform the Land Use and Planning Authority within the ONTP
Unorganized Territories of the State

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

LD 17 eliminates the Maine Land Use Regulation Commission, effective July 15, 2012, and directs the Maine Land Use Regulation Commission prior to its elimination to develop a plan to provide authority over land use planning in the unorganized territory to the counties in which the land is located. The Maine Land Use Regulation Commission is required to submit its proposal, together with implementing legislation necessary to effectuate the repeal of the Maine Land Use Regulation Commission and the transfer of its duties, to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters by December 2, 2011.

See LD 1534 for a summary of related legislation that was enacted.

LD 41 An Act To Amend the Laws Governing the Maine Potato Board PUBLIC 7
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDGECOMB SHERMAN	OTP-AM	H-5

LD 41 makes revisions to the laws governing the Maine Potato Board. The bill changes the meeting requirements of the board and the membership of the board and increases the potato tax from \$.05 to \$.06 per hundredweight.

Committee Amendment "A" (H-5)

This amendment revises the records and reporting section of the potato tax law for consistency with the rate change in the bill and specifies that the rate change does not take effect until September 1, 2011.

Enacted Law Summary

Public Law 2009, chapter 7 reduces the minimum number of required meetings of the executive councils for assemblies of those involved in the potato industry from 2 to 1. It increases the potato tax from \$.05 to \$.06 per hundredweight. It also revises membership on the Maine Potato Board.

Public Law 2009, chapter 7 was enacted as an emergency measure effective March 25, 2011.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 55 An Act To Restore Hunting Rights in the Katahdin Lake Region ONTP

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

LD 55 directs the Baxter State Park Authority to allow hunting on the approximately 4,040-acre parcel surrounding Katahdin Lake that was transferred to the authority for inclusion in the park in December 2006. It allows the authority to place restrictions on certain types of hunting through rulemaking.

**LD 67 An Act Relating to Standardbred Horse Breeding PUBLIC 16
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAY SHERMAN	OTP-AM	H-9

LD 67 provides that Maine Standardbred stallions registered in the State on January 1st of the breeding year may breed with mares in the State. A stallion that is not registered on January 1st may breed upon payment of the registration fee and a late payment fee.

Committee Amendment "A" (H-9)

This amendment clarifies the intent of LD 67 and limits the extended period for registering a stallion to stand at stud to the 2011 and 2012 breeding seasons .

Enacted Law Summary

Public Law 2011, chapter 16 allows a stallion to be registered at any time prior to July 15th to stand at stud in Maine for the purpose of siring foals eligible to be registered as Maine Standardbred horses. It requires a late fee to be paid in addition to the registration fee for registrations after January 1st. This provision is in effect for the 2011 and 2012 breeding seasons and is repealed on December 31, 2012.

Public Law 2011, chapter 16 was enacted as an emergency measure effective March 31, 2011.

**LD 89 An Act Regarding Repeated Animal Trespass PUBLIC 18
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE LANGLEY	OTP-AM	H-17

LD 89 includes within the animal trespass law repeated instances of trespass by an animal or animals as a civil violation.

Committee Amendment "A" (H-17)

Joint Standing Committee on Agriculture, Conservation and Forestry

This amendment authorizes designated employees of the Department of Agriculture, Food and Rural Resources to respond to complaints of animal trespass. It requires an animal to be removed immediately if private or public property is threatened. Under current law, immediate removal is required only if public safety is threatened. It revises the number of trespasses in a given period that constitutes a violation.

Enacted Law Summary

LD 2011, chapter 18 authorizes designated employees of the Department of Agriculture, Food and Rural Resources to respond to complaints of animal trespass. It expands violations of the animal trespass laws to include failure to remove an animal immediately if private or public property is threatened and to an animal found to be trespassing 5 or more days within a 30-day period or 3 or more days within a 7-day period.

Public Law 2011, chapter 18 was enacted as an emergency measure effective April 1, 2011.

LD 92 Resolve, To Dedicate the Haystack Mountain Summit Trail to the **RESOLVE 18
Memory of Dustin J. Libby**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE A SHERMAN	OTP-AM	H-18

LD 92 directs the Department of Conservation, Bureau of Parks and Lands to designate the public hiking trail on Haystack Mountain in Castle Hill the Dustin J. Libby Trail.

Committee Amendment "A" (H-18)

This amendment directs the Department of Conservation, Bureau of Parks and Lands to place a sign at the trailhead of the public hiking trail leading to the summit of Haystack Mountain and a memorial bench with a plaque at the summit dedicating the trail to the memory of Dustin J. Libby.

Enacted Law Summary

Resolve 2011, chapter 18 directs the Department of Conservation, Bureau of Parks and Lands to place a sign at the trailhead of the public hiking trail leading to the summit of Haystack Mountain and a memorial bench with a plaque at the summit dedicating the trail to the memory of Dustin J. Libby.

LD 99 An Act To Allow the Use of Public Funds for the Repair and **ONTP
Maintenance of Private Roads and Bridges and To Ensure Public
Access to the Seboomook Lake Region**

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

LD 99 authorizes the Department of Conservation, Bureau of Parks and Lands to repair and maintain, or cause to be repaired and maintained, a private road, private way or bridge to provide public access to nonreserved public lands, public reserved lands or private lands on which an easement guaranteeing public access for recreational uses is held. The bill also directs the Department of Conservation to negotiate an agreement with owners of land along an approximately 13-mile section of Northern Road in Somerset County for the purpose of providing year-round motor vehicle access to public lands in the Seboomook Lake region and to Pittston Farm.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 109 Resolve, To Study the Promotion and Expansion of the Maine Maple Sugar Industry

**RESOLVE 48
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PETERSON RECTOR	OTP-AM	H-159

LD 109 establishes the Commission To Study the Promotion and Expansion of the Maine Maple Sugar Industry to examine enhancing the branding of Maine maple sugar products, the use of the maple resource, increasing value-added jobs and promoting export markets. The commission is required to provide an interim report no later than December 7, 2011 and a final report by November 7, 2012.

Committee Amendment "A" (H-159)

This amendment replaces the proposal for a legislative study with a task force convened by the Commissioner of Agriculture, Food and Rural Resources. It directs the Department of Agriculture, Food and Rural Resources to provide staff support to the task force.

Enacted Law Summary

Resolve 2011, chapter 48 directs the Commissioner of Agriculture, Food and Rural Resources to convene a task force to study the promotion and expansion of the Maine Maple Sugar Industry. It requires the Commissioner of Agriculture, Food and Rural Resources to submit a final report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than December 7, 2011. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to submit legislation to the Second Regular Session of the 125th Legislature.

Resolve 2011, chapter 48 was finally passed as an emergency measure effective May 25, 2011.

LD 155 Resolve, To Require the Department of Agriculture, Food and Rural Resources To Develop Rules for the Moisture Content of Commercial Firewood

ONTP

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

LD 155 requires the Department of Agriculture, Food and Rural Resources to adopt rules governing the moisture content of commercial firewood. These rules must include standards for determining whether firewood is seasoned or unseasoned or green based on the moisture content of the firewood.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 182 Resolve, Directing the Department of Agriculture, Food and Rural Resources To Develop Criteria for Identifying Invasive Terrestrial Plants

RESOLVE 65

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVES SCHNEIDER	OTP-AM	H-259

LD 182 prohibits the sale of *Elaeagnus angustifolia*, a shrub commonly called "Russian olive." It directs the Commissioner of Agriculture, Food and Rural Resources to adopt rules establishing criteria for evaluating nonnative plant species for designation as invasive terrestrial plants. A list of plants meeting the criteria for invasive terrestrial plants would be established in rule and those plants prohibited from sale.

Committee Amendment "A" (H-259)

This amendment replaces the bill with a resolve directing the Commissioner of Agriculture, Food and Rural Resources to establish criteria through rulemaking for identifying invasive terrestrial plants no later than February 1, 2012. The commissioner is directed to report to the Joint Standing Committee on Agriculture, Conservation and Forestry on the evaluation criteria adopted and a list of plants being considered for evaluation.

Enacted Law Summary

Resolve 2011, chapter 65 directs the Commissioner of Agriculture, Food and Rural Resources to establish criteria through rulemaking for identifying invasive terrestrial plants no later than February 1, 2012. The commissioner is directed to report to the Joint Standing Committee on Agriculture, Conservation and Forestry on the evaluation criteria adopted and a list of plants being considered for evaluation.

LD 190 Resolve, Regarding Legislative Review of Chapter 2-C: Voluntary Municipal Farm Support Program, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources

**RESOLVE 7
EMERGENCY**

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

LD 190 provides for legislative review of Chapter 2-C: Voluntary Municipal Farm Support Program, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Enacted Law Summary

Resolve 2011, chapter 7 authorizes final adoption of Chapter 2-C: Voluntary Municipal Farm Support Program, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Resolve 2011, chapter 7 was finally passed as an emergency measure effective March 23, 2011.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 215 An Act To Authorize the Leasing of Rail Crossings

ONTP

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

LD 215 authorizes the Department of Conservation, Bureau of Parks and Lands, with the consent of the commissioner, to lease for a term not exceeding 5 years railroad right-of-way crossings on state park lands and historic sites for railroads upon which rail service is no longer operated.

See LD 514 for summary of enacted law regarding conveyance of easements across railroad rights of way.

LD 228 An Act To Revise Notification Requirements for Pesticide Application

PUBLIC 332

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDGECOMB SHERMAN	OTP-AM MAJ ONTP MIN	H-244

LD 228 repeals the laws that govern the development and maintenance of a registry of the properties of residents, lessees and property owners who request that their properties be placed on a registry in order that they receive advance notification of the outdoor application of pesticides. In the absence of such a registry, the current rules of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control will govern notification requirements in connection with the application of pesticides.

Committee Amendment "A" (H-244)

This amendment adds to the bill a provision that directs the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to amend its rules governing the process for requesting notification of outdoor applications of pesticides to establish a distance from an aerial application of pesticides within which a person is entitled to receive notification of the application. The rule must further specify that an owner, lessee or other legal occupant of a sensitive area receive notification of aerial applications of pesticides made within 1,000 feet of the sensitive area.

Enacted Law Summary

Public Law 2011, chapter 332 repeals the laws that govern the development and maintenance of a citizen's registry of properties used to notify residents, lessees and property owners of registered properties in advance of the outdoor application of pesticides using aircraft or air-carrier equipment. It directs the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to amend its rules governing the process for requesting notification of outdoor applications of pesticides to establish a distance from an aerial application of pesticides within which a person is entitled to receive notification of the application. The rule must further specify that an owner, lessee or other legal occupant of a sensitive area receive notification of aerial applications of pesticides made within 1,000 feet of the sensitive area.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 242 An Act To Prevent the Spread of Milfoil in the Songo River

**DIED BETWEEN
HOUSES**

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

LD 242 directs the Commissioner of Environmental Protection and the Commissioner of Conservation to close the lock on the Songo River in the Town of Naples to prevent the upstream spread of aquatic invasive plant species.

This bill was voted by the House and Senate without reference to a committee.

**LD 320 An Act To Amend Shelter Provisions To Accommodate Rotational
Grazing of Livestock**

PUBLIC 76

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDGECOMB	OTP-AM	H-98

LD 320 exempts livestock producers from certain shelter requirements for livestock while they are kept under a rotational grazing system.

Committee Amendment "A" (H-98)

This amendment clarifies that livestock kept under a rotational grazing system are exempt from shelter requirements only when the animals are in good body condition and physically able to access food and water.

Enacted Law Summary

Public Law 2011, chapter 76 exempts livestock kept under a rotational grazing system from shelter requirements when the animals are in good body condition and physically able to access food and water.

**LD 321 An Act To Change the Qualifications of Certain Members of the Board
of Pesticides Control**

PUBLIC 119

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDGECOMB	OTP-AM	H-187

LD 321 expands the specialty areas in which the scientist member of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control may specialize and also specifies that one public member must have practical experience and knowledge of pesticides use in ornamental horticulture and urban landscapes.

Committee Amendment "A" (H-187)

This amendment revises statutory provisions for members of the Board of Pesticides Control in a different way than

Joint Standing Committee on Agriculture, Conservation and Forestry

the original bill. It removes the requirement from the statutes that the 2 public members of the Board of Pesticides Control have a demonstrated interest in environmental protection. The amendment also removes the requirement from the statutes that the scientist from the University of Maine System serving on the board specialize in either agronomy or entomology. The amendment also adds an application clause stating that these changes do not require the termination of current members of the board.

Enacted Law Summary

Public Law 2011, chapter 119 removes the requirement from the statutes that the 2 public members of the Board of Pesticides Control have a demonstrated interest in environmental protection. It also removes the requirement from the statutes that the scientist from the University of Maine System serving on the board specialize in either agronomy or entomology.

LD 330 An Act To Exempt Farm Food Products and Homemade Food Offered for Sale or for Consumption at Certain Events from Certain Licensing Requirements ONTP

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

LD 330 facilitates direct sales between Maine farmers and consumers. It allows people preparing food in their own homes to sell directly to consumers or to offer homemade food at certain events without being licensed as food establishments.

LD 362 Resolve, Directing the Department of Conservation To Acquire an Easement To Provide Access to the Dead River Carried Over

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

LD 362 directs the Department of Conservation, Bureau of Parks and Lands to acquire a public right-of-way approximately 16 miles in length along the Lower Enchanted Road, from Route 201 in West Forks Plantation westward to and including an area commonly used for vehicle parking, trip staging and watercraft access to the Dead River near its confluence with Spencer Stream.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 363 An Act To Facilitate Local Food Production INDEF PP

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

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 363 exempts fruit and vegetable growers who process and bottle beverages for sale in this State from the laws requiring collection of a deposit on beverage containers. It also directs the Department of Agriculture, Food and Rural Resources to review all state laws and rules pertaining to the production and processing of food and beverages in this State for sale in this State and to develop recommendations to exempt small-scale agricultural producers and food processors from certain laws and rules and reduce the regulatory burdens on those producers and processors. The department is directed to submit legislation to implement its recommendations to the Second Regular Session of the 125th Legislature.

Committee Amendment "A" (H-346)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It exempts apple cider and juice drinks containing 25% or more by volume of juice from wild blueberries from the provisions of the beverage container law in Title 32, chapter 28. It also narrows the scope of the directive to the Department of Agriculture, Food and Rural Resources to review laws and rules for their impact on small-scale food producers and small-scale food processors only. It extends the time period allowed for the department to complete its review. The majority report was not adopted.

LD 366 An Act Regarding the Sale of Raw Milk

**MAJ (ONTP)
REPORT**

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

LD 366 proposes clarifying in statute that a license is not required of any person who produces and sells milk only on the premises of the producer and seller. It defines "premises" to include a motor vehicle and portable farm stand owned by a producer if sales on these premises are made by that producer or an employee of that producer.

Committee Amendment "A" (H-194)

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It establishes criteria for exempting a milk producer from licensing requirements under the Maine Revised Statutes, Title 7, chapter 601. It restricts sales to direct sales to end use consumers on the dairy farm premises and requires the milk container to state that the farm is not inspected or licensed. It also requires a warning to be displayed on the premises when an unlicensed producer is selling unpasteurized milk. It clarifies the existing exemption from licensing under Title 7, chapter 603.

The minority amendment was not adopted.

**LD 382 Resolve, Authorizing Adjustments to Payments under the Dairy
Stabilization Program**

ONTP

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

LD 382 authorizes the administrator of the Maine Milk Pool to adjust payments under the dairy stabilization program in fiscal year 2011-12 when projections indicate that payments will exceed \$9,835,826. This figure is the

Joint Standing Committee on Agriculture, Conservation and Forestry

Revenue Forecasting Committee's December 2010 recommendation for transfer from the General Fund to the Maine Milk Pool in fiscal year 2011-12. This resolve directs the administrator to reduce payments by the same percentage for each tier for the months from October 2011 to June 2012. It provides for progressively greater reductions between tiers for payments distributed in July, August and September.

LD 394 Resolve, Directing the Conveyance of Conservation Land in Rockport RESOLVE 9

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

LD 394 allows the conveyance by Coastal Mountains Land Trust by quitclaim deed of portions of the Brown tract in the Ragged Mountain Preserve in the Town of Rockport in exchange for receipt by Coastal Mountains Land Trust by quitclaim deed of a parcel of land located in the center of the Ragged Mountain Preserve.

Enacted Law Summary

Resolve 2011, chapter 9 allows the conveyance by Coastal Mountains Land Trust by quitclaim deed of portions of the Brown tract in the Ragged Mountain Preserve in the Town of Rockport in exchange for receipt by Coastal Mountains Land Trust by quitclaim deed of a parcel of land located in the center of the Ragged Mountain Preserve.

LD 408 Resolve, To Study the Sustainability of the Harness Racing Industry DIED BETWEEN HOUSES

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

LD 408 establishes the Commission To Study the Sustainability of the Harness Racing Industry with members from the Legislature and harness racing interests to study the distribution of the traditional harness racing handle and its impact on the financial viability of all aspects of the harness racing industry. This resolve was not referred to a legislative committee.

This bill was voted by the House and Senate without reference to a Committee.

LD 467 An Act To Simplify Dog Licensure By Establishing a 3-year License ONTP

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

LD 467 provides an option for an owner or keeper of a dog to obtain a 3-year license if the dog has received a 3-year rabies vaccine. The bill also establishes a 3-year license fee of \$33 for dogs capable of producing young and \$18 for dogs incapable of producing young.

Joint Standing Committee on Agriculture, Conservation and Forestry

**LD 491 An Act To Require All Kennels Engaged in Breeding To Be Licensed
and Inspected by the State**

**LEAVE TO
WITHDRAW**

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

LD 491 amends the definitions of "breeding kennel" and "kennel" in the animal welfare laws. It requires a person keeping 5 or more dogs, wolf hybrids or cats that are capable of breeding to obtain a license as a breeding kennel from the Department of Agriculture, Food and Rural Resources. It clarifies that a person maintaining a licensed breeding kennel is not required to obtain a municipal kennel license and is not subject to inspection by an animal control officer. It requires a person with a municipal kennel license to obtain a vendor's license to sell more than one dog or cat per year.

**LD 514 An Act Regarding Conveyance of Easements across Railroad
Rights-of-way**

PUBLIC 278

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-183

LD 514 allows the Department of Conservation, Bureau of Parks and Lands and the Land For Maine's Future Board to sell or convey easements across rail trails without legislative approval.

Committee Amendment "A" (S-183)

This amendment revises the proposed authority of the Director of the Bureau of Parks and Lands within the Department of Conservation to convey a right of access by easement across a rail trail.

Enacted Law Summary

Public Law 2011, chapter 278 requires the director to notify interested parties at least 30 days prior to conveying a right of access across railroad rights-of-way by easement. The definition of interested parties includes Legislators. Chapter 278 provides an opportunity for a Legislator to object to a proposed conveyance and necessitates review by the legislative committee of jurisdiction if an objection is received.

Chapter 278 requires an access easement to contain terms ensuring the safety, maintenance and continuity of the rail trail and protection of the public investment and specifies that a negotiated exchange of value may include improvements to the rail trail and that proceeds from the sale of a right of access by easement must be deposited into the Maine State Parks and Recreational Facilities Development Fund.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 548 An Act To Provide Regular Funding for the Land for Maine's Future Fund ONTP

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

LD 548 is a concept draft pursuant to Joint Rule 208. It proposes to establish a mechanism for regular funding from additional sources for the Land for Maine's Future Fund.

LD 591 An Act To Prohibit the Use of Pesticides in Certain Circumstances LEAVE TO WITHDRAW

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCFADDEN ALFOND	LV/WD	

LD 591 prohibits the application of pesticides using aircraft. It prohibits use of pesticides for aesthetic purposes, for removing vegetation in parks and for removing roadside vegetation when the vegetation can be controlled by other means. It directs the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to revise its rules as necessary to be consistent with this Act and designates such rules as routine technical. It directs the board to examine the feasibility of prohibiting synthetic chemical pesticides when less toxic, naturally occurring pesticides provide a better alternative.

LD 599 An Act To Move the Land for Maine's Future Board to the Department of Conservation ONTP

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

LD 599 is a concept draft pursuant to Joint Rule 208. It proposes to place the Land for Maine's Future Board in the Department of Conservation.

A related bill, LD 1120 "An Act to Move the Land for Maine's Future Program to the Department of Agriculture, Food and Rural Resources," has been carried over to the Second Regular Session of the 125th Legislature.

Joint Standing Committee on Agriculture, Conservation and Forestry

**LD 628 Resolve, To Stagger the Terms of Members of the Maine Arborist
Advisory Council**

RESOLVE 16

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAY SHERMAN	OTP-AM	H-27

LD 628 staggers the terms of the members of the Maine Arborist Advisory Council to ensure that there will always be some experienced members continuing to serve on the council.

Committee Amendment "A" (H-27)

This amendment clarifies that the terms of members of the Maine Arborist Advisory Council due to expire in 2012 are being extended.

Enacted Law Summary

Resolve 2011, chapter 16 staggers the terms of the members of the Maine Arborist Advisory Council to ensure that there will always be some experienced members continuing to serve on the council. It extends the terms of members of the council due to expire in 2012 to provide for staggered terms.

LD 629 An Act Pertaining to the Laws Governing Pull Events

PUBLIC 73

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAY SHERMAN	OTP-AM	H-100

LD 629 authorizes the Commissioner of Agriculture, Food and Rural Resources to designate an employee of the department to serve as secretary of the Pull Events Commission. Current law designates the agricultural fair coordinator from the Department of Agriculture, Food and Rural Resources to serve as secretary of the Pull Events Commission.

Committee Amendment "A" (H-100)

This amendment allows the Commissioner of Agriculture, Food and Rural Resources to designate any person to serve as secretary for the Pull Events Commission instead restricting the designation to an employee of the Department of Agriculture, Food and Rural Resources. It also allows the commissioner to establish and impose a range of penalties for the use of prohibited substances in pulling events. Fines and prohibitions on competing are to be established through rulemaking with a maximum fine set in law.

Enacted Law Summary

Public Law 2011, chapter 73 allows the Commissioner of Agriculture, Food and Rural Resources to designate any person to serve as secretary for the Pull Events Commission. It allows the commissioner to establish and impose a range of penalties for the use of prohibited substances in pulling events. Fines and prohibitions on competing are to be established through rulemaking with a maximum fine of \$1,000 in statute.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 652 An Act To Protect Animal Cruelty Investigations

PUBLIC 210

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAY SHERMAN	OTP-AM	H-260

LD 652 amends the animal welfare laws to provide greater protection for victims of dangerous dogs. It also adds reports and records of the Department of Agriculture, Food and Rural Resources pertaining to animal cruelty to the list of reports and records that contain intelligence and investigative information that are confidential.

Committee Amendment "A" (H-260)

This amendment removes the sections of the bill pertaining to dangerous dogs.

Enacted Law Summary

Public Law 2011, chapter 210 adds reports and records of the Department of Agriculture, Food and Rural Resources pertaining to animal cruelty to the list of reports and records that contain intelligence and investigative information that are confidential. For changes to the dangerous dog laws, see the bill summary for LD 755.

LD 676 An Act To Enact Requirements Concerning Veterinary Prescriptions

ONTP

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

LD 676 requires that prior to selling prescription medication to animal owners, a veterinarian must first inform the owner both orally and in writing of the option to obtain prescription items from a pharmacy of the owner's choice. The bill also requires that, whether or not requested by the animal owner and without imposing a fee, the veterinarian must provide a written prescription to the owner that the owner may elect to have the veterinarian dispense or to have filled at a pharmacy. The bill makes violations subject to the provisions of the Maine Unfair Trade Practices Act.

LD 696 An Act To Amend the Agricultural Working Dog Laws

ONTP

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

LD 696 restricts the exemption from barking dog ordinances for agricultural working dogs to dogs engaged in agricultural guarding or herding activities on land that is classified as farmland under the State's current use taxation program for farmland and land that is not classified as farmland but meets other criteria relating to size, use and location.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 718 An Act Regarding the Milk Handling Fee

PUBLIC 125

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT SHERMAN	OTP-AM	H-162

LD 718 allows only one milk handling fee to be assessed on any particular container of packaged milk and imposes a handling fee on 20-quart containers of packaged milk, which formerly were exempt from handling fees. If more than one wholesale handler handles a particular container of packaged milk in this State, for purposes of collection of the fee, the handler is the wholesale handler that first handles the milk. This bill provides credits to milk handlers or their designees for any fee paid pursuant to the law governing milk handling fees with respect to any packaged milk that is sold or shipped outside this State.

Committee Amendment "A" (H-162)

This amendment specifies that a credit or a refund may be claimed. It clarifies that the refund or credit may be claimed when the milk handling fee is paid on packaged milk that is subsequently exported for out-of-state sale. It specifies that claims for credits or refunds authorized under the Maine Revised Statutes, Title 36, section 4903 apply to sales occurring on or after October 1, 2011.

Enacted Law Summary

Public Law 2011, chapter 125 extends the handling fee to 20-quart containers of packaged milk. It clarifies that the handling fee is collected from the wholesale handler that first handles the packaged milk. It provides for the distribution of credits or refunds to milk handlers or their designees for any fee paid on packaged milk that is sold or shipped outside this State.

LD 738 An Act To Require Disclosure of the Origin of Certain Products Sold at Farm Stands

**MAJ (ONTP)
REPORT**

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

LD 738 defines "farm stand" and requires that any product that was not grown by the person operating the farm stand must be labeled to identify the product's origin.

LD 755 An Act To Strengthen the Laws Regarding Dangerous Dogs

PUBLIC 82

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOSSEL RECTOR	OTP-AM	H-101

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 755 directs the court to specify the length of confinement if confinement is ordered in the case of a dangerous dog and specifies that the court may order permanent confinement in such a case. It also allows the court to order the dog to be securely muzzled, restricted by a tether not more than 3 feet in length with a minimum tensile strength of 300 pounds and under the direct control of the dog's owner or keeper whenever the dog is not in an enclosed area.

Committee Amendment "A" (H-101)

This amendment authorizes the court to order euthanasia if there has been a previous finding that the dog is a dangerous dog. It allows a court to order a dangerous dog to be securely muzzled and restricted by a tether whenever the dog is off the owner's or keeper's premises as an alternative to being kept in a secure enclosure or euthanized.

Enacted Law Summary

Public Law 2011, chapter 82 authorizes the court to order euthanasia if there has been a previous finding that a dog is a dangerous dog. It allows a court to order a dangerous dog to be securely muzzled and restricted by a tether whenever the dog is off the owner's or keeper's premises as an alternative to being kept in a secure enclosure or euthanized. It allows the court to specify the length of confinement in the case of a dangerous dog and specifies that the court may order permanent confinement.

LD 779 An Act To Implement Standards Concerning Animal Welfare and ONTP
Research Institutions

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

LD 779 enacts definitions for "pain" and "distress." It requires a research or teaching institution to adhere to standards to ensure that animals are not subject to severe and unrelieved pain or distress. It increases the fine that might be assessed for violation of the standards.

LD 819 Resolve, To Improve the Predictability of Land Use Regulation in the INDEF PP
Unorganized Territories

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

LD 819 directs the Maine Land Use Regulation Commission to take certain actions regarding land use. It directs the commission to begin prospective zoning for a region within its jurisdiction. It requires the commission to seek input from stakeholders prior to implementing the 2010 revisions to the comprehensive land use plan. It requires the commission to develop a permit-by-rule process for routine and minor activities within the jurisdiction. The commission is required to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 15, 2012 with progress made on each directive.

See LD 1534 for a summary of related legislation that was enacted.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 837 Resolve, To Enhance the Use of Integrated Pest Management on School Grounds

RESOLVE 59

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NELSON ALFOND	OTP-AM MAJ OTP-AM MIN	H-213

LD 837 requires that the use of pesticides on school grounds is restricted to situations that pose a health threat to a student or staff member and when the presence of animals or insects have been identified as a public health nuisance. It requires the Commissioner of Health and Human Services to adopt rules to provide similar restrictions on the use of pesticides on the grounds of child care facilities and nursery schools.

Committee Amendment "A" (H-213)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It replaces the bill with a resolve directing the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to develop and disseminate best management practices for the establishment and maintenance of school lawns, playgrounds and athletic fields.

Committee Amendment "B" (H-214)

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It exempts a family dwelling used as a home school from the restrictions on pesticides use affecting public and other private schools.

The minority amendment was not adopted.

Enacted Law Summary

Resolve 2011, chapter 59 directs the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to develop and disseminate best management practices for the establishment and maintenance of school lawns, playgrounds and athletic fields. It directs the board to assess compliance with regulation of pesticides use in schools and on school grounds and to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than February 1, 2012. It requires a follow-up report to the legislative committee of jurisdiction in 2014.

LD 850 An Act To Improve the Protection of Animals

PUBLIC 288

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	S-243

LD 850 transfers responsibility for issuing dog or cat vendor's licenses to municipalities. It adds enforcement of the vendor's licensing law to the duties of an animal control officer. It increases the fine for failure to obtain a vendor's license or display a vendor's license number in advertising. It specifies the dimensions for the portal to a shelter used for dogs confined outside for long periods. It allows any person to remove an animal from a vehicle if the animal's health is in immediate danger. It establishes requirements to ensure the safety of dogs transported in the back of a pickup or other open vehicle.

Joint Standing Committee on Agriculture, Conservation and Forestry

Committee Amendment "A" (S-243)

This amendment revises the authority to remove an animal from a car when necessary for the animal's health or safety. The bill proposes extending that authority to any person. The amendment extends the authority to firefighters, first responders and licensed security guards. It removes the provisions in the bill pertaining to vendor's licenses, shelter requirements for dogs and securing a dog transported in an open vehicle.

Enacted Law Summary

Public Law 2011, chapter 288 extends the authority to remove an animal from a vehicle if the animal's health is in immediate danger to firefighters, first responders and licensed security guards.

**LD 861 An Act To Extend the Time by Which Certified Plans for a Subdivision INDEF PP
Must Be Filed**

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

LD 861 extends the time by which certified plans for a subdivision within the jurisdiction of the Maine Land Use Regulation Commission must be filed from 30 days to 90 days. This bill was not referred to a policy committee.

This bill was voted by the House and Senate without reference to a committee.

LD 922 Resolve, To Review the Laws Governing Slaughterhouses RESOLVE 66

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE SCHNEIDER	OTP-AM	H-114 H-270 MCCABE

LD 922 directs the Department of Agriculture, Food and Rural Resources to examine the laws and rules governing small slaughterhouses and the process it uses to answer questions posed to it by owners and operators of small slaughterhouses. It directs the department to describe steps to ensure that the answers it provides are in writing and timely, clear, consistent and complete. The department shall report its findings to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than May 1, 2011. The Joint Standing Committee on Agriculture, Conservation and Forestry may submit legislation to the First Regular Session of the 125th Legislature on the subject matter of the department's report.

Committee Amendment "A" (H-114)

This amendment removes the emergency preamble and emergency clause. It also requires a review of laws pertaining to all slaughterhouse rather than to only small slaughterhouses. It extends the time for the required report until January 15, 2012 and authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to submit legislation to the Second Regular Session of the 125th Legislature rather than the First Regular Session of the 125th Legislature.

House Amendment "A" To Committee Amendment "A" (H-270)

Joint Standing Committee on Agriculture, Conservation and Forestry

This amendment removes the requirement in Committee Amendment "A" that the Department of Agriculture, Food and Rural Resources examine the process it uses to answer questions posed to it by owners and operators of slaughterhouses and describe steps it will take to ensure that the answers it provides are in writing and timely, clear, consistent and complete.

Enacted Law Summary

Resolve 2011, chapter 66 directs the Department of Agriculture, Food and Rural Resources to examine the laws and rules governing slaughterhouses with particular emphasis on obstacles that prevent slaughterhouses from processing many different species of animals as efficiently and safely as possible. The department shall report its findings to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 15, 2012. The Joint Standing Committee on Agriculture, Conservation and Forestry may submit legislation to the Second Regular Session of the 125th Legislature on the subject matter of the department's report.

LD 975 An Act To Require Certification of Private Applicators of General Use Pesticides PUBLIC 169

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J SHERMAN	OTP-AM	H-163

LD 975 requires certification of private applicators using general use pesticides in the commercial production of food intended for human consumption beginning April 1, 2012. It directs the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to establish certification requirements by rule no later than January 1, 2012.

Committee Amendment "A" (H-163)

This amendment provides additional direction to the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control with regard to certification requirements and license fees. It delays the certification requirement for private applicators of general use pesticides for food production until April 1, 2015. It specifies that a person certified as a commercial applicator or private applicator of restricted use pesticides is not required to obtain additional certification to apply general use pesticides for food production.

Enacted Law Summary

Public Law 2011, chapter 169 requires the certification for private applicators of general use pesticides for food production beginning in April 1, 2015. A person certified as a commercial applicator or private applicator of restricted use pesticides is not required to obtain additional certification to apply general use pesticides for food production.

LD 1041 An Act To Simplify and Enhance Pest Control Notification ONTP

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

LD 1041 amends the notification process for pesticides applications. The bill specifies that the registry established by the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control is the only mandatory

Joint Standing Committee on Agriculture, Conservation and Forestry

notification system for outdoor applications. It requires all registrants to update or confirm their contact information annually. The bill amends notification requirements that currently apply to applications made using aircraft or air-carrier equipment to provide that the requirements apply to outdoor applications generally. It requires that the board determine the distances between properties and applications within which a land manager is required to notify a person whose property is on the registry of an application based on the type of equipment used to make the application.

See LD 228 for a summary of related legislation that was enacted.

LD 1075 An Act To Prohibit Horse Slaughter for Human Consumption ONTP

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

LD 1075 prohibits the slaughter of horses for human consumption. It bans the possession, sale, purchase, transportation and import into or export out of this State of a horse if the person knows or should know that the horse is meant to be slaughtered for human consumption. It bans the possession, sale, purchase, transportation, import or export of horseflesh if the person knows or should know that the horseflesh is for human consumption.

**LD 1109 Resolve, To Target Job Creation in the Agricultural Sector To Improve Carried Over
the Stability and Economic Strength of Rural Maine**

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

LD 1109 requires the Department of Agriculture, Food and Rural Resources and the Department of Labor to invite the participation of a task force to develop strategies to identify barriers to and create job growth in the agricultural sector.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 1120 An Act To Move the Land for Maine's Future Program to the Carried Over
Department of Agriculture, Food and Rural Resources**

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

LD 1120 transfers responsibility for and resources in support of the Land for Maine's Future Board and Land for Maine's Future Program from the Executive Department, State Planning Office to the Department of Agriculture, Food and Rural Resources.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

Joint Standing Committee on Agriculture, Conservation and Forestry

**LD 1132 Resolve, To Authorize the Exchange of Interest in Certain Lands
Owned by the State**

RESOLVE 72

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNHAM	OTP-AM	S-152 FARNHAM S-55

LD 1132 authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation, for exchange of land or interests in land of comparable market value, to convey access rights by easement to Pingree Associates, Inc., in connection with land in Township 5, Range 2, also known as Lincoln Plantation; Township 4, Range 2, also known as Adamstown Township; Township 4, Range 1, also known as Richardsontown Township; and Township C, all in Oxford County. It also authorizes the director, for exchange of land or interests in land of comparable market value, to convey a parcel of land in Nashville Plantation, in Aroostook County, to Pingree Associates, Inc.

Committee Amendment "A" (S-55)

This amendment removes that section of the resolve that authorized the Director of the Bureau of Parks and Lands within the Department of Conservation to convey a parcel of land in Nashville Plantation. It also clarifies that owners of land managed by Pingree Associates, Inc., are the recipients of the road access rights conveyed in the resolve. It identifies the approximate lengths and names of the roads upon which access rights are conveyed.

Senate Amendment "A" To Committee Amendment "A" (S-152)

This amendment more specifically identifies the easement conveyed along the Richardson Pond Road in Township 4, Range 2.

Enacted Law Summary

Resolve 2011, chapter 72 authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to convey access rights by easement to owners of land managed by Pingree Associates, Inc., in connection with land in Township 5, Range 2, also known as Lincoln Plantation; Township 4, Range 2, also known as Adamstown Township; Township 4, Range 1, also known as Richardsontown Township; and Township C, all in Oxford County.

**LD 1145 Resolve, To Require the Purchase of Maine Wood Fuel by Recipients of
Certain Public Funds**

ONTP

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

LD 1145 requires that any funds awarded under the Department of Conservation, Bureau of Forestry's public building wood-to-energy program be on the condition that the recipient purchase wood fuel from a Maine harvester or manufacturer for use in the wood-to-energy system purchased using the funds. This resolve also requires the Department of Conservation and the Department of Education to work together to promote to prior recipients of funds under the program the purchase of wood fuel from a Maine harvester or manufacturer, as long as the cost of the wood fuel does not exceed by more than 10% the lowest bid received by that recipient for wood fuel.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1169 An Act To Require Timely Reporting of Dog Licensing

**MAJ (ONTP)
REPORT**

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

LD 1169 clarifies that the general penalty imposed for a violation of the dog licensing laws, a maximum fine of \$100, applies to a person who is in possession of a dog that has never been licensed, plus the applicable licensing fee and late fee. This bill also restores the municipal warrant process, which requires municipal officers to compile a list of owners or keepers of dogs that have been previously licensed but have not been licensed as of February 1st annually and further requires a law enforcement officer or animal control officer to serve those warrants on the owners of those dogs.

LD 1184 An Act To Limit Liability of Apiary Owners and Operators

ONTP

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

LD 1184 exempts the owner or operator of an apiary from liability for personal or property damage arising from the operation of that apiary as long as the apiary is licensed and is operated in good faith, in a reasonable manner and in conformance with best management practices, as determined by the Commissioner of Agriculture, Food and Rural Resources.

LD 1249 An Act To Require the Land for Maine's Future Fund To Expend Funds for Deer Wintering Areas

ONTP

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

LD 1249 requires 25% of the Land for Maine's Future Fund to be used for the purchase and maintenance of wintering areas for deer.

LD 1258 An Act To Improve Land Use Planning and Permitting in Unorganized Territories

ONTP

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

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1258 is a concept draft pursuant to Joint Rule 208. It proposes changes to the Maine Land Use Regulation Commission, "LURC." It provides for the appointment of an interim director of LURC to oversee reform of LURC for a term of one or 2 years.

The purpose, scope and duties of LURC would be amended to mirror land use governance in the organized areas of the State and to clearly state that the mission of LURC is to serve residents and property owners within the jurisdiction of LURC, promote local economies and service center communities near the jurisdiction and protect natural resources in the jurisdiction.

Forestry regulation would be assumed by the Maine Forest Service in the Department of Conservation. The Department of Environmental Protection would assume jurisdiction for all large commercial development projects.

Three regional planning and permitting commissions would be established based upon logical geographic and economic boundaries, preferably aligned with economic development districts. Each regional commission would be responsible for a regional comprehensive land use plan, zoning, permitting and compliance matters within its region. Residential subdivisions and small commercial development projects would be reviewed by the regional commissions.

The regional comprehensive land use plans, rules and zoning would require the approval of the joint standing committee of the Legislature having jurisdiction over land use matters or a joint select committee of the Legislature established to oversee regulation of unorganized and deorganized areas, plantations and towns in LURC's jurisdiction and adjacent service center communities.

See LD 1534 for a summary of related legislation that was enacted.

**LD 1309 **Resolve, To Encourage Reciprocity between Maine and New Hampshire
in the Reporting of Rabies Vaccinations by Veterinarians****

RESOLVE 64

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL	OTP-AM	S-141

LD 1309 directs the Commissioner of Agriculture, Food and Rural Resources to enter into a reciprocity agreement with the Commissioner of Agriculture, Markets and Food of New Hampshire to require a veterinarian from one state to send a rabies vaccination certificate to the department of agriculture in the other state if the veterinarian vaccinates against rabies a dog that is owned by a person living in the other state.

Committee Amendment "A" (S-141)

This amendment changes the requirements of the reciprocity agreement as stipulated in the resolve to give more flexibility in developing a reciprocity agreement that provides Maine and New Hampshire with information on dogs residing in their respective states that have been vaccinated by veterinarians in the other state.

Enacted Law Summary

Resolve 2011, chapter 64 directs the Commissioner of Agriculture, Food and Rural Resources to pursue a reciprocity agreement with the New Hampshire Commissioner of Agriculture, Markets and Food that provides each state with information on dogs residing in their respective states that have been vaccinated by veterinarians in the other state.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1444 Resolve, To Enhance Agriculture and Farming

RESOLVE 101

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT	OTP-AM	H-533 S-361 ROSEN R

LD 1444 requires the Department of Conservation to adopt rules to streamline the permitting process for clear-cutting land to be used for agricultural purposes that was previously used for agricultural purposes.

Committee Amendment "A" (H-533)

This amendment replaces the directive to the Department of Conservation with a directive to the Department of Environmental Protection to review statutes and rules that restrict the use of certain lands for agricultural purposes and to report to the Joint Standing Committee on Agriculture, Conservation and Forestry on its findings.

Senate Amendment "A" To Committee Amendment "A" (S-361)

This amendment changes the date by which the Department of Environmental Protection must present its report to the Joint Standing Committee on Agriculture, Conservation and Forestry from January 15, 2012 to January 15, 2013. The amendment also adds an effective date of July 1, 2012. The amendment changes the one-time General Fund appropriation from fiscal year 2011-12 to fiscal year 2012-13.

Enacted Law Summary

Resolve 2011, chapter 101 directs the Department of Environmental Protection to review statutes and rules that affect a person's ability to clear or till land for agriculture. The department is directed to examine setbacks in which the tilling of soil is prohibited and to consider options to allow land formerly used for forage crops and pasture to return to those uses. It requires the department to report its findings and recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry on its findings no later than January 15, 2013. Resolve 2011, chapter 101 has a delayed effective date of July 1, 2012.

LD 1534 Resolve, To Reform the Land Use and Planning Authority in the Unorganized Territory

RESOLVE 113

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIFFORD THOMAS	OTP-AM MAJ OTP-AM MIN	H-561

LD 1534 eliminates the Maine Land Use Regulation Commission, effective July 15, 2012, and establishes the Land Use Planning in the Unorganized Territory Transition Advisory Board to advise the Joint Standing Committee on Agriculture, Conservation and Forestry on matters relating to the transfer of authority over land use planning in the unorganized territory to the counties in which the land is located. The board is required to render its advice to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 2, 2011.

Committee Amendment "A" (H-561)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It replaces the bill. It establishes the Commission on Reform of the Governance of Land Use

Joint Standing Committee on Agriculture, Conservation and Forestry

Planning in the Unorganized Territory. The commission consists of the 13 members, including the Commissioner of Conservation or the commissioner's designee, 4 members appointed by the Governor, 4 members appointed by the President of the Senate and 4 members appointed by the Speaker of the House. It requires the commission to meet with the Joint Standing Committee on Agriculture, Conservation and Forestry no later than October 28, 2011 to provide an update on its progress and a final report no later than January 4, 2012. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to submit a bill to the Second Regular Session of the 125th Legislature.

Enacted Law Summary

Resolve 2011, chapter 113 establishes the Commission on Reform of the Governance of Land Use Planning in the Unorganized Territory. The commission consists of the 13 members, including the Commissioner of Conservation or the commissioner's designee, 4 members appointed by the Governor, 4 members appointed by the President of the Senate and 4 members appointed by the Speaker of the House. The commission is charged with ensuring uniform standards across the unorganized territory for forest management and timber harvesting activities, wildlife habitat protection, and regulation under the Natural Resources Protection Act. The commission is directed to make recommendations on the role of state agencies and county government and opportunities for increased self-determination in land use planning in the unorganized territory.

It requires the commission to meet with the Joint Standing Committee on Agriculture, Conservation and Forestry no later than October 28, 2011 to provide an update on its progress and a final report no later than January 4, 2012. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to submit a bill to the Second Regular Session of the 125th Legislature.

LD 1568 An Act To Ensure Fair Business Competition in Agriculture

ONTP

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

LD 1568 prohibits a publicly funded nonprofit organization that receives at least 20% of its budget from federal or state funding, not including an educational institution, from engaging in an agricultural business, on a regular basis, that directly competes with a business that is not a publicly funded nonprofit organization.

Joint Standing Committee on Agriculture, Conservation and Forestry

SUBJECT INDEX

Agriculture

Enacted

LD 41	An Act To Amend the Laws Governing the Maine Potato Board	PUBLIC 7 EMERGENCY
LD 109	Resolve, To Study the Promotion and Expansion of the Maine Maple Sugar Industry	RESOLVE 48 EMERGENCY
LD 628	Resolve, To Stagger the Terms of Members of the Maine Arborist Advisory Council	RESOLVE 16
LD 629	An Act Pertaining to the Laws Governing Pull Events	PUBLIC 73
LD 1444	Resolve, To Enhance Agriculture and Farming	RESOLVE 101

Not Enacted

LD 1184	An Act To Limit Liability of Apiary Owners and Operators	ONTP
LD 1568	An Act To Ensure Fair Business Competition in Agriculture	ONTP

Agriculture-Policies

Enacted

LD 190	Resolve, Regarding Legislative Review of Chapter 2-C: Voluntary Municipal Farm Support Program, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources	RESOLVE 7 EMERGENCY
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Not Enacted

LD 1109	Resolve, To Target Job Creation in the Agricultural Sector To Improve the Stability and Economic Strength of Rural Maine	Carried Over
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Animal Control, Health and Welfare

Enacted

LD 11	An Act To Regulate the Keeping of Wolf Hybrids	PUBLIC 100 EMERGENCY
LD 89	An Act Regarding Repeated Animal Trespass	PUBLIC 18 EMERGENCY

LD 320	An Act To Amend Shelter Provisions To Accommodate Rotational Grazing of Livestock	PUBLIC 76
LD 652	An Act To Protect Animal Cruelty Investigations	PUBLIC 210
LD 755	An Act To Strengthen the Laws Regarding Dangerous Dogs	PUBLIC 82
LD 850	An Act To Improve the Protection of Animals	PUBLIC 288
LD 1309	Resolve, To Encourage Reciprocity between Maine and New Hampshire in the Reporting of Rabies Vaccinations by Veterinarians	RESOLVE 64
<u>Not Enacted</u>		
LD 467	An Act To Simplify Dog Licensure By Establishing a 3-year License	ONTP
LD 491	An Act To Require All Kennels Engaged in Breeding To Be Licensed and Inspected by the State	LEAVE TO WITHDRAW
LD 676	An Act To Enact Requirements Concerning Veterinary Prescriptions	ONTP
LD 696	An Act To Amend the Agricultural Working Dog Laws	ONTP
LD 779	An Act To Implement Standards Concerning Animal Welfare and Research Institutions	ONTP
LD 1169	An Act To Require Timely Reporting of Dog Licensing	MAJ (ONTP) REPORT

Dairy and Livestock

Enacted

LD 718	An Act Regarding the Milk Handling Fee	PUBLIC 125
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Not Enacted

LD 382	Resolve, Authorizing Adjustments to Payments under the Dairy Stabilization Program	ONTP
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Department of Agriculture - Regulation

Enacted

LD 182	Resolve, Directing the Department of Agriculture, Food and Rural Resources To Develop Criteria for Identifying Invasive Terrestrial Plants	RESOLVE 65
LD 922	Resolve, To Review the Laws Governing Slaughterhouses	RESOLVE 66

Not Enacted

LD 155	Resolve, To Require the Department of Agriculture, Food and Rural Resources To Develop Rules for the Moisture Content of Commercial Firewood	ONTP
LD 330	An Act To Exempt Farm Food Products and Homemade Food Offered for Sale or for Consumption at Certain Events from Certain Licensing Requirements	ONTP
LD 363	An Act To Facilitate Local Food Production	INDEF PP
LD 366	An Act Regarding the Sale of Raw Milk	MAJ (ONTP) REPORT
LD 738	An Act To Require Disclosure of the Origin of Certain Products Sold at Farm Stands	MAJ (ONTP) REPORT
LD 1075	An Act To Prohibit Horse Slaughter for Human Consumption	ONTP

Department of Conservation - Bureau of Parks and Lands

Not Enacted

LD 242	An Act To Prevent the Spread of Milfoil in the Songo River	DIED BETWEEN HOUSES
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Department of Conservation - Maine Forest Service

Not Enacted

LD 1145	Resolve, To Require the Purchase of Maine Wood Fuel by Recipients of Certain Public Funds	ONTP
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Harness Racing

Enacted

LD 67	An Act Relating to Standardbred Horse Breeding	PUBLIC 16 EMERGENCY
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Not Enacted

LD 408	Resolve, To Study the Sustainability of the Harness Racing Industry	DIED BETWEEN HOUSES
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Land Preservation and Public Access

Enacted

LD 92	Resolve, To Dedicate the Haystack Mountain Summit Trail to the Memory of Dustin J. Libby	RESOLVE 18
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Not Enacted

LD 55	An Act To Restore Hunting Rights in the Katahdin Lake Region	ONTP
LD 99	An Act To Allow the Use of Public Funds for the Repair and Maintenance of Private Roads and Bridges and To Ensure Public Access to the Seboomook Lake Region	ONTP
LD 362	Resolve, Directing the Department of Conservation To Acquire an Easement To Provide Access to the Dead River	Carried Over
LD 548	An Act To Provide Regular Funding for the Land for Maine's Future Fund	ONTP
LD 599	An Act To Move the Land for Maine's Future Board to the Department of Conservation	ONTP
LD 1120	An Act To Move the Land for Maine's Future Program to the Department of Agriculture, Food and Rural Resources	Carried Over
LD 1249	An Act To Require the Land for Maine's Future Fund To Expend Funds for Deer Wintering Areas	ONTP

Land transactions

Enacted

LD 394	Resolve, Directing the Conveyance of Conservation Land in Rockport	RESOLVE 9
LD 514	An Act Regarding Conveyance of Easements across Railroad Rights-of-way	PUBLIC 278
LD 1132	Resolve, To Authorize the Exchange of Interest in Certain Lands Owned by the State	RESOLVE 72

Not Enacted

LD 215	An Act To Authorize the Leasing of Rail Crossings	ONTP
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Maine Land Use Regulation Commission

Enacted

LD 1534	Resolve, To Reform the Land Use and Planning Authority in the Unorganized Territory	RESOLVE 113
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Not Enacted

LD 17	An Act To Reform the Land Use and Planning Authority within the Unorganized Territories of the State	ONTP
LD 819	Resolve, To Improve the Predictability of Land Use Regulation in the Unorganized Territories	INDEF PP
LD 861	An Act To Extend the Time by Which Certified Plans for a Subdivision Must Be Filed	INDEF PP

LD 1258 **An Act To Improve Land Use Planning and Permitting in
Unorganized Territories** **ONTP**

Pesticides

Enacted

LD 228 **An Act To Revise Notification Requirements for Pesticide
Application** **PUBLIC 332**

LD 321 **An Act To Change the Qualifications of Certain Members of the
Board of Pesticides Control** **PUBLIC 119**

LD 837 **Resolve, To Enhance the Use of Integrated Pest Management on
School Grounds** **RESOLVE 59**

LD 975 **An Act To Require Certification of Private Applicators of
General Use Pesticides** **PUBLIC 169**

Not Enacted

LD 16 **An Act To Revise Notification Requirements for Pesticides
Applications Using Aircraft or Air-carrier Equipment** **ONTP**

LD 591 **An Act To Prohibit the Use of Pesticides in Certain
Circumstances** **LEAVE TO
WITHDRAW**

LD 1041 **An Act To Simplify and Enhance Pest Control Notification** **ONTP**

STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON APPROPRIATIONS AND
FINANCIAL AFFAIRS**

July 2011

MEMBERS:

SEN. RICHARD W. ROSEN, CHAIR
SEN. ROGER J. KATZ
SEN. DAWN HILL

REP. PATRICK S. A. FLOOD, CHAIR
REP. TOM J. WINSOR
REP. KATHLEEN D. CHASE
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REP. KENNETH WADE FREDETTE
REP. DENNIS L. KESCHL
REP. MARGARET R. ROTUNDO
REP. JOHN L. MARTIN
REP. DAVID C. WEBSTER
REP. SARA R. STEVENS

STAFF:

MAUREEN DAWSON, PRINCIPAL ANALYST
OFFICE OF FISCAL AND PROGRAM REVIEW
5 STATE HOUSE STATION
AUGUSTA, ME 04333
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Joint Standing Committee on Appropriations and Financial Affairs

LD 63 An Act To Authorize a General Fund Bond Issue To Repair the Carried Over
Mountain Division Rail Line

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

The funds provided by this bond issue, in the amount of \$21,000,000, will be used to repair the Mountain Division rail line between Portland and Fryeburg.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 100 An Act To Make Supplemental Appropriations and Allocations for the PUBLIC 1
Expenditures of State Government and To Change Certain Provisions EMERGENCY
of the Law Necessary to the Proper Operations of State Government for
the Fiscal Year Ending June 30, 2011

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD ROSEN R	OTP-AM	H-2

LD 100 is the Governor's proposed fiscal year 2010-11 Emergency Supplemental Budget.

Committee Amendment "A" (H-2)

Committee Amendment "A" (H-2) is the unanimous report of the Committee in response to the Governor's proposed bill.

Enacted Law Summary

Public Law 2011, chapter 1 results in a net cost to the General Fund of \$118,116,848 and a net cost to the Fund for a Healthy Maine of \$1,380,582.

PART A makes supplemental appropriations and allocations of funds for fiscal year 2010-11.

PART B makes supplemental appropriations and allocations of funds for approved reclassifications and range changes.

PART C aligns budget appropriation categories with the services being provided to the early childhood population by the Child Development Services System and services being provided by local schools and makes adjustments to the funding of K-12 education.

PART D relates to the administration of certain school administrative units and renames a program within the Department of Education.

PART E relates to the debt service limit for school construction projects.

Joint Standing Committee on Appropriations and Financial Affairs

PART F renames a program in the Department of Agriculture.

PART G provides for a one-day borrowing in fiscal year 2010-11 from Other Special Revenue Funds to the Fund for a Healthy Maine.

PART H transfers unexpended funds from the Division of Forest Protection, Other Special Revenue Funds account within the Department of Conservation to the unappropriated surplus of the General Fund.

PART I lapses unexpended funds in the Department of Environmental Protection, Land and Water Quality program General Fund carrying account to the General Fund unappropriated surplus.

PART J reduces the amount of unexpended funds to be transferred from the Maine Solid Waste Management Fund, Other Special Revenue Funds to the General Fund unappropriated surplus at the close of fiscal year 2010-11 and transfers funds from the Ground Water Oil Clean-up Fund, Other Special Revenue Funds account to the General Fund.

PART K requires the Commissioner of Education to conduct a comprehensive review of the Child Development Services System and to report the results to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Education and Cultural Affairs.

PART L transfers unexpended funds from the Fund for the Efficient Delivery of Local and Regional Services - Administration, Other Special Revenue Funds account to the unappropriated surplus of the General Fund and authorizes the transfer of Personal Services appropriations between General Fund accounts to cover separation and other personnel-related costs that may occur following the election of the Governor.

PART M clarifies that a specified amount of the General Fund unappropriated surplus must be transferred to the Maine Budget Stabilization Fund in fiscal year 2010-11 and increases the amount to be transferred from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund on June 30, 2011.

PART N increases the revenue-sharing transfer to General Fund undedicated revenue for fiscal year 2010-11 and requires the revenue increase to General Fund undedicated revenue to be proportional based on the number of months remaining in fiscal year 2010-11.

PART O authorizes any balance remaining in the Traumatic Brain Injury Seed program, General Fund account within the Department of Health and Human Services to be carried forward at the end of any fiscal year.

PART P updates references to the United States Internal Revenue Code contained in the Maine Revised Statutes, Title 36. This primarily affects the State's income tax laws.

PART Q requires the State Controller to transfer a specified amount of unexpended Personal Services savings that would otherwise lapse to the Salary Plan program to General Fund unappropriated surplus at the close of fiscal year 2010-11 and allows the State Controller to transfer funding from the Salary Plan program to General Fund unappropriated surplus in the event that the specified amount of Personal Services savings is not achieved.

PART R requires the Department of Administrative and Financial Services, Bureau of the Budget to review vacant positions and submit a report to the Joint Standing Committee on Appropriations and Financial Affairs with recommendations on eliminating vacant positions.

PART S exempts the Department of Health and Human Services, Disproportionate Share - Riverview

Joint Standing Committee on Appropriations and Financial Affairs

Psychiatric Center and the Disproportionate Share - Dorothea Dix Psychiatric Center accounts and the Department of Education, Education in the Unorganized Territory account from the provision of the Maine Revised Statutes that lapses unexpended General Fund Personal Services appropriations to the Salary Plan program, General Fund account at the close of each fiscal year.

PART T directs an applicant who intends to submit an application for a license to operate a casino in Oxford County to the Department of Public Safety, Gambling Control Board on or before December 1, 2011 to submit up to a specified amount of the fees to cover the projected costs of considering the application no later than May 1, 2011.

PART U transfers balances from several Other Special Revenue Funds accounts within the Department of Health and Human Services to General Fund unappropriated surplus.

PART V lapses unexpended funds in several Department of Health and Human Services General Fund carrying accounts to the General Fund unappropriated surplus.

PART W provides that for a transfer \$400,000 from the Division of Forest Protection, General Fund account in the Department of Conservation to the General Fund unappropriated surplus if the balance of the former account exceeds a specified amount on June 1, 2011. If the balance does not exceed the specified amount the Department of Conservation is authorized to sell a Jet Ranger helicopter and transfer \$400,000 from the proceeds to the General Fund unappropriated surplus.

PART X requires that a specified General Fund appropriation be provided for the Doctors for Maine's Future Scholarship Fund program no later than June 30, 2013.

PART Y lapses a portion of unencumbered balance forward of the Department of Labor, Governor's Training Initiative Program, General Fund account to the General Fund.

PART Z lapses a specified amount in the Department of Education, Management Information Systems General Fund carrying account to the General Fund unappropriated surplus.

PART AA eliminates the requirement that the Governor appoint the Commissioner of Professional and Financial Regulation from among the Superintendent of Financial Institutions, the Superintendent of Consumer Credit Protection, the Superintendent of Insurance and the Director of the Office of Licensing and Registration and gives statutory authority to the State Board of Nursing to accept federal funds on behalf of the State for the board's programs.

PART BB increases the period for providing certain information required by the Department of Administrative and Financial Services, Bureau of Revenue Services and for requesting a hearing before a creditor agency.

PART CC increases the period allowed for filing an amended Maine income tax return, a service provider tax return or estate tax return under certain circumstances and clarifies what triggers a requirement to file an amended Maine income tax return.

PART DD extends the period during which certain tax refunds may be requested.

PART EE reduces the period during which the State may not pay interest on certain overpayments of tax that are refunded to the taxpayer.

PART FF clarifies the original intent of Public Law 2009, chapter 571 related to the state share of health

Joint Standing Committee on Appropriations and Financial Affairs

insurance premiums for certain employees.

PART GG authorizes the administrator of the Maine Milk Pool to distribute a specified amount under the dairy stabilization program between March 1, 2011 and June 30, 2011.

PART HH transfers unexpended funds from the Board of Pesticides Control, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund.

PART II requires the Finance Authority of Maine to make a one-time payment of a portion of the interest earned in the Agricultural Marketing Loan Fund to the State as undedicated General Fund revenue.

PART JJ changes the salary range for the position of Deputy Chief Medical Examiner.

Public Law 2011, chapter 1 was enacted as an emergency measure effective February 8, 2011.

LD 111 An Act To Authorize a General Fund Bond Issue To Fund Large-scale Marketing and Research and Development for Bulk Sales of Maine Seafood Worldwide Carried Over

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

The funds provided by this bond issue, in the amount of \$3,000,000, will be used for large-scale marketing of Maine seafood and for research and development for seafood production and processing to increase bulk sales of Maine seafood worldwide.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 141 An Act To Increase the Retirement Age for New State Employees to 65 Years of Age ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to impose a retirement age of 65 years of age for those employees participating in the Maine Public Employees Retirement System who have not yet vested.

LD 1043, as enacted, contains a similar provision.

Joint Standing Committee on Appropriations and Financial Affairs

LD 181 An Act To Promote Fiscal Transparency in State Government

ONTP

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

This bill requires the Commissioner of Administrative and Financial Services to develop and maintain a single, searchable, publicly accessible website that contains information on state revenues, expenditures and bond proceeds. It requires the Chief Information Officer to assist the commissioner in developing policies and procedures concerning the single website in a manner consistent with state and federal laws, rules and regulations. This bill also provides state employees with immunity from criminal penalties and civil liability for any acts, errors or omissions related to the dissemination of this financial information.

The committee sent a letter to the Commissioner of the Department of Administrative and Financial Services requesting that the provisions of the bill be accomplished administratively within existing resources.

LD 225 An Act To Authorize a General Fund Bond Issue in the Amount of \$50,000,000 To Fund Research and Development

Carried Over

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

The funds provided by this bond issue, in the amount of \$50,000,000, will be used to provide funds for research and development for Maine-based public and private institutions for environmental and renewable energy technology, biomedical technology and biotechnology, aquaculture and marine technology, composite materials technology, advanced technologies for forestry and agriculture, information technology and precision manufacturing technology through a competitive process.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 263 An Act To Authorize a General Fund Bond Issue To Fund Construction of a Marine Technology Incubator Facility at the Gulf of Maine Research Institute

Carried Over

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

The funds provided by this bond issue, in the amount of \$10,000,000, will be used to fund construction of a marine technology incubator facility at the Gulf of Maine Research Institute.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

Joint Standing Committee on Appropriations and Financial Affairs

LD 280 Resolve, Reauthorizing the Balance of the 2005 Maine Biomedical Research Fund and Marine Infrastructure and Technology Fund Bond Issues RESOLVE 73 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM	S-185

This resolve reauthorizes the balance of the 2005 Maine biomedical research and marine infrastructure and technology bond issues.

Committee Amendment "A" (S-185)

This amendment incorporates a fiscal note.

Enacted Law Summary

Resolve 2011, chapter 73 reauthorizes the balance of the 2005 Maine biomedical research and marine infrastructure and technology bond issues.

Resolve 2011, chapter 73 was finally passed as an emergency measure effective June 13, 2011.

LD 298 An Act To Amend the Retirement Benefit Provisions for State Employees Working under Special Plans Who Remain Employed beyond the Minimum Years Necessary To Qualify for Retirement Benefits ONTP

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

Under current law, certain state employees in special retirement plans, such as the Maine State Police, marine resources officers and liquor inspectors, earn an additional 2% of average final compensation for each year those employees work beyond the minimum retirement age. This bill prospectively eliminates, beginning October 1, 2011, that additional 2% of the average final compensation computed each year past a member's minimum retirement age. The bill does not affect the inclusion of the additional 2% of average final compensation computed for each year beyond a member's minimum retirement age that occurs prior to October 1, 2011. The bill also amends language to make it gender-neutral.

LD 336 An Act To Preserve the State's Public Pension Fund LEAVE TO WITHDRAW

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

Joint Standing Committee on Appropriations and Financial Affairs

This bill makes changes to the State's public pension laws to improve the financial condition of the Maine Public Employees Retirement System. For the next 6 years, the bill increases the amount of contributions to the Maine Public Employees Retirement System made by state employees and teachers by 1% of earnable compensation. The bill also reduces for 6 years the cost-of-living adjustments for retirement benefits by 50% for persons with annual pensions greater than \$25,000 but not greater than \$45,000 and suspends for 6 years cost-of-living adjustments for persons with annual pensions greater than \$45,000. Persons with pensions of \$25,000 or less continue to receive cost-of-living adjustments. The bill provides for a review of these changes during the 128th Legislature.

LD 1043, as enacted, contains provisions similar to some sections of this bill.

LD 350 *Resolve, Directing the Maine Public Employees Retirement System To Consider Warden Bayley Grant's Game Warden Service as Having Begun in 1983, without an Interruption in Service* LEAVE TO WITHDRAW

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TILTON RAYE	LV/WD	

This resolve directs the Maine Public Employees Retirement System to calculate Warden Bayley Grant's employment service from the time he was first hired, without any break in service.

LD 359 *An Act To Authorize a General Fund Bond Issue for Wastewater and Drinking Water Revolving Loan Funds* Carried Over

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

The funds provided by this bond issue, in the amount of \$15,500,000, will be used to fund revolving loan funds for drinking water systems and wastewater facilities and to secure federal grants.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 381 *An Act To Establish a New Method of Determining the State Budget* Carried Over

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

This bill shifts the start of the fiscal biennium for the state budget from the first regular session of the Legislature to the second regular session of the Legislature, beginning with the fiscal year that begins on July 1, 2014. It also provides that the state budget beginning on July 1, 2013 is a one-year budget.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

Joint Standing Committee on Appropriations and Financial Affairs

LD 399 An Act To Authorize a General Fund Bond Issue To Fund LifeFlight Carried Over

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

The funds provided by this bond issue, in the amount of \$640,000, will be used by the LifeFlight Foundation to complete a network of automated weather observing stations and for building helipads in rural communities with a history of high use or in remote locations to improve safety and access to emergency medical services.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 409 An Act To Authorize a General Fund Bond Issue for Research and Development for Technology Advancement Carried Over

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

The funds provided by this bond issue, in the amount of \$100,000,000, will be used to provide funds for research, development and commercialization funds for targeted technology sectors, awarded after a competitive process administered by the Department of Economic and Community Development, Maine Technology Institute, and will leverage at least \$100,000,000 in other funds.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 417 An Act To Authorize a General Fund Bond Issue To Improve Rail Lines in Western Maine Carried Over

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

The funds provided by this bond issue, in the amount of \$20,000,000, will be used to improve rail lines in western Maine.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

Joint Standing Committee on Appropriations and Financial Affairs

LD 420 An Act To Authorize a General Fund Bond Issue To Fund Building a Container Port on Sears Island Carried Over

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

The funds provided by this bond issue, in the amount of \$200,000,000, will be used to fund building a privately operated container port on Sears Island.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 470 An Act To Authorize a General Fund Bond Issue To Complete Renovation of a Bulkhead at the Gulf of Maine Research Institute Carried Over

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

The funds provided by this bond issue, in the amount of \$1,000,000, will be used to complete renovation of a bulkhead at the Gulf of Maine Research Institute.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 513 RESOLUTION, Proposing an Amendment to the Constitution of Maine To More Equitably Fund the Liabilities of the Maine Public Employees Retirement System Carried Over

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

This resolution proposes to amend the Constitution of Maine to remove the requirement that experience losses incurred by the Maine Public Employees Retirement System be retired in only 10 years and to change the required amortization schedule of unfunded liabilities from a fixed 31-year schedule to a so-called open or rolling 25-year schedule.

This resolution was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

Joint Standing Committee on Appropriations and Financial Affairs

LD 542 An Act To Ensure Retirement Benefits for Members of the Maine Public Employees Retirement System ONTP

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

This bill establishes an option for new employees hired on or after July 1, 2012 to become members of the Judicial Retirement Program or the State Employee and Teacher Retirement Program. Current members may make a one-time, irrevocable election to remain as members. Legislators who are not vested as members in the Legislative Retirement Program and first-time Legislators serving on or after December 5, 2012 may not be members of the Legislative Retirement Program. Vested Legislators serving on or after December 5, 2010 may make a one-time, irrevocable election to remain as members. Those who do not elect to become members of the Maine Public Employees Retirement System are enrolled in the federal social security program.

LD 1043, as enacted, establishes a working group to develop a plan to replace the current defined benefit retirement plan for new state employees and teachers with a supplement to Social Security.

LD 565 An Act To Provide Funding for the World Acadian Congress Carried Over

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

This bill provides funds for the World Acadian Congress in fiscal years 2011-12 and 2012-13 only.

Committee Amendment "A" (S-184)

This amendment strikes the funding for the World Acadian Congress in fiscal year 2011-12.

This bill was removed from the Special Appropriations Table, recommitted to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 741 An Act To Authorize a General Fund Bond Issue To Invest in Water and Sewer Infrastructure To Protect Public Health and To Facilitate the Expansion and Growth of Business Carried Over

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

The funds provided by this bond issue, in the amount of \$30,000,000, will be used to repair and reconstruct water and sewer systems that the Department of Environmental Protection considers in greatest need of attention and the

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greatest threat to the public health and the expansion of business.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 777 An Act To Authorize a General Fund Bond Issue To Expand Necessary Capital Improvements at the University of Maine System That Support the Critical Disciplines of Science, Technology, Engineering and Math To Enhance Economic Development and Employment Opportunities for Maine Citizens Carried Over

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

The funds provided by this bond issue, in the amount of \$40,000,000, will be used to expand necessary capital improvements in the critical disciplines of science, technology, engineering and mathematics at the University of Maine System.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 807 An Act To Repeal the Bonding Authority of the Maine Governmental Facilities Authority Carried Over

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

This bill removes the Maine Governmental Facilities Authority's ability to issue bonds or negotiable securities beginning October 1, 2011.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 829 An Act To Authorize a General Fund Bond Issue To Invest in Transportation, Broadband Infrastructure, Downtown Revitalization, Land for Maine's Future and Training Facilities in Labor Market Areas with Higher than Average Unemployment for Tourism-related Training Carried Over

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

The funds provided by this bond issue, in the amount of \$100,000,000, will be used to provide funds over 5 years for the State's transportation biennial capital work plan, the Communities for Maine's Future Program, the ConnectME Authority, the Land for Maine's Future Board, the University of Maine System and the Maine Community College

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System for tourism-related training, targeted to particular projects in labor markets that have an unemployment rate higher than the statewide average.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 830 An Act To Provide for the 2011 and 2012 Allocations of the State P & S 18
Ceiling on Private Activity Bonds

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHASE COLLINS	OTP-AM	H-665

This bill establishes a debt limit for most general obligation bonds and Maine Governmental Facilities Authority bonds originally issued for a term of in excess of 5 years at 5% of the General Fund revenues for the previous fiscal year.

Committee Amendment "A" (H-665)

This amendment replaces the bill and establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2011 and 2012 and allocates the state ceiling among the state-level issuers of tax-exempt bonds. Under federal law, a maximum of \$277,820,000 in tax-exempt bonds benefiting private individuals or entities may be issued in this State in 2011 and at least \$277,820,000 in tax-exempt bonds benefiting private individuals or entities may be issued in this State in 2012.

Enacted Law Summary

Private and Special Law 2011, chapter 18 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2011 and 2012 and allocates the state ceiling among the state-level issuers of tax-exempt bonds.

LD 842 An Act To Authorize a General Fund Bond Issue To Support Research Carried Over
and Sustainable Development of Maine's Natural Resources

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

The major portion of the funds provided by this bond issue, in the amount \$45,000,000, are to fund research, development and commercialization of innovative technology that relies on the sustainable use of Maine's natural resources such as forest and agricultural products and tidal and wind energy. The remaining \$5,000,000 support sustainable local economic development projects that enhance the economic benefits of increased reliance on local foods and recycling of consumer products. The funds must be administered by the Maine Technology Institute and competitively awarded.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

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LD 851 An Act To Authorize a General Fund Bond Issue To Invest in Railroads Carried Over
To Reduce the Cost of Shipping to Maine Businesses, Attract Tourists to
Maine and Facilitate the Development of Commuter Rail
Transportation To Reduce the Use of Oil in Maine

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

The funds provided by this bond issue, in the amount of \$25,000,000, will be used to provide funds for railroad reconstruction and expansion that the business sector considers vital to the shipment of goods and the ability of the business community to compete. It requires that the Department of Transportation consult with the business and economic development sector to develop a list of priorities in regard to railroad construction and reconstruction projects focusing on projects important to tourism and projects with greatest visibility for increased commuter and passenger rail service and taking into consideration the extent that proposed projects reduce the consumption of oil.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 852 An Act To Authorize a General Fund Bond Issue To Support Maine's Carried Over
Natural Resource-based Economy

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

The funds provided in this bond issue are to recapitalize the Land for Maine's Future program with \$36,000,000 to continue Maine's land conservation efforts, leveraging a minimum of \$36,000,000 in required matching funds. It provides \$12,000,000 for natural resource industry based infrastructure improvements and enhancements related to natural resource industry and to provide capital for state park maintenance and improvements. It also gives land conservation projects that protect and enhance deer wintering habitat preference and directs the Department of Inland Fisheries and Wildlife and the Department of Conservation to pursue projects that protect and conserve deer wintering habitat.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 853 RESOLUTION, Proposing an Amendment to the Constitution of Maine ONTP
To Establish the Maine State Endowment Trust

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

This resolution proposes to amend the Constitution of Maine to establish the Maine State Endowment Trust for the purpose of providing funds to support the public mission of State Government.

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LD 874 An Act To Authorize a General Fund Bond Issue for Educational Opportunities for Underserved Regions of the State Carried Over

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

The funds provided by this bond issue, in the amount of \$27,100,000, will be used to improve equipment and facilities at the University of Maine System and the Maine Community College System to better serve the underserved regions of the State.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 894 An Act To Authorize a General Fund Bond Issue To Invest in Highway and Bridge Infrastructure To Meet the Needs of the Business Sector and To Create Jobs Carried Over

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

The funds provided by this bond issue, in the amount of \$62,000,000, will be used to repair and reconstruct highways and bridges that are considered vital to the expansion of business interests by the business and economic development sector and essential to public safety. It requires that the Department of Transportation consult with the business and economic development sector to determine projects of highest priority to the business and economic development sector and establish a stakeholder group, if the bond passes, consisting of municipal officials, highway safety officials and members of the general public to develop a list of highway and bridge projects by level of priority relating to the safety of the general public.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 919 An Act To Authorize a General Fund Bond Issue To Weatherize and Upgrade the Energy Efficiency of Maine Homes and Businesses and To Provide for a Trained Workforce for Maine's Energy Future Carried Over

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

The funds provided by this bond issue, in the amount of \$55,000,000, will be used to support weatherization and other energy efficiency improvements for Maine homes, businesses and public buildings to save money, reduce dependence on increasingly scarce heating fuels, support health and comfort and protect the environment. Funds are also provided to expand the workforce for weatherization and energy efficiency services and other parts of a new green economy.

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This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 948 An Act To Authorize a General Fund Bond Issue To Create Jobs Carried Over
through Energy Efficiency

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

The funds provided by this bond issue, in the amount of \$25,000,000, will be for grants to make buildings throughout the State more energy efficient. Grant recipients must commit to using the money saved through increased energy efficiency to hire workers or for other workforce development.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 979 An Act To Authorize a General Fund Bond Issue To Create an Animal Carried Over
and Plant Diagnostic Facility at the University of Maine

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

The funds provided by this bond issue, in the amount of \$7,200,000, will be used to build an animal and plant diagnostic laboratory to enable animal and plant population health monitoring for exotic and zoonotic diseases as well as the study of animal and plant pathogens and containment of arthropods in a highly secure setting.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 990 An Act To Authorize a General Fund Bond Issue in the Amount of Carried Over
\$1,000,000 for Road and Bridge Construction

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

The funds provided by this bond issue, in the amount of \$1,000,000, will be used to repair the road and bridge within the Town of Woodstock.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

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LD 1043 An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2011, June 30, 2012 and June 30, 2013

**PUBLIC 380
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD ROSEN R	OTP-AM	H-620 H-636 FLOOD S-324 ROSEN R

LD 1043 is the Governor's proposed 2012-2013 Biennial Budget Bill.

Committee Amendment "A" (H-620)

Committee Amendment "A" (H-620) is the unanimous report of the Committee in response to the Governor's proposed bill.

House Amendment "A" To Committee Amendment "A" (H-636)

This amendment makes a number of technical changes to Committee Amendment "A."

Senate Amendment "H" To Committee Amendment "A" (S-324)

This amendment makes changes to ensure proper administration and treatment of bonus depreciation and the Maine capital investment credit, and makes other technical corrections.

Enacted Law Summary

PART A makes appropriations and allocations of funds for the 2010-2011 biennium.

PART B makes appropriations and allocations of funds for approved reclassifications and range changes.

PART C relates to the funding of K-12 education.

PART D continues the voluntary employee incentive program during the 2012-2013 biennium and recognizes the resulting savings.

PART E denies merit pay increases to employees within the executive, legislative and judicial branches and provides that employees who are not eligible for a longevity payment on June 30, 2011 may not be granted one during the 2012-2013 biennium.

PART F recognizes an increase in the attrition rate for executive and judicial branch employees.

PART G increases the transfer of revenue from the tax on certain automobile rentals to the STAR Transportation Fund from 50% to 100% beginning in fiscal year 2012-13. (This Part was amended by LD 1480 Pt. J).

PART H authorizes the Department of Administrative and Financial Services to enter into financing

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arrangements for the acquisition of motor vehicles for the Central Fleet Management Division.

PART I continues the reductions to revenue sharing accomplished by fixed dollar amount transfers, designed to achieve a set total budgeted transfer amount back to the General Fund after the calculations of the prior month's income and sale tax collections.

PART J amends certain uniform administrative provisions of Title 36 (Taxation) of the Maine Revised Statutes.

PART K reduces the amount of penalties imposed for failure to file a tax return.

PART L clarifies the authority of the State Tax Assessor to waive certain tax penalties under certain conditions.

PART M provides for an exclusion amount and a progressive rate structure for estates of specified values and provides conformance with federal law with respect to the treatment of Maine qualified terminable interest property. It also clarifies provisions related to the estates of nonresidents.

PART N makes changes to the income tax rate schedules, deductions, exclusions and personal exemptions; eliminates the Maine alternative minimum tax on individuals, and reduces then eliminates the lump-sum retirement plan distribution tax.

PART O repeals the income tax addition modifications related to federal Section 179 business expensing thresholds and provides a bonus depreciation credit on certain property placed in service in Maine. This Part was amended by Senate Amendment "H" to Committee Amendment "A" (S-324).

PART P amends the Circuitbreaker Program to limit the benefit that would otherwise be available for application periods beginning in 2011 and 2012.

PART Q enacts the Maine New Markets Capital Investment Program.

PART R requires the calculation and transfer of General Fund savings in all departments and agencies resulting from the use of procurement cards.

PART S directs the Commissioner of Administrative and Financial Services to begin the process to open competitive bidding for the extension of the privatization of the wholesale liquor business in Maine and requires a specified advance payment before the end of fiscal year 2012-13. It specifies the set up of the remainder of the payments and the purposes for which those payments would be allocated. This Part was amended by House Amendment "A" to Committee Amendment "A" (H-636).

PART T freezes then caps cost-of-living (COLA) increases on retirement benefits; limits the application of COLA payments to a specified amount of retirement benefits; and provides for an ad-hoc payment in lieu of the COLA under specified conditions. It also increases the normal retirement age for specified members of the Maine Public Retirement System.

PART U establishes a working group to develop a plan to replace the current defined benefit retirement plan for new state employees and teachers with a supplement to Social Security.

PART V amends the statutory provisions pertaining to state employee retiree health insurance and caps the total premium costs for fiscal years 2011-12 and 2012-13 for active employees and retirees. It also requires the Executive Director of Employee Health and Benefits to develop a plan to constrain future premium increases. This Part was amended by House Amendment "A" to Committee Amendment "A" (H-636).

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PART W amends the statutory provisions pertaining to retired teacher health insurance. This Part was amended by Senate Amendment "H" to Committee Amendment "A" (S-324).

PART X establishes a new "cascade" transfer to set aside up to \$15,000,000 a year for the payment of non-cumulative cost-of-living adjustments in the 3 years in which they are suspended in Part T.

PART Y creates an irrevocable trust fund for other post-employment benefits for retired teachers and first responders and sets deadlines for the prefunding of the liabilities.

PART Z authorizes the Commissioner of Administrative and Financial Services to implement an employee retirement incentive program and specifies a time period for maintaining resulting vacancies.

PART AA authorizes transfers within the Department of Corrections to pay for food, heating and utility expenses.

PART BB authorizes transfers within the Department of Corrections of All Other and Capital Expenditures funding between accounts within the same fund for departmental overtime expenses.

Part CC clarifies that the Maine Learning Technology Initiative program includes grades 9-12, provides for a competitive bidding process to select the research institute that performs required research and requires the Commissioner of Education to conduct an annual comprehensive review of the program.

PART DD moves the requirement to establish a school nurse consultant position from the Department of Health and Human Services to the Department of Education.

PART EE establishes the Statewide Capital Equipment Fund.

PART FF establishes a working group to develop recommendations and proposed legislation regarding the transfer of personnel and responsibilities from the Executive Department, State Planning Office to other departments or agencies in State Government.

PART GG changes the number of aircraft engines the Department of Inland Fisheries and Wildlife may purchase in each year of the biennium; authorizes a one-time transfer from the department's carrying balance to fund the retroactive portion of a position reclassification and a one-time transfer to fund the payment of outstanding balances for dispatch services.

PART HH delays the application of the Fiscal Stability Program within the Department of Inland Fisheries and Wildlife.

PART II extends the cap on transfers from net slot machine revenue to the Fund for a Healthy Maine and repeals a provision that requires the transfer of funding from the fund to offset the General Fund revenue loss associated with limiting the sale of certain flavored cigars.

PART JJ suspends the cost-of-living adjustments for the State's chief justices, chief judge, deputy chief judge, associate justices and associate judges in each year of the biennium.

PART KK eliminates eligibility for supplemental food assistance, TANF benefits and MaineCare benefits for certain noncitizens legally admitted to the United States with specified exceptions.

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PART LL allows the Department of Health and Human Services to require a person receiving supplemental food assistance or TANF benefits who was convicted of a drug related felony to undergo a drug test under certain conditions and specifies the actions to be taken by the department in response to a positive test result.

PART MM directs the Department of Health and Human Services to impose a penalty for certain transfers of assets to qualify for state support for boarding home services.

PART NN establishes a working group to develop a plan regarding the future role of the Dorothea Dix Psychiatric Center and specifies the group's membership.

PART OO directs the Department of Health and Human Services and the Department of the Attorney General to work on issues related to fraud detection.

PART PP establishes a lifetime limit for TANF benefits under certain conditions, requires the Department of Health and Human Services to adopt rules imposing penalty on TANF-unemployed Parents participants who quit employment without cause and requires the department to report on the impact of changes to the TANF program.

PART QQ authorizes a transfer from the unappropriated surplus of the General Fund to be used to pay hospital settlements.

PART RR makes a technical correction to a department name in a previously enacted bill.

PART SS establishes a fee to cover the administrative and other operational costs of the Maine Rx Plus program.

PART TT clarifies that the Judicial Department may use municipal law enforcement officers to provide court security.

PART UU establishes state-paid child care rates at the 50th percentile of the most current local market rate survey.

PART VV continues the authority of the Department of Health and Human Services to transfer available balances of General Fund appropriations between MaineCare accounts by financial order and the requirement to report on MaineCare expenditures and requires a review the effects of financial order transfer authority has had on the funding available for individual MaineCare General Fund accounts.

PART WW eliminates the prohibition on using General Fund appropriations to support the operation of the Controlled Substances Prescription Monitoring Program fund.

PART XX requires the Commissioner of Health and Human Services to report of the implementation of fiscal year 2011-12 funding for mental health services for individuals not eligible for MaineCare or housing services in order to conform to the consent decree.

PART YY directs the Substance Abuse Services Commission to create a stakeholder group to look at the prevalence of the use of cash to purchase certain controlled medications and to make recommendations to address the issue.

PART ZZ gives the Department of Health and Human Services the authority to adopt emergency rules to implement any provisions of this bill over which it has subject matter.

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PART AAA requires the State Controller to transfer \$1,000,000 funds from available balances in the Employment Rehabilitation Fund, Other Special Revenue Funds account within the Workers' Compensation Board to the General Fund unappropriated surplus.

PART BBB reduces the access payments made to support the cost of Dirigo Health; requires Dirigo Health to transfer additional funds to the MaineCare program for specified purposes; and requires the Board of Trustees and Executive Director of Dirigo Health to evaluate and report on the impact of the changes in this part.

PART CCC authorizes the Department of Administrative and Financial Services to enter into financing agreements for the acquisition of motor vehicles for the Department of Public Safety, Bureau of State Police.

PART DDD renames a program within the Department of the Secretary of State.

PART EEE authorizes the transfer of 500,000 from the General Fund to the Callahan Mine Site Restoration, Other Special Revenue Funds program within the Department of Transportation to design and implement clean-up initiatives.

PART FFF changes the required method by which the Office of the Treasurer provides written notice to each municipality of the maximum rate of interest that they may charge on delinquent taxes.

PART GGG transfers \$3,000,000 from available balances in Other Special Revenue accounts within the Department of Professional and Financial Regulation to the General Fund.

PART HHH specifies the amount that the judicial branch may credit to a nonlapsing Other Special Revenue Funds account to support its capital expenses.

PART III changes the requirement for the filing and posting of executive orders.

PART JJJ authorizes an interfund advance of \$43,000,000 from Other Special Revenue funds to the General Fund for one day at the end of fiscal year 2011-12.

PART KKK establishes the Streamline and Prioritize Core Government Services Task Force, and specifies the amount of General Fund savings to be achieved at \$25,000,000.

PART LLL continues authorization for each individual tax expenditure as provided for by statute.

PART MMM specifies the conditions under which state employees and teachers who have reached normal retirement age and retire after September 1, 2011 may return to work for the same employer. (This Part was amended by LD 1480 Pt. L).

PART NNN requires the Secretary of State to publish adopted rule notices only on the publicly accessible website maintained by the Secretary of State and requires the Secretary of State to improve the search features of the site.

PART OOO expands the allowed uses of interest earned on balances in the Agricultural Marketing Loan Fund.

PART PPP changes a position title in the Department of Education.

PART QQQ authorizes the State Budget Officer to calculate and transfer the savings from the elimination of

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vacant positions.

PART RRR transfers \$4,000,000 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund and transfers General Fund revenue in excess of the budgeted amount for the Unclaimed Property Fund to the Maine Budget Stabilization Fund.

PART SSS changes the date by which the State Controller must transfer revenues to the Maine Clean Election Fund.

PART TTT transfers funds from the Fund for a Healthy Maine to the unappropriated surplus of the General Fund.

PART UUU directs the Department of Health and Human Services to carry forward any balances in the All Other line category in the Bureau of Medical Services General Fund account from year to year.

PART VVV directs the Department of Health and Human Services to standardize the room and board rates for children's private nonmedical institution services to stay within existing resources and specifies some factors to be considered in calculating the rates.

PART WWW creates the Governor's Office of Communications within the Executive Department.

PART XXX clarifies that rules adopted to establish an approval process for capital expenditures to renovate or construct intermediate care facilities for the developmentally disabled are routine technical rules.

PART YYY lapses \$2,800,000 from the General Purpose Aid for Local Schools General Fund account within the Department of Education to the unappropriated surplus of the General Fund at the close of fiscal year 2010-11.

PART ZZZ directs the Governor to implement specific recommendations of the 2008 plan developed by the natural resources agency task force and requires a report by the commissioners of the natural resources agencies to the Joint Standing Committee on Appropriations and Financial Affairs.

PART AAAA requires the Judicial Department to coordinate drug court efforts within existing General Fund resources and authorized headcount.

PART BBBB transfers \$1,900,000 from the Accident, Sickness and Health Insurance Internal Services Fund in the Department of Administrative and Financial Services to the General fund and transfers equitable excess reserves as required by state law or federal regulations.

PART CCCC provides new minimum taxability thresholds for nonresidents.

PART DDDD exempts from the sales tax certain meals provided to residents of retirement facilities retroactive to tax years beginning on or after January 1, 2010.

PART EEEE requires the refund of sales tax on purchases of fuel for use in a commercial fishing vessel and permits the issuance of a certificate permitting the purchases of such fuel without paying taxes under specified conditions.

PART FFFF retroactively exempts from sales tax plastic bags used by redemption centers.

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PART GGGG expands the current exemption from sales and use tax for aircraft to apply to all aircraft and to expand the exemption to include sales and repair and replacement parts used exclusively in aircraft and in the overhauling and rebuilding of aircraft and aircraft parts.

PART HHHH provides an income tax credit for investment in or contributions to eligible public fishery infrastructure projects in the State.

PART IIII authorizes year-end Personal Services balances in the Department of Corrections to carry from fiscal year 2010-11 to fiscal year 2011-12 to be used for the retroactive costs of reclassifications, range changes and bargaining unit changes.

PART JJJJ requires the State Controller to transfer \$29,700,000 from the Maine Budget Stabilization Fund to the General Fund in fiscal year 2011-12.

PART KKKK requires the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency and the Commissioner of the Department of Administrative and Financial Services to research the potential for using federal funds to fund the cost of providing emergency broadcast alerts through the Maine Public Broadcasting Network.

PART LLLL creates a fund to be administered by the Director of the Bureau of Maine Veterans' Services to be used to contract for a Maine Women Veterans Coordinator and specifies the services to be provided.

PART MMMM requires the State Budget Officer to calculate and transfer the amount of savings that applies to each General Fund Account from a decrease in charges made to the Department of Administrative and Financial Services, Office of Information Technology.

PART NNNN transfers \$55,621 from the State Nuclear Safety Advisor, Other Special Revenue Funds account and \$20,053 from the Railroad Freight Service Quality Fund, Other Special Revenue account within the Office of the Public Advocate to the unappropriated surplus of the General Fund.

PART OOOO requires the judicial branch to develop and report on a plan to implement electronic filing in civil docket cases and a plan to implement audio broadcasts of law Court oral arguments.

PART PPPP requires persons licensed to sell liquor to be consumed on the premises to report all liquor purchases to the Department of Administrative and Financial Services, Bureau of Alcohol and Lottery Operations.

PART QQQQ suspends the cost-of-living adjustments for Legislators for 3 years and lowers the cap on adjustments in future years. It also lapses balances to the General Fund totaling \$3,384,249 from various accounts within the Legislature.

PART RRRR was added by House Amendment "A" to Committee Amendment "A" (H-636) to direct the Director of the Bureau of Alcoholic Beverages and Lottery Operations to reduce cost of goods sold expenditures below budgeted amounts to recognize savings from extending the lottery contract in fiscal year 2011-12 and rebidding the existing contract in fiscal year 2012-13.

Public Law 2011, chapter 380 was enacted as an emergency measure effective June 20, 2011.

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LD 1133 An Act To Reform the Maine Public Employees Retirement System

ONTP

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

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

This bill proposes to reform the Public Employees Retirement System plan consistent with the following principles:

1. Retirement benefits that have already been accrued based on an employee's past years of service should be fully protected;
2. Plan changes should not create additional hardship for people who are already retired or who are near retirement;
3. The reform should prevent dramatic discontinuities between the pensions of workers just vested and those approaching vesting or between workers just hired and future hires;
4. Cost-of-living adjustment should be retained as insurance for state retirees who do not generally benefit from an inflation-adjusted Social Security annuity;
5. The accrual of benefits going forward should be based on a benefit formula that more closely parallels the benefits most widely available in the private sector, while taking advantage of the financial gains from being a qualified Social Security opt-out plan; and
6. The plan should be flexible to employees with differing benefit preferences, establishing a baseline benefit that is adequate for those comfortable with later retirement or a smaller pension combined with a voluntary supplemental program for those preferring earlier retirement or a larger pension.

The bill also describes three elements of the reformed pension plan: Defined Benefit Pension Plan, Defined Contribution Pension Plan and Transitional Options.

LD 1153 An Act Related to Authorization of GARVEE Bonds

PUBLIC 391

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU	OTP-AM	S-317

This bill requires that bonded indebtedness created or authorized by the Legislature either directly or through any authority created by the Legislature must be approved by the voters, unless exempted from the requirement; requires that all bonds authorized by the Legislature or sold by an authority created by the Legislature must be sold in a competitive sale, unless an alternative mode of sale is approved by the authority board and approved by the State Treasurer based on market conditions; and requires that the total cost of principal and interest that will be paid at maturity per person based on the State's population from the latest Federal Decennial Census be added to the State Treasurer's statement that accompanies bonds on the ballot. It authorizes the State Treasurer to allocate and

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reallocate available amounts of private activity tax-exempt bond authority authorized by 26 United States Code among issuers and then report to the Governor and the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and labor, commerce, research and economic development matters, which have the authority to submit legislation based on the report and adds the State Treasurer as an ex officio member of the Maine Turnpike Authority.

Committee Amendment "A" (S-317)

This amendment changes the title and replaces the bill. It provides that GARVEE (Grant Anticipation Revenue Vehicle) bonds must be authorized by a 2/3 vote of each House of the Legislature.

Enacted Law Summary

Public Law 2011, chapter 391 provides that GARVEE (Grant Anticipation Revenue Vehicle) bonds must be authorized by a 2/3 vote of each House of the Legislature.

LD 1187 An Act To Authorize a General Fund Bond Issue To Revitalize Maine's Carried Over
Downtowns through Innovative Business Development and the Creative
Economy

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

The funds provided by this bond issue, in the amount of \$5,000,000, will be used as seed money to capitalize the Downtown Revitalization Fund, a revolving loan and grant fund to encourage business development in downtown areas, targeting innovative businesses, light manufacturing, trades and small businesses and space for artists and artisans. The Downtown Revitalization Fund is administered by a board consisting of public and private members and issues loans that must be matched by \$1 from the recipient for every \$2 received from the fund and issues grants.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1231 An Act Regarding Calculation of Benefits under Special Plans under the ONTP
Maine Public Employees Retirement System

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

This bill limits retirement benefits to state employees under special plans to 60% of average final compensation and provides that the earnable compensation that is counted to calculate average final compensation for those employees may not include any annual increase larger than 2%.

Joint Standing Committee on Appropriations and Financial Affairs

LD 1240 An Act To Authorize a General Fund Bond Issue To Reduce the Cost of Government through Energy Efficiency Carried Over

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

The funds provided by this bond issue, in the amount of \$90,000,000, will be used to lower the costs of government at all levels by funding cost-effective energy efficiency improvements to public buildings. Forty-five million dollars will fund cost-effective energy efficiency improvements to buildings owned or leased by the State, and \$45,000,000 will be placed in a loan fund for cost-effective energy efficiency improvements to buildings owned or leased by municipal and county governments.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1304 An Act Pertaining to Retirement Benefits for State Legislators ONTP

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

This bill terminates creditable service under the Legislative Retirement Program for members who have less than 5 years of creditable service on December 1, 2012.

**LD 1372 An Act To Make Additional Supplemental Appropriations and Allocations for the Fiscal Year Ending June 30, 2011 PUBLIC 28
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD ROSEN R	OTP-AM	H-84

LD 1372 is the Governor's second proposed fiscal year 2010-11 Emergency Supplemental Bill.

Committee Amendment "A" (H-84)

Committee Amendment "A" (H-84) is the unanimous report of the Committee in response to the Governor's proposal.

Enacted Law Summary

Public Law 2011, chapter 28 resulted in no net change to the General Fund or the Fund for a Healthy Maine.

PART A makes supplemental appropriations and allocations of funds for fiscal year 2010-11.

PART B transfers funds from the Medical Care Services Federal Expenditures Fund program within the Department

Joint Standing Committee on Appropriations and Financial Affairs

of Health and Human Services to the unappropriated surplus of the General Fund to reverse the action taken in Public Law 2009, chapter 571, Part KKKK.

PART C requires any All Other balance in the Department of Health and Human Services, Bureau of Medical Services, General Fund account to be carried forward to fiscal year 2011-12 to be used for the same purposes.

PART D lapses a portion of the unencumbered balance forward from the Department of Labor, Governor's Training Initiative Program, General Fund account to the unappropriated surplus of the General Fund.

PART E authorizes the State Controller to transfer \$50,000 from the Department of Administrative and Financial Services, Other Special Revenue Funds, Bangor Campus Office Space account to the unappropriated surplus of the General Fund.

PART F lapses a portion of the unencumbered balance forward of the Department of Education, Learning Through Technology program, General Fund account to the General Fund.

PART G transfers the shares of excess reserves in the Accident, Sickness and Health Insurance Internal Service Fund that is associated with the General Fund and the Other Special Revenue Funds to the unappropriated surplus of the General Fund and transfers the equitable excess reserves as required by state or federal regulations.

PART H requires the State Budget Officer to calculate the savings as the result of a review of contracting processes and to transfer the savings by financial order upon the approval of the Governor.

PART I requires the transfer of up to \$25,000,000 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund at the close of fiscal year 2010-11, authorizes a second new transfer of up to \$5,000,000 from the unappropriated surplus of the General Fund to the Bureau of Medical Services General Fund account to be used to pay Maine Integrated Health Management Solution system operational contract costs and authorizes a third new transfer of up to \$2,500,488 from the unappropriated surplus of the General Fund to the Department of Administrative and Financial Services, Accident, Sickness and Health Insurance Internal Services Fund.

PART J eliminates the transfer from the Department of Audit, Statewide Single Audit - Set Aside, Other Special Revenue Funds account to the unappropriated surplus of the General Fund that was required by the end of fiscal year 2010-11 and a transfer from the unappropriated surplus of the General Fund to the same account to offset a transfer that was made in fiscal year 2009-10.

PART K increases the amount of unexpended Personal Services appropriations that would otherwise lapse to the Salary Plan program to be transferred to the General Fund unappropriated surplus at the close of fiscal year 2010-11 and increases the amount of funding that may be transferred from the Salary Plan program to the General Fund unappropriated surplus in the event that the full amount of savings is not achieved. It also lapses a specified amount from the General Fund Salary Plan program to the General Fund unappropriated surplus.

PART L authorizes the Commissioner of Education to identify savings within the existing General Fund programs of the Department of Education and to transfer funds to the Child Development Services General Fund program account in order to maintain services to students and provide timely payments to therapeutic service providers.

PART M reduces the amount of transfers required to be made from Other Special Revenue Funds accounts of departments and agencies statewide to the unappropriated surplus of the General Fund.

PART N transfers a specified amount in unexpended funds in the Department of the Attorney General, Administration - Attorney General, Other Special Revenue Funds program to the General Fund unappropriated surplus.

Public Law 2011, chapter 28 was enacted as an emergency measure effective April 14, 2011.

Joint Standing Committee on Appropriations and Financial Affairs

LD 1386 An Act To Authorize a General Fund Bond Issue To Fund the Challenger Learning Center of Maine Carried Over

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

The funds provided by this bond issue, in the amount of \$500,000, will be used by the Challenger Learning Center of Maine to improve educational achievement in mathematics and to inspire interest in science and technology careers.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1395 An Act To Authorize a Highway Fund Bond Issue To Improve Maine's Roads and Bridges Carried Over

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

The funds provided by this bond issue, in the amount of \$50,000,000, will be used to provide funds to match federal funds for highway and bridge capital projects.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1524 An Act To Amend the Laws Relating to the Maine Public Employees Retirement System PUBLIC 449

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

This bill:

1. Further expands the investment-related activity of the Maine Public Employees Retirement System that is considered confidential;
2. Makes personnel records of retirement system staff confidential in a manner consistent with how similar records of other groups of public employees are treated;
3. Provides further clarification as to the conditions of membership for optional members, consistent with federal law;
4. Corrects the automatic refund provision of accumulated contributions to be consistent with federal law;

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5. Makes the effectiveness of a beneficiary designation consistent as between the defined benefit and group life insurance programs;
6. Clarifies how employees make coverage elections under the group life insurance program; and
7. Clarifies how coverage under the group life insurance program is treated during an authorized leave of absence.

Enacted Law Summary

Public Law 2011 chapter 449 accomplishes the following:

1. It further expands the investment-related activity of the Maine Public Employees Retirement System that is considered confidential;
2. It makes personnel records of retirement system staff confidential in a manner consistent with how similar records of other groups of public employees are treated;
3. It provides further clarification as to the conditions of membership for optional members, consistent with federal law;
4. It corrects the automatic refund provision of accumulated contributions to be consistent with federal law;
5. It makes the effectiveness of a beneficiary designation consistent as between the defined benefit and group life insurance programs;
6. It clarifies how employees make coverage elections under the group life insurance program; and
7. It clarifies how coverage under the group life insurance program is treated during an authorized leave of absence.

Joint Standing Committee on Appropriations and Financial Affairs

SUBJECT INDEX

Budget Bills

Enacted

LD 100	An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2011	PUBLIC 1 EMERGENCY
LD 1043	An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2011, June 30, 2012 and June 30, 2013	PUBLIC 380 EMERGENCY
LD 1372	An Act To Make Additional Supplemental Appropriations and Allocations for the Fiscal Year Ending June 30, 2011	PUBLIC 28 EMERGENCY

Fiscal Policy

Enacted

LD 830	An Act To Provide for the 2011 and 2012 Allocations of the State Ceiling on Private Activity Bonds	P & S 18
LD 1153	An Act Related to Authorization of GARVEE Bonds	PUBLIC 391

Not Enacted

LD 181	An Act To Promote Fiscal Transparency in State Government	ONTP
LD 381	An Act To Establish a New Method of Determining the State Budget	Carried Over
LD 807	An Act To Repeal the Bonding Authority of the Maine Governmental Facilities Authority	Carried Over
LD 853	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish the Maine State Endowment Trust	ONTP

General Obligation Bond Bills

Enacted

LD 280	Resolve, Reauthorizing the Balance of the 2005 Maine Biomedical Research Fund and Marine Infrastructure and Technology Fund Bond Issues	RESOLVE 73 EMERGENCY
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Not Enacted

LD 63	An Act To Authorize a General Fund Bond Issue To Repair the Mountain Division Rail Line	Carried Over
LD 111	An Act To Authorize a General Fund Bond Issue To Fund Large-scale Marketing and Research and Development for Bulk Sales of Maine Seafood Worldwide	Carried Over
LD 225	An Act To Authorize a General Fund Bond Issue in the Amount of \$50,000,000 To Fund Research and Development	Carried Over
LD 263	An Act To Authorize a General Fund Bond Issue To Fund Construction of a Marine Technology Incubator Facility at the Gulf of Maine Research Institute	Carried Over
LD 359	An Act To Authorize a General Fund Bond Issue for Wastewater and Drinking Water Revolving Loan Funds	Carried Over
LD 399	An Act To Authorize a General Fund Bond Issue To Fund LifeFlight	Carried Over
LD 409	An Act To Authorize a General Fund Bond Issue for Research and Development for Technology Advancement	Carried Over
LD 417	An Act To Authorize a General Fund Bond Issue To Improve Rail Lines in Western Maine	Carried Over
LD 420	An Act To Authorize a General Fund Bond Issue To Fund Building a Container Port on Sears Island	Carried Over
LD 470	An Act To Authorize a General Fund Bond Issue To Complete Renovation of a Bulkhead at the Gulf of Maine Research Institute	Carried Over
LD 741	An Act To Authorize a General Fund Bond Issue To Invest in Water and Sewer Infrastructure To Protect Public Health and To Facilitate the Expansion and Growth of Business	Carried Over
LD 777	An Act To Authorize a General Fund Bond Issue To Expand Necessary Capital Improvements at the University of Maine System That Support the Critical Disciplines of Science, Technology, Engineering and Math To Enhance Economic Development and Employment Opportunities for Maine Citizens	Carried Over
LD 829	An Act To Authorize a General Fund Bond Issue To Invest in Transportation, Broadband Infrastructure, Downtown Revitalization, Land for Maine's Future and Training Facilities in Labor Market Areas with Higher than Average Unemployment for Tourism-related Training	Carried Over
LD 842	An Act To Authorize a General Fund Bond Issue To Support Research and Sustainable Development of Maine's Natural Resources	Carried Over
LD 851	An Act To Authorize a General Fund Bond Issue To Invest in Railroads To Reduce the Cost of Shipping to Maine Businesses, Attract Tourists to Maine and Facilitate the Development of Commuter Rail Transportation To Reduce the Use of Oil in Maine	Carried Over

LD 852	An Act To Authorize a General Fund Bond Issue To Support Maine's Natural Resource-based Economy	Carried Over
LD 874	An Act To Authorize a General Fund Bond Issue for Educational Opportunities for Underserved Regions of the State	Carried Over
LD 894	An Act To Authorize a General Fund Bond Issue To Invest in Highway and Bridge Infrastructure To Meet the Needs of the Business Sector and To Create Jobs	Carried Over
LD 919	An Act To Authorize a General Fund Bond Issue To Weatherize and Upgrade the Energy Efficiency of Maine Homes and Businesses and To Provide for a Trained Workforce for Maine's Energy Future	Carried Over
LD 948	An Act To Authorize a General Fund Bond Issue To Create Jobs through Energy Efficiency	Carried Over
LD 979	An Act To Authorize a General Fund Bond Issue To Create an Animal and Plant Diagnostic Facility at the University of Maine	Carried Over
LD 990	An Act To Authorize a General Fund Bond Issue in the Amount of \$1,000,000 for Road and Bridge Construction	Carried Over
LD 1187	An Act To Authorize a General Fund Bond Issue To Revitalize Maine's Downtowns through Innovative Business Development and the Creative Economy	Carried Over
LD 1240	An Act To Authorize a General Fund Bond Issue To Reduce the Cost of Government through Energy Efficiency	Carried Over
LD 1386	An Act To Authorize a General Fund Bond Issue To Fund the Challenger Learning Center of Maine	Carried Over
LD 1395	An Act To Authorize a Highway Fund Bond Issue To Improve Maine's Roads and Bridges	Carried Over

MainePERS

Enacted

LD 1524	An Act To Amend the Laws Relating to the Maine Public Employees Retirement System	PUBLIC 449
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Not Enacted

LD 141	An Act To Increase the Retirement Age for New State Employees to 65 Years of Age	ONTP
LD 298	An Act To Amend the Retirement Benefit Provisions for State Employees Working under Special Plans Who Remain Employed beyond the Minimum Years Necessary To Qualify for Retirement Benefits	ONTP
LD 336	An Act To Preserve the State's Public Pension Fund	LEAVE TO WITHDRAW

LD 350	Resolve, Directing the Maine Public Employees Retirement System To Consider Warden Bayley Grant's Game Warden Service as Having Begun in 1983, without an Interruption in Service	LEAVE TO WITHDRAW
LD 513	RESOLUTION, Proposing an Amendment to the Constitution of Maine To More Equitably Fund the Liabilities of the Maine Public Employees Retirement System	Carried Over
LD 542	An Act To Ensure Retirement Benefits for Members of the Maine Public Employees Retirement System	ONTP
LD 1133	An Act To Reform the Maine Public Employees Retirement System	ONTP
LD 1231	An Act Regarding Calculation of Benefits under Special Plans under the Maine Public Employees Retirement System	ONTP
LD 1304	An Act Pertaining to Retirement Benefits for State Legislators	ONTP

Miscellaneous Funding and Other Requests

Not Enacted

LD 565	An Act To Provide Funding for the World Acadian Congress	Carried Over
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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
AND PUBLIC SAFETY**

July 2011

MEMBERS:

SEN. GARRETT PAUL MASON, CHAIR
SEN. RODNEY L. WHITTEMORE
SEN. STAN GERZOFSKY

REP. GARY E. PLUMMER, CHAIR
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STAFF:

MARION HYLAN BARR, SENIOR ANALYST
ALYSON MAYO, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
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Joint Standing Committee on Criminal Justice and Public Safety

**LD 8 An Act To Increase the Maximum Distance from a School within Which
a Sex Offender May Not Reside That May Be Set by Municipal
Ordinance**

**MAJORITY
(ONTP) REPORT**

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

Current law allows a municipality to prohibit certain sex offenders from residing up to 750 feet from a school or a municipally owned property where children are the primary users. This bill increases that distance to 2,500 feet.

Committee Amendment "A" (S-13)

This amendment is the minority report of the Joint Standing Committee of Criminal Justice and Public Safety. The amendment authorizes a municipality that has no police chief or the county commissioners for an unorganized territory to adopt an ordinance to prohibit residence by certain sex offenders up to a maximum distance of 2,500 feet surrounding the real property comprising a public or private elementary, middle or secondary school or up to a maximum distance of 2,500 feet surrounding the real property comprising a municipally owned property or a publicly owned property in an unorganized territory where children are the primary users. For municipalities with a police chief, the existing distance requirement of 750 feet in current law remains applicable. The amendment also clarifies the current law that any restriction may not apply to a residence established prior to the effective date of the ordinance.

This amendment was not adopted.

LD 35 An Act Relating to Concealed Firearms Locked in Vehicles

PUBLIC 393

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA	OTP-AM MAJ ONTP MIN	H-422

This bill provides that an employer may not prohibit an employee with a valid concealed firearms permit from keeping a firearm in the employee's vehicle as long as the vehicle is locked and the firearm is not visible.

Committee Amendment "A" (H-422)

This amendment, which is the majority report of the committee, replaces the bill and specifies that an employer or agent of an employer may not prohibit an employee who has a valid permit to carry a concealed firearm under the Maine Revised Statutes, Title 25, chapter 252 from keeping a firearm in the employee's vehicle as long as the vehicle is locked and the firearm is not visible. The amendment does not authorize an employee to carry a firearm in a place where carrying a firearm is prohibited by law.

The amendment also specifies that an employer or an agent of an employer may not be held liable in any civil action for damages, injury or death resulting from or arising out of another person's actions involving a firearm or ammunition transported or stored pursuant to this provision. Finally, the amendment provides that this provision does not affect any provisions in the Maine Workers' Compensation Act of 1992.

Senate Amendment "A" To Committee Amendment "A" (S-298)

Joint Standing Committee on Criminal Justice and Public Safety

This amendment specifies that, in the absence of a policy prohibiting weapons at an employer's place of business, an employer may not prohibit an employee from keeping a firearm in that employee's locked vehicle.

This amendment was not adopted.

Enacted Law Summary

Public Law 2011, chapter 393 specifies that an employer or agent of an employer may not prohibit an employee who has a valid permit to carry a concealed firearm under the Maine Revised Statutes, Title 25, chapter 252 from keeping a firearm in the employee's vehicle as long as the vehicle is locked and the firearm is not visible. Public Law 2011, chapter 393 does not authorize an employee to carry a firearm in a place where carrying a firearm is prohibited by law.

Public Law 2011, chapter 393 also specifies that an employer or an agent of an employer may not be held liable in any civil action for damages, injury or death resulting from or arising out of another person's actions involving a firearm or ammunition transported or stored pursuant to this provision. Finally, the amendment provides that this provision does not affect any provisions in the Maine Workers' Compensation Act of 1992.

LD 37 An Act To Amend the Deferred Disposition Law As It Pertains to Sex Offenses LTW

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL GERZOFISKY	LV/WD	

This bill eliminates the sentencing alternative of deferred disposition for persons who are guilty of committing the following Class C, Class D or Class E crimes: sexual assault; sexual exploitation of minors; incest; certain crimes of indecent conduct; and crimes against family members, including sexual assault, kidnapping and criminal restraint, violating a protective order, endangering the welfare of a child or a dependent person and obstructing the report of a crime or injury.

LD 44 An Act To Increase Potential Criminal Penalties for the Possession of Cocaine and Cocaine Base DIED BETWEEN HOUSES

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

Under existing law, possession of 14 grams or less of cocaine is a Class D crime. This bill provides that possession of cocaine in any amount is at least a Class C crime. Additionally, under existing law, possession of 4 grams or less of cocaine in the form of cocaine base, also known as "crack" cocaine, is a Class D crime when the State has not proven that the offender has a prior drug conviction, but rises to a Class C crime when the State has proven that the offender does have a prior drug conviction. The bill provides that possession of crack cocaine is at least a Class C crime even when the State has not proven that the offender has had a previous drug conviction.

Committee Amendment "A" (H-418)

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

Joint Standing Committee on Criminal Justice and Public Safety

This amendment was not adopted.

Committee Amendment "B" (H-419)

This amendment is the minority report. Instead of making possession of any amount of cocaine or cocaine base at least a Class C crime as the bill does, the amendment specifies that possession of 7 to 14 grams of cocaine and 2 to 4 grams of cocaine in the form of cocaine base is a Class C crime.

The amendment adds an appropriations and allocations section.

This amendment was not adopted.

LD 82 An Act To Amend the Laws Governing County Jail Budgeting for York County PUBLIC 431

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOULTON COURTNEY	OTP-AM	H-289

This bill amends the tax assessment that may be collected annually by counties for the provision of correctional services, excluding debt service, so that York County's cap is reduced by \$280,433. The changes take effect on July 1, 2011 to coincide with the fiscal year.

Committee Amendment "A" (H-289)

This amendment strikes the emergency preamble and emergency clause and adds an effective date of July 1, 2013.

Enacted Law Summary

Public Law 2011, chapter 431 amends the tax assessment that may be collected annually by counties for the provision of correctional services, excluding debt service, so that York County's cap is reduced by \$280,433. The changes take effect on July 1, 2013.

LD 83 An Act To Legalize the Sale, Possession and Use of Fireworks PUBLIC 416

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON THIBODEAU	OTP-AM A ONTP B OTP-AM C	H-582 S-326 MASON

This bill removes the prohibition on the sale and use of consumer fireworks and establishes a licensing protocol for sellers of consumer fireworks. A seller of consumer fireworks must have a federal and state license and a permit from a municipality. A municipality may adopt an ordinance that allows or prohibits the sale, use or possession of consumer fireworks. A seller of consumer fireworks must be 21 years of age or older and may not have been convicted or found in violation of any state, federal or municipal law, rule or regulation concerning fireworks or explosives. Consumer fireworks must be stored in a building exclusively used for the storage and sale of fireworks that has met all applicable fire safety and building codes and zoning and municipal ordinances. The Commissioner

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of Public Safety may adopt rules relative to the use, storage, transportation and display of consumer fireworks. A seller of consumer fireworks may not use misleading advertising and must warn consumers in any advertising to check with the local fire department to see if consumer fireworks are allowed in the community. A seller of consumer fireworks must provide a safety pamphlet to each purchaser of consumer fireworks. A person who violates the provisions of this bill is liable for any bodily injury or property damage that results and cannot use certain civil defenses. A violation of the provisions of this bill may result in the seizure of the consumer fireworks and suspension of a license to sell consumer fireworks and is a Class E crime.

Committee Amendment "A" (H-582)

This amendment makes the following changes to the bill.

1. It eliminates the emergency preamble and emergency clause.
2. It amends the definition of "consumer fireworks" to include only products tested and certified by a 3rd-party testing laboratory and excludes missile-type rockets, helicopters and aerial spinners and sky rockets and bottle rockets from the definition of "consumer fireworks."
3. It requires municipalities that want to prohibit or restrict the sale or use of consumer fireworks in the municipality to adopt an ordinance and provide the Office of the State Fire Marshal with a copy of the restriction or prohibition within 60 days. The sale and use of consumer fireworks is otherwise allowed in all municipalities. Possession of consumer fireworks is allowed in all municipalities and cannot be changed by ordinance.
4. It provides that a municipality may require that a person obtain a municipal permit for selling consumer fireworks within the municipality. A municipality that chooses to issue municipal permits must notify the Office of the State Fire Marshal prior to initiating its permitting program.
5. It provides that a state license is valid for one year, costs \$1,500, and funds enforcement through the Office of the State Fire Marshal. A separate license is required for each location at which an applicant seeks to sell fireworks.
6. It requires that consumer fireworks be sold only in a permanent, fixed, stand-alone building dedicated solely to the sale of consumer fireworks and provides specific requirements for the building.
7. It requires a person authorized to sell consumer fireworks to maintain public liability and product liability insurance with minimum coverage limits of \$2,000,000.
8. It requires advertising to contain the words "Check with your local fire department to see if consumer fireworks are allowed in your community" in a conspicuous location and in a consistent font as approved by the commissioner.
9. It restricts the use of consumer fireworks to between the hours of 9:00 a.m. and 10:00 p.m. except that they may be used between the hours of 9:00 a.m. and 12:30 a.m. on July 4th, December 31st and the weekends immediately before and after those dates.
10. It restricts the use of consumer fireworks to the user's property or the property of a consenting person.
11. It makes a violation of restrictions on the use of consumer fireworks a civil violation for which a fine of not less than \$50 and not more than \$500 plus court costs may be adjudged.
12. It states that the consumer fireworks of a licensee may be seized or removed at the licensee's expense if they are offered for sale, stored, possessed or used in violation of Title 8, section 223-A.
13. It clarifies that a person authorized to sell consumer fireworks shall provide the consumer with written guidelines describing safe and proper use of consumer fireworks. It also requires specific statements that the sale of

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consumer fireworks to persons under 21 years of age is prohibited be included in the guidelines.

14. It adds that it is an affirmative defense to prosecution for a violation of the prohibition against selling fireworks to a person under 21 years of age that the licensee sold consumer fireworks to a person under 21 years of age in reasonable reliance upon fraudulent proof of age presented by the purchaser. It adds that a person may not sell consumer fireworks in this State unless that person holds a valid license or is an employee or agent of a person that holds a valid license.

15. It provides that a person who sells consumer fireworks without a valid license or furnishes consumer fireworks to a person under 21 years of age or a licensee who sells consumer fireworks to a person under 21 years of age or an intoxicated person commits a Class D crime. A fine of \$500 or more is imposed if the violation involves furnishing fireworks to a minor. A fine of \$1,000 or more is imposed for a person who has been convicted of the same offense one or more times in the previous 6 years.

16. It provides that a fine of between \$200 and \$400 may be imposed on a person under 21 years of age who purchases, uses or possesses consumer fireworks within the State or presents to a consumer fireworks licensee false or fraudulent evidence of age for the purpose of purchasing consumer fireworks.

17. It provides that the Office of the State Fire Marshal shall submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding the sale and use of consumer fireworks, including fireworks-related injuries and fires, by March 1st of each year beginning in 2013.

18. It provides that after December 31, 2013, the Commissioner of Public Safety may adopt major substantive rules regarding consumer fireworks-related injuries reporting by health care providers.

19. It requires the Office of the State Fire Marshal to work with statewide associations representing hospitals and physicians to develop a method for health care providers to collect and report voluntarily to the Office of the State Fire Marshal data regarding injuries related to consumer fireworks.

Committee Amendment "B" (H-583)

This amendment contains the same language as Committee Amendment "A" and adds that the use of consumer fireworks is restricted to the user's property or the property of a consenting person if the use occurs at least 1/4 mile from all building structures or the fireworks are fired from the shore of a lake or other large body of water and directed in such manner that the falling residue from the deflagration falls into the body of water, or to use under direct supervision of a local fire department. This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-326)

This amendment imposes an initial licensing fee of \$5,000, which then drops to \$1,500 for annual renewal. This amendment also delays the effective date of the legislation to January 1, 2012 and provides for one Public Safety Inspector II position and one clerical position, instead of 2 Public Safety Inspector II positions as proposed in Committee Amendment "A."

House Amendment "A" To Committee Amendment "A" (H-650)

This amendment changes the restrictions concerning the use of consumer fireworks to allow use of consumer fireworks on a user's property or the property of a consenting person if the use occurs at least 1/4 mile from all building structures or the fireworks are fired from the shore of a lake or other large body of water and directed in such manner that the falling residue from the deflagration falls into the body of water, or to allow use under direct supervision of a local fire department. This amendment to Committee Amendment "A" is the same language contained in Committee Amendment "B."

This amendment was not adopted.

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House Amendment "B" To Committee Amendment "A" (H-653)

This amendment changes the restrictions concerning the use of consumer fireworks to allow use of consumer fireworks on a user's property or the property of a consenting person if the use occurs at least 1/4 mile from all building structures or the fireworks are fired from the shore of a lake or other large body of water. House Amendment "B" contains the same language as House Amendment "A" and Committee Amendment "B," except that it removes language that requires consumer fireworks fired from the shore of a lake or other large body of water to be directed in such a manner that the falling residue from the deflagration falls into that lake or body of water. This amendment was not adopted.

Enacted Law Summary

Public Law 2011, chapter 416 does the following.

1. It defines "consumer fireworks" as only products tested and certified by a 3rd-party testing laboratory and excludes missile-type rockets, helicopters and aerial spinners and sky rockets and bottle rockets from the definition of "consumer fireworks."
2. It requires municipalities that want to prohibit or restrict the sale or use of consumer fireworks in the municipality to adopt an ordinance and provide the Office of the State Fire Marshal with a copy of the restriction or prohibition within 60 days. The sale and use of consumer fireworks is otherwise allowed in all municipalities. Possession of consumer fireworks is allowed in all municipalities and cannot be changed by ordinance.
3. It provides that a municipality may require that a person obtain a municipal permit for selling consumer fireworks within the municipality. A municipality that chooses to issue municipal permits must notify the Office of the State Fire Marshal prior to initiating its permitting program.
4. It provides that a state license is valid for one year, costs \$5,000 the initial year and \$1,500 for annual renewal, and funds enforcement through the Office of the State Fire Marshal. A separate license is required for each location at which an applicant seeks to sell fireworks
5. It requires that consumer fireworks be sold only in a permanent, fixed, stand-alone building dedicated solely to the sale of consumer fireworks and provides specific requirements for the building.
6. It requires a person authorized to sell consumer fireworks to maintain public liability and product liability insurance with minimum coverage limits of \$2,000,000.
7. It requires advertising to contain the words "Check with your local fire department to see if consumer fireworks are allowed in your community" in a conspicuous location and in a consistent font as approved by the commissioner.
8. It restricts the use of consumer fireworks to between the hours of 9:00 a.m. and 10:00 p.m. except that they may be used between the hours of 9:00 a.m. and 12:30 a.m. on July 4th, December 31st and the weekends immediately before and after those dates.
9. It restricts the use of consumer fireworks to the user's property or the property of a consenting person.
10. It makes a violation of restrictions on the use of consumer fireworks a civil violation for which a fine of not less than \$50 and not more than \$500 plus court costs may be adjudged.
11. It states that the consumer fireworks of a licensee may be seized or removed at the licensee's expense if they are offered for sale, stored, possessed or used in violation of Title 8, section 223-A.
12. It clarifies that a person authorized to sell consumer fireworks shall provide the consumer with written

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guidelines describing safe and proper use of consumer fireworks. It also requires specific statements that the sale of consumer fireworks to persons under 21 years of age is prohibited be included in the guidelines.

13. It adds that it is an affirmative defense to prosecution for a violation of the prohibition against selling fireworks to a person under 21 years of age that the licensee sold consumer fireworks to a person under 21 years of age in reasonable reliance upon fraudulent proof of age presented by the purchaser. It adds that a person may not sell consumer fireworks in this State unless that person holds a valid license or is an employee or agent of a person that holds a valid license.

14. It provides that a person who sells consumer fireworks without a valid license or furnishes consumer fireworks to a person under 21 years of age or a licensee who sells consumer fireworks to a person under 21 years of age or an intoxicated person commits a Class D crime. A fine of \$500 or more is imposed if the violation involves furnishing fireworks to a minor. A fine of \$1,000 or more is imposed for a person who has been convicted of the same offense one or more times in the previous 6 years.

15. It provides that a fine of between \$200 and \$400 may be imposed on a person under 21 years of age who purchases, uses or possesses consumer fireworks within the State or presents to a consumer fireworks licensee false or fraudulent evidence of age for the purpose of purchasing consumer fireworks.

16. It provides that the Office of the State Fire Marshal shall submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding the sale and use of consumer fireworks, including fireworks-related injuries and fires, by March 1st of each year beginning in 2013.

17. It provides that after December 31, 2013, the Commissioner of Public Safety may adopt major substantive rules regarding consumer fireworks-related injuries reporting by health care providers.

18. It requires the Office of the State Fire Marshal to work with statewide associations representing hospitals and physicians to develop a method for health care providers to collect and report voluntarily to the Office of the State Fire Marshal data regarding injuries related to consumer fireworks.

19. It includes a Public Safety Inspector II position and one clerical position.

20. The effective date of the legislation to January 1, 2012.

LD 91 An Act Relating to Disorderly Conduct in the Vicinity of a Funeral

ONTP

Sponsor(s)

CELLI

Committee Report

ONTP

Amendments Adopted

This bill amends the disorderly conduct statute, Title 17-A §501-A, sub-§1, D, by adding a distance requirement to the existing provision. Specifically, the bill prohibits disorderly conduct within 1,000 feet of a funeral, burial or memorial service or within 1,000 feet of the route between locations where such ceremonies are being held. The bill also increases the classification of the crime of disorderly conduct with regard to a funeral, burial or memorial service from a Class E to a Class D crime. Other forms of disorderly conduct remain Class E crimes.

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LD 123 An Act To Assist Seasonal Entertainment Facilities with Public Safety Requirements

PUBLIC 349

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS THOMAS	OTP MAJ ONTP MIN	S-163 MASON

LD 123 prohibits the requirement of sprinkler systems in commercial places of assembly that open for no more than 50 days per calendar year. Commercial places of assembly include bars with live entertainment, dance halls, nightclubs, assembly halls with festival seating and restaurants.

House Amendment "A" (H-7)

This amendment clarifies that the automatic sprinkler system exemption in the bill applies to those commercial places of assembly in existence as of March 1, 2011 and specifies that the exemption expires upon the transfer of ownership of the commercial place of assembly.

This amendment was not adopted.

House Amendment "B" (H-273)

This amendment provides that, in order to be eligible for the exemption from the requirement of an automatic sprinkler system, an existing commercial place of assembly must have double the number of fire extinguishers that otherwise would be required or at least one for every 50 people, whichever is greater, and those fire extinguishers must be placed throughout the place of assembly; double the number of smoke detectors that otherwise would be required and those smoke detectors must be hard-wired with a battery backup; and another exit door in addition to the number of exit doors that otherwise would be required.

This amendment was not adopted.

Senate Amendment "A" (S-163)

The amendment removes the emergency preamble and emergency clause.

Enacted Law Summary

Public Law 2011, chapter 349 prohibits the requirement of sprinkler systems in commercial places of assembly that open for no more than 50 days per calendar year. Commercial places of assembly include bars with live entertainment, dance halls, nightclubs, assembly halls with festival seating and restaurants.

LD 124 An Act To Eliminate Certain Restrictions on the Installation of Chimneys and Equipment

PUBLIC 225

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL SAVIELLO	OTP-AM	H-253

Current law allows the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a

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carbon monoxide detector is installed in the building near a bedroom.

LD 123 allows any such connection regardless of whether the chimney was existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom.

Committee Amendment "A" (H-253)

The amendment replaces the bill.

1. It retains provisions in the Maine Revised Statutes, Title 32, section 18107 governing the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom. It adds 2 additional requirements for chimneys existing and in use on or after February 2, 1998. The 2 additional requirements are that the appliance has been listed by Underwriters Laboratories or other testing laboratory and that the solid fuel burning appliance is installed in accordance with the manufacturer's installation specifications.
2. It includes changes to Title 25, section 2465, which is affected by any changes made to Title 32, section 18107, as it deals with rules pertaining to maintenance and inspections, including specific allowances. These changes allow for the adoption of rules that do not prohibit the connection of a solid fuel burning appliance to a chimney flue to which another appliance is connected for any chimney existing and in use on or after February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact, a carbon monoxide detector is installed in the building near a bedroom, the appliance has been listed by Underwriters Laboratories or other testing laboratory and the solid fuel burning appliance is installed in accordance with the manufacturer's installation specifications. It continues to allow the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom.
3. It includes changes to Title 32, section 18123, which is affected by the changes made to Title 32, section 18107, giving the Maine Fuel Board certain powers and duties, including adopting technical standards for the proper installation and servicing of oil, solid fuel, propane and natural gas burning equipment. This amendment allows installers to install appliances in accordance with changes made in Title 32, section 18107.

Enacted Law Summary

Public Law 2011, chapter 225 does the following.

1. It retains provisions in the Maine Revised Statutes, Title 32, section 18107 governing the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom. It adds 2 additional requirements for chimneys existing and in use on or after February 2, 1998. The 2 additional requirements are that the appliance has been listed by Underwriters Laboratories or other testing laboratory and that the solid fuel burning appliance is installed in accordance with the manufacturer's installation specifications.
2. It includes changes to Title 25, section 2465, which is affected by any changes made to Title 32, section 18107, as it deals with rules pertaining to maintenance and inspections, including specific allowances. These changes allow for the adoption of rules that do not prohibit the connection of a solid fuel burning appliance to a chimney flue to which another appliance is connected for any chimney existing and in use on or after February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact, a carbon monoxide

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detector is installed in the building near a bedroom, the appliance has been listed by Underwriters Laboratories or other testing laboratory and the solid fuel burning appliance is installed in accordance with the manufacturer's installation specifications. It continues to allow the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom.

3. It includes changes to Title 32, section 18123, which is affected by the changes made to Title 32, section 18107, giving the Maine Fuel Board certain powers and duties, including adopting technical standards for the proper installation and servicing of oil, solid fuel, propane and natural gas burning equipment. This amendment allows installers to install appliances in accordance with changes made in Title 32, section 18107.

LD 126 An Act To Allow a Person with One Arm To Possess Certain Kinds of PUBLIC 31
Prohibited Knives

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRIGGS GERZOFISKY	OTP-AM	H-40

Current law provides that a person is guilty of a Class D crime of trafficking in dangerous knives, if the person knowingly manufactures or causes to be manufactured, or knowingly possesses, displays, offers, sells, lends, gives away or purchases any knife that has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity, or by an outward, downward or centrifugal thrust or movement. This bill provides an exception to this prohibition against possession of such a knife for an individual who has only one arm. The exception is modeled in part on federal law.

Committee Amendment "A" (H-40)

This amendment mirrors the exception in 15 United States Code, Section 1244, which authorizes a person with one arm to possess and transport a dangerous knife that has a blade 3 inches or less in length.

Enacted Law Summary

Public Law 2011, chapter 31 mirrors the exception in 15 United States Code, Section 1244 and authorizes a person who has only one arm to possess and transport a knife that has a blade 3 inches or less in length and opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity, or by an outward, downward or centrifugal thrust or movement.

LD 168 An Act To Require a Medical Examiner To Determine whether an PUBLIC 60
Autopsy Is Needed in the Case of the Death of a Prisoner in a
Correctional Facility

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA	OTP-AM	H-86

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This bill requires that an examination and inquest be held whenever a prisoner in a state correctional or detention facility dies. It also requires a medical examiner to determine whether an autopsy is needed. If the medical examiner determines that an autopsy is needed, an autopsy must be performed unless the prisoner had expressed a preference when admitted to the facility or at any other time that an autopsy not be performed or the next of kin of the prisoner expresses a preference that an autopsy not be performed. The next of kin of the client may also request that an autopsy be performed, in which case an autopsy must be performed.

Committee Amendment "A" (H-86)

This amendment replaces the bill and amends the statute regarding medical examiner cases to specify that a medical examiner case may exist and must be reported when a person dies in custody pursuant to an arrest or confinement in a state correctional facility, county jail, other correctional facility or local lockup or while in transport between any of these places while in the custody of a law enforcement officer or county or state corrections official. The amendment removes the current exception covering a prisoner's death that is due to specific natural causes that are clearly certifiable by an attending physician. This means that whenever a death occurs in these circumstances, the death must be reported to the Chief Medical Examiner, and the Chief Medical Examiner must then determine whether the case is a medical examiner case. The amendment also amends the provision in Title 34-A regarding the unnatural death of a client to be consistent with the Chief Medical Examiner's responsibilities described under Title 22, chapter 711.

Enacted Law Summary

Public Law 2011, chapter 60 amends the statute regarding medical examiner cases to specify that a medical examiner case may exist and must be reported when a person dies in custody pursuant to an arrest or confinement in a state correctional facility, county jail, other correctional facility or local lockup or while in transport between any of these places while in the custody of a law enforcement officer or county or state corrections official. Public Law 2011, chapter 60 removes the current exception covering a prisoner's death that is due to specific natural causes that are clearly certifiable by an attending physician. This means that whenever a death occurs in these circumstances, the death must be reported to the Chief Medical Examiner, and the Chief Medical Examiner must then determine whether the case is a medical examiner case. Public law 2011, chapter 60 also amends the provision in the Maine Revised Statutes, Title 34-A regarding the unnatural death of a client to be consistent with the Chief Medical Examiner's responsibilities described under Title 22, chapter 711.

See also Part D, Sections D-3 through D-5 of Committee Amendment "A" to LD 1480, An Act to Make Correct Errors and Inconsistencies in the Laws of Maine, which was enacted as Public Law 2011, chapter 420. These sections correct technical issues in language adopted pursuant to Public Law 2011, chapter 60 and ensure proper implementation of this public law.

See the bill summary for LD 1480 under the bill summaries for the Joint Standing Committee on Judiciary.

LD 257 An Act To Protect Children in Public Schools by Changing Notification Requirements Regarding Sex Offenders ONTP

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

The bill adds language to the Juvenile Code to specifically notwithstanding Title 20-A's existing process for notification teams and provisions regarding confidentiality of juvenile records and requires superintendents of schools who receive information about a juvenile who is adjudicated of gross sexual assault as an adult to notify all school personnel and all parents and guardians of students who attend the school.

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Notwithstanding student confidentiality provisions, the bill amends Title 20-A to add to superintendents' duties the requirement that superintendents notify all parents and guardians of students enrolled in the same school as a juvenile adjudicated of gross sexual assault. This notification is not limited to juveniles tried as adults.

The bill also requires that a law enforcement agency notify the superintendent of a school district where a registered sex offender is residing, working or attending school. Upon receipt of that information, notwithstanding any confidentiality laws, the superintendent shall provide that information to all teachers and other school personnel.

LD 264 An Act Regarding Residential Chimney Lining ONTP

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

LD 264 prohibits state fire, safety and building codes from requiring a chimney in a residential dwelling to be lined unless the burning equipment used to heat the dwelling is a condensing unit that recaptures heat by condensing escaping water vapor.

LD 276 An Act To Enhance the Collection of Restitution for Victims of Crimes ONTP

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

This bill allows a court to determine the time and method of payment for criminal restitution when the payer is committed to the Department of Corrections. See also LD 1399, An Act to Implement the Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes, which amended restitution provisions. LD 1399 was enacted as Public Law 2011, chapter 464.

LD 282 An Act To Limit Charges for Fingerprinting Performed for Certain Criminal History Background Checks MAJORITY (ONTP) REPORT

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

This bill specifies that if a prospective adoptive parent or an applicant for a license for a family foster home is required to be fingerprinted a 2nd or subsequent time pursuant to court or department procedures, the state entity requiring the subsequent fingerprinting shall pay the costs of that fingerprinting.

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LD 296 Resolve, Directing the State Bureau of Identification To Continue To Explore Contracting Options and Other Methods To Find Efficiencies in the Fingerprinting System for Criminal History Background Checks VETO SUSTAINED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRESCOTT GERZOFISKY	OTP-AM MAJ OTP-AM MIN	H-528

This bill amends current law to allow the fingerprints of a teacher or an educational personnel applicant pursuant to the Maine Revised Statutes, Title 20-A, section 6103 and an applicant for a license for a family foster home to be taken by the sheriffs and chiefs of police in each of the cities and towns. The bill also requires that the sheriffs and chiefs of police be paid for the expenses they incur in fingerprinting an applicant for a license for a family foster home and be reimbursed from the Criminal History Record Check Fund for the expenses they incur in fingerprinting a teacher or educational personnel applicant.

Committee Amendment "A" (H-528)

This amendment replaces the bill with a resolve and is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment directs the Department of Public Safety, State Bureau of Identification to solicit recommendations from the Department of Education and the Department of Health and Human Services regarding ways to improve the fingerprinting process for their clients. The resolve also directs the bureau to continue to research technology and contracting options and potential vendors for providing better accuracy and efficiency in fingerprinting for criminal history background checks. The Joint Standing Committee on Criminal Justice and Public Safety may introduce legislation to implement the bureau's recommendations to the Second Regular Session of the 125th Legislature.

Committee Amendment "B" (H-529)

This amendment is the minority report and allows the fingerprints of a teacher or an educational personnel applicant pursuant to the Maine Revised Statutes, Title 20-A, section 6103 to be taken by a sheriff if the sheriff has the technology and equipment to do so. The amendment specifies that the sheriffs be reimbursed from the Criminal History Record Check Fund for the expenses they incur in fingerprinting a teacher or educational personnel applicant.

This amendment was not adopted.

LD 342 An Act To Amend the Laws Governing County Jail Budgeting for York County LEAVE TO WITHDRAW

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

This bill provides that the county commissioners of York County may use revenue generated from boarding prisoners in the county jail in York County for any county expense. It requires the county commissioners to use money from the budget of the county jail in York County to pay the cost of payroll expenses for administrative services that are properly allocated to the county jail in York County. It requires the county commissioners of York County to pay the cost of debt service for the county jail in York County from the budget of the county jail in York

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County.

**LD 352 An Act To Amend the Laws Governing Criminal History Record
Information**

**PUBLIC 52
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL KATZ	OTP-AM	H-74

This bill adds the Department of Health and Human Services, division of licensing and regulatory services to the list of exceptions regarding limitations on the dissemination of intelligence and investigative information prepared by, prepared at the direction of or kept in the custody of state entities, including local, county and state law enforcement agencies. Intelligence and investigative information is information collected by criminal justice agencies or at the direction of criminal justice agencies in an effort to anticipate, prevent or monitor possible criminal activity, including operation plans of the collecting agency or another agency, or information compiled in the course of investigation of known or suspected crimes, civil violations and prospective and pending civil actions; intelligence and investigative information does not include information that is criminal history record information. (See Title 16 §614, sub-§3 for list of other entities excepted from the prohibition of distribution of intelligence and investigative information.)

The bill allows the Department of Health and Human Services, division of licensing and regulatory services, to access reports and records, including police reports, which may relate to enforcement of the department's licensing laws and rules. This bill has an effective date of July 1, 2011.

Committee Amendment "A" (H-74)

This amendment narrows the scope of the bill to allow the division of licensing and regulatory services within the Department of Health and Human Services to have access to intelligence and investigative information for use only in the investigation of suspected abuse, neglect or exploitation in licensed, certified and registered facilities and programs that provide care to children and adults.

Enacted Law Summary

Public Law 2011, chapter 52 allows the division of licensing and regulatory services within the Department of Health and Human Services to have access to intelligence and investigative information for use only in the investigation of suspected abuse, neglect or exploitation in licensed, certified and registered facilities and programs that provide care to children and adults.

Public Law 2011, chapter 52 was enacted as an emergency measure effective July 1, 2011.

**LD 377 An Act To Ensure That a Licensee Is Notified of a Driver's License
Suspension**

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the current law to establish a procedure by which the Secretary of State must confirm the receipt by the licensee of a notice of suspension of a driver's license before the suspension goes into effect.

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LD 386 **An Act To Implement the Recommendations of the Working Group
Concerning Domestic Violence and Firearms**

**MAJORITY
(ONTP) REPORT**

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

This bill implements the recommendations of the working group concerning domestic violence and firearms established under Resolve 2009, chapter 86.

The bill authorizes a law enforcement officer to seize firearms from a person upon arrest for certain crimes of domestic violence, including: murder; assault, criminal threatening, terrorizing, stalking, criminal mischief, obstructing the report of a crime or injury or reckless conduct if the officer reasonably believes that the person and the victim are family or household members; domestic violence assault, domestic violence criminal threatening, domestic violence terrorizing, domestic violence stalking or domestic violence reckless conduct; violating a court-ordered consent agreement or protection from abuse order; or aggravated assault on a family or household member.

The bill provides that a person subject to firearm seizure is subject to a new mandatory bail condition that requires that all firearms in the possession of the person arrested be relinquished to a law enforcement officer and that the person refrain from possessing a firearm or other specified dangerous weapons until further order of a court. Upon request of the defendant, such a bail condition must be heard by the court as expeditiously as possible.

The bill also amends law enforcement agencies' minimum policy standards regarding domestic violence by requiring that all law enforcement agencies adopt a written policy for the seizure of firearms and safe storage of firearms seized by a law enforcement officer in a domestic violence arrest.

Committee Amendment "A" (H-330)

This amendment is the minority report and implements some of the recommendations, with changes, proposed by the working group concerning domestic violence and firearms established under Resolve 2009, chapter 86. Specifically, the amendment requires bail commissioners to impose a bail condition in all domestic violence cases that the person on bail refrain from possessing firearms or other specified dangerous weapons. The amendment deletes from the bill changes to the Maine Revised Statutes, Title 15, section 1026, subsection 3, paragraph A, subparagraph (8), leaving the current law in place that allows bail commissioners to continue to impose conditions banning the possession of all dangerous weapons. The amendment adds a new Title 15, section 1026, subsection 3, paragraph A, subparagraph (8-A) that states that if a condition is imposed under bail pursuant to Title 15, section 1023, subsection 4-A, the bail commissioner may impose the condition of refraining from possessing a firearm or other specified dangerous weapon until further order of the court.

The amendment also deletes from the bill provisions that mandate that a law enforcement officer seize all firearms in certain warrantless arrest situations and in arrest situations where the officer has probable cause to believe that there has been a criminal violation of a protection order and provisions that require law enforcement agencies to adopt and implement new minimum policy standards for seizure and storage of firearms.

This amendment was not adopted.

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LD 400 An Act Regarding County Jail Sentences of Less than 24 Hours

ONTP

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

The bill clarifies that a court may sentence a defendant to serve a term of imprisonment of less than 24 hours and sets the commencement of that sentence as the time of day that the defendant is received in the county jail.

See also LD 1399, An Act to Implement the Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes, which adopted a similar provision. LD 1399 was enacted as Public Law 2011, chapter 464.

**LD 422 An Act To Amend the Laws Governing the Tax Assessment for
Correctional Services in Lincoln County and Sagadahoc County**

**PUBLIC 315
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	S-209

This bill combines the amount that Lincoln County and Sagadahoc County may collect from municipalities for administration of the jail that serves both counties.

Committee Amendment "A" (S-209)

This amendment replaces the bill and resets and makes equal the tax assessment for correctional services for Lincoln County and Sagadahoc County. These changes take effect for Lincoln County on July 1, 2011 and for Sagadahoc County on January 1, 2012. The amendment also directs Lincoln County to pay withheld revenue from its tax assessment for correctional services from July 1, 2009 to June 30, 2011 directly to the Two Bridges Regional Jail by July 1, 2011 for the jail's correctional services operations in fiscal year 2012-13. The amendment also adds an emergency preamble and clause.

Enacted Law Summary

Public Law 2011, chapter 315 makes equal the tax assessment for correctional services for Lincoln County and Sagadahoc County. These changes take effect for Lincoln County on July 1, 2011 and for Sagadahoc County on January 1, 2012. Public Law 2011, chapter 315 also directs Lincoln County to pay withheld revenue from its tax assessment for correctional services from July 1, 2009 to June 30, 2011 directly to the Two Bridges Regional Jail by July 1, 2011 for the jail's correctional services operations in fiscal year 2012-13.

Public Law 2011, chapter 315 was enacted as an emergency measure effective June 13, 2011.

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**LD 446 An Act To Allow Law Enforcement Officers from Out of State To Carry
Concealed Firearms**

PUBLIC 396

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA SNOWE-MELLO	OTP-AM MAJ ONTP MIN	H-331

This bill allows a law enforcement officer or retired law enforcement officer who is a resident of another state to carry a firearm in this State without a permit to carry a concealed firearm.

Committee Amendment "A" (H-331)

This amendment is the majority report of the committee. The amendment amends the bill's title to clarify that the bill refers to the carrying of concealed firearms, not weapons. The amendment also specifically references 18 United States Code, Sections 926-B and 926-C and their requirements, which also authorize qualified law enforcement officers or qualified retired law enforcement officers to carry concealed firearms.

Enacted Law Summary

Public Law 2011, chapter 396 allows a law enforcement officer or retired law enforcement officer who is a resident of another state to carry a firearm in this State without a permit to carry a concealed firearm. An officer must meet the same qualifications to carry a concealed firearm as required under 18 United States Code, Sections 926-B and 926-C.

**LD 461 An Act To Impose a Penalty for Making False Claims Regarding
Military Service**

**MAJORITY
(ONTP) REPORT**

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

The bill creates the new crime of "fraudulent claim of military service." A person is guilty of this crime if the person knowingly claims falsely to have been awarded a military decoration from the United States Congress, by making that false claim the person intends to obtain something of value to which the person is not entitled and the person obtains that thing of value based on the false claim. The crime is a Class E crime; however, the penalty includes a fine of up to \$5,000. If the falsely claimed military honor or award is the Medal of Honor, the Distinguished Service Cross, the Navy Cross, the Air Force Cross, the Silver Star or Purple Heart, the crime is enhanced to a Class D crime. Notwithstanding the current penalties for Class D crimes, the penalties for this crime include a mandatory term of imprisonment of not less than 9 months. A fine of up to \$10,000 may also be imposed.

Committee Amendment "A" (H-423)

This amendment is the minority report of the committee and replaces the bill. It specifies that theft by deception includes a person claiming falsely that the person has been awarded military decorations, medals or awards.

This amendment was not adopted.

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LD 464 An Act To Authorize Certain Officials To Carry Automatic Knives ONTP
While in the Performance of Their Duties

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

This bill allows law enforcement officers, corrections officers or corrections supervisors to possess a knife that has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or a knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement.

LD 495 An Act To Allow a Person Charged with or Convicted of Violating a ONTP
Protection from Abuse Order To Be Supervised by an Electronic
Tracking System

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

The bill amends the provision regarding conditions of release for preconviction bail by establishing as a condition of bail for a person charged with violating a protection from abuse order under the Title 19-A, section 4011, subsection 1 that the person submit to supervision by an electronic tracking device with specific features.

1. The electronic tracking device must immediately notify law enforcement officers or other monitors of any breach by the offender of a court-ordered restriction to remain within certain physical boundaries;
2. The electronic tracking device must notify the victim as soon as practicable of any breach;
3. The electronic tracking device must allow law enforcement officers and other monitors to speak to the offender through a cellular phone built into the electronic tracking device; and
4. The electronic tracking device must have a loud alarm that can be activated to warn the victim of the offender's presence in an area from which the offender is forbidden.

The bill also authorizes a court to impose as part of the sentencing alternative for a person convicted of violating a protection from abuse order that the person, while on probation, submit to supervision by an electronic tracking device with the same special features.

Joint Standing Committee on Criminal Justice and Public Safety

LD 508 An Act To Adjust Certain Age Limits in the Laws Concerning Sex Offenses To Further Protect Minors

ONTP

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

This bill increases the maximum age of the victim in the crime of prohibited contact with a minor and in the provision regarding municipal ordinances for sex offender restricted zones. Specifically, regarding the crime of prohibited contact with a minor, the bill prohibits a person from intentionally or knowingly initiating direct or indirect contact with another person who has not in fact attained 16 years of age if the person was convicted on or after June 30, 1992 of an offense under the Title 17-A, chapter 11 or 12 against another person who had not in fact attained 16 years of age or was convicted on or after June 30, 1992 in another jurisdiction for conduct substantially similar to that contained in those chapters against another person who had not in fact attained 16 years of age. The current law prohibits intentionally initiating such contact with a person under 14 years of age.

Regarding the municipal ordinances for sex offender restricted zones, the bill provides that a municipality may adopt an ordinance regarding residency restrictions for persons convicted of Class A, B or C sex offenses committed against persons who had not attained 16 years of age at the time of the offense if the municipality meets all other conditions of Title 30-A, section 3014. The current law allows the imposition of residency restrictions for persons who committed sex offenses against a person under 14 years of age.

LD 523 An Act To Modify the Regulation of Fireworks

**PUBLIC 202
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT	OTP-AM	H-328

LD 523 amends the definition of "fireworks" to allow the use of toy, antique or replica cannons if no projectile is fired.

Committee Amendment "A" (H-328)

The amendment keeps toy cannons in the definition of "fireworks" but excludes signal cannons from the definition of "fireworks" if no projectile is fired. The amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2011, chapter 202 excludes signal, antique or replica cannons from the definition of fireworks if no projectile is fired.

Public Law 2011, chapter 202 was enacted as an emergency measure effective June 2, 2011.

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LD 525 An Act To Establish a Minimum Mandatory Sentence for Convictions of Illegally Providing Liquor to a Minor ONTP

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

This bill requires a person who has been convicted 3 times or more within a 6-year period of procuring, or in any way aiding or assisting in procuring, furnishing, giving, selling or delivering liquor for or to a minor to serve a mandatory minimum sentence of imprisonment of at least 48 hours in addition to paying a fine of not less than \$1,500. Current law requires that a person who has a 3rd or subsequent offense within a 6-year period be subject to a mandatory fine of not less than \$1,500.

LD 562 An Act Regarding Municipal Authority To Review Construction Permits for Public Buildings DIED IN CONCURRENCE

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

LD 562 clarifies the authority of municipalities that have been approved by the Commissioner of Public Safety to issue construction permits for public buildings. LD 562 died in concurrence.

The exact language from this bill is in LD 1, which was enacted as an emergency measure on June 13, 2011 and is located in Public Law 2011, chapter 304, Part J.

Committee Amendment "A" (S-291)

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

This amendment was not adopted.

LD 578 An Act To Allow Municipalities To Restrict the Possession of Firearms in Certain Circumstances DIED BETWEEN HOUSES

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

This bill provides a municipal legislative body with the authority to adopt an ordinance that restricts the carrying of firearms in the municipality's essential municipal offices and places of legislative assembly just as the State imposes those restrictions in its capitol area.

Senate Amendment "A" (S-143)

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This amendment requires a municipality, if the legislative body of that municipality adopts an ordinance that restricts the carrying of firearms in that municipality's essential municipal offices or places of legislative assembly, to post in a prominent location outside the affected offices and places a notice of the existence of that restriction.

This amendment was not adopted.

LD 580 An Act To Protect Children from Sexual Predators

**PUBLIC 50
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-26

This bill adds accessing with the intent to view sexually explicit material involving a child under 16 years of age to the offense of possession of sexually explicit material.

Committee Amendment "A" (S-26)

This amendment adds an emergency preamble and clause and, to be consistent with changes in the bill, also amends the Title 17-A, section 284, subsection 5 to include the word "accessing" in the provision dealing with the interpretation of age of the person being depicted in a sexually explicit visual image or material.

Enacted Law Summary

Public Law 2011, chapter 50 adds accessing with the intent to view sexually explicit material involving a child under 16 years of age to the offense of possession of sexually explicit material.

Public Law 2011, chapter 50 was enacted as an emergency measure effective April 25, 2011.

LD 592 An Act Regarding Forensic Examination Kits

PUBLIC 59

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

This bill amends the law to reflect current practice by directing that forensic examination kits be retained by investigating law enforcement agencies rather than transported to the Maine State Police Crime Laboratory. The bill ensures that the text of the Maine Revised Statutes, Title 24, section 2986, subsection 3 is consistent with similar text located in Title 25, section 3821.

Enacted Law Summary

Public Law 2011, chapter 59 directs that forensic examination kits be retained by investigating law enforcement agencies rather than transported to the Maine State Police Crime Laboratory. Public Law 2011, chapter 59 also ensures that the text of the Maine Revised Statutes, Title 24, section 2986, subsection 3 is consistent with similar text located in Title 25, section 3821.

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LD 595 An Act To Allow for Timely Credit for Driver's License Suspensions Imposed by a Court

PUBLIC 81

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

This bill corrects the problem that arises when the driver's license of a defendant that was suspended by the Secretary of State for operating under the influence is restored and then suspended by the court for the same offense. Because the Secretary of State will credit the defendant for the suspension already served and because there is a lag time that may be a week or more between the time the court orders the suspension and the Secretary of State applies the credit, this bill allows an exception to the requirement that the court physically take a license that will be immediately reinstated and allows the court to stay the license suspension for up to 7 days.

Enacted Law Summary

Public Law 2011, chapter 81 corrects the problem that arises when the driver's license of a defendant that was suspended by the Secretary of State for operating under the influence is restored and then suspended by the court for the same offense. Because the Secretary of State will credit the defendant for the suspension already served and because there is a lag time that may be a week or more between the time the court orders the suspension and the Secretary of State applies the credit, Public law 2011, chapter 81 allows an exception to the requirement that the court physically take a license that will be immediately reinstated and allows the court to stay the license suspension for up to 7 days.

LD 624 An Act To Require a Person Who Commits a Sex Offense against a Dependent or Incapacitated Adult To Register under the Sex Offender Registration and Notification Act of 1999

PUBLIC 423

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

This bill specifies that an actor who is employed as a caregiver or otherwise provides care to a person who is a dependent adult or incapacitated adult and who commits gross sexual assault or unlawful sexual contact against the person whose dependency or incapacity is reasonably apparent or known to the actor is guilty of committing a sex offense as defined in the Sex Offender Registration and Notification Act of 1999 requiring a 10-year registration. Registration requirements for persons who commit these new crimes in the Maine Revised Statutes, Title 17-A, section 253, subsection 2, paragraph K or Title 17-A, section 255-A, subsection 1, paragraph W or paragraph X do not apply until October 1, 2011.

Committee Amendment "A" (S-286)

This amendment replaces the bill. The amendment criminalizes sexual conduct between incapacitated adults and caregivers that is not already criminal. Specifically, the amendment creates new versions of gross sexual assault, unlawful sexual contact and unlawful sexual touching. This amendment criminalizes conduct that is committed against a person who has a mental disability that is reasonably apparent or is known to the actor. The amendment codifies this misconduct in situations where the person with the mental disability either is cared for in a facility licensed or funded by the Department of Health and Human Services or is cared for by a person privately employed

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to do so. The amendment recognizes that there are other incapacitated adults who may not have mental retardation but are vulnerable to sexual abuse.

The amendment also expands the list of sex offenses for which a person must register under the Sex Offender Registration and Notification Act of 1999. Specifically, the amendment directs persons to register for 10 years if convicted and sentenced on or after October 1, 2011 of a sex offense, which includes, in addition to the offenses listed in the Title 34-A, section 11203, subsection 6, a conviction for one of the following offenses or for an attempt or solicitation of one of the following offenses, without regard to the age of the victim: Title 17-A, section 253, subsection 2, paragraphs J, K and L and Title 17-A, section 255-A, subsection 1, paragraphs C, G, Q, R, R-1, R-2, W and X.

Enacted Law Summary

Public Law 2011, chapter 423 criminalizes sexual conduct between incapacitated adults and caregivers that is not already criminal. Specifically, Public Law 2011, chapter 423 creates new versions of gross sexual assault, unlawful sexual contact and unlawful sexual touching. Public Law 2011, chapter 423 criminalizes conduct that is committed against a person who has a mental disability that is reasonably apparent or is known to the actor. Public Law 2011, chapter 423 codifies this misconduct in situations where the person with the mental disability either is cared for in a facility licensed or funded by the Department of Health and Human Services or is cared for by a person privately employed to do so. It also recognizes that there are other incapacitated adults who may not have mental retardation but are vulnerable to sexual abuse.

Public Law 2011, chapter 423 also expands the list of sex offenses for which a person must register under the Sex Offender Registration and Notification Act of 1999. Specifically, it directs persons to register for 10 years if convicted and sentenced on or after October 1, 2011 of a sex offense, which includes, in addition to the offenses listed in the Title 34-A, section 11203, subsection 6, a conviction for one of the following offenses or for an attempt or solicitation of one of the following offenses, without regard to the age of the victim: Title 17-A, section 253, subsection 2, paragraphs J, K and L and Title 17-A, section 255-A, subsection 1, paragraphs C, G, Q, R, R-1, R-2, W and X.

LD 638 An Act To Require Sex Offenders To Complete Their Full Time on the ONTP
Sex Offender Registry

Sponsor(s)
HARVELL

Committee Report
ONTP

Amendments Adopted

This bill specifies that during any period in which a person subject to the 10-year registrant requirements under the Sex Offender Registration and Notification Act of 1999, as amended, fails to comply with verification requirements, the Department of Public Safety, State Bureau of Identification, pursuant to any rules the bureau may adopt, shall toll the registration period for the duration of the time that the registrant is not in compliance. Once the registrant is in compliance, the 10-year period resumes at the point at which it was tolled. During the period when the registrant is not in compliance, the bureau is required to continue to maintain the registrant's information on the Internet.

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LD 639 An Act To Protect Medical Care Providers and Hospital Staff ONTP

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

This bill broadens the Class C offense of assault on an emergency medical care provider to include all medical care providers who are assaulted while providing medical care or after providing medical care by the person who was provided the medical care or by another person connected to such a person. This bill also broadens the offense to include an assault on medical care support staff, such as maintenance and janitorial personnel.

Although this bill did not pass, the committee introduced and the House and Senate adopted S.P. 517, Joint Resolution Recognizing the Dedication and Resolve of Medical Care Professionals in Hospitals.

LD 648 An Act To Prohibit Organized Retail Theft Carried Over

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

This bill creates a new crime, "organized retail theft." Organized retail theft includes all the elements of the current crime of theft as described in the Maine Revised Statutes, Title 17-A §354 but also adds the element of using an "organized retail scheme." For purposes of this new crime, an organized retail scheme is used when the property over which the person obtains or exercises unauthorized control is merchandise offered for sale by a retail store and the person acts in concert with a store employee or other person; leaves the store with the property through an emergency exit; removes or disables an antishoplifting or inventory control device; alters a product code; alters a sales receipt; or intends to sell the property.

LD 648 was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 658 An Act To Modify the Requirement of a Permit To Carry a Concealed Weapon MAJORITY (ONTP) REPORT

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

This bill modifies the concealed weapons laws of the State in the following ways.

1. It permits Maine or out-of-state persons to carry any dangerous weapon concealed without a permit, including a firearm, brass knuckles and stilettos, except in the following locations where a person would have to have a permit to carry a dangerous weapon: on the grounds or in the buildings of a school; at a polling place on election day; at a

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nuclear power plant or hydroelectric facility; structure, vehicle or craft owned by the State or a political subdivision of the State; at a public event or a private event permitted or licensed by a public entity; or at an establishment licensed for the sale of spirits, wine or malt liquor to be consumed on the premises.

2. It specifies that if a person has a concealed firearms permit, the person can carry concealed in the above-mentioned places; however, there is no concealed permit for "other dangerous weapons", so a person could also carry other weapons into those places, which is not authorized currently.
3. It changes the concealed firearms permit application fee for residents of the State from \$35 to \$10 and the renewal fee from \$20 to \$5, as well as the amount of those fees that are disbursed to the Chief of the State Police and the Treasurer of State.
4. It changes the requirement that a handgun safety course must be completed from within 5 years of obtaining a concealed firearms permit to having been completed any time; it also keeps the option of demonstrating handgun knowledge to an issuing authority, instead of taking course for qualification to carry concealed.
5. It changes the grandfather clause to apply to any person in any state.
6. It changes the term of a concealed firearms permit from 4 years to 7 years.

Committee Amendment "A" (H-329)

This amendment is the minority report of the committee. It adds an appropriations and allocations section to the bill.

This amendment was not adopted.

LD 667 An Act To Establish a Municipal and County Reimbursement Fee for ONTP
Those Guilty of Crimes

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

In addition to the surcharges of 14% and 5% collected pursuant to current law, this bill creates a new 10% surcharge to be collected in criminal cases. The 10% surcharge must be added to every fine imposed in a criminal case by any court in this State, which for purposes of collection and collection procedures is considered part of the fine. The 10% surcharge must be deposited monthly in the Government Operations Surcharge Fund and must be paid to municipal and county law enforcement agencies in an amount equal to \$100 per criminal case on which a law enforcement officer works.

LD 685 An Act To Support Farm Programs at Department of Corrections PUBLIC 340
Facilities

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCFADDEN	OTP-AM	H-569

This bill requires each correctional and detention facility operated by the Department of Corrections to establish a vegetable garden on its grounds to feed and be maintained by the prisoners.

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Committee Amendment "A" (H-569)

This amendment changes the title and replaces the bill. The amendment allows the establishment of a gravel mining program at any Department of Corrections facility with sufficient gravel. The gravel mining program's primary purpose is to generate revenue to support correctional facility farm programs. Gravel not sold by correctional facilities to support farm programs may be sold, distributed or exchanged in the same manner as farm products may be. The amendment also gives the Commissioner of Corrections authority to use some of the revenue to support correctional facility gravel mining programs.

The amendment also amends the industries program provision to permit additional ways to generate revenue from the sale of industries program services and products. Specifically, the amendment authorizes the industries program to make services and goods available for use by county or local governmental entities, private Maine businesses or community agencies.

Enacted Law Summary

Public Law 2011, chapter 340 allows the establishment of a gravel mining program at any Department of Corrections facility with sufficient gravel. The gravel mining program's primary purpose is to generate revenue to support correctional facility farm programs. Gravel not sold by correctional facilities to support farm programs may be sold, distributed or exchanged in the same manner as farm products may be. Public Law 2011, chapter 340 also gives the Commissioner of Corrections authority to use some of the revenue to support correctional facility gravel mining programs. Public Law 2011, chapter 340 also amends the industries program provision to permit additional ways to generate revenue from the sale of industries program services and products. Specifically, Public Law 2011, chapter 340 authorizes the industries program to make services and goods available for use by county or local governmental entities, private Maine businesses or community agencies.

**LD 690 An Act To Amend the Laws Governing the Transfer of Prisoners to ONTP
Other States**

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

This bill modifies the Interstate Corrections Compact with respect to transferring prisoners to and from other states to provide that:

1. Inmates convicted in this State may not be transferred out of the State to another state prison system without their written consent or a court order. An inmate has the right to legal advice before consenting;
2. Inmates may elect to return to this State after one year of being transferred. Inmates requesting return must be returned within 30 days of the request, unless a court rules in favor of keeping the prisoner away from this State. Inmates have the right to legal representation if a continuation of the transfer is being sought through the court; and
3. Inmates who were transferred without their consent prior to the effective date of the bill may elect to return to this State unless a continuation of the transfer is approved by a court in this State.

Although this bill did not pass, another bill regarding transferring of prisoners, LD 1095, An Act to Facilitate the Construction and Operation of Private Prisons by Authorizing the Transport of Prisoners out of State was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

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LD 708 An Act Concerning Arrests for Violating Protection from Abuse Orders

PUBLIC 178

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

This bill adds to the list of relief authorized under the laws governing protection from abuse, for which a violation is treated as contempt of court instead of a criminal violation, the order of a division of personal property and household goods and furnishings. Current law includes some types of conditions that are enforced by criminal prosecution and some that are enforced by contempt. For those conditions enforced by contempt proceedings, an aggrieved party must ask the court to hold the offender in contempt. Other conditions are prosecuted as criminal offenses under Title 19-A, section 4011.

Committee Amendment "A" (H-228)

This amendment adds the order of terminating a life insurance policy or rider to the list of relief authorized under the laws governing protection from abuse a violation of which is treated as contempt of court.

Enacted Law Summary

Public Law 2011, chapter 178 adds to the list of relief authorized under the laws governing protection from abuse, for which a violation is treated as contempt of court instead of a criminal violation, the order of a division of personal property and household goods and furnishings and the order of terminating a life insurance policy or rider.

LD 714 An Act To Require Probation Officers To Set a Schedule for Restitution Payment

ONTP

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

This bill clarifies that a probation officer shall set a schedule for restitution payment, unless a schedule has been set by the court. The court shall order employment searches for all defendants in all cases where restitution is ordered. The bill also clarifies that income withholding orders remain effective and enforceable until the restitution is paid in full, even after an offender is no longer in the custody or under the supervision of the Department of Corrections.

Although this bill was not passed, parts of it were incorporated into LD 1399, An Act to Implement the Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes. LD 1399 was enacted as Public Law 2011, chapter 464.

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LD 717 An Act To Increase the Penalties for Possessing and Displaying a Firearm on School Property ONTP

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

This bill increases the offense of possessing a firearm on public school property or the property of an approved private school from a Class E crime to a Class C crime and provides that the offense of displaying a firearm on public school property or the property of an approved private school is a Class B crime.

LD 737 An Act To Grandfather Certain Existing Buildings and Structures with Respect to Fire Safety Codes and Standards ONTP

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

LD 737 amends laws regarding life safety and property protection. It subjects buildings and other structures built prior to January 1, 2008 to rules pertaining to fire safety codes and standards in effect as of January 1, 2007.

LD 740 An Act To Amend the Sex Offender Registration Laws ONTP

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

This bill specifies that during any period in which a person subject to the 10-year registrant requirements under the Sex Offender Registration and Notification Act of 1999, as amended, fails to comply with verification requirements, the Department of Public Safety, State Bureau of Identification, pursuant to any rules the bureau may adopt, may toll the registration period for the duration of the time that the registrant is not in compliance. Once the registrant is in compliance, the 10-year period resumes at the point at which it was tolled. During this period, the bureau shall continue to maintain the registrant's information on the Internet.

The bill creates mandatory minimum periods of incarceration for failure to comply with any duty imposed or any rule adopted pursuant to the Sex Offender Registration and Notification Act of 1999, as amended. For a first offense, a registrant must serve a minimum of 30 days of incarceration; for a 2nd offense, a registrant must serve a minimum of 2 years of incarceration; and for a 3rd or subsequent offense, a registrant must serve a minimum of 4 years of incarceration. None of the minimum periods of incarceration may be suspended.

The bill also directs the Joint Standing Committee on Criminal Justice and Public Safety to review the existing 2-tiered offense-based sex offender registration system and determine how to allocate the categories of 10-year registrant and lifetime registrant into 3 categories that require 10-year, 25-year and lifetime registration periods. The committee shall use existing models from the Federal Government and other state governments, as well as

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evidence-based research, to develop its new system. The committee may introduce legislation to the 125th Legislature to implement its recommendations for a 3-tiered registration system. LD 1514, An Act to Amend the Sex Offender Registration Laws, was carried over to any special and/or regular session on the 125th Legislature as a vehicle for this purpose.

LD 750 An Act To Decriminalize Possession of 6 or Fewer Marijuana Plants ONTP

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

This bill amends the criminal possession statute and the civil possession statute to provide that a person may possess 6 or fewer marijuana plants. Possession of 6 or fewer plants is a civil violation subject to a fine of not more than \$250.

LD 754 An Act To Remove Criminal Penalties for Possession of up to 5 Ounces of Marijuana ONTP

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

Current law provides that a person who possesses 2 ½ ounces or less of marijuana commits a civil violation for which a fine of not more than \$1,000 must be adjudged. Specifically, a person who possesses up to 1 ¼ ounces is subject to a mandatory fine of not less than \$350 and not more than \$600, and a person who possesses over 1 ¼ ounces up to 2 ½ ounces is subject to a mandatory fine of not less than \$700 and not more than \$1,000. A person who now possesses more than 2 ½ ounces is guilty of a Class E crime.

This bill increases the amount of marijuana a person may possess as a civil violation and decreases the amount of the fines. Specifically, the bill provides that a person who possesses 5 ounces or less of marijuana commits a civil violation for which a fine of not more than \$250 must be adjudged. To be consistent, the bill also amends the Maine Medical Use of Marijuana Act by increasing the amount of marijuana a person may possess and have dispensed from 2 ½ ounces to 5 ounces.

LD 760 An Act To Establish an Animal Abuser Registry MAJORITY (ONTP) REPORT

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

This bill creates an animal abuser registry. This bill requires a person convicted of animal cruelty under Title 17, section 1031, or convicted of a comparable offense in another state, to register as an animal abuser with the county sheriff where the abuser "is located" for a period of 15 years. The bill requires the county sheriff to gather

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information from an abuser and maintain that information on a registry. Sheriffs must also forward all registration information to the Department of Public Safety, State Bureau of Identification and must provide notice to all residences, schools, humane societies, animal shelters or any other business within a ½ mile radius of the animal abuser's residence or location. The bill requires the State Bureau of Identification to maintain a central registry of animal abusers, which SBI must make available in print as well as by phone and Internet.

Committee Amendment "A" (H-464)

This amendment replaces the bill with a resolve and is the minority report of the committee. The amendment directs the Department of Public Safety, State Bureau of Identification and the Department of Administrative and Financial Services, Office of Information Technology to determine, using existing criminal history record information, how to coordinate and implement an animal abuser registry accessible to the public that includes at a minimum the names and any aliases of the animal abusers; the dates of birth of the animal abusers; the offenses for which the animal abusers were convicted; and the dates and places of conviction. Recommendations regarding implementation must be made to the Joint Standing Committee on Criminal Justice and Public Safety by February 15, 2012. The committee may report out a bill to implement the recommendations.

This amendment was not adopted.

LD 773 An Act To Further Restrict the Availability of Methamphetamine and Amphetamine Pills

PUBLIC 436

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

This bill amends the aggravated trafficking statute, Title 17-A, section 1105-A, to add trafficking in a quantity of 300 or more pills, capsules, tablets or units containing methamphetamine or amphetamine as an aggravated offense. This change would make the offense a Class A crime, the penalty for which includes a sentencing alternative of up to 30 years imprisonment. Current law makes this prohibited conduct a Class B crime with an available sentencing alternative of a period of imprisonment of up to 10 years.

Committee Amendment "A" (H-252)

This amendment replaces the bill and moves the intended prohibition to the existing provision of law regarding methamphetamine. The amendment, like the bill, makes trafficking in a quantity of 300 or more pills, capsules, tablets or units of methamphetamine or amphetamine an aggravated offense and a Class A crime. It also makes trafficking in 100 grams or more of amphetamine a Class A crime.

Enacted Law Summary

Public Law 2011, chapter 436 makes trafficking in a quantity of 300 or more pills, capsules, tablets or units of methamphetamine or amphetamine an aggravated offense and a Class A crime. It also makes trafficking in 100 grams or more of amphetamine a Class A crime. This change makes the offense a Class A crime, the penalty for which includes a sentencing alternative of up to 30 years imprisonment.

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LD 827 An Act To Bring the State's Laws into Compliance with the National Instant Criminal Background Check System

**MAJORITY
(ONTP) REPORT**

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

This bill amends current law regarding the possession of firearms to create a comprehensive system for the restoration of the right to possess firearms by persons with mental illness who prove that they are no longer a danger to themselves or others. The change will qualify Maine for federal funding under the National Instant Criminal Background Check System pursuant to the federal NICS Improvement Amendments Act of 2007.

The bill expands the list of those who can apply to have the right to possess a firearm restored to include persons who have been admitted to a hospital pursuant to the Maine Revised Statutes, Title 34-B, section 3863 and persons found by a Probate Court to lack the capacity to contract or manage their own affairs. Existing law permits application for restoration by persons who are committed involuntarily to a hospital pursuant to Title 34-B, section 3864; persons who are found not criminally responsible by reason of insanity with respect to a criminal charge; and persons who are found not competent to stand trial with respect to a criminal charge.

The bill requires that the Commissioner of Public Safety, when reviewing applications for restoration, at a minimum consider mental health and criminal history records and the applicant's reputation developed through character witnesses and any other character evidence. The bill also removes the Commissioner of Public Safety's discretion to grant restoration if the applicant satisfies the statutory criteria that the person is not likely to act in a manner that is dangerous to public safety and that the restoration would not be contrary to public interest.

Committee Amendment "A" (H-612)

This amendment is the minority report of the committee. It shortens the waiting period for applying to have the right to own, possess or control a firearm from 5 years from the date of final discharge from commitment to 2 years from the date of adjudication or commitment. The amendment expands the restoration of rights to also include the provisions of 18 United States Code, Section 922(d)(4). The amendment also adds new sections regarding involuntary commitment pursuant to the Maine Revised Statutes, Title 34-B, section 3863 and regarding persons found to be incapacitated pursuant to Title 18-A, section 5-101 to inform a person subject to these provisions that the person is prohibited from owning, possessing or controlling firearms.

This amendment was not adopted.

LD 880 An Act To Protect Minors from Questioning by Private Investigators

PUBLIC 161

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORISSETTE WHITTEMORE	OTP-AM	H-222

This bill amends the provision regarding unlawful acts of a private investigator by creating the Class D offense of questioning a minor. A private investigator is guilty of the new offense if the private investigator questions a person who is under 14 years of age and the private investigator does not have the consent of that person's parent or legal

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guardian to do so.

Committee Amendment "A" (H-222)

This amendment replaces the bill and amends the provision of law regarding the refusal, suspension and revocation of a private investigator's license to add new grounds that allow the Commissioner of Public Safety to refuse to issue or renew a license and allow the District Court to suspend or revoke the license of a private investigator. The grounds are that a private investigator contacts or communicates with a child who has not attained 14 years of age regarding a private investigation if that contact or communication by the private investigator includes conduct with the intent to harass, torment, intimidate or threaten a child.

Enacted Law Summary

Public Law 2011, chapter 161 amends the provision of law regarding the refusal, suspension and revocation of a private investigator's license to add new grounds that allow the Commissioner of Public Safety to refuse to issue or renew a license and allow the District Court to suspend or revoke the license of a private investigator. The grounds are that a private investigator contacts or communicates with a child who has not attained 14 years of age regarding a private investigation if that contact or communication by the private investigator includes conduct with the intent to harass, torment, intimidate or threaten a child.

LD 885 An Act To Increase Penalties for Operating a Motor Vehicle under the Influence of Drugs or Alcohol ONTP

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

This bill increases the suspension periods for criminal operating under the influence from 90 to 180 days for a first offense, from 3 years to 5 years for a second offense and from 6 years to 10 years for a third offense. The bill also repeals the provisions that allow issuance of a special or conditional license before the total period of suspension has been served. This prohibition applies to the issuance of restricted licenses for the purpose of allowing participation in education and treatment programs and employment.

LD 912 An Act To Amend the Law Governing Administrative Suspensions of Driver's Licenses MAJORITY (ONTP) REPORT

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

Current law gives the Secretary of State authority to stay a suspension of a driver's license during the statutory suspension period and issue a work-restricted license on receipt of a petition for a work-restricted license for a person under suspension for operating a motor vehicle with an excessive alcohol level or for a person with a juvenile provisional license under suspension for operating a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath.

This bill gives the Secretary of State authority to stay a suspension during the statutory suspension period and issue a work-restricted license on receipt of a petition for a work-restricted license for a person under suspension for any offense under the Title 29-A, chapter 23. The bill also provides that the Secretary of State may not issue a

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work-restricted license to a person whose license has been revoked by court order without providing written notice to the court. The bill provides that the Secretary of State, in issuing a work-restricted license to a person under revocation, may impose any conditions and restrictions the Secretary of State determines necessary to ensure the safety of the public.

Committee Amendment "A" (H-161)

This amendment replaces the bill and is the minority report. The amendment grants the Secretary of State discretionary authority to reissue a license to a person 8 years instead of 10 years after the date the person is no longer incarcerated when the person's license is revoked as a result of that person's operation of a motor vehicle having caused the death of another person when the person operating the motor vehicle was under the influence of intoxicants at the time of the offense.

This amendment was not adopted.

LD 914 An Act To Make Certain Synthetic Cannabinoids Illegal

PUBLIC 428

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS	OTP-AM	H-293 S-351 ROSEN R

This bill schedules the synthetic cannabinoids JWH018, JWH073, HU210 and HU211 as schedule Z drugs, the possession of which would be a Class E crime.

As of March 1, 2011 the synthetic cannabinoids in this bill were temporarily placed on the Federal Register as Schedule I drugs by the United States Drug Enforcement Agency. The ban will be in place at least one year, as federal government considers whether to control synthetic cannabinoids permanently.

Committee Amendment "A" (H-293)

This amendment adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-351)

This amendment establishes an effective date of July 1, 2012 and adjusts the appropriations and allocations section accordingly.

Enacted Law Summary

Public Law 2011, chapter 428 schedules the synthetic cannabinoids JWH018, JWH073, HU210 and HU211 as schedule Z drugs, the possession of which is a Class E crime. Public Law 2011, chapter 428 is effective July 1, 2012.

As of March 1, 2011 these synthetic cannabinoids were temporarily placed on the Federal Register as Schedule I drugs by the United States Drug Enforcement Agency. The ban will be in place at least one year, as federal government considers whether to control synthetic cannabinoids permanently.

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LD 926 An Act To Increase the Credit Toward Payment of Fines Given for Jail Time

PUBLIC 334

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL KATZ	OTP-AM	H-414

Current law allows a court to order a person who fails to pay a criminal fine to be committed to a county jail and receive credit toward payment of the fine at the rate of \$5 for each day of confinement. This bill increases the rate of credit to \$25 per day of confinement.

Committee Amendment "A" (H-414)

This amendment increases the rate of credit to up to \$100 per day of confinement. The bill increases the rate of credit from the current \$5 to \$25.

Enacted Law Summary

Public Law 2011, chapter 334 allows a court to order a person who fails to pay a criminal fine to be committed to a county jail and receive credit toward payment of the fine at the rate of up to \$100 per day of confinement. Public Law 2011, chapter 334 increased the rate of credit from the prior \$5 per day.

LD 932 An Act To Allow Concealed Weapons in the State House

INDEF PP

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

This bill provides that a person to whom a valid permit to carry a concealed firearm has been issued may carry a concealed firearm in the State House.

Committee Amendment "A" (H-420)

This amendment replaces the bill and is the majority report of the committee. The amendment provides that a person to whom a valid permit to carry a concealed firearm has been issued may carry a concealed firearm in the State House, the Burton M. Cross Building and the parking areas adjacent to the 2 buildings and on the walkways between the buildings and between the parking areas and the buildings. Upon entering the State House or the Burton M. Cross Building, a person who is carrying a concealed firearm is required to immediately report to the Capitol Police and sign the person's name in a logbook maintained by the Capitol Police. This is the same procedure that the Capitol Police currently follow for law enforcement officers who carry their firearms in the State House.

This amendment was not adopted.

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LD 963 An Act To Ensure Humane Treatment for Special Management Prisoners ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to reduce the use of special management units by the Department of Corrections and to reduce the length of time that prisoners in the custody of the Department of Corrections are confined in special management units. It also proposes to provide a mechanism for a person who is confined in a special management unit for more than 30 days to have that person's case reviewed by an independent third party.

LD 966 An Act Regarding the Use of Methadone by Operators of Commercial Motor Vehicles PUBLIC 455

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAHAM DIAMOND	OTP-AM MAJ ONTP MIN	H-254 S-352 ROSEN R

This bill amends the violations provisions in the commercial motor carrier statutes to prohibit the operation of a commercial motor vehicle by a person who has methadone or its metabolite in that person's body and makes a violation of the prohibition a Class E crime. Maine has partially adopted the Federal Motor Safety Regulations at this time but has not yet adopted the regulation regarding committing a violation while driving with methadone in the body. Adoption of this prohibition would conform Maine law to federal law.

Committee Amendment "A" (H-254)

This amendment is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety and adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-352)

This amendment replaces the appropriations and allocations section and establishes a July 1, 2012 effective date.

Enacted Law Summary

Public Law 2011, chapter 455 amends the violations provisions in the commercial motor carrier statutes to prohibit the operation of a commercial motor vehicle by a person who has methadone or its metabolite in that person's body and makes a violation of the prohibition a Class E crime.

Public Law 2011, chapter 455 is effective July 1, 2012.

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LD 1025 An Act To Amend the Laws Governing the Sex Offender Registry

PUBLIC 307

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-180 S-242 DIAMOND

This bill amends the law regarding distribution of sex offender registrant information to the public by directing that the Department of Public Safety, State Bureau of Identification include on its Internet posting of registrant information the offender's designation as a 10-year registrant or a lifetime registrant.

The bill also directs the Commissioner of Public Safety, in consultation with an advisory group, to create a classification system based on risk to be applied to each person required to register under the Sex Offender Registration and Notification Act of 1999 in order to identify sex offenders based on their risk of reoffending and the degree of likelihood that they pose a danger to the community.

The bill also directs the State Bureau of Identification, based on the advisory group's work, to amend the introductory page of its publicly accessible website, the "Maine Sex Offender Registry Online Search Service," to better describe the classification process and its purpose of providing more detailed information about the risk of offenders to the public and law enforcement.

Committee Amendment "A" (S-180)

This amendment strikes those sections of the bill regarding creation of a classification system and requiring the Department of Public Safety, State Bureau of Identification to include a description of the classification system on its publicly accessible website. This amendment retains the provision of the bill that directs the State Bureau of Identification to include on its Internet posting of registrant information the offender's designation as a 10-year registrant or lifetime registrant. The amendment adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-242)

This amendment strikes the appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 307 amends the law regarding distribution of sex offender registrant information to the public by directing that the Department of Public Safety, State Bureau of Identification include on its Internet posting of registrant information the offender's designation as a 10-year registrant or a lifetime registrant.

LD 1027 Resolve, To Coordinate Stakeholders To Review Best Practices in the Management of Strangulation and Determine Methods To Address the Issue in Maine

**RESOLVE 76
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEVENS MASON	OTP-AM	H-378

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This bill creates an aggravating sentencing factor for assault, domestic violence assault and aggravated assault. If the offensive physical contact, bodily injury or serious bodily injury in the commission of the crime included strangulation, the court must consider it as an aggravating sentencing factor in setting a sentence. "Strangulation" is defined as the application of pressure to another person's throat or neck or the blocking of the other person's nose or mouth that causes the other person to experience impeded breathing or blood circulation.

Committee Amendment "A" (H-378)

This amendment replaces the bill and creates a resolve directing the Maine Commission on Domestic and Sexual Abuse to invite stakeholders to participate in studying strangulation in order to determine the presence and patterns of strangulation in domestic and sexual violence in Maine and the current management of strangulation within Maine's criminal law. The review must include a study of model practices and research in other states, including the impacts of other states' legislation, public awareness activities and changes in policy. The commission shall invite at a minimum the following stakeholders to participate: representatives from state and local law enforcement, prosecutors, the judicial branch, the Criminal Law Advisory Commission, the Maine Coalition to End Domestic Violence, the Maine Coalition Against Sexual Assault, first responders and other emergency care providers.

The commission shall submit a report by February 15, 2012 to the Joint Standing Committee on Criminal Justice and Public Safety. The report must include the commission's findings and recommendations regarding methods to deal with strangulation in Maine, including, as it determines necessary, proposed legislation; proposed education and training for law enforcement, prosecutors and the judiciary; and proposed programs and outreach for public awareness and advocacy. Upon receipt of the commission's report and recommendations, the committee may report out legislation to the Second Regular Session of the 125th Legislature.

Enacted Law Summary

Resolve 2011, chapter 76 directs the Maine Commission on Domestic and Sexual Abuse to invite stakeholders to participate in studying strangulation in order to determine the presence and patterns of strangulation in domestic and sexual violence in Maine and the current management of strangulation within Maine's criminal law. The review must include a study of model practices and research in other states, including the impacts of other states' legislation, public awareness activities and changes in policy. The commission shall invite at a minimum the following stakeholders to participate: representatives from state and local law enforcement, prosecutors, the judicial branch, the Criminal Law Advisory Commission, the Maine Coalition to End Domestic Violence, the Maine Coalition Against Sexual Assault, first responders and other emergency care providers.

The commission shall submit a report by February 15, 2012 to the Joint Standing Committee on Criminal Justice and Public Safety. The report must include the commission's findings and recommendations regarding methods to deal with strangulation in Maine, including, as it determines necessary, proposed legislation; proposed education and training for law enforcement, prosecutors and the judiciary; and proposed programs and outreach for public awareness and advocacy. Upon receipt of the commission's report and recommendations, the committee may report out legislation to the Second Regular Session of the 125th Legislature.

Resolve 2011, chapter 76 was enacted as an emergency measure effective June 13, 2011.

LD 1040 An Act To Amend the Maine Juvenile Code

PUBLIC 336

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER GERZOFSKY	OTP-AM	H-532

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This bill makes the following changes.

1. It specifies that persons arrested for juvenile crimes, as well as persons under 18 years of age who are arrested for crimes outside of the Maine Juvenile Code, are not eligible for bail.
2. It specifies that detention of juveniles is applicable to all juveniles who commit new juvenile crimes only if specifically authorized by a juvenile community corrections officer.
3. It specifies that a juvenile may not enter an answer on a juvenile petition when the State has filed a request to have the juvenile tried as an adult or has requested that the case be continued for a determination of whether such a request should be filed. The pending bind-over process must first be resolved before an answer is entered.
4. It requires the Juvenile Court to enter a default judgment when a juvenile fails to respond to a summons alleging a juvenile crime that would be a civil violation if committed by an adult.

Committee Amendment "A" (H-532)

This amendment gives the prosecuting attorney for the State the ability to overrule a juvenile community corrections officer regarding detention decisions for motor vehicle and fish or game violations, which is consistent with the process for other juvenile detention situations.

The amendment also allows, but does not require, the Juvenile Court to enter a default judgment when a juvenile fails to respond to a summons alleging a juvenile crime that would be a civil violation if committed by an adult.

Enacted Law Summary

Public Law 2011, chapter 336 specifies that persons arrested for juvenile crimes, as well as persons under 18 years of age who are arrested for crimes outside of the Maine Juvenile Code, are not eligible for bail. It specifies that detention of juveniles is applicable to all juveniles who commit new juvenile crimes only if specifically authorized by a juvenile community corrections officer. Public Law 2011, chapter 336 specifies that a juvenile may not enter an answer on a juvenile petition when the State has filed a request to have the juvenile tried as an adult or has requested that the case be continued for a determination of whether such a request should be filed. The pending bind-over process must first be resolved before an answer is entered.

Public Law 2011, chapter 336 allows, but does not require, the Juvenile Court to enter a default judgment when a juvenile fails to respond to a summons alleging a juvenile crime that would be a civil violation if committed by an adult.

Public Law 2011, chapter 336 also gives the attorney for the State the ability to overrule a juvenile community corrections officer regarding detention decisions for motor vehicle and fish or game violations, which is consistent with the process for other juvenile detention situations.

LD 1074 An Act To Create the Position of Juvenile Community Service Director in the Department of Corrections

ONTP

Sponsor(s)

SHAW

Committee Report

ONTP

Amendments Adopted

This bill creates the position of Juvenile Community Service Director in the Department of Corrections. The director's duties include coordinating volunteers and community businesses and nonprofit organizations to create

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opportunities for community service programs for juveniles and a comprehensive information network of those opportunities and assisting juvenile community corrections officers, the court, prosecutors and schools to find appropriate community service programs. The cost of maintaining the director position may not be paid with General Fund money but must be supported by probation fees, the amount of which must be determined by the Department of Corrections.

LD 1088 An Act Regarding the Writing of Bad Checks Carried Over

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

This bill amends the provision regarding negotiating a worthless instrument by creating a rebuttable presumption of prima facie evidence that a drawer of a dishonored check knew it would be dishonored if the drawer does not pay the amount of the dishonored check and associated fees in full within 24 hours of receiving notice.

LD 1088 was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1090 An Act To Allow a Stay of an Administrative License Suspension for PUBLIC 143
Refusal To Submit to a Test

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	S-61

This bill requires a stay of suspension of a driver's license pending an administrative hearing on the suspension by the Secretary of State for a person who is not entitled to a stay due to refusing to submit to a sobriety test, if the hearing is postponed or otherwise continued by someone else or for a cause not attributable to the person seeking the hearing.

Committee Amendment "A" (S-61)

This amendment clarifies that a stay of license suspension does not apply when the delay of hearing is caused or requested by the petitioner.

Enacted Law Summary

Public Law 2011, chapter 143 requires a stay of suspension of a driver's license pending an administrative hearing on the suspension by the Secretary of State for a person who is not entitled to a stay due to refusing to submit to a sobriety test, if the hearing is postponed or otherwise continued by someone else or for a cause not attributable to the person seeking the hearing. Public Law 2011, chapter 143's stay of license suspension does not apply when the delay of hearing is caused or requested by the petitioner.

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LD 1095 An Act To Facilitate the Construction and Operation of Private Prisons Carried Over
by Authorizing the Transport of Prisoners out of State

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

The purpose of this bill is to facilitate the construction and operation of private prisons by specifically authorizing the Commissioner of Corrections to transport a prisoner out of the State for any purpose that the commissioner determines necessary and appropriate, including the transfer of a prisoner to a public or private correctional facility.

LD 1095 was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1098 An Act To Increase Accountability for the Most Serious Offenders of PUBLIC 159
Laws Prohibiting Operating under the Influence of Drugs and Alcohol

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-72

Current law provides for a Class B crime for a person who has a prior criminal homicide conviction involving or resulting from the operation of a motor vehicle while under the influence of intoxicating liquor or drugs who subsequently operates a motor vehicle while under the influence of intoxicating liquor or drugs. In *State v. Stevens*, 2007 ME 5, 912 A.2d 1229, the Supreme Judicial Court ruled that it was not clear whether the 10-year limit on using a prior conviction applied to this current law.

This bill corrects that ambiguity by specifying that the prior criminal homicide conviction applies, regardless of when it occurred, for purposes of an enhanced sentence, a Class B crime, for a subsequent conviction of operating under the influence.

Committee Amendment "A" (S-72)

This amendment makes a correction to current law to reflect the categorization of operating under the influence as either a Class B or Class C crime.

Enacted Law Summary

Public Law 2011, chapter 159 corrects an ambiguity in prior law by specifying that a prior criminal homicide conviction applies, regardless of when it occurred, for purposes of an enhanced sentence for a subsequent conviction of operating under the influence. In *State v. Stevens*, 2007 ME 5, 912 A.2d 1229, the Supreme Judicial Court ruled that it was not clear whether the 10-year limit on using a prior conviction applied to this law. Public Law 2011, chapter 159 makes it clear that the 10-year limit does not apply in these cases.

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LD 1102 An Act To Ensure That Victims Are Kept Informed in Criminal Cases

ONTP

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

This bill amends the Criminal History Record Information Act to require that the victim of a crime be provided with intelligence and investigative information in as complete and rapid a manner as possible, as long as the disclosure of that information is made with safeguards to prevent events such as interference with law enforcement proceedings, an unwarranted invasion of privacy, disclosure of information designated confidential and endangerment of the life of another individual. Current law provides that criminal justice agencies may provide this information to victims but are not required to do so.

LD 1143 An Act To Require That Law Enforcement Officials Collect DNA Samples from Persons Arrested for Certain Crimes

Carried Over

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

This bill requires a person who has been arrested, charged or indicted on or after January 1, 2012 for murder, a Class A, B or C crime, sexual abuse of a minor, unlawful sexual contact, visual sexual aggression against a child, sexual misconduct with a child under 14 years of age or soliciting a child by a computer to commit a prohibited act to submit to having a DNA sample taken to be added to the state DNA data base.

The bill provides funds to pay for the collection of DNA samples for the state DNA data base by creating the state DNA Data Base Fund surcharge, which requires an additional assessment on all criminal and motor vehicle violation fines equal to 7% of the amount of the fines, to be deposited into the Fund established and administered by the Department of Public Safety.

Committee Amendment "A" (H-576)

This amendment is the majority report of the committee. The amendment requires a person who has been arrested, charged or indicted on or after January 1, 2013 for murder or criminal homicide in the first or 2nd degree; felony murder; manslaughter; aggravated assault; elevated aggravated assault; gross sexual assault, including that formerly denominated as gross sexual misconduct; rape; sexual abuse of a minor; unlawful sexual contact; visual sexual aggression against a child; sexual misconduct with a child under 14 years of age; kidnapping; criminal restraint; burglary; robbery; arson; aggravated criminal mischief; or any lesser included offense of any of these crimes if the greater offense is initially charged to submit to having a DNA sample taken by a law enforcement agency as part of the booking process. "Lesser included offense" has the same meaning as in the Title 17-A, section 13-A.

The amendment specifies that the DNA sample taken pursuant to this requirement may not be analyzed and must be destroyed unless one of the following conditions is met: the arrest was made upon an arrest warrant for murder or a Class A, B or C crime; the defendant has appeared before a judge who made a finding that there was probable cause for the arrest; or the defendant posted bond or was released prior to appearing before a judge or magistrate and then failed to appear for a scheduled hearing.

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The amendment also clarifies that the Chief of the State Police shall expunge the DNA record if the arresting law enforcement agency does not forward the charge to the prosecuting attorney, the prosecuting attorney does not file a charge, the case is dismissed or the defendant is acquitted.

The amendment also strikes from the bill new surcharges and the establishment of the State DNA Data Base Fund and adds an appropriations and allocations section.

Committee Amendment "B" (H-577)

This amendment is the minority report of the committee. The amendment is the same as the majority report, except that it does not automatically allow a DNA sample to be taken upon arrest. The amendment specifies that a DNA sample may not be taken immediately upon arrest unless the arrest was made upon an arrest warrant for murder or a Class A, B or C crime or if the defendant has appeared before a judge who made a finding that there was probable cause for the arrest. If one of these 2 requirements is met, the DNA sample may be taken and the rest of the new provisions apply. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

LD 1143 was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 1163 An Act To Implement the Recommendations of the Commissioner of ONTP
Corrections' Study Regarding the Placement of Special Management
Prisoners**

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to implement the recommendations in the Commissioner of Corrections' report regarding the placement of special management prisoners authorized by Resolve 2009, chapter 213.

**LD 1165 An Act To Enable Prosecutions for Criminal Invasion of Computer PUBLIC 133
Privacy**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION	OTP-AM	H-185

This bill provides that the crimes of criminal invasion of computer privacy and aggravated criminal invasion of computer privacy may be prosecuted and punished in either the county in which the defendant was located when the defendant committed the crime or in any county in which the computer resource that was accessed, damaged or infected with a virus was located, or, in the case of aggravated criminal invasion of computer privacy, in any county in which the computer program, computer software or computer information that the defendant copied was located.

Committee Amendment "A" (H-185)

This amendment strikes from the bill proposed language that is unnecessary. The items listed in the stricken language are included by definition in the Maine Revised Statutes, Title 17-A, section 434, subsection 2.

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Enacted Law Summary

Public Law 2011, chapter 133 provides that the crimes of criminal invasion of computer privacy and aggravated criminal invasion of computer privacy may be prosecuted and punished in either the county in which the defendant was located when the defendant committed the crime or in any county in which the computer resource that was accessed, damaged or infected with a virus was located, or, in the case of aggravated criminal invasion of computer privacy, in any county in which the computer program, computer software or computer information that the defendant copied was located.

LD 1168 An Act To Exempt Firearms Manufactured in this State from Federal Regulation MAJORITY (ONTP) REPORT

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

This intent of the bill is to exempt from federal regulation firearms, firearm accessories and ammunition that are made in Maine and remain in Maine.

LD 1176 An Act To Enhance Reciprocity Agreements Regarding Permits To Carry Concealed Firearms MAJORITY (ONTP) REPORT

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

The purpose of this bill is to enhance reciprocity with other states by removing the requirement that an applicant for a concealed firearms permit demonstrate that the applicant is of "good moral character."

Committee Amendment "A" (H-487)

This amendment is the minority report of the committee. It removes the requirement that an applicant for a concealed firearms permit demonstrate that the applicant is of good moral character and replaces it with the requirement that the applicant show no evidence of behavior contrary to public safety.

This amendment was not adopted.

LD 1178 An Act To Repeal the Laws Governing the Consolidation of Jails ONTP

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

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Public Law 2007, chapter 653 enacted changes to the laws governing the delivery of state and county correctional services. This bill reverses those changes. This bill repeals changes that were enacted pursuant to Public Law 2007, chapter 653, whose purpose was to develop and implement a unified correctional system. The bill eliminates the State Board of Corrections, which was directed to work with counties, the Department of Corrections, the Legislature and other stakeholders in the criminal justice system to oversee and coordinate the correctional system. The bill reenacts procedures for county budgeting that do not separate correctional costs from noncorrectional costs. The bill also reenacts prior procedures for county corrections reimbursement by the State.

LD 1182 An Act To Protect Young Children from Sex Offenses

**DIED BETWEEN
HOUSES**

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

Current law provides that most sex crimes against a child under 12 years of age, such as gross sexual assault, unlawful sexual contact and sexual exploitation of a minor, are Class A or Class B crimes. This bill increases the class of crime for sexual misconduct with a child under 12 years of age from a Class C to a Class B crime and for unlawful sexual contact with a child under 12 years of age, when the defendant is at least 3 years older, to a Class A crime to bring those crimes more in line with the classification of other sex crimes against children under 12 years of age. Due to the increase in the classification of unlawful sexual contact to a Class A, the Maine Revised Statutes, Title 17-A, section 255-A, subsection 1, paragraph F-1 was made redundant and so is repealed.

Committee Amendment "A" (S-295)

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment adds an appropriations and allocations section.

This amendment was not adopted.

**LD 1192 An Act To Require That Marijuana Seized by Law Enforcement
Officers Be Tested and Made Available for Use by Authorized Medical
Marijuana Dispensaries**

ONTP

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

This bill requires that marijuana seized by law enforcement officers be tested by a state laboratory, and if found safe for use, to be made available to a registered dispensary defined under the Maine Medical Use of Marijuana Program. The Department of Health and Human Services shall adopt routine technical rules governing the testing and distribution of marijuana under this section.

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**LD 1201 An Act To Increase the Amount of Funds Available to Counties for
Witness Fees and Prosecution Costs**

**MAJORITY
(ONTP) REPORT**

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

Current law requires forfeited bail to be paid into an account maintained by each prosecutorial district for the purpose of paying expenses related to extradition of fugitives from justice. The maximum amount that may be retained in that account is \$20,000. This bill increases the amount that may be retained in that account to \$40,000 and expands the uses of the funds in the account to allow it to be used to pay for fees or expenses, including witness fees, incurred by the district attorney in a criminal prosecution.

Committee Amendment "A" (H-294)

This amendment is the minority report and incorporates a fiscal note. This amendment was not adopted.

House Amendment "A" (H-338)

This amendment removes from the bill provisions that increase the amount that may be retained in an account in each prosecutorial district for extradition and prosecutorial expenses from \$20,000 to \$40,000 and it provides that at least \$5,000 in the account must be available for extradition expenses.

This amendment was not adopted.

**LD 1217 Resolve, Directing the Office of the State Fire Marshal To Amend Its
Rules Relative to Construction Permit Applications**

ONTP

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

This resolve requires the Department of Public Safety, Office of the State Fire Marshal to amend its rules pertaining to the construction permit application process. It requires the rules to specify what needs to be included in the construction permit application, to permit inclusion of comments from a municipal public safety agency, to include a review and appeals process and to set standards for requiring additional work and more stringent safety measures.

The Fire Marshal's Office has no statutory authority to make a rule pertaining to construction permit applications and cannot amend rules that do not exist.

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LD 1227 An Act Concerning the Disposal of Unclaimed, Lost or Stolen Personal Property by Law Enforcement Agencies

PUBLIC 267

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS DC	OTP-AM	H-413

This bill amends the statutes regarding disposal of unclaimed, lost or stolen personal property by law enforcement by authorizing 2 new options: 1) property in a law enforcement agency's custody may be donated to a nonprofit organization or charity, or 2) it may be disposed of as waste. Currently, law enforcement agencies hold the property until there is a sufficient amount to auction. The bill also specifies that any property disposed of as waste by a law enforcement agency may not be owned or used by any member of a law enforcement agency or an immediate family member of a law enforcement agency member.

Committee Amendment "A" (H-413)

This amendment changes the process of notification of abandoned, lost or stolen property in the possession of a state law enforcement agency to require the notification to be posted in a newspaper of general circulation in the county in which the property was taken into custody, instead of in a newspaper having statewide circulation as the bill proposes.

Enacted Law Summary

Public Law 2011, chapter 267 amends the statutes regarding disposal of unclaimed, lost or stolen personal property by law enforcement by authorizing 2 new options: 1) property in a law enforcement agency's custody may be donated to a nonprofit organization or charity, or 2) it may be disposed of as waste. Public Law 2011, chapter 267 specifies that any property disposed of as waste by a law enforcement agency may not be owned or used by any member of a law enforcement agency or an immediate family member of a law enforcement agency member. Public Law 2011, chapter 267 also changes the process of notification of abandoned, lost or stolen property in the possession of a state law enforcement agency to require the notification to be posted in a newspaper of general circulation in the county in which the property was taken into custody, instead of in a newspaper having statewide circulation.

LD 1232 An Act To Enhance Self-defense by Removing Restrictions on the Carrying and Use of Weapons

**MAJORITY
(ONTP) REPORT**

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

This bill removes the prohibition on having a loaded firearm or crossbow in a motor vehicle for a person other than a holder of a concealed weapons permit. The bill provides the exception that a person may shoot from a motor vehicle or motorboat in the defense of life and property. The bill removes the prohibition on concealing a dangerous weapon except by a holder of a concealed weapons permit, and it removes exceptions to the law prohibiting the carrying of a concealed dangerous weapon.

Committee Amendment "A" (H-584)

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This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety and adds an appropriations and allocations section.

This amendment was not adopted.

LD 1299 An Act To Allow Deferred Disposition in Juvenile Cases

PUBLIC 384

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ	OTP-AM	S-289

This bill allows the juvenile court to order a deferred disposition in the same manner as the adult court orders deferred dispositions. Deferred disposition is a sentencing alternative that is available to persons who plead guilty to a Class C, D or E crime. After accepting a guilty plea, the court may order the persons' sentencing be deferred to a date certain and impose requirements for the person to meet during the period of deferment. At the end of the deferment, if the person can prove to the court by a preponderance of the evidence that the person has met the requirements, the court dismisses the charges.

Committee Amendment "A" (S-289)

This amendment replaces the bill. The amendment creates the option of deferred disposition in juvenile cases but instead of providing the same option for juveniles that is provided in the Maine Criminal Code, it enacts this procedure in the Maine Juvenile Code with appropriate terminology and procedures for juveniles.

Enacted Law Summary

Public Law 2011, chapter 384 establishes the option of deferred disposition in juvenile cases by enacting this procedure in the Maine Juvenile Code.

**LD 1302 An Act To Extend Fire Code Rules to Single-family Dwellings Used as
Nursing Homes for 3 or Fewer Patients**

PUBLIC 398

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

Current law provides that certain fire code rules adopted by the Commissioner of Public Safety do not apply to nursing homes having 3 or fewer patients. This bill removes that limitation, extending application of those rules to nursing homes with 3 or fewer patients.

Enacted Law Summary

Public Law 2011, chapter 398 extends the application of rules governing the safety to life from fire in or around all buildings and other structures and mass outdoor gatherings adopted by the Commissioner of Public Safety to nursing homes with 3 or fewer patients.

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LD 1308 An Act To Strengthen Computer Privacy

PUBLIC 377

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON	OTP-AM	S-208

This bill allows for the conviction of a person residing outside of Maine who commits criminal invasion of computer privacy or aggravated criminal invasion of computer privacy as long as the victim of the crime is residing in Maine at the time of the crime.

Committee Amendment "A" (S-208)

This amendment replaces the bill and creates a section regarding added jurisdiction that applies to the whole chapter on computer crimes. The new provision, like the bill, gives the State jurisdiction to convict a person residing outside the State who commits criminal invasion of computer privacy or aggravated criminal invasion of computer privacy if the victim was a resident of the State at the time of the crime.

Enacted Law Summary

Public Law 2011, chapter 377 creates a section regarding added jurisdiction that applies to chapter regarding computer crimes in the Maine Criminal Code. The new provision gives the State jurisdiction to convict a person residing outside the State who commits criminal invasion of computer privacy or aggravated criminal invasion of computer privacy if the victim was a resident of the State at the time of the crime.

LD 1315 An Act To Establish an Integrated Statewide System To Manage and Enforce Electronic Warrants

PUBLIC 214

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

This bill establishes an integrated statewide system to manage and enforce electronic warrants. The purpose of this integrated system is to reduce duplicative paperwork and improve accuracy of information in order to improve public safety and government administration of arrest warrants.

Enacted Law Summary

Public Law 2011, chapter 214 establishes an integrated statewide system to manage and enforce electronic warrants. The purpose of this integrated system is to reduce duplicative paperwork and improve accuracy of information in order to improve public safety and government administration of arrest warrants. The new system is scheduled to take effect February 1, 2012.

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LD 1317 An Act Concerning Sex Offender Registry Information

PUBLIC 299

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER	OTP-AM	H-466 H-497 PLUMMER

This bill provides that, except to the extent required to permit access to information identified in current law as publicly accessible, information administered, maintained or contributed to by the Department of Public Safety, Bureau of State Police, State Bureau of Identification in connection with the sex offender registry may not be publicly accessed or disseminated.

Committee Amendment "A" (H-466)

This amendment replaces the bill. The amendment provides that sex offender registry information created, collected or maintained by the Department of Public Safety, Bureau of State Police, State Bureau of Identification, except for the basic information about registrants that is posted on the Internet or provided to requestors by the bureau pursuant to law, is confidential. Registry information that is designated as confidential includes, but is not limited to, information relating to the identity of persons accessing the registry. Information listed in the Title 34-A, section 11221, subsection 9 remains public.

This amendment revises the law concerning a registrant's ability to access the registrant's own information. Information listed in Title 34-A, section 11221, subsection 1, paragraphs A to F about the registrant must be provided to the registrant upon request. The process for accessing and reviewing the information is governed by Title 16, section 620.

This amendment also prohibits the dissemination in electronic form of information about a registrant that is created, collected or maintained by or for the State Bureau of Identification or a law enforcement agency, with the exception of information made available to the public through an Internet website maintained by the bureau or by the law enforcement agency.

House Amendment "A" To Committee Amendment "A" (H-497)

This amendment specifies that any information maintained by the Department of Public Safety, Bureau of State Police, State Bureau of Identification relating to applications and decisions that are related to the process to seek relief from the duty to register are public records.

Enacted Law Summary

Public Law 2011, chapter 299 provides that sex offender registry information created, collected or maintained by the Department of Public Safety, Bureau of State Police, State Bureau of Identification, except for the basic information about registrants that is posted on the Internet or provided to requestors by the bureau pursuant to law or any information maintained relating to applications and decisions that are related to the process to seek relief from the duty to register, is confidential. Registry information that is designated as confidential includes, but is not limited to, information relating to the identity of persons accessing the registry. Information listed in the Title 34-A, section 11221, subsection 9 remains public.

Public Law 2011, chapter 299 revises the law concerning a registrant's ability to access the registrant's own information. Information listed in Title 34-A, section 11221, subsection 1, paragraphs A to F about the registrant must be provided to the registrant upon request. The process for accessing and reviewing the information is

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governed by Title 16, section 620.

Public Law 2011, chapter 299 also prohibits the dissemination in electronic form of information about a registrant that is created, collected or maintained by or for the State Bureau of Identification or a law enforcement agency, with the exception of information made available to the public through an Internet website maintained by the bureau or by the law enforcement agency.

LD 1318 An Act To Repeal the Law Regarding DNA Collection

PUBLIC 221

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

Current law requires the collection of DNA from an individual convicted of a Class D or E crime who, prior to January 1, 1996, committed a crime that, if committed on or after that date, would require that the person submit to having a DNA sample taken. This bill repeals that requirement.

Enacted Law Summary

Public Law 2011, chapter 221 repeals that requirement that DNA be collected from individual convicted of a Class D or E crime who, prior to January 1, 1996, committed a crime that, if committed on or after that date, would require that the person submit to having a DNA sample taken.

LD 1347 An Act Relating to Locations where Concealed Weapons May Be Carried

PUBLIC 394

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA TRAHAN	OTP-AM MAJ ONTP MIN	H-530

This bill eliminates the prohibition on certain persons possessing firearms in certain locations, including state parks and historic sites, premises licensed for the consumption of alcohol, state property under the jurisdiction of the Department of Public Safety and the Legislative Council and locations of labor disputes. Specifically, notwithstanding any statutory provisions or rules prohibiting the possession of a firearm, the bill permits the following persons to possess firearms:

1. A person to whom a valid permit to carry a concealed firearm has been issued under the Maine Revised Statutes, Title 25, chapter 252. The person must have in that person's possession the valid permit;
2. A person to whom a valid permit to carry a concealed firearm has been issued by another state if a permit to carry a concealed firearm issued from that state has been granted reciprocity under Title 25, chapter 252. The person must have in that person's possession the valid permit;
3. An authorized federal, state or local law enforcement officer in the performance of the officer's official duties;
4. A qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The law enforcement officer must have in the law enforcement officer's possession photographic identification issued by the law enforcement agency by which the person is employed as a law enforcement officer;

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5. A qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C. The retired law enforcement officer must have in the retired law enforcement officer's possession:

A. Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer that indicates that the person has, not less recently than one year before the date the person is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or

B. Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer and a certification issued by the state in which the person resides that indicates that the person has, not less recently than one year before the date the person is carrying the concealed firearm, been tested or otherwise found by that state to meet the standards established by that state for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm;

6. A private investigator licensed under Title 32, chapter 89 who is actually performing as a private investigator; and

7. A security guard to the extent that federal laws or rules required the security guard to be armed with a dangerous weapon at a labor dispute site or a security guard who is employed by an employer involved in a labor dispute, strike or lockout at the location where applications for employment with the employer will be accepted, interviews of those applicants conducted or medical examinations of those applicants performed.

This bill does not eliminate or amend provisions governing the possession of firearms in or on school property or courthouses.

Committee Amendment "A" (H-530)

This amendment is the majority report of the committee. The amendment eliminates the prohibition on certain persons possessing firearms in state parks and historic sites. The amendment retains provisions in the bill that allow certain persons to possess firearms pursuant to the Title 25, section 2001-A, but removes from that list licensed private investigators performing as private investigators because current law requires them to have a concealed firearms permit. It also removes from the bill provisions allowing certain persons to have a loaded pistol or revolver in a motor vehicle or trailer hauled by a motor vehicle, allowing the possession of concealed firearms on premises serving alcohol and allowing certain persons to carry concealed firearms at the capitol area and other state-controlled areas. The amendment also removes provisions in the bill that amend the laws concerning the carrying of a firearm at the site of a labor dispute.

Enacted Law Summary

Public Law 2011, chapter 394 eliminates any prohibitions on possessing concealed firearms in state parks and historic sites.

Public Law 2011, Chapter 394 also adds to the list of exceptions to the provision concerning the carrying of concealed firearms in Title 25, section 2001-A the following persons:

1. An authorized federal, state or local law enforcement officer in the performance of the officer's official duties;
2. A qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The law enforcement officer must have in the law enforcement officer's possession photographic identification issued by the law enforcement agency by which the person is employed as a law enforcement officer; or
3. A qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C. The retired law

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enforcement officer must have in the retired law enforcement officer's possession:

A. Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer that indicates that the person has, not less recently than one year before the date the person is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or

B. Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer and a certification issued by the state in which the person resides that indicates that the person has, not less recently than one year before the date the person is carrying the concealed firearm, been tested or otherwise found by that state to meet the standards established by that state for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

LD 1363 An Act Regarding the Publication of Information Related to Persons Convicted of Operating under the Influence of Alcohol or Drugs ONTP

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

This bill requires the Department of Public Safety, State Bureau of Identification to publish on a State website information regarding persons who are convicted or plead no contest to an OUI. The information that must be posted on the website includes:

1. The name of the defendant;
2. The municipality of residence of the defendant;
3. The offense;
4. The date of the offense;
5. The location of the offense;
6. The blood-alcohol level of the defendant or the drug used by the defendant; and
7. A photograph of the defendant.

SBI shall provide a link to this information on the home page of the publicly accessible website of the State and shall update this information at least once per month. The bureau shall publish the information described in subsection 1 for 6 months for a first offense, 2 years for a 2nd offense and 10 years for a 3rd offense. An additional \$25 surcharge must be imposed in each OUI conviction to pay for the cost of the registry.

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LD 1392 An Act To Increase the Penalty for Sexual Abuse by Certain Offenders

**DIED BETWEEN
HOUSES**

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

This bill increases the sentencing class of a sex offense by one class or, for a Class A offense, increases the maximum term of imprisonment from 30 to 40 years if the offender is a family or household member of or in a position of authority over the victim and being a family or household member of or in a position of authority over the victim is not an element of the offense.

Committee Amendment "A" (S-283)

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. It adds an appropriations and allocations section.

This amendment was not adopted.

**LD 1399 An Act To Implement the Recommendations of the Criminal Law
Advisory Commission Relative to the Maine Criminal Code and Related
Statutes**

PUBLIC 464

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-618 S-360 ROSEN R

This bill amends the Title 15, section 101-D, subsection 5, paragraph A in 4 regards: it precludes the Commissioner of Health and Human Services from commencing involuntary commitment proceedings following a court finding of incompetency and the dismissal of all criminal charges against the defendant when that defendant is subject to an undischarged term of imprisonment; it requires the court dismissing the criminal charges to order the defendant into execution of the undischarged term of imprisonment; it imposes on the correctional facility to which the defendant must be transported the duty to do the transporting; and it corrects a reference to the Department of Health and Human Services and replaces the word "procedures" with the word "proceedings."

It amends Title 15, section 101-D, subsection 9 by requiring that, if a post-sentencing examination must take place outside the correctional facility, that correctional facility has the duty to provide transportation and security for the examination.

It authorizes a warrantless arrest based on probable cause for a violation of a condition of release from a community confinement monitoring program pursuant to Title 30-A, section 1659-A, subsection A.

It amends each of the forms of the Maine Criminal Code crimes of gross sexual assault, unlawful sexual contact and unlawful sexual touching in which the actor is a psychiatrist, psychologist or licensed social worker, or a person purporting to be a psychiatrist, psychologist or licensed social worker, by deleting the current elemental requirement

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that the patient or client be receiving "mental health therapy" from the actor.

It amends the Maine Criminal Code crime of sexual abuse of minors by repealing current Title 17-A, section 254, subsection 1, paragraph F and moving its substance into a new Title 17-A, section 254, subsection 1, paragraph A-3 for purposes of clarity. It also replaces the current reference in Title 17-A, section 254, subsection 2 to paragraph F with a reference to paragraph A-3.

It amends Title 17-A, section 284, subsection 5 by striking the term "dissemination," which has no relevance to the crime of possession of sexually explicit material, and by adding the terms "transporting," "exhibiting" and "purchasing," which, like the term "possession," constitute the alternative prohibited conduct elements regarding the sexually explicit visual image or material.

It amends Title 17-A, section 506 to clarify that current electronic communication devices and those to be developed in the future are included within section 506. A new subsection 2-A is added that defines "electronic communication device" to mean any electronic or digital product that communicates at a distance by electronic transmission impulses or by fiber optics, including any software capable of sending or receiving communication, allowing a person to electronically engage in the conduct prohibited under section 506.

It adds a new subsection to Title 17-A, section 755 to comprehensively address the crime of escape from a community confinement monitoring program. Currently, this form of escape, unlike escape from supervised community confinement granted pursuant to Title 34-A, section 3036-A, is not defined in section 755, but instead is defined only in Title 30-A, section 1659-A. To eliminate confusion, it amends escape to incorporate this version by relying in part on escape as defined in Title 17-A, section 755 and by replacing Title 30-A, section 1659-A, subsection 5 with a cross-reference to the new provision in escape.

It amends the definition of "contraband" in Title 17-A, section 757, subsection 2 to include any tool or other item that may be used to facilitate a violation of section 755. This form of contraband was unintentionally omitted when sections 756 and 757 were amended by Public Law 2009, chapter 608, sections 5 and 6.

It amends the name of the crime "trafficking in dangerous knives" to "possession or distribution of dangerous knives" in order to more accurately describe the crime.

It amends Title 17-A, section 1107-A, subsection 4, providing for an affirmative defense based on a valid prescription to the crime of unlawful possession of scheduled drugs, by adding the schedule W drugs containing methamphetamine, hydrocodone or hydromorphone.

It amends Title 17-A, section 1111-A in the following ways: it amends the title of the section from "sale and use of drug paraphernalia" to "use of drug paraphernalia" to more accurately describe the crime; for clarity, it deletes subsection 4 and replaces it with a new subsection 4-A that addresses the crime of "use of drug paraphernalia" and a new subsection 4-B that addresses civil violations; and it repeals existing exclusion language and instead converts it to an exception under the protections afforded to persons pursuant to the Maine Medical Use of Marijuana Act.

It amends Title 17-A, section 1253, subsection 2 to allow for a detention credit to be awarded for any portion of a day a person is detained short of 24 hours for a person who has previously been detained for the conduct for which the person is sentenced to a term of imprisonment or an initial unsuspended portion of a split sentence of 96 hours or less. It limits the application of the partial day credit to persons whose crime is committed after October 15, 2011 to avoid an unconstitutional application.

It amends Title 17-A, section 1326-A to allow a court to determine the time and method of restitution payment, even if the person is a client of the Department of Corrections.

It amends work program release restitution for clarification and to add another circumstance in which the

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requirements imposed under Title 17-A, section 1330 apply.

It amends the Maine Criminal Code sentencing alternative of unconditional discharge addressed in Title 17-A, section 1346 to allow the Class D and Class E crimes not eligible for a sentencing alternative involving probation pursuant to Title 17-A, section 1201, subsection 1 to nonetheless be eligible for an unconditional discharge.

Committee Amendment "A" (H-618)

This amendment clarifies that for purposes of relationships between patients and providers, the relationship must be current, therefore not criminalizing conduct after the patient-provider relationship has concluded. The amendment also properly places the violation dealing with sexual contact, the Maine Revised Statutes, Title 17-A, section 254, subsection 1, paragraph A-3 proposed in the bill in Title 17-A, section 255-A, which deals with unlawful sexual contact offenses, not sexual acts.

The amendment adds language to Title 17-A, section 284 to be consistent with recently enacted Public Law 2011, chapter 50. The amendment adds language to specify that income withholding orders remain effective and enforceable until restitution is paid in full, even after an offender is no longer in the custody or under the supervision of the Department of Corrections. The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-360)

This amendment specifies that the provision concerning harassment by telephone or by electronic communication device takes effect July 1, 2012.

Enacted Law Summary

Public Law 2011, chapter 464 makes a number of changes to the Criminal Code and related statutes. Specifically, it enacts the following changes.

1. It amends the Title 15, section 101-D, subsection 5, paragraph A in 4 regards: it precludes the Commissioner of Health and Human Services from commencing involuntary commitment proceedings following a court finding of incompetency and the dismissal of all criminal charges against the defendant when that defendant is subject to an undischarged term of imprisonment; it requires the court dismissing the criminal charges to order the defendant into execution of the undischarged term of imprisonment; it imposes on the correctional facility to which the defendant must be transported the duty to do the transporting; and it corrects a reference to the Department of Health and Human Services and replaces the word "procedures" with the word "proceedings."
2. It amends Title 15, section 101-D, subsection 9 by requiring that, if a post-sentencing examination must take place outside the correctional facility, that correctional facility has the duty to provide transportation and security for the examination.
3. It authorizes a warrantless arrest based on probable cause for a violation of a condition of release from a community confinement monitoring program pursuant to Title 30-A, section 1659-A, subsection A.
4. It amends each of the forms of the Maine Criminal Code crimes of gross sexual assault, unlawful sexual contact and unlawful sexual touching in which the actor is a psychiatrist, psychologist or licensed social worker, or a person purporting to be a psychiatrist, psychologist or licensed social worker, by deleting the current elemental requirement that the patient or client be receiving "mental health therapy" from the actor. It clarifies that for purposes of relationships between patients and providers, the relationship must be current, therefore not criminalizing conduct after the patient-provider relationship has concluded, and it properly places the violation dealing with sexual contact in Title 17-A, section 255-A, which deals with unlawful sexual contact offenses, not sexual acts.
5. It amends the Maine Criminal Code crime of sexual abuse of minors by repealing current Title 17-A, section 254, subsection 1, paragraph F and moving its substance into a new Title 17-A, section 254, subsection 1, paragraph A-3 for purposes of clarity. It also replaces the current reference in Title 17-A, section 254, subsection 2 to paragraph F

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with a reference to paragraph A-3.

6. It amends Title 17-A, section 284, subsection 5 by striking the term "dissemination," which has no relevance to the crime of possession of sexually explicit material, and by adding the terms "transporting," "exhibiting" and "purchasing," which, like the term "possession," constitute the alternative prohibited conduct elements regarding the sexually explicit visual image or material.

7. It amends Title 17-A, section 506 to clarify that current electronic communication devices and those to be developed in the future are included within section 506. A new subsection 2-A is added that defines "electronic communication device" to mean any electronic or digital product that communicates at a distance by electronic transmission impulses or by fiber optics, including any software capable of sending or receiving communication, allowing a person to electronically engage in the conduct prohibited under section 506. Changes regarding electronic communications do not become effective until July 1, 2012.

8. It adds a new subsection to Title 17-A, section 755 to comprehensively address the crime of escape from a community confinement monitoring program. Currently, this form of escape, unlike escape from supervised community confinement granted pursuant to Title 34-A, section 3036-A, is not defined in section 755, but instead is defined only in Title 30-A, section 1659-A. To eliminate confusion, it amends escape to incorporate this version by relying in part on escape as defined in Title 17-A, section 755 and by replacing Title 30-A, section 1659-A, subsection 5 with a cross-reference to the new provision in escape.

9. It amends the definition of "contraband" in Title 17-A, section 757, subsection 2 to include any tool or other item that may be used to facilitate a violation of section 755. This form of contraband was unintentionally omitted when sections 756 and 757 were amended by Public Law 2009, chapter 608, sections 5 and 6.

10. It amends the name of the crime "trafficking in dangerous knives" to "possession or distribution of dangerous knives" in order to more accurately describe the crime.

11. It amends Title 17-A, section 1107-A, subsection 4, providing for an affirmative defense based on a valid prescription to the crime of unlawful possession of scheduled drugs, by adding the schedule W drugs containing methamphetamine, hydrocodone or hydromorphone.

12. It amends Title 17-A, section 1111-A in the following ways: it amends the title of the section from "sale and use of drug paraphernalia" to "use of drug paraphernalia" to more accurately describe the crime; for clarity, it deletes subsection 4 and replaces it with a new subsection 4-A that addresses the crime of "use of drug paraphernalia" and a new subsection 4-B that addresses civil violations; and it repeals existing exclusion language and instead converts it to an exception under the protections afforded to persons pursuant to the Maine Medical Use of Marijuana Act.

13. It amends Title 17-A, section 1253, subsection 2 to allow for a detention credit to be awarded for any portion of a day a person is detained short of 24 hours for a person who has previously been detained for the conduct for which the person is sentenced to a term of imprisonment or an initial unsuspended portion of a split sentence of 96 hours or less. It limits the application of the partial day credit to persons whose crime is committed after October 15, 2011 to avoid an unconstitutional application.

14. It amends Title 17-A, section 1326-A to allow a court to determine the time and method of restitution payment, even if the person is a client of the Department of Corrections. It also adds language to specify that income withholding orders remain effective and enforceable until restitution is paid in full, even after an offender is no longer in the custody or under the supervision of the Department of Corrections.

15. It amends work program release restitution for clarification and to add another circumstance in which the requirements imposed under Title 17-A, section 1330 apply.

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16. It amends the Maine Criminal Code sentencing alternative of unconditional discharge addressed in Title 17-A, section 1346 to allow the Class D and Class E crimes not eligible for a sentencing alternative involving probation pursuant to Title 17-A, section 1201, subsection 1 to nonetheless be eligible for an unconditional discharge.

LD 1400 An Act To Address Certain Aspects of Bail

PUBLIC 341

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-534

This bill amends the Maine Bail Code in several ways. It adds a new definition of "crime involving domestic violence," which means a crime of domestic violence assault, domestic violence criminal threatening, domestic violence terrorizing, domestic violence stalking or domestic violence reckless conduct, as defined in the Title 17-A, as well as a violation of a protective order under Title 19-A, section 4011 in which the alleged victim is a family or household member as defined in Title 19-A, section 4002, subsection 4.

The bill replaces "district attorney" with "responsible prosecutorial office" to broaden the application to include the Attorney General's Office as well as any district attorney.

It adds a new provision addressing the preconviction limitations on a bail commissioner's authority as provided in Title 15, section 1092, subsection 4.

It adds a provision requiring that in the preconviction context a bail commissioner specify a court date within 8 weeks of the date of the bail order when that bail order uses one or more release conditions not automatically included in every bail order for pretrial release.

The bill adds a provision that requires that the court and not a bail commissioner set preconviction bail for a crime if: the condition of release alleged to be violated relates to new criminal conduct for a Class C or above crime or a Class D or Class E crime that involves domestic violence, sexual assault or sexual exploitation of minors; the underlying crime for which preconviction bail was granted is classified as Class C or above; or the underlying crime for which preconviction bail was granted involves domestic violence, sexual assault or sexual exploitation of minors.

The bill clarifies that a law enforcement officer may make a warrantless arrest in the context of an anticipated motion to revoke bail by the attorney for the State. It expressly authorizes an arrest under these circumstances when the attorney for the State requests that the defendant be arrested for purposes of instituting a revocation of bail. The bill does not address an arrest for a violation of the crime of violation of a condition of release pursuant to Title 15, section 1092.

The bill adds to the list of circumstances in which a law enforcement officer may make a warrantless arrest the following: a violation of preconviction or post-conviction bail pursuant to Title 15, section 1095, subsection 2 or section 1098, subsection 2 upon request of the attorney for the State; failure to appear in violation of Title 15, section 1091, subsection 1, paragraph A; and a Class D or Class E crime committed while released on preconviction or post-conviction bail.

Committee Amendment "A" (H-534)

This amendment clarifies that if a bail commissioner does not have sufficient information to determine whether the bail commissioner is authorized to set bail on a violation of a condition of release, the bail commissioner may not set bail.

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Enacted Law Summary

Public Law 2011, chapter 341 amends the Maine Bail Code in the following ways.

1. It adds a new definition of "crime involving domestic violence," which means a crime of domestic violence assault, domestic violence criminal threatening, domestic violence terrorizing, domestic violence stalking or domestic violence reckless conduct, as defined in the Title 17-A, as well as a violation of a protective order under Title 19-A, section 4011 in which the alleged victim is a family or household member as defined in Title 19-A, section 4002, subsection 4.
2. It replaces "district attorney" with "responsible prosecutorial office" to broaden the application to include the Attorney General's Office as well as any district attorney.
3. It adds a new provision addressing the preconviction limitations on a bail commissioner's authority as provided in Title 15, section 1092, subsection 4. It also clarifies that if a bail commissioner does not have sufficient information to determine whether the bail commissioner is authorized to set bail on a violation of a condition of release, the bail commissioner may not set bail.
4. It adds a provision requiring that in the preconviction context a bail commissioner specify a court date within 8 weeks of the date of the bail order when that bail order uses one or more release conditions not automatically included in every bail order for pretrial release.
5. It adds a provision that requires that the court and not a bail commissioner set preconviction bail for a crime if: the condition of release alleged to be violated relates to new criminal conduct for a Class C or above crime or a Class D or Class E crime that involves domestic violence, sexual assault or sexual exploitation of minors; the underlying crime for which preconviction bail was granted is classified as Class C or above; or the underlying crime for which preconviction bail was granted involves domestic violence, sexual assault or sexual exploitation of minors.
6. It clarifies that a law enforcement officer may make a warrantless arrest in the context of an anticipated motion to revoke bail by the attorney for the State. It expressly authorizes an arrest under these circumstances when the attorney for the State requests that the defendant be arrested for purposes of instituting a revocation of bail. It does not address an arrest for a violation of the crime of violation of a condition of release pursuant to Title 15, section 1092.
7. It adds to the list of circumstances in which a law enforcement officer may make a warrantless arrest the following: a violation of preconviction or post-conviction bail pursuant to Title 15, section 1095, subsection 2 or section 1098, subsection 2 upon request of the attorney for the State; failure to appear in violation of Title 15, section 1091, subsection 1, paragraph A; and a Class D or Class E crime committed while released on preconviction or post-conviction bail.

LD 1404 An Act To Enhance Public Safety Response to High-risk Events

ONTP

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

This bill requires the establishment of the Committee on Tactical Force Administration to review and make recommendations on tactical law enforcement incidents. The bill requires the Board of Trustees of the Maine Criminal Justice Academy to adopt certification standards and training programs for crisis negotiators and tactical

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teams.

LD 1413 An Act To Amend the Maine Juvenile Code To Address the Issue of Competency

**PUBLIC 282
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-412

This bill repeals provisions regarding suspension of juvenile proceedings for mentally ill or incapacitated juveniles and enacts provisions establishing criteria to determine whether a juvenile is competent to proceed in a juvenile proceeding. The bill specifies that a juvenile is competent to proceed in a juvenile proceeding if the juvenile has a rational as well as a factual understanding of the proceedings against the juvenile and a sufficient present ability to consult with legal counsel with a reasonable degree of rational understanding. The issue as to a juvenile's competency to proceed may be raised by the juvenile, by the State or by the Juvenile Court at any point in the juvenile proceeding after a finding of probable cause and prior to the imposition of a final order of disposition. A competency determination is necessary only when the Juvenile Court has a reasonable doubt as to a juvenile's competency to proceed.

The bill provides that if the Juvenile Court determines that a competency determination is necessary, it shall order that a juvenile be examined by the State Forensic Service to evaluate the juvenile's competency to proceed. The examination must take place within 21 days of the court's order. Pending a competency examination, the Juvenile Court shall suspend the proceeding on the petition. The suspension remains in effect pending the outcome of a competency determination hearing. Suspension of the proceeding does not affect the Juvenile Court's ability to detain or release the juvenile.

The bill requires that the State Forensic Service examiner evaluate whether the juvenile appreciates the allegations of the petition, the nature of the adversarial process and the range of possible dispositions that may be imposed in the proceedings against the juvenile, whether the juvenile can disclose to counsel facts pertinent to the proceedings and display logical and autonomous decision making and appropriate courtroom behavior and whether the juvenile can testify relevantly at proceedings.

The bill provides that in assessing the juvenile's competency, the State Forensic Service examiner shall compare the juvenile being examined to juvenile norms that are broadly defined as those skills typically possessed by the average juvenile defendant adjudicated in the juvenile justice system. The State Forensic Service examiner shall determine and report if the juvenile suffers from mental illness, mental retardation or chronological immaturity and the severity of the impairment and its potential effect on the juvenile's competency to proceed. If the State Forensic Service examiner determines that the juvenile suffers from chronological immaturity, the examiner shall compare the juvenile to the average juvenile defendant. If the State Forensic Service examiner determines that the juvenile suffers from a mental illness, the examiner must provide the prognosis of the mental illness. The State Forensic Service examiner's report must also state an opinion whether there exists a substantial probability that the deficiencies related to competence identified in the report, if any, can be ameliorated in the foreseeable future.

If the Juvenile Court finds that the juvenile is competent to proceed, the Juvenile Court shall set a time for the resumption of the proceedings. The burden of proof is on the State if the juvenile is less than 14 years of age at the time the issue of competence is raised. If the juvenile is at least 14 years of age at the time the issue of competence is raised, the burden of proof is on the juvenile. In the event the State has the burden of proof, it must show by a preponderance of the evidence that the juvenile is competent to proceed. In the event the juvenile has the burden of proof, the juvenile must show by a preponderance of the evidence that the juvenile is not competent to proceed. Statements made by the juvenile in the course of an examination may not be admitted as evidence in the adjudicatory

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stage for the purpose of proving any juvenile crime alleged.

Even if the Juvenile Court has found the juvenile to be competent to proceed in a juvenile proceeding, if the juvenile is subsequently bound over for prosecution in the Superior Court or a court with a unified criminal docket, the issue of the juvenile's competency may be revisited since the juvenile is then being treated as an adult rather than as a juvenile.

If the Juvenile Court finds that the juvenile is not competent to proceed but additionally finds that there exists a substantial probability that the juvenile will be competent in the foreseeable future, the Juvenile Court shall continue to suspend the proceedings and refer the juvenile to the Commissioner of Health and Human Services for evaluation and treatment of the mental health and behavioral needs identified in the report of the State Forensic Service examiner. At the end of 60 days or sooner, at the end of 180 days and at the end of one year following referral, the State Forensic Service shall forward a report to the Juvenile Court relative to the juvenile's competency to proceed and its reasons. Upon receipt of the report the Juvenile Court shall forward the report to the parties and without delay set a date for a conference of counsel or, upon a motion of any party, set a hearing on the question of the juvenile's competency to proceed. If the Juvenile Court finds that the juvenile is not yet competent to proceed, but there exists a substantial probability that the juvenile will be competent to proceed in the foreseeable future, the proceedings must remain suspended pending further review or hearing.

If one year after suspension of the proceedings, the Juvenile Court determines that the juvenile is not competent to proceed, the Juvenile Court shall immediately release the juvenile if detained in a juvenile correctional facility unless any party presents clear and convincing evidence that there exists a substantial probability that the juvenile will be competent in the foreseeable future. If the Juvenile Court finds that the juvenile is incompetent to proceed and that there does not exist a substantial probability that the juvenile will be competent in the foreseeable future, the Juvenile Court shall schedule a hearing to determine whether or not the court should order the Commissioner of Health and Human Services to evaluate the appropriateness of providing mental health and behavioral support services to the juvenile or order the juvenile into the custody of the Commissioner of Health and Human Services for purposes of placement and treatment.

At the conclusion of the hearing the Juvenile Court shall dismiss the petition or, if post-adjudication, vacate the adjudication order and dismiss the petition.

If during the suspension of the proceedings the juvenile reaches 18 years of age, the Juvenile Court may evaluate the appropriateness of placing the juvenile in an appropriate institution for the care and treatment of adults with mental illness or mental retardation for observation, care and treatment.

The Juvenile Court shall set a time for resumption of the proceedings if at any point it finds, based upon the burden and standard of proof, that the juvenile is now competent to proceed.

If following the competency determination hearing the Juvenile Court finds that the juvenile is incompetent to proceed and that there does not exist a substantial probability that the juvenile will be competent in the foreseeable future, the Juvenile Court shall release the juvenile if detained in a juvenile correctional facility and schedule a hearing to determine whether or not the Juvenile Court should order the Commissioner of Health and Human Services to evaluate the appropriateness of providing mental health and behavioral support services to the juvenile or order the juvenile into the custody of the Commissioner of Health and Human Services for purposes of placement and treatment.

At the conclusion of the hearing the Juvenile Court shall dismiss the petition or, if post-adjudication, vacate the adjudication order and dismiss the petition.

Committee Amendment "A" (H-412)

This amendment makes clear that the purpose of the report of the State Forensic Service examiner is to assist, not

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prescribe, the court's determination of competency. It provides that the court, upon receipt of the report of the State Forensic Service examiner, must provide a copy of that report to the parties. It makes explicit that the court may consider the report of the State Forensic Service examiner, together with all other evidence relevant to competency, in its determination whether a juvenile is competent to proceed and that no single criterion addressed in the report of the State Forensic Service examiner is binding on the court's determination.

In two places, it eliminates an ambiguity that might have required a juvenile's release from a juvenile correctional facility before the court held a hearing to determine what referrals are appropriate with respect to a juvenile whose case is subject to dismissal under the Title 34-A, section 3318-B. The amendment also adds an emergency preamble and clause.

Enacted Law Summary

Public Law 2011, chapter 282 repeals provisions regarding suspension of juvenile proceedings for mentally ill or incapacitated juveniles and enacts provisions establishing criteria to determine whether a juvenile is competent to proceed in a juvenile proceeding.

Public Law 2011, chapter 282 was enacted as an emergency measure effective June 9, 2011.

LD 1419 An Act To Improve the Coordination of County Correctional Services

PUBLIC 374

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER SHERMAN	OTP-AM	H-531

This bill makes the following changes to the laws governing the State Board of Corrections.

1. It revises the membership of the State Board of Corrections to include the following:
 - A. Two sheriffs;
 - B. Two county commissioners;
 - C. One county administrator;
 - D. One administrator of a county or regional jail;
 - E. The Commissioner of Corrections or the commissioner's designee;
 - F. One municipal official; and
 - G. One public member.
2. It revises the provisions of law governing the submission of jail budgets to the State Board of Corrections by making those submissions on a biennial basis and by providing sufficient time before the beginning of the biennium for preparation and submission.
3. It creates a full-time position of Executive Director of the State Board of Corrections to replace a limited-period position established by financial order and enumerates the powers and duties of that position, including developing parameters for jail populations and standards for jails, transferring inmates between correctional facilities and

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inspecting the jails.

4. It allows the Commissioner of Corrections and the sheriffs and regional jail administrators the authority to make emergency transfers of inmates to protect against an immediate threat to the safety of inmates or correctional staff without prior authorization from the State Board of Corrections.

5. It changes references to "unified correctional system" to "coordinated correctional system" to more accurately reflect the role of the board.

Committee Amendment "A" (H-531)

This amendment strikes the bill and in its place makes the following changes to the laws governing the State Board of Corrections.

1. It directs the focus of the State Board of Corrections from the unification of State and county correctional services to the coordination of county correctional services.

2. It addresses management of offenders within the coordinated correctional system in order to ensure optimal use of available budgeted jail beds.

3. It revises the provisions of law governing the submission of jail budgets to the State Board of Corrections.

4. It revises the membership of the State Board of Corrections.

5. It allows the State Board of Corrections to enter into contracts in pursuit of stated goals, and it codifies the role of the board's executive director.

Enacted Law Summary

Public Law 2011, chapter 374 makes the following changes to the laws governing the State Board of Corrections.

1. It directs the focus of the State Board of Corrections from the unification of State and county correctional services to the coordination of county correctional services.

2. It addresses management of offenders within the coordinated correctional system in order to ensure optimal use of available budgeted jail beds.

3. It revises the provisions of law governing the submission of jail budgets to the State Board of Corrections.

4. It revises the membership of the State Board of Corrections.

5. It allows the State Board of Corrections to enter into contracts in pursuit of stated goals, and it codifies the role of the board's executive director.

**LD 1421 An Act To Reduce the Cost of Delivery of State and County
Correctional Services**

ONTP

Sponsor(s)
GERZOFSKY

Committee Report
ONTP

Amendments Adopted

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This bill requires counties to remit the amount of property tax collected for correctional services to the State Board of Corrections Investment Fund program, which disburses the money back to the counties upon adoption of the counties' correctional services budgets by the State Board of Corrections. This bill also gives the State Board of Corrections contracting authority as appropriate regarding the provision of county correctional services.

LD 1423 An Act To Amend the Laws Governing Disorderly Conduct ONTP

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

This bill amends the law prohibiting disorderly conduct to remove the stipulation that the prohibited conduct recklessly causes annoyance to others.

LD 1438 An Act To Require Videoconferencing for Civil and Criminal Proceedings for Inmates ONTP

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

This bill requires the courts to use videoconferencing technology to conduct all civil and criminal court proceedings involving a prisoner committed to a county or state correctional facility, except for a proceeding that requires the prisoner's physical presence in the courtroom. This bill also requires the Department of Corrections, State Board of Corrections to adjust a county's budget to pay for expenses incurred by a court in using videoconferencing for prisoner court proceedings from savings of the county in reduced costs for transporting prisoners.

LD 1439 An Act Regarding Permits To Carry Concealed Firearms PUBLIC 298

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY	OTP-AM	H-485

This bill makes the following changes to the laws governing permits to carry concealed firearms.

1. It adds a definition of "handgun" to the laws regarding permits to carry concealed firearms.
2. It clarifies that concealed firearm permits allow permittees to carry only handguns, such as pistol-type firearms, on the person, not long guns or machine guns.
3. It lengthens the amount of time issuing authorities have to process applications for concealed handgun permits.
4. It prohibits criminal justice agencies from charging fees to conduct record checks in relation to background checks that are conducted by issuing authorities as part of the process of reviewing a permit application.

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Committee Amendment "A" (H-485)

This amendment strikes from the bill language that would have lengthened the amount of time issuing authorities have to process applications for concealed handgun permits.

Enacted Law Summary

Public Law 2011, chapter 298 adds a definition of "handgun" to the laws regarding permits to carry concealed firearms. It clarifies that concealed firearm permits allow permittees to carry only handguns, such as pistol-type firearms, on the person, not long guns or machine guns. Public Law 2011, chapter 298 also prohibits criminal justice agencies from charging fees to conduct record checks in relation to background checks that are conducted by issuing authorities as part of the process of reviewing a permit application.

LD 1453 An Act To Legalize and Tax Marijuana

**MAJORITY
(ONTP) REPORT**

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

This bill reforms state marijuana laws by establishing a special tax rate for marijuana, legalizing the personal use and cultivation of marijuana, legalizing and licensing certain commercial marijuana-related activities, while providing provisions to protect minors, employers and schools, and removing the registry system from the Maine Medical Use of Marijuana Act.

Part A of the bill establishes a tax rate of 7%, beginning January 1, 2012, for marijuana that is sold for commercial or medical purposes. It directs the State Controller to distribute the revenue generated by the tax equally among specific programs that benefit farmers, preserve land, assist law enforcement, provide aid to a state weatherization program and support higher education. It directs the Department of Administrative and Financial Services, Bureau of Revenue Services to report annually, beginning January 30, 2013, the amount of tax revenue generated and the amount distributed to each program to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and taxation matters. The bill directs the Bureau of Revenue Services to review methods for ensuring that all marijuana that is sold in the State is assessed and to report its findings and recommendations to the Joint Standing Committee on Taxation. The bureau must submit the report and any necessary legislation by November 1, 2011.

Part B of the bill allows a person 21 years of age or older to possess, purchase and use marijuana within certain limits and to cultivate a limited amount of marijuana for personal use. It allows a person to possess up to one pound of marijuana, possess marijuana paraphernalia and an incidental amount of marijuana. It allows a person to cultivate and store marijuana for personal use within 75 square feet of space and to purchase up to 2 1/2 ounces of marijuana or seedlings from someone who is licensed to sell these products. The bill includes restrictions that impose the same limitations on use that apply to tobacco. It requires those cultivating marijuana to secure it from access by unauthorized persons and access by minors. It also provides protections for schools and employers. It includes specific requirements for the operations of commercial marijuana-related activities regarding the location of operations, security measures and record keeping as well as requirements for the licensee such as residency for a year prior to applying for a license. It allows a licensee up to 2,000 square feet of space for commercial marijuana cultivation and allows a licensee to sell no more than 2 1/2 ounces to any one individual per week. It limits the number of licenses as determined by department rule in the first year and requires that provisional licenses be automatically granted for dispensaries and persons who are registered as primary caregivers on June 30, 2011. It provides a funding mechanism for regulation of commercial marijuana-related activities. It provides special

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protections for minors, employers and schools.

Part C of the bill establishes the Community Policing Grant Program within the Department of Public Safety, which is funded by part of the revenue generated from the marijuana tax, to assist county and municipal law enforcement with community policing efforts. The Commissioner of Public Safety shall adopt rules for administering the program by December 1, 2011.

Part D of the bill removes the patient and primary caregiver registry system from the Maine Medical Use of Marijuana Act and repeals the provision requiring written certification from a physician for the medical use of marijuana as part of this registry system. It also repeals the requirement for patients, primary caregivers and dispensaries to keep marijuana in an enclosed, locked facility. Instead, it requires that the marijuana be secured from unauthorized access or from access by a person under 21 years of age. It allows dispensaries to acquire prepared marijuana or marijuana plants from persons licensed to cultivate or sell marijuana commercially. It updates the confidentiality and reporting requirements in the law to reflect the removal of the registry.

Part E of the bill updates the existing exceptions regarding possession of marijuana for medical use in the Maine Criminal Code.

Part F of the bill amends the existing laws on industrial hemp to allow a person to apply to the Department of Agriculture, Food and Rural Resources for a license to grow industrial hemp. It removes provisions in the law that make licensing of industrial hemp farming contingent upon federal action. This Part also updates various provisions of the Maine Revised Statutes, Title 7 and Title 22 that are affected by changes in terminology proposed to the Maine medical marijuana law in this bill.

Committee Amendment "A" (H-527)

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. This amendment adds a referendum question and a contingent effective date section to the bill, requiring 2 things to happen before the legislation becomes effective:

1. The voters in the next general election in November vote in favor of the legislation; and
2. Federal law is amended to remove marijuana from the list of scheduled drugs.

The Secretary of State is required to certify the results of the referendum as well as when the federal law is changed. This legislation takes effect 30 days after the later of the 2 actions takes place.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-567)

This amendment removes from Committee Amendment "A" the requirement that the federal law must change to remove marijuana as a scheduled drug before the state law to legalize and tax marijuana may take effect. This amendment was not adopted.

LD 1463 An Act Regarding Offenses against an Unborn Child

**MINORITY
(ONTP) REPORT**

Sponsor(s)

PLOWMAN

Committee Report

OTP-AM MAJ
ONTP MIN

Amendments Adopted

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This bill creates the new crimes of murder, felony murder, manslaughter, assault, aggravated assault and elevated aggravated assault against an unborn child. The penalties for these new crimes is consistent with penalties for the same offenses committed against persons as defined in Title 17-A, chapter 9.

The bill specifies that crimes against unborn children do not apply to an abortion to which the pregnant woman has consented, nor do they apply to acts committed pursuant to usual and customary standards of medical practice during diagnostic or therapeutic treatment. These crimes do not apply to the pregnant woman, but do not prohibit the prosecution of the crime of elevated aggravated assault on a pregnant person or any other crime.

For purposes of this bill, "unborn child" is defined as an individual of the human species from the state of fetal development when the life of the fetus may be continued indefinitely outside the womb by natural or artificial life-supportive systems until birth.

Current law, Title 17-A §208-C, elevated aggravated assault on pregnant person, is a Class A crime, which specifies that a person is guilty of the crime if that person intentionally or knowingly causes serious bodily injury to a person the person knows or has reason to know is pregnant. For the purposes of this subsection, "serious bodily injury" includes bodily injury that results in the termination of a pregnancy.

Committee Amendment "A" (S-207)

This amendment is the majority report of the committee and makes two drafting changes. First, it strikes language "until birth" in the definition of "unborn child," as this language is not relevant to the rest of the definition. Second, it strikes redundant language in the crime of aggravated assault on an unborn child.

This amendment was not adopted.

LD 1484 An Act Regarding Retired Law Enforcement Officers' Retirement Credentials ONTP

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

The bill permits a law enforcement agency to suspend or revoke any credential of an officer who has retired from that agency if the officer engages in conduct or is convicted of a crime that would have resulted in decertification of the officer if the officer was not retired.

LD 1489 An Act Regarding Regulation of Emergency Medical Services PUBLIC 271

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM	S-223

This bill amends the laws relating to emergency medical services. The bill modifies certain definitions, updates some language and consolidates and expands the confidentiality provisions governing the records of the Emergency Medical Services' (EMS) Board, its committees, subcommittees and staff.

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Specifically, the bill references the Assistant EMS Medical Director in statue, although it does not request additional funding for the position, and amends language to allow for efficient modification of regional designations based in part on consolidation.

The bill removes references to the Maine Criminal Justice Information System, thus allowing utilization of other sources of background information and removes the current limitation on background checks only at the time of initial licensure. The bill also removes language currently in place that exempts Licensed Ambulance Attendants (LAA) from rules adopted after August 1996. This section was added in 1997 to maintain LAA licenses, but this license is unique to Maine and has no distinction for EMS practice. The change will allow the EMS Board to reassign a license to an existing level consistent with the LAA training and nationally recognized levels.

The bill allows the EMS Board to recover expenses from investigations and adjudicatory hearings. It also makes a substantive change to confidentiality provisions and access to run report data; currently, EMS cannot share the run data reports with other State agencies or others with legitimate medical research needs. The bill will allow sharing of information with the Office of the Chief Medical Examiner, the Center for Disease Control and medical researchers.

Committee Amendment "A" (S-223)

This amendment clarifies the provisions of the bill by providing that the Emergency Medical Services' Board may appoint a licensed physician as statewide assistant emergency medical services medical director but is not required to; the position is intended to be filled only as needed. The amendment also strikes unnecessary references to initial licensure and language that indicates that a criminal history record information check is not required for relicensure of emergency medical services personnel.

Enacted Law Summary

Public law 2011, chapter 271 amends the laws relating to emergency medical services by modifying certain definitions, updating language and consolidating and expanding the confidentiality provisions governing the records of the Emergency Medical Services' (EMS) Board, its committees, subcommittees and staff.

Public law 2011, chapter 271 amends language to allow for efficient modification of regional designations based in part on consolidation. It clarifies that the EMS Board may appoint a licensed physician as statewide assistant emergency medical services medical director but is not required to; the position is intended to be filled only as needed.

Public law 2011, chapter 271 also references to the Maine Criminal Justice Information System, thus allowing utilization of other sources of background information and removes the current limitation on background checks only at the time of initial licensure and also removes language that exempts Licensed Ambulance Attendants (LAA) from rules adopted after August 1996. The change will allow the EMS Board to reassign a license to an existing level consistent with the LAA training and nationally recognized levels.

Public law 2011, chapter 271 allows the EMS Board to recover expenses from investigations and adjudicatory hearings. It also makes a substantive change to confidentiality provisions and access to run report data; currently, EMS cannot share the run data reports with other State agencies or others with legitimate medical research needs. Public law 2011, chapter 271 allows sharing of information with the Office of the Chief Medical Examiner, the Center for Disease Control and medical researchers.

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**LD 1491 An Act To Strengthen the Laws against Driving under the Influence of
Drugs**

PUBLIC 335

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE A COLLINS	OTP-AM	H-535

Under current law, the Secretary of State is authorized to immediately suspend a license of a person determined to have operated a motor vehicle with an excessive alcohol level. This bill authorizes the Secretary of State to also administratively suspend driver's license of a person determined to have operated a motor vehicle after ingesting drugs or while under the influence of intoxicants. This bill also changes the designation "drug recognition technicians" to "drug recognition experts."

Committee Amendment "A" (H-535)

This amendment replaces the bill and requires the Secretary of State to suspend administratively the driver's license of a person determined to have operated a motor vehicle with a confirmed positive drug test in the same manner and for the same time periods as a person whose license is suspended administratively for operating a motor vehicle with an excessive alcohol level. The amendment also changes the designation "drug recognition technician" to "drug recognition expert."

Enacted Law Summary

Public Law 2011, chapter 335 requires the Secretary of State to suspend administratively the driver's license of a person determined to have operated a motor vehicle with a confirmed positive drug test in the same manner and for the same time periods as a person whose license is suspended administratively for operating a motor vehicle with an excessive alcohol level. Public Law 2011, chapter 335 also changes the designation "drug recognition technician" to "drug recognition expert."

LD 1500 An Act To Establish Positive Reentry Parole

**MAJORITY
(ONTP) REPORT**

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

This bill establishes the option of parole for persons sentenced on or after May 1, 1976. Current law provides that only persons in the custody of the Department of Corrections pursuant to a sentence imposed under the law in effect before May 1, 1976 may apply for parole. This bill incorporates the concepts of positive reentry parole, is modeled in part on recent law enacted by Colorado and uses some of the technical aspects of Maine's existing parole law.

Committee Amendment "A" (H-512)

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety and incorporates a fiscal note.

This amendment was not adopted.

Joint Standing Committee on Criminal Justice and Public Safety

LD 1514 An Act To Amend the Sex Offender Registration Laws

Carried Over

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

This bill creates the Sex Offender Registration and Notification Act of 2011, which is applicable to persons sentenced on or after October 15, 2011. The Act maintains registration and notification provisions but adds to these processes a tiering system and the development and application of risk assessment. The new Act's purpose continues to be to protect the public from potentially dangerous registrants and offenders by enhancing access to information concerning registrants and offenders.

Offenders are classified by offense as Tier I, Tier II or Tier III offenders and must register for 10 years, for 25 years or for life, respectively. However, the bill also creates a new risk assessment process, which involves the Department of Corrections' coordinating the adoption or development of a risk assessment instrument and the qualifying of evaluators to apply the instrument. At certain times of verification of registration information, a registrant may request a risk assessment for purposes of reclassification or removal from the registry.

The bill adopts the same penalties for failure to comply with requirements of registration and adopts the same notification process as exists in the Maine Revised Statutes, Title 34-A, chapter 15, the Sex Offender Registration and Notification Act of 1999.

LD 1514 was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1525 An Act To Expand Reciprocity by Allowing Certain Nonresidents To Possess a Firearm in Maine

ONTP

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

Current law prohibits the possession of a firearm in Maine by a nonresident who has been convicted of a crime in another state punishable in that state by imprisonment for more than one year or of a crime classified by that state as a misdemeanor punishable by a term of more than 2 years. A resident of Maine or a nonresident who has been convicted of a crime punishable by imprisonment for one year or more may apply for a permit to carry a black powder rifle 5 years after the disposition of the sentence for that crime.

This bill specifies that a nonresident convicted of a crime in another state may legally possess a firearm in Maine, if the nonresident is allowed to legally possess a firearm in the state where the conviction occurred.

Joint Standing Committee on Criminal Justice and Public Safety

LD 1542 An Act To Require All Correctional Facilities in the State To Participate in the Unified Inmate Transportation System ONTP

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

This bill requires the Department of Corrections and all county jails to use the unified inmate transportation system operated by the State Board of Corrections to transport inmates from one facility to another. The resolve also authorizes the Commissioner of Corrections to adopt rules to establish exceptions for situations in which it would be impractical or inefficient for the Department of Corrections or a county jail to use the system.

LD 1556 An Act To Amend the Laws Governing the Replacement of Firearms Carried by Maine State Police ONTP

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

This bill directs that proceeds from the sale of firearms to current or former State Police personnel be deposited into a dedicated account within the Department of Public Safety, Bureau of State Police for the purchase of replacement firearms. It also provides a one-time General Fund appropriation of \$118,983 and Highway Fund allocation of \$114,317 in fiscal year 2011-12 to the Department of Public Safety for the purchase of firearms.

LD 1562 An Act To Prohibit the Sale or Possession of So-called Bath Salts Containing Dangerous Synthetic Drugs PUBLIC 447 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY	OTP-AM	H-586 H-676 WEBSTER

This bill adds to the list of Schedule W drugs certain dangerous synthetic hallucinogenic chemicals that are sometimes marketed as "bath salts."

Committee Amendment "A" (H-586)

This amendment replaces the bill. The amendment adds an emergency preamble and clause and, instead of listing so-called bath salts as Schedule W drugs under the Maine Criminal Code, chapter 45, prohibits the possession and use of the drugs using the same penalties as those imposed for Schedule W drugs. The amendment also repeals the changes effective June 15, 2013, at which time the Legislature may reevaluate the statute and evaluate any action of the Federal Government regarding these drugs.

Senate Amendment "A" To Committee Amendment "A" (S-362)

This amendment reallocates the restriction on the use, trafficking or possession of so-called bath salts proposed in

Joint Standing Committee on Criminal Justice and Public Safety

Committee Amendment "A" from the Maine Criminal Code to the Maine Revised Statutes, Title 22 and changes the penalties.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-676)

This amendment reallocates the restriction on the use, trafficking or possession of so-called bath salts proposed in Committee Amendment "A" from the Maine Criminal Code to the Maine Revised Statutes, Title 22 and changes some of the penalties to civil violations and reduces other criminal penalties.

Enacted Law Summary

Public Law 2011, chapter 447 prohibits the possession, trafficking and furnishing of certain synthetic hallucinogenic drugs or so-called bath salts. The prohibited conduct is established in Title 22 and includes civil penalties for possession and criminal penalties for repeat possession offenses, as well as trafficking and furnishing. These changes are repealed June 15, 2013.

Public Law 2011, chapter 447 was enacted as an emergency measure effective July 6, 2011.

LD 1563 An Act To Regulate the Licensing and Oversight of Professional Investigators

PUBLIC 366

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS DC KATZ	OTP-AM	H-585

This bill amends the private investigator laws by changing the terms "private investigator" to "professional investigator" and "private investigating" to "private investigation." It also changes the jurisdiction over professional investigators from the Commissioner of Public Safety to the Chief of the State Police. The bill also exempts persons who undertake Internet research solely for retrieval of data from online sources or databases and who do not question individuals in person, by phone or electronic means from having to be licensed as a professional investigator.

The bill requires a licensee to renew a license even if the license has been suspended. It gives the Chief of the State Police the authority to refuse to issue, suspend or revoke a license, to impose probationary conditions or a fine or to issue a written warning if the licensee has unpermitted contact or communication with a child, makes a material misstatement in filing an application for a license, violates the standards of acceptable professional conduct or commits an act that would have been cause for refusal to issue a license.

The bill requires the Chief of the State Police to investigate a complaint for noncompliance or violation of the professional investigator laws or rules. It requires the Chief of the State Police to notify the licensee, if a complaint has been filed against a licensee, of the content of the complaint not less than 60 days after receipt of the written complaint. It requires the Chief of the State Police to adopt rules regarding the receipt and investigation of complaints. The bill also requires the Chief of the State Police to adopt rules regarding the standards of acceptable professional conduct.

Committee Amendment "A" (H-585)

This amendment specifies that the rule-making authority in the Professional Investigators Act is delegated to the Chief of the State Police, with the advice of the Board of Licensure of Professional Investigators.

The amendment clarifies that the Chief of the State Police does not require authorization of the board to act, but

Joint Standing Committee on Criminal Justice and Public Safety

authorizes the board to provide information to the chief on any matter as it determines appropriate.

The amendment clarifies and conforms violations and penalties language to proper drafting standards and also makes technical changes and corrections.

Enacted Law Summary

Public Law 2011, chapter 366 amends the private investigator laws by changing the terms "private investigator" to "professional investigator" and "private investigating" to "private investigation." It also changes the jurisdiction over professional investigators from the Commissioner of Public Safety to the Chief of the State Police. The rule-making authority in the Professional Investigators Act is delegated to the Chief of the State Police, with the advice of the Board of Licensure of Professional Investigators. The Chief of the State Police may adopt rules regarding the receipt and investigation of complaints, as well as rules regarding the standards of acceptable professional conduct. The Chief of the State Police does not require authorization of the board to act, but the board may provide information to the chief on any matter it determines appropriate.

Public Law 2011, chapter 366 exempts persons who undertake Internet research solely for retrieval of data from online sources or databases and who do not question individuals in person, by phone or electronic means from having to be licensed as a professional investigator.

Public Law 2011, chapter 366 makes licensing changes. It gives the Chief of the State Police the authority to refuse to issue, suspend or revoke a license, to impose probationary conditions or a fine or to issue a written warning if the licensee has unpermitted contact or communication with a child, makes a material misstatement in filing an application for a license, violates the standards of acceptable professional conduct or commits an act that would have been cause for refusal to issue a license.

Public Law 2011, chapter 366 requires the Chief of the State Police to investigate a complaint for noncompliance or violation of the professional investigator laws or rules. Public Law 2011, chapter 366 requires the Chief of the State Police to notify the licensee, if a complaint has been filed against a licensee, of the content of the complaint not less than 60 days after receipt of the written complaint.

LD 1565 An Act To Give Judges Greater Flexibility When Sentencing Defendants Convicted of Murder ONTP

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

Title 17-A, section 1251 provides that a person convicted of the crime of murder must be sentenced to imprisonment for life or for any term of years that is not less than 25 years. The Supreme Judicial Court in the case of *State v. Shortsleeves*, 580 A.2d 145 (Me. 1990) held that a life sentence may not be imposed unless there are aggravating circumstances and set forth a list of aggravating circumstances that would justify a life sentence.

This bill adds an aggravating circumstance to those set forth in the *Shortsleeves* decision that would justify a life sentence. The bill provides that the court may sentence a person convicted of the crime of murder to life in prison based on the aggravating circumstance of that person's extreme mistreatment of the body of the victim after the death of the victim.

This bill is in response to the sentencing in Cumberland County Superior Court of Chad Gurney for the murder of Zoe Sarnacki in the case of *State v. Gurney*, docket number CUMCD - CR - 2009 - 4017.

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SUBJECT INDEX

Criminal History Record Information and DNA

Enacted

LD 592 An Act Regarding Forensic Examination Kits PUBLIC 59

Criminal History Record Information; DNA; Forensics

Enacted

LD 352 An Act To Amend the Laws Governing Criminal History Record Information PUBLIC 52
EMERGENCY

LD 1318 An Act To Repeal the Law Regarding DNA Collection PUBLIC 221

Not Enacted

LD 282 An Act To Limit Charges for Fingerprinting Performed for Certain Criminal History Background Checks MAJORITY
(ONTP) REPORT

LD 296 Resolve, Directing the State Bureau of Identification To Continue To Explore Contracting Options and Other Methods To Find Efficiencies in the Fingerprinting System for Criminal History Background Checks VETO SUSTAINED

LD 1143 An Act To Require That Law Enforcement Officials Collect DNA Samples from Persons Arrested for Certain Crimes Carried Over

Criminal Law

Enacted

LD 126 An Act To Allow a Person with One Arm To Possess Certain Kinds of Prohibited Knives PUBLIC 31

LD 1027 Resolve, To Coordinate Stakeholders To Review Best Practices in the Management of Strangulation and Determine Methods To Address the Issue in Maine RESOLVE 76
EMERGENCY

LD 1165 An Act To Enable Prosecutions for Criminal Invasion of Computer Privacy PUBLIC 133

LD 1308 An Act To Strengthen Computer Privacy PUBLIC 377

LD 1399 An Act To Implement the Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes PUBLIC 464

Not Enacted

LD 91	An Act Relating to Disorderly Conduct in the Vicinity of a Funeral	ONTP
LD 461	An Act To Impose a Penalty for Making False Claims Regarding Military Service	MAJORITY (ONTP) REPORT
LD 464	An Act To Authorize Certain Officials To Carry Automatic Knives While in the Performance of Their Duties	ONTP
LD 525	An Act To Establish a Minimum Mandatory Sentence for Convictions of Illegally Providing Liquor to a Minor	ONTP
LD 639	An Act To Protect Medical Care Providers and Hospital Staff	ONTP
LD 648	An Act To Prohibit Organized Retail Theft	Carried Over
LD 1088	An Act Regarding the Writing of Bad Checks	Carried Over
LD 1423	An Act To Amend the Laws Governing Disorderly Conduct	ONTP
LD 1463	An Act Regarding Offenses against an Unborn Child	MINORITY (ONTP) REPORT

Criminal Procedure/Bail/Sentencing

Enacted

LD 926	An Act To Increase the Credit Toward Payment of Fines Given for Jail Time	PUBLIC 334
LD 1315	An Act To Establish an Integrated Statewide System To Manage and Enforce Electronic Warrants	PUBLIC 214
LD 1400	An Act To Address Certain Aspects of Bail	PUBLIC 341

Not Enacted

LD 400	An Act Regarding County Jail Sentences of Less than 24 Hours	ONTP
LD 667	An Act To Establish a Municipal and County Reimbursement Fee for Those Guilty of Crimes	ONTP
LD 714	An Act To Require Probation Officers To Set a Schedule for Restitution Payment	ONTP
LD 1201	An Act To Increase the Amount of Funds Available to Counties for Witness Fees and Prosecution Costs	MAJORITY (ONTP) REPORT
LD 1438	An Act To Require Videoconferencing for Civil and Criminal Proceedings for Inmates	ONTP

LD 1500 **An Act To Establish Positive Reentry Parole** **MAJORITY
(ONTP) REPORT**

LD 1565 **An Act To Give Judges Greater Flexibility When Sentencing
Defendants Convicted of Murder** **ONTP**

Domestic Violence

Enacted

LD 708 **An Act Concerning Arrests for Violating Protection from Abuse
Orders** **PUBLIC 178**

Not Enacted

LD 386 **An Act To Implement the Recommendations of the Working
Group Concerning Domestic Violence and Firearms** **MAJORITY
(ONTP) REPORT**

LD 495 **An Act To Allow a Person Charged with or Convicted of
Violating a Protection from Abuse Order To Be Supervised by an
Electronic Tracking System** **ONTP**

Drugs

Enacted

LD 773 **An Act To Further Restrict the Availability of Methamphetamine
and Amphetamine Pills** **PUBLIC 436**

LD 914 **An Act To Make Certain Synthetic Cannabinoids Illegal** **PUBLIC 428**

LD 1562 **An Act To Prohibit the Sale or Possession of So-called Bath Salts
Containing Dangerous Synthetic Drugs** **PUBLIC 447
EMERGENCY**

Not Enacted

LD 44 **An Act To Increase Potential Criminal Penalties for the
Possession of Cocaine and Cocaine Base** **DIED BETWEEN
HOUSES**

LD 750 **An Act To Decriminalize Possession of 6 or Fewer Marijuana
Plants** **ONTP**

LD 754 **An Act To Remove Criminal Penalties for Possession of up to 5
Ounces of Marijuana** **ONTP**

LD 1192 **An Act To Require That Marijuana Seized by Law Enforcement
Officers Be Tested and Made Available for Use by Authorized
Medical Marijuana Dispensaries** **ONTP**

LD 1453 **An Act To Legalize and Tax Marijuana** **MAJORITY
(ONTP) REPORT**

Juveniles

Enacted

LD 1040	An Act To Amend the Maine Juvenile Code	PUBLIC 336
LD 1299	An Act To Allow Deferred Disposition in Juvenile Cases	PUBLIC 384
LD 1413	An Act To Amend the Maine Juvenile Code To Address the Issue of Competency	PUBLIC 282 EMERGENCY

Not Enacted

LD 257	An Act To Protect Children in Public Schools by Changing Notification Requirements Regarding Sex Offenders	ONTP
LD 1074	An Act To Create the Position of Juvenile Community Service Director in the Department of Corrections	ONTP

Law Enforcement

Enacted

LD 1227	An Act Concerning the Disposal of Unclaimed, Lost or Stolen Personal Property by Law Enforcement Agencies	PUBLIC 267
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Not Enacted

LD 1484	An Act Regarding Retired Law Enforcement Officers' Retirement Credentials	ONTP
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OUI/OAS/Other MV Violations

Enacted

LD 595	An Act To Allow for Timely Credit for Driver's License Suspensions Imposed by a Court	PUBLIC 81
LD 966	An Act Regarding the Use of Methadone by Operators of Commercial Motor Vehicles	PUBLIC 455
LD 1090	An Act To Allow a Stay of an Administrative License Suspension for Refusal To Submit to a Test	PUBLIC 143
LD 1098	An Act To Increase Accountability for the Most Serious Offenders of Laws Prohibiting Operating under the Influence of Drugs and Alcohol	PUBLIC 159
LD 1491	An Act To Strengthen the Laws against Driving under the Influence of Drugs	PUBLIC 335

Not Enacted

LD 377	An Act To Ensure That a Licensee Is Notified of a Driver's License Suspension	ONTP
LD 885	An Act To Increase Penalties for Operating a Motor Vehicle under the Influence of Drugs or Alcohol	ONTP
LD 912	An Act To Amend the Law Governing Administrative Suspensions of Driver's Licenses	MAJORITY (ONTP) REPORT

LD 1363 An Act Regarding the Publication of Information Related to Persons Convicted of Operating under the Influence of Alcohol or Drugs ONTP

Private Investigators

Enacted

LD 880 An Act To Protect Minors from Questioning by Private Investigators PUBLIC 161
LD 1563 An Act To Regulate the Licensing and Oversight of Professional Investigators PUBLIC 366

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Enacted

LD 83 An Act To Legalize the Sale, Possession and Use of Fireworks PUBLIC 416
LD 123 An Act To Assist Seasonal Entertainment Facilities with Public Safety Requirements PUBLIC 349
LD 124 An Act To Eliminate Certain Restrictions on the Installation of Chimneys and Equipment PUBLIC 225
LD 523 An Act To Modify the Regulation of Fireworks PUBLIC 202
EMERGENCY
LD 1302 An Act To Extend Fire Code Rules to Single-family Dwellings Used as Nursing Homes for 3 or Fewer Patients PUBLIC 398
LD 1489 An Act Regarding Regulation of Emergency Medical Services PUBLIC 271

Not Enacted

LD 264 An Act Regarding Residential Chimney Lining ONTP
LD 562 An Act Regarding Municipal Authority To Review Construction Permits for Public Buildings DIED IN CONCURRENCE
LD 737 An Act To Grandfather Certain Existing Buildings and Structures with Respect to Fire Safety Codes and Standards ONTP
LD 760 An Act To Establish an Animal Abuser Registry MAJORITY (ONTP) REPORT
LD 1217 Resolve, Directing the Office of the State Fire Marshal To Amend Its Rules Relative to Construction Permit Applications ONTP
LD 1404 An Act To Enhance Public Safety Response to High-risk Events ONTP
LD 1556 An Act To Amend the Laws Governing the Replacement of Firearms Carried by Maine State Police ONTP

Sex Offender Registration and Notification

Enacted

LD 624	An Act To Require a Person Who Commits a Sex Offense against a Dependent or Incapacitated Adult To Register under the Sex Offender Registration and Notification Act of 1999	PUBLIC 423
LD 1025	An Act To Amend the Laws Governing the Sex Offender Registry	PUBLIC 307
LD 1317	An Act Concerning Sex Offender Registry Information	PUBLIC 299

Not Enacted

LD 638	An Act To Require Sex Offenders To Complete Their Full Time on the Sex Offender Registry	ONTP
LD 740	An Act To Amend the Sex Offender Registration Laws	ONTP
LD 1514	An Act To Amend the Sex Offender Registration Laws	Carried Over

Sex Offenses -- Criminal

Enacted

LD 580	An Act To Protect Children from Sexual Predators	PUBLIC 50 EMERGENCY
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Not Enacted

LD 8	An Act To Increase the Maximum Distance from a School within Which a Sex Offender May Not Reside That May Be Set by Municipal Ordinance	MAJORITY (ONTP) REPORT
LD 37	An Act To Amend the Deferred Disposition Law As It Pertains to Sex Offenses	LTW
LD 508	An Act To Adjust Certain Age Limits in the Laws Concerning Sex Offenses To Further Protect Minors	ONTP
LD 1182	An Act To Protect Young Children from Sex Offenses	DIED BETWEEN HOUSES
LD 1392	An Act To Increase the Penalty for Sexual Abuse by Certain Offenders	DIED BETWEEN HOUSES

State and County Corrections & State Board of Corrections

Enacted

LD 82	An Act To Amend the Laws Governing County Jail Budgeting for York County	PUBLIC 431
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LD 168	An Act To Require a Medical Examiner To Determine whether an Autopsy Is Needed in the Case of the Death of a Prisoner in a Correctional Facility	PUBLIC 60
LD 422	An Act To Amend the Laws Governing the Tax Assessment for Correctional Services in Lincoln County and Sagadahoc County	PUBLIC 315 EMERGENCY
LD 685	An Act To Support Farm Programs at Department of Corrections Facilities	PUBLIC 340
LD 1419	An Act To Improve the Coordination of County Correctional Services	PUBLIC 374

Not Enacted

LD 342	An Act To Amend the Laws Governing County Jail Budgeting for York County	LEAVE TO WITHDRAW
LD 690	An Act To Amend the Laws Governing the Transfer of Prisoners to Other States	ONTP
LD 963	An Act To Ensure Humane Treatment for Special Management Prisoners	ONTP
LD 1095	An Act To Facilitate the Construction and Operation of Private Prisons by Authorizing the Transport of Prisoners out of State	Carried Over
LD 1163	An Act To Implement the Recommendations of the Commissioner of Corrections' Study Regarding the Placement of Special Management Prisoners	ONTP
LD 1178	An Act To Repeal the Laws Governing the Consolidation of Jails	ONTP
LD 1421	An Act To Reduce the Cost of Delivery of State and County Correctional Services	ONTP
LD 1542	An Act To Require All Correctional Facilities in the State To Participate in the Unified Inmate Transportation System	ONTP

Victim Rights

Not Enacted

LD 276	An Act To Enhance the Collection of Restitution for Victims of Crimes	ONTP
LD 1102	An Act To Ensure That Victims Are Kept Informed in Criminal Cases	ONTP

Weapons/Firearms/Concealed Firearms Permits

Enacted

LD 35	An Act Relating to Concealed Firearms Locked in Vehicles	PUBLIC 393
LD 446	An Act To Allow Law Enforcement Officers from Out of State To Carry Concealed Firearms	PUBLIC 396

LD 1347	An Act Relating to Locations where Concealed Weapons May Be Carried	PUBLIC 394
LD 1439	An Act Regarding Permits To Carry Concealed Firearms	PUBLIC 298
<u>Not Enacted</u>		
LD 578	An Act To Allow Municipalities To Restrict the Possession of Firearms in Certain Circumstances	DIED BETWEEN HOUSES
LD 658	An Act To Modify the Requirement of a Permit To Carry a Concealed Weapon	MAJORITY (ONTP) REPORT
LD 717	An Act To Increase the Penalties for Possessing and Displaying a Firearm on School Property	ONTP
LD 827	An Act To Bring the State's Laws into Compliance with the National Instant Criminal Background Check System	MAJORITY (ONTP) REPORT
LD 932	An Act To Allow Concealed Weapons in the State House	INDEF PP
LD 1168	An Act To Exempt Firearms Manufactured in this State from Federal Regulation	MAJORITY (ONTP) REPORT
LD 1176	An Act To Enhance Reciprocity Agreements Regarding Permits To Carry Concealed Firearms	MAJORITY (ONTP) REPORT
LD 1232	An Act To Enhance Self-defense by Removing Restrictions on the Carrying and Use of Weapons	MAJORITY (ONTP) REPORT
LD 1525	An Act To Expand Reciprocity by Allowing Certain Nonresidents To Possess a Firearm in Maine	ONTP

STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON EDUCATION AND
CULTURAL AFFAIRS**

July 2011

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REP. HELEN RANKIN
REP. MADONNA M. SOCTOMAH

Joint Standing Committee on Education and Cultural Affairs

**LD 12 Resolve, Regarding Legislative Review of Portions of Chapter 131: The
Maine Federal, State and Local Accountability Standards, a Major
Substantive Rule of the Department of Education**

**RESOLVE 6
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 131: The Maine Federal, State and Local Accountability Standards, a major substantive rule of the Department of Education. The standards are commonly referred to as Common Core State Standards. Specifically, the focus of the standards are in English Language Arts and Mathematics from kindergarten through grade 12.

Enacted Law Summary

Resolve 2011, chapter 6 authorizes the final adoption of portions of Chapter 131: The Maine Federal, State and Local Accountability Standards, a major substantive rule of the Department of Education. The standards are commonly referred to as the Common Core State Standards. The focus of the standards are in English Language Arts and Mathematics from kindergarten through grade 12.

Resolve 2011, chapter 6 was finally passed as an emergency measure effective March 25, 2011.

LD 18 An Act To Extend the School Year

**MINORITY
(ONTP) REPORT**

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

This bill extends the school year from 180 days to 185 days a year.

**LD 19 An Act To Change the Annual Meeting Date and Fiscal Year of Mount
Desert Island Regional School District**

**P & S 1
EMERGENCY**

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

This bill changes the annual school budget meeting date for Mount Desert Island Regional School District from the second Wednesday in February to the first Wednesday in April and conforms the district's fiscal year to requirements of the Maine Revised Statutes.

Enacted Law Summary

Joint Standing Committee on Education and Cultural Affairs

Private & Special Law 2011, chapter 1 changes the annual school budget meeting date for Mount Desert Island Regional School District from the second Wednesday in February to the first Wednesday in April and conforms the district's fiscal year to requirements of the Maine Revised Statutes.

Private & Special Law 2011, chapter 1 was enacted as an emergency measure effective February 4, 2011.

LD 45 An Act To Allow Marriage and Family Therapists To Provide Related Services in Public Schools PUBLIC 19

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVES ALFOND	OTP-AM	H-19

This bill requires the Commissioner of Education to adopt rules providing that a licensed marriage and family therapist is qualified for the position of school counselor, school social worker or other mental health professional in a school setting.

Committee Amendment "A" (H-19)

This amendment changes the title and replaces the bill to provide that school administrative units may employ or contract with qualified licensed individuals to provide related services required to assist children with disabilities to benefit from their special education programs. The amendment also directs the Commissioner of Education to amend the Department of Education rules in Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty to clarify that a person licensed as a marriage and family therapist is qualified to serve as a qualified evaluator and a qualified licensed contractor.

Enacted Law Summary

Public Law 2011, chapter 19 provides that school administrative units may employ or contract with qualified licensed individuals to provide related services required to assist children with disabilities to benefit from their special education programs. The law also directs the Commissioner of Education to amend the Department of Education rules in Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty to clarify that a person licensed as a marriage and family therapist is qualified to serve as a qualified evaluator and a qualified licensed contractor.

LD 66 An Act To Amend the Laws Governing the Capital Reserve Funds of the Maine Educational Loan Authority PUBLIC 401 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER RAYE	OTP-AM	H-149

This bill removes the termination date for the Maine Educational Loan Authority's authority to create or establish capital reserve funds.

Committee Amendment "A" (H-149)

This amendment strikes the bill and replaces it to extend the termination date for the Maine Educational Loan Authority's authority to create or establish capital reserve funds to June 30, 2017. The amendment also decreases the limit on the principal amount for certain types of bonds issued by the Maine Educational Loan Authority to

Joint Standing Committee on Education and Cultural Affairs

\$225,000,000.

Enacted Law Summary

Public Law 2011, chapter 401 extends the termination date for the Maine Educational Loan Authority's authority to create or establish capital reserve funds to June 30, 2017. The law also decreases the limit on the principal amount for certain types of bonds issued by the Maine Educational Loan Authority to \$225,000,000.

Public Law 2011, chapter 401 was enacted as an emergency measure effective June 22, 2011.

LD 77 Resolve, Directing the Department of Education To Create a Resource Guide to Maine History Developed in Cooperation with Franco-American Specialists RESOLVE 17

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

This bill amends the law governing instruction in American history in schools to require the inclusion of Franco-American history and the study of the influence of French intellectual thought on American history.

Committee Amendment "A" (H-23)

This amendment replaces the bill with a resolve that directs the Department of Education to create a resource guide to Maine history in cooperation with Franco-American specialists. The department shall periodically update the Joint Standing Committee on Education and Cultural Affairs of the 125th Legislature on the number of hours dedicated by the department to the creation of the resource guide and supply the committee with a copy of the final resource guide.

Enacted Law Summary

Resolve 2011, chapter 17 directs the Department of Education to create a resource guide to Maine history in cooperation with Franco-American specialists. The department shall periodically update the Joint Standing Committee on Education and Cultural Affairs of the 125th Legislature on the number of hours dedicated by the department to the creation of the resource guide and supply the committee with a copy of the final resource guide.

LD 93 An Act To Improve Essential Programs and Services Funding for Education ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to amend the essential programs and services funding and distribution formula and process to improve the equity and adequacy of general purpose aid to education.

Joint Standing Committee on Education and Cultural Affairs

LD 98 Resolve, Directing the Commissioner of Education To Adopt a Policy Carried Over
Regarding Management of Head Injuries in Youth Sports

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

This resolve directs the Commissioner of Education to adopt a policy for schools in Maine on the management of head injuries in school athletic activities. The policy must include information, protocols and forms and requirements for removing from an athletic practice, game or activity a student suspected of having sustained a head injury and for banning that student from participation for that day and until the school has received written clearance for the student to resume participation. The resolve requires schools to adopt a policy on management of head injuries and to implement the policy beginning January 1, 2012. The resolve allows the sharing of policies, information, training, protocols and forms with statewide and local organizations that sponsor sports and athletics.

LD 98 was removed from the Special Appropriations Table and recommitted to the Committee on Education and Cultural Affairs.

Committee Amendment "A" (H-519)

This amendment directs the Commissioner of Education to propose a model policy for schools in Maine on the management of head injuries in school athletic activities. It directs the commissioner to reconvene the working group established pursuant to Resolve 2009, chapter 79 to advise the commissioner on the prevention, diagnosis and treatment of concussive and other head injuries in student athletes. The amendment provides that a model policy may include requirements and procedural steps for schools to follow in determining when a student suspected of having sustained a head injury is able to resume participation in the academic program. The bill establishes a date regarding when schools are required to adopt a policy on management of head injuries and to implement the policy of January 1, 2012. The amendment changes the date to July 1, 2012.

Senate Amendment "A" To Committee Amendment "A" (S-340)

This amendment adds a mandate preamble.

This resolve was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 106 Resolve, Regarding Legislative Review of Portions of Chapter 101: RESOLVE 39
Maine Unified Special Education Regulation Birth to Age Twenty, a EMERGENCY
Major Substantive Rule of the Department of Education

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-148

This resolve provides for legislative review of portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a major substantive rule of the Department of Education.

Committee Amendment "A" (H-148)

Joint Standing Committee on Education and Cultural Affairs

This amendment provides that final adoption of portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a provisionally adopted major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rule.

Enacted Law Summary

Resolve 2011, chapter 39 provides that final adoption of portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a provisionally adopted major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rule.

Resolve 2011, chapter 39 was finally passed as an emergency measure effective May 19, 2011.

LD 114 An Act To Allow Vietnam War Era Veterans To Receive High School Diplomas PUBLIC 25

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COTTA COURTNEY	OTP-AM	H-24

This bill allows those veterans who left secondary school to serve in the Vietnam War to receive a high school diploma. This diploma may be awarded posthumously.

Committee Amendment "A" (H-24)

This amendment changes the title of the bill and specifies the time frame in which veterans who left secondary school to join the Armed Forces may be considered to have served during the Vietnam War and may be awarded a high school diploma.

Enacted Law Summary

Public Law 2011, chapter 25 allows those veterans who left secondary school to serve in the Armed Forces during the Vietnam War era to receive a high school diploma. This diploma may be awarded posthumously.

LD 130 Resolve, Directing the Department of Education To Explore Options To Increase Participation in the University of Southern Maine's Extended Teacher Education Program ONTP

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

This resolve directs the certification office within the Department of Education to evaluate the Extended Teacher Education Program at the University of Southern Maine and recommend options for increasing participation in the program.

Joint Standing Committee on Education and Cultural Affairs

LD 139 An Act To Reduce the Time Period after Which a Member Municipality PUBLIC 328
May Petition To Withdraw from a Regional School Unit

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDGECOMB SHERMAN	OTP-AM MAJ OTP-AM MIN	H-548

This bill amends the laws governing school administrative unit reorganization to eliminate the penalties set forth for nonconforming school administrative units.

Committee Amendment "A" (H-548)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment strikes and replaces the bill. Beginning January 1, 2012, the amendment reduces the time period from three years to 30 months after which a member municipality may petition to withdraw from a regional school unit.

Enacted Law Summary

Public Law 2011, chapter 328 provides that, beginning January 1, 2012, the time period after which a member municipality may petition to withdraw from a regional school unit is reduced from three years to 30 months.

LD 148 An Act To Set Uniform Standards for School Construction ONTP

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

This bill requires the State Board of Education to adopt rules for school construction projects for new schools that set out the design standards used for urban, suburban and rural schools. The state board may not approve the allocation of state funds for a school construction project for a new school unless the new school construction plan that the school administrative unit submits in the application process meets the applicable design standards.

**LD 167 An Act To Provide Full Funding for Advanced Placement Courses MAJORITY
(ONTP) REPORT**

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

This bill provides ongoing funds for the Advanced Placement Program within the Department of Education to provide 20 online advanced placement courses per year to high school students in the State.

Joint Standing Committee on Education and Cultural Affairs

LD 171 An Act To Exempt School Administrative District No. 24 and School Administrative District No. 32 from the Laws Requiring School Administrative Unit Consolidation

**MAJORITY
(ONTP) REPORT**

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

This bill exempts School Administrative District No. 24 and School Administrative District No. 32 from the requirements for reorganization into larger regional school units or alternative organizational structures. The Commissioner of Education is required to treat School Administrative District No. 24 and School Administrative District No. 32 in a manner similar to the treatment of coastal islands.

LD 184 An Act To Promote the Financial Literacy of High School Students

PUBLIC 154

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN ALFOND	OTP-AM A ONTP B OTP-AM C	H-206

This bill requires the Department of Education to develop and distribute a course on personal finance for use by secondary schools in the State to help students attain financial literacy. The course must include instruction in purchasing, using credit, budgeting, saving and investing, banking, simple contracts, state and federal income taxes, personal insurance policies and renting or purchasing a home. Beginning with the 2012-2013 school year, all secondary schools must include the personal finance course as part of the mathematics instruction required to obtain a high school diploma.

Committee Amendment "A" (H-206)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment replaces the bill and requires the Commissioner of Education to develop a program of technical assistance that promotes an integrated model for instruction in personal finance to help secondary school students attain financial literacy. The amendment requires the commissioner to submit an annual report to school boards and superintendents that includes strategies and resources available to implement an integrated model for instruction in personal finance for use in secondary schools. The amendment also requires the annual report to be provided to the joint standing committee of the Legislature having jurisdiction over education matters and posted on the Department of Education's publicly accessible website.

Enacted Law Summary

Public Law 2011, chapter 154 requires the Commissioner of Education to develop a program of technical assistance that promotes an integrated model for instruction in personal finance to help secondary school students attain financial literacy. The law requires the commissioner to submit an annual report to school boards and superintendents that includes strategies and resources available to implement an integrated model for instruction in personal finance for use in secondary schools. The law also requires the annual report to be provided to the joint standing committee of the Legislature having jurisdiction over education matters and posted on the Department of Education's publicly accessible website.

Joint Standing Committee on Education and Cultural Affairs

LD 209 Resolve, To Establish a Stakeholder Group To Review the Maine State Grant Program

RESOLVE 14

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-10

This resolve authorizes the Finance Authority of Maine to coordinate a review of the Maine State Grant Program that includes the participation of a stakeholder group of higher education policy makers, agencies, institutions, students and financial aid administrators in the State and report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by December 1, 2011.

Committee Amendment "A" (S-10)

This amendment clarifies that the member of the stakeholder group established by the resolve invited to represent Maine's private higher education institutions represents private, nonprofit higher education institutions. The amendment strikes the provision inviting a Legislator serving on the Joint Standing Committee on Education and Cultural Affairs during the 125th Legislature. The amendment also provides that the Joint Standing Committee on Education and Cultural Affairs may introduce a bill during the Second Regular Session of the 125th Legislature to implement the recommendations on matters relating to the stakeholder group's review of the Maine State Grant Program.

Enacted Law Summary

Resolve 2011, chapter 14 authorizes the Finance Authority of Maine to coordinate a review of the Maine State Grant Program that includes the participation of a stakeholder group of higher education policy makers, agencies, institutions, students and financial aid administrators in the State and report to the Joint Standing Committee on Education and Cultural Affairs by December 1, 2011. The resolve also provides that the joint standing committee may introduce a bill during the Second Regular Session of the 125th Legislature to implement the recommendations on matters relating to the stakeholder group's review of the Maine State Grant Program.

LD 232 Resolve, To Change the Name of the Northern Penobscot Technical Center

ONTP

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

This resolve directs the Department of Education to rename the Northern Penobscot Technical Center the Northern Penobscot Vocational Center.

Joint Standing Committee on Education and Cultural Affairs

LD 233 An Act To Establish the State Board of Education as the Appointing Authority for the Commissioner of Education LEAVE TO WITHDRAW

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H SAVIELLO	LV/WD	

This bill changes the authority for appointing the Commissioner of Education from the Governor to the State Board of Education.

LD 236 An Act To Require High School Students To Register To Vote as a Requirement for Graduation ONTP

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

This bill requires all high school students that are eligible under the laws governing elections to register to vote in accordance with the Maine Revised Statutes, Title 21-A, section 122 prior to graduation. School guidance counselors are responsible for certifying that students have registered to vote.

LD 250 An Act To Permit Tuition Subsidies by Municipalities MAJORITY (ONTP) REPORT

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

This bill allows municipalities to give subsidies from their general funds to parents to reimburse them for part or all of the tuition the parents paid to private schools that are precluded from receiving tuition funding from the State.

Committee Amendment "A" (H-356)

This amendment replaces the bill. It allows municipalities to adopt ordinances to raise or appropriate money to reimburse all or part of tuition to parents of students who attend private schools.

Joint Standing Committee on Education and Cultural Affairs

LD 268 An Act To Make the Consolidation of School Administrative Units Voluntary and To Eliminate the Penalties for Units That Choose Not To Consolidate MAJORITY (ONTP) REPORT

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

This bill amends the laws governing school administrative unit consolidation to make consolidation voluntary and to eliminate the penalties set forth for nonconforming school administrative units.

LD 275 An Act To Change the Notice Period for Terminating Teachers' Contracts ONTP

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

This bill reduces from 90 days to 30 days the period in which a school board may terminate a teacher's contract when changes in local conditions warrant the termination.

LD 306 Resolve, Directing the Office of Program Evaluation and Government Accountability To Make Recommendations To Find Efficiencies in Per-pupil Costs Associated with Interscholastic Activities ONTP

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

This resolve directs the Office of Program Evaluation and Government Accountability to provide an accounting of the money spent by school administrative units on a per-pupil basis for interscholastic activities and make recommendations to the Joint Standing Committee on Education and Cultural Affairs regarding how to improve the efficiency of the management of statewide interscholastic activities no later than December 7, 2011. The Joint Standing Committee on Education and Cultural Affairs may submit a bill to the Second Regular Session of the 125th Legislature on the topic of the report by the Office of Program Evaluation and Government Accountability.

Joint Standing Committee on Education and Cultural Affairs

LD 326 An Act To Require That School Administrative Units Bear the Burden of Proving That an Individualized Education Program Is Appropriate MAJORITY (ONTP) REPORT

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

This bill places the burden of proof on a school administrative unit in a due process hearing to determine whether the individualized education program developed by the school administrative unit meets the needs of a child with a disability.

LD 347 Resolve, Directing the Commissioner of Education To Convene a Task Force To Develop a Proposal for a More Equitable Distribution of Kindergarten to Grade 12 State Education Funding ONTP

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

This resolve directs the Commissioner of Education to convene a task force to develop a proposal for a more equitable distribution of kindergarten to grade 12 state education funding.

LD 349 An Act To Require the Inclusion of a Financial Statement on School Administrative Unit Bond Obligations When Voting on a School Construction Project DIED BETWEEN HOUSES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING LANGLEY	OTP-AM	H-124 S-346 ROSEN R

This bill requires that the article submitted to the voters for a school construction project include a treasurer's statement outlining the total bonding capacity of the school administrative unit and the estimated cost of repaying the debt. The bill also clarifies that any errors in the estimates provided in the treasurer's statement do not invalidate ratification of the article. The bill requires that a treasurer's statement of the amount of indebtedness incurred, including indebtedness associated with bonds, lease agreements or lease-purchase agreements, must be provided when the indebtedness incurred exceeds \$20,000.

Committee Amendment "A" (H-124)

This amendment removes the provision from the bill that requires that a treasurer's statement of the amount of indebtedness incurred, including indebtedness associated with bonds, lease agreements or lease-purchase agreements, must be provided when the indebtedness incurred exceeds \$20,000.

Joint Standing Committee on Education and Cultural Affairs

Senate Amendment "A" To Committee Amendment "A" (S-346)

This amendment adds a mandate preamble.

LD 385 An Act To Amend the School Administrative Unit Consolidation Laws

PUBLIC 251

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON P THOMAS	OTP-AM MAJ OTP-AM MIN	H-357

This bill amends the laws governing school administrative unit reorganization to eliminate the penalties set forth for nonconforming school administrative units. The bill also eliminates the provision that gives the Commissioner of Education final approval of a regional school unit, including an alternative organizational structure, and eliminates the requirement that a school after leaving an alternative organizational structure must join a conforming school administrative unit within two years.

Committee Amendment "A" (H-357)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment strikes the emergency preamble and the emergency clause from the bill. The amendment also adds an effective date of July 1, 2012 to the bill, including provisions that repeal the following:

1. The Maine Revised Statutes, Title 20-A, section 15696, which sets out penalties for nonconforming school administrative units;
2. References in the Maine Revised Statutes to penalties for nonconforming school administrative units, including in provisions pertaining to a member municipality that withdraws from a regional school unit and does not join a conforming school administrative unit within two years, a member entity that withdraws from an alternative organizational structure and does not join a conforming school administrative unit within two years and referenda provision language for a nonconforming school administrative unit seeking to join an existing regional school unit;
3. Provisions governing school administrative units failing to approve a reorganization plan on or before January 30, 2009 in Public Law 2007, chapter 240, Part XXXX that cross-reference the penalties established for nonconforming school administrative units; and
4. Provisions in Public Law 2007, chapter 240, Part XXXX that cross-reference the penalties established for nonconforming school administrative units and direct the State Board of Education to modify rules governing the rating process for school construction.

Enacted Law Summary

Public Law 2011, chapter 251 amends the laws governing school administrative unit reorganization to eliminate the penalties set forth for nonconforming school administrative units. The law eliminates the provision that gives the Commissioner of Education final approval of a regional school unit, including an alternative organizational structure. The law also eliminates the requirement that a school, after leaving an alternative organizational structure, must join a conforming school administrative unit within two years. The law takes effect July 1, 2012.

Joint Standing Committee on Education and Cultural Affairs

**LD 389 An Act To Exempt Certain Necessary School Auxiliary Buildings for
New Mechanical Systems from Referendum Requirements**

**MAJORITY
(ONTP) REPORT**

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

This bill exempts the construction of a school's auxiliary building for the housing of a mechanical system from the public referendum requirement.

LD 391 An Act Concerning Models for Teacher and Principal Evaluations

PUBLIC 36

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS ALFOND	OTP-AM	H-52

This bill provides that the laws that require the Department of Education to establish models for the evaluation of the professional performance of teachers and principals do not prevent a school administrative unit from developing and adopting its own models for teacher and principal evaluation. It also provides that the stakeholder group convened by the Commissioner of Education to review models for the evaluation of the professional performance of teachers and principals is charged with reviewing only those models established by the Department of Education.

Committee Amendment "A" (H-52)

This amendment clarifies the role of the Department of Education in regard to teacher and principal evaluation models. The department shall propose, rather than establish, models for evaluation of the professional performance of teachers and principals. The amendment clarifies the role of the stakeholder group by indicating that approval of a model is by a majority vote of the group. The amendment also removes the ending date originally established for the stakeholder group to review models proposed by the department.

Enacted Law Summary

Public Law 2011, chapter 36 provides that the laws that require the Department of Education to propose models for the evaluation of the professional performance of teachers and principals do not prevent a school administrative unit from developing and adopting its own models for teacher and principal evaluation. It also provides that the stakeholder group convened by the Commissioner of Education to review models for the evaluation of professional performance of teachers and principals is charged with reviewing only those models established by the Department of Education.

Joint Standing Committee on Education and Cultural Affairs

LD 395 An Act To Mandate That the School Year Not Begin before September 1st

**MAJORITY
(ONTP) REPORT**

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

The bill provides that beginning with school year 2012-2013, the academic year for elementary schools, secondary schools, the University of Maine System and the Maine Community College System may not begin before September 1st, except that elementary and secondary schools are exempt for school days in which students are not required to attend or participate, and school administrative units that receive an exemption from the Commissioner of Education because students of the school administrative unit are involved in an agricultural harvest are also exempt.

LD 397 An Act To Amend the Laws Governing Competitive Bidding for School Construction and Repair

PUBLIC 352

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM	S-187

This bill changes the minimum amount of the cost of school construction, major alteration or repair requiring a competitive bid from over \$100,000 to over \$250,000.

Committee Amendment "A" (S-187)

This amendment clarifies that contracts for energy conservation services in compliance with the Maine Revised Statutes, Title 20-A, section 15915 are exempt from competitive bid requirements. It specifies costs to be included when calculating the total cost of the project to determine if competitive bidding is required.

Enacted Law Summary

Public Law 2011, chapter 352 changes the minimum amount of the cost of school construction, major alteration or repair requiring a competitive bid from over \$100,000 to over \$250,000. It requires that when a contract includes ongoing service and maintenance by the person responsible for construction, major alteration or repair of the school buildings, the cost of service and repair must be included when calculating the total cost of the project to determine if competitive bidding is required. It also requires a school administrative unit to use a competitive bid process if two or more contracts totaling more than \$250,000 are to be entered into within a six-month period.

Joint Standing Committee on Education and Cultural Affairs

LD 403 Resolve, To Encourage School Administrative Units To Adopt a Mission Statement for Each of the Public Schools Operated by the School Administrative Unit

RESOLVE 94

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NELSON	OTP-AM	H-538

This bill requires a school board to adopt a mission statement for every school under its jurisdiction. In developing and adopting a mission statement, a school board must solicit input from teachers, administrators, parents, students and community members. The mission statement must be included in the comprehensive education plan required from all school administrative units, and is subject to review as part of the annual report to the Commissioner of Education on the progress of implementing the plan.

Committee Amendment "A" (H-538)

This amendment replaces the bill with a resolve to encourage each school administrative unit to adopt a mission statement for every school under its jurisdiction. In developing and adopting a mission statement, school boards are encouraged to solicit input from teachers, administrators, parents, students and community members. The amendment directs the Department of Education to provide technical assistance to school administrative units in developing mission statements for the schools under their jurisdiction. The amendment also directs the Department of Education to review the adoption of mission statements by school administrative units under this resolve and to submit a written report with recommendations to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by September 1, 2014.

Enacted Law Summary

Resolve 2011, chapter 94 encourages each school administrative unit to adopt a mission statement for every school under its jurisdiction. In developing and adopting a mission statement, school boards are encouraged to solicit input from teachers, administrators, parents, students and community members. The resolve directs the Department of Education to provide technical assistance to school administrative units in developing mission statements for the schools under their jurisdiction. The resolve also directs the Department of Education to review the adoption of mission statements by school administrative units under this resolve and to submit a written report with recommendations to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by September 1, 2014.

LD 404 An Act To Assist School Administrative Units in Providing Health Insurance to Their Employees

PUBLIC 249

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NELSON	OTP-AM MAJ OTP-AM MIN	H-262

This bill allows a school administrative unit to request from its insurer loss information on its employees pursuant to the Maine Insurance Code as part of the competitive bidding process in procuring health insurance for the unit's employees.

Committee Amendment "A" (H-262)

Joint Standing Committee on Education and Cultural Affairs

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment replaces the bill.

1. It requires the administrator of an individual school health plan or a group plan covering a multiple-school group to seek competitive bids at least once every five years. The amendment requires that the administrator of any such group plan must make the competitive bids available to individual school administrative units upon request.
2. In recognition of the fact that the premium rates for the plan year starting July 1, 2011 have already been set, the amendment requires the Maine Education Association Benefits Trust to review the current benefits option and consider creating a new benefits option with a lower premium rate for the 2012 plan year or a subsequent plan year.
3. It requires the Maine Education Association Benefits Trust to include a representative appointed by the Maine School Boards Association to serve as a member of the board of trustees of the trust no later than January 1, 2012.

Enacted Law Summary

Public Law 2011, chapter 249 accomplishes the following:

1. It requires the administrator of an individual school health plan or a group plan covering a multiple-school group to seek competitive bids at least once every five years; and it requires that the administrator of any such group plan must make the competitive bids available to individual school administrative units upon request;
2. In recognition of the fact that the premium rates for the plan year starting July 1, 2011 have already been set, it requires the Maine Education Association Benefits Trust to review the current benefits option and consider creating a new benefits option with a lower premium rate for the 2012 plan year or a subsequent plan year; and
3. It requires the Maine Education Association Benefits Trust to include a representative appointed by the Maine School Boards Association to serve as a member of the board of trustees of the trust no later than January 1, 2012.

**LD 430 Resolve, To Name the Maine Fire Training and Education Program at
Southern Maine Community College the Maine Fire Service Institute**

RESOLVE 8

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

This resolve directs Southern Maine Community College to name its fire training and education program the Maine Fire Service Institute.

Enacted Law Summary

Resolve 2011, chapter 8 directs the Southern Maine Community College to name its fire training and education program the Maine Fire Service Institute.

Joint Standing Committee on Education and Cultural Affairs

LD 444 An Act To Require Annual Evaluation of Public School Teachers ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. It proposes to require that all new public school teachers be formally evaluated on an annual basis. The method of implementation will be at the discretion of each school administration.

While this bill was not enacted, Public Law 2011, chapter 172 (LD 976) includes the initiative proposed in this bill.

LD 449 An Act To Remove the Restriction against a Spouse's Working in a School Administrative Unit in which the Other Spouse Serves on the School Board MAJORITY (ONTP) REPORT

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

This bill repeals the restriction against a spouse's working in a school administrative unit in which the other spouse serves on the school board.

LD 498 An Act To Extend the Length of the School Day MAJORITY (ONTP) REPORT

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

This bill requires, beginning in the 2013-2014 school year, that a school instructional day, which is a day during which both students and teachers are present, must be at least five hours and 45 minutes in length.

Committee Amendment "A" (H-90)

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs and directs the State Board of Education to amend its rules in Chapter 125, Section 6, subsection 6.02, paragraph B to increase the length of the average instructional day from five hours to five hours and 45 minutes by January 1, 2012. The amendment also adds an appropriations and allocations section.

Joint Standing Committee on Education and Cultural Affairs

**LD 505 An Act To Align State Standards Pertaining to Food and Beverages
outside of the School Lunch Program to Federal Standards**

PUBLIC 224

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD LANGLEY	OTP-AM MAJ ONTP MIN	H-297

This bill amends the law to allow the Department of Education to adopt rules that are consistent with federal school nutrition standards regarding standards for food and beverages sold or distributed on school grounds but outside of school meal programs. Culinary arts programs provided by career and technical schools and programs are exempt from the requirements of the rules.

Committee Amendment "A" (H-297)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. It clarifies that the federal school nutrition standards for foods and beverages distributed on school grounds do not apply to products prepared in culinary arts programs.

Enacted Law Summary

Public Law 2011, chapter 224 allows the Department of Education to adopt rules that are consistent with federal school nutrition standards regarding standards for food and beverages sold or distributed on school grounds but outside of school meal programs. Culinary arts programs provided by career and technical schools and programs are exempt from the requirements of the rules.

LD 506 An Act To Prevent the Disclosure of Student Social Security Numbers

PUBLIC 223

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PETERSON COURTNEY	OTP-AM	H-292

This bill repeals the provisions authorizing the Commissioner of Education to require local school units to request and report student social security numbers to the Department of Education.

Committee Amendment "A" (H-292)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2011, chapter 223 repeals the provisions authorizing the Commissioner of Education to require local school units to request and report student social security numbers to the Department of Education.

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LD 530 An Act To Allow Alternative Delivery Methods for Locally Funded School Construction Projects

P & S 17

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE BLISS	OTP-AM	H-613 S-325 LANGLEY

This bill authorizes the approval of 10 additional school construction projects by school administrative units seeking to use an alternative delivery method for a school construction project. Such a project must be locally funded, have a minimum total project cost of \$2,500,000 and have an executed contract between the school administrative unit and the project designer dated prior to October 1, 2016.

Committee Amendment "A" (H-613)

This amendment replaces the bill. The amendment repeals those provisions of Private and Special Law 1999, chapter 79 that authorized school administrative units to utilize alternative delivery methods for school construction projects and enacts the substantive provisions of that law into the statutes governing public improvement construction contracts. The amendment allows a school administrative unit to undertake a school construction project using the construction-manager-advisor method, the design-build method or the construction-manager-at-risk method for school construction projects that are locally funded and have a minimum total project cost of \$1,000,000.

Senate Amendment "A" To Committee Amendment "A" (S-325)

This amendment strikes Committee Amendment "A" and replaces it with the bill. It authorizes the approval of 10 additional school construction projects by school administrative units seeking to use an alternative delivery method for a school construction project. Such a project must be locally funded, have a minimum total project cost of \$2,500,000 and have an executed contract between the school administrative unit and the project designer dated prior to October 1, 2016.

Enacted Law Summary

Private and Special Law 2011, chapter 17 authorizes the approval of 10 additional school construction projects by school administrative units seeking to use an alternative delivery method for a school construction project. Such a project must be locally funded, have a minimum total project cost of \$2,500,000 and have an executed contract between the school administrative unit and the project designer dated prior to October 1, 2016.

LD 564 An Act Regarding Retention and Graduation Rates for Maine's Colleges and Universities

PUBLIC 232

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-144 ALFOND S-74

This bill requires all postsecondary institutions in the State, including institutions offering accredited postsecondary educational and degree programs on the Internet, to report annually to the Department of Education the retention rates of the students for each degree program and the graduation rates for students who complete two-year or

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associate's degree programs in two, three or four years and for students who complete four-year or bachelor's degree programs in four, five or six years. This bill requires the Department of Education to report this information annually to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and publish the report on the department's publicly accessible website.

Committee Amendment "A" (S-74)

This amendment replaces the bill to clarify the requirements that all postsecondary educational institutions in the State provide institution-wide retention rates and graduation rates. The amendment also provides that the annual Department of Education report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs must include national comparisons of retention rates and graduation rates for peer institutions.

Senate Amendment "A" To Committee Amendment "A" (S-144)

This amendment clarifies that the information regarding retention and graduation rates must be compiled by the department using information that is already provided by postsecondary institutions.

Enacted Law Summary

Public Law 2011, chapter 232 requires the Department of Education to compile information provided by all postsecondary educational institutions in the State related to institution-wide retention rates and graduation rates. The law provides that the Department of Education provide an annual report, including national comparisons of retention rates and graduation rates for peer institutions, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. The law also provides that the department publish the report on the department's publicly accessible website.

LD 566 An Act To Encourage Transparency in the Department of Education

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-300 S-315 ALFOND

This bill requires the Department of Education to fully disclose its full budget and the true cost of all its programs and services.

Committee Amendment "A" (S-300)

This amendment proposes to clarify the reporting and public disclosure requirements of the bill pertaining to the disclosure by the Department of Education of its full budget and the true cost of all its programs and services. The amendment directs the Department of Education to review the November 3, 2010 Report to the Legislative Council on Maine Department of Education Program Funding, including the recommendation that the Legislature should consider requiring the department to provide performance-related data as part of the agency's biennial or supplemental budget request for General Fund appropriations. The amendment also directs the department to submit a report, including findings and recommendations on the costs and benefits of providing performance-related data to the Legislature as part of the department's budget request, no later than January 13, 2012 to the Joint Standing Committee on Education and Cultural Affairs. The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-315)

This amendment specifies that, in carrying out the reporting requirement required by this legislation, the Department of Education is to use data that are readily available to, and compiled by, the department. The amendment specifies

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that the department is not required to report on data at a level of detail that does not exist on the effective date of this legislation, and directs the department to provide the reports within its existing resources.

LD 568 Resolve, To Establish an Early Childhood Stakeholder Group

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-259

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to create a unified early childhood education system that will result in more effective use of limited resources and produce improved outcomes.

Committee Amendment "A" (S-259)

This amendment replaces the bill with a resolve requiring the Maine Children's Growth Council to establish and convene a stakeholder group to identify options and alternatives to improve the efficacy and efficiency of Maine's early childhood system. The Department of Education and the Department of Health and Human Services are required to provide technical assistance to the stakeholder group. The stakeholder group is required to submit a report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services that includes the findings of the stakeholder group, including options and alternatives developed by the stakeholder group and any analysis by the departments of those options and alternatives. The report may include suggested legislation.

LD 569 An Act To Support and Encourage the Use of Online Textbooks

PUBLIC 354

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-186

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to enact measures designed to support and encourage the use of online textbooks.

Committee Amendment "A" (S-186)

This amendment replaces the concept draft with a bill to direct the Commissioner of Education to develop a program of technical assistance, including professional development and training for instruction in digital literacy and the establishment of a clearinghouse for information on the use of online learning resources that may be made available to all schools, including those schools that participate in the learning through technology program that provides one-to-one wireless computers for seventh grade, eighth grade and high school students and educators. The amendment establishes the Digital Literacy Fund, to be administered by the Department of Education. Any private or public funds appropriated, allocated or dedicated to the fund may be used to pay for the development of a program of technical assistance. The amendment also authorizes the Commissioner of Education to expend funds allocated to the learning through technology program for the costs of providing the program of technical assistance. The amendment adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 354 directs the Commissioner of Education to develop a program of technical assistance,

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including professional development and training for instruction in digital literacy and the establishment of a clearinghouse for information on the use of online learning resources that may be made available to all schools, including those schools that participate in the learning through technology program that provides one-to-one wireless computers for seventh grade, eighth grade and high school students and educators. The law establishes the Digital Literacy Fund, to be administered by the Department of Education. Any private or public funds appropriated, allocated or dedicated to the fund may be used to pay for the development of a program of technical assistance. The law also authorizes the Commissioner of Education to expend funds allocated to the learning through technology program for the costs of providing the program of technical assistance.

LD 579 Resolve, To Study the Creation of a School of Hospitality and Hotel Management within the University of Maine System

**RESOLVE 53
EMERGENCY**

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

This resolve is a concept draft pursuant to Joint Rule 208. The resolve proposes to have the University of Maine System study the creation of a degree program for hospitality and hotel management within the university system.

Committee Amendment "A" (S-70)

This amendment replaces the concept draft with a resolve that directs the Board of Trustees of the University of Maine System to establish a stakeholder group to explore the creation of a baccalaureate degree program for hospitality and hotel management within the system. The amendment also provides that the Board of Trustees of the University of Maine System shall present a report, including its conclusions and any recommendations resulting from the review, to the Joint Standing Committee on Education and Cultural Affairs by January 31, 2012, which may introduce a bill.

Enacted Law Summary

Resolve 2011, chapter 53 directs the Board of Trustees of the University of Maine System to establish a stakeholder group to explore the creation of a baccalaureate degree program for hospitality and hotel management within the system. The resolve also provides that the Board of Trustees of the University of Maine System shall present a report, including its conclusions and any recommendations resulting from the review, to the Joint Standing Committee on Education and Cultural Affairs by January 31, 2012. The joint standing committee may introduce a bill during the Second Regular Session of the 125th Legislature related to the report.

Resolve 2011, chapter 53 was finally passed as an emergency measure effective May 31, 2011.

LD 598 An Act To Provide Assistance to Economically Disadvantaged Students

ONTP

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

This bill provides an adjustment for a school administrative unit that is a minimum subsidy receiver if its percentage of economically disadvantaged students is greater than the state average.

While this bill was not enacted, Public Law 2011, chapter 419 (LD 1274) includes the initiative proposed in this bill.

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LD 606 An Act To Protect State Education Funds ONTP

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

This bill prohibits school boards from depositing funds received from the State in banks that do not cover losses in cases of fraudulent automatic clearinghouse transactions. "Automatic clearinghouse transaction" means an electronic funds transfer between bank accounts that groups transactions.

LD 608 An Act To Regionalize Supervision of Students in the Unorganized Territory ONTP

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

This bill establishes a four-district school administrative district system for the unorganized territory. The bill requires the Commissioner of Education to develop rules to transfer state management of the school systems in the unorganized territory to these four administrative districts. The commissioner is required to submit to the Second Regular Session of the 125th Legislature provisionally adopted rules and proposed legislation necessary to accomplish this transfer of responsibility. The Joint Standing Committee on Education is authorized to submit a bill related to the unorganized territory school administrative district system to the Second Regular Session of the 125th Legislature.

LD 619 An Act To Allow School Administrative Units and Educational Advisory Organizations To Participate in the State's Group Health Plan PUBLIC 438

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R	OTP-AM MAJ ONTP MIN	S-64

This bill provides that employees of school administrative units and educational advisory organizations are eligible to participate in the group health plan that is available to state employees and other eligible persons.

Committee Amendment "A" (S-64)

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

Enacted Law Summary

Public Law 2011, chapter 438 provides that employees of school administrative units and educational advisory organizations are eligible to participate in the group health plan that is available to state employees and other eligible persons.

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LD 627 An Act To Expand the Capacity of York County Community College Carried Over

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to amend the current law to expand the capacity of York County Community College due to its doubled student enrollment in the past five years.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 635 An Act To Provide for the Equitable Reimbursement of Schools ONTP
Operated by the State in the Unorganized Territory

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

This bill provides that the tuition rate that is charged by the Commissioner of Education to a school administrative unit that sends a student to a school maintained by the State in the unorganized territory must be an amount equal to the state average expenditure per elementary pupil as determined by the commissioner pursuant to the Maine Revised Statutes, Title 20-A, section 5804 or the actual expenditure per elementary pupil calculated by the commissioner for the receiving school administrative unit in the unorganized territory, whichever is greater.

LD 656 Resolve, To Establish a Task Force on Franco-Americans RESOLVE 102
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE	OTP-AM	H-88 S-337 COURTNEY

This resolve establishes a task force to study Franco-Americans in the State. The task force is directed to determine a definition of who is a Franco-American and gather basic data about Franco-Americans, including how many reside in the State, the percentage of the State's population that is Franco-American, if they speak French, their educational achievement, their annual income and where they live. It directs the task force to report its findings and suggested legislation to the Joint Standing Committee on Education and Cultural Affairs, which is authorized to report out a bill.

Committee Amendment "A" (H-88)

This amendment reduces the membership of the task force in the resolve from 15 members to 13 members; requires that the task force work with the Franco-American Center at the University of Maine, while allowing the task force to work with individuals or nonprofit or charitable organizations; changes the reporting requirements to include a

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preliminary report date of December 7, 2011 and a final report date of November 7, 2012; and authorizes the Legislative Council to oversee contributions from private sources on behalf of the task force.

Senate Amendment "A" To Committee Amendment "A" (S-337)

The amendment explicitly exempts this study from the requirements of Joint Rule 353.

Enacted Law Summary

Resolve 2011, chapter 102 establishes a 13 member task force to study Franco-Americans in the State. The task force, working with the Franco-American Center at the University of Maine, is directed to determine a definition of who is a Franco-American and gather basic data about Franco-Americans, including how many reside in the State, the percentage of the State's population that is Franco-American, if they speak French, their educational achievement, their annual income and where they live. It directs the task force to report its preliminary findings on December 7, 2011 and a final report and findings on November 7, 2012 to the Joint Standing Committee on Education and Cultural Affairs, which is authorized to report out a bill.

Resolve 2011, chapter 102 was finally passed as an emergency measure effective July 6, 2011.

LD 662 Resolve, Directing the Department of Education To Amend Its Rules MAJORITY
Pertaining to the Statute of Limitations for Filing a Due Process (ONTP) REPORT
Hearing Request Regarding Special Education

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

This resolve restores to six years the statute of limitations for filing a due process hearing request in special education matters.

LD 675 An Act To Establish Multidistrict Online Classes in Maine Carried Over

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

This bill allows nonresident students to enroll in a school administrative unit's online learning program, with the school administrative unit of residence for that student to pay the enrolling school administrative unit the student's tuition for the program. The bill also directs the Department of Education to create a stakeholder group to study the opportunities in and challenges of creating one online learning program for the State and to report to the Joint Standing Committee on Education and Cultural Affairs by January 4, 2012.

LD 675 was removed from the Special Appropriations Table and recommitted to the Committee on Education and Cultural Affairs.

Committee Amendment "A" (S-304)

This amendment strikes and replaces the bill to provide several provisions that allow nonresident students to enroll

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in a school administrative unit's online learning program, with the school administrative unit in which the student resides providing the student's tuition payment to the enrolling school administrative unit for the online program. The amendment accomplishes the following.

1. It expands the eligibility provisions to permit a student to enroll in an online learning program or course that is offered by a school in a school administrative unit, a private school approved for tuition purposes that enrolls at least 60% publicly funded students or an online learning provider approved by the Department of Education; and further provides that a school administrative unit must pay for an online course that meets the content area requirements of the system of learning results when the school administrative unit does not offer the course or the student cannot take the course for certain reasons. These eligibility and course offering provisions are repealed July 1, 2015.
2. It establishes a three-year pilot project, including eligibility provisions, for enrolling students in full-time online learning programs, beginning in the 2012-2013 school year and ending in the 2014-2015 school year. The pilot project provisions are repealed July 1, 2015.
3. It establishes provisions pertaining to online learning programs and online course offerings that a school administrative unit may offer to students who reside in the school administrative unit and to students who reside, and whose parents reside, outside of the school administrative unit or outside of the State. These provisions are repealed July 1, 2015.
4. It provides that school administrative units must provide at least \$5,000 in funding for students who meet the eligibility requirements to enroll in online courses and authorizes a school administrative unit to provide more than \$5,000 in funding when the superintendent provides permission for an eligible student to enroll in an online course. The funding provisions are repealed July 1, 2015.
5. It directs the Department of Education to provide information on online learning programs and courses offered by eligible providers on the department's publicly accessible website. This provision is repealed July 1, 2015.
6. It directs the Department of Education to create a working group to study the opportunities in and challenges of creating one online learning program for the State and to report to the Joint Standing Committee on Education and Cultural Affairs by January 4, 2012.
7. It requires the Department of Education to evaluate the multidistrict online learning programs that enroll students in one or more online courses, as well as the pilot project that enrolls full-time students, and to report the results of the evaluation to the joint standing committee of the Legislature having jurisdiction over education matters no later than January 31, 2015. The joint standing committee may submit a bill to the First Regular Session of the 127th Legislature.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 688 *Resolve, To Facilitate Participation in Individualized Education Program Team Meetings and Special Education Dispute Resolution Procedures*

RESOLVE 63

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KENT ALFOND	ONTP MAJ OTP-AM MIN	H-189

This resolve directs the Department of Education to amend its rules in Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty to require that schools permit the use of alternative means of meeting

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participation, such as individual or conference telephone calls and videoconferencing, to ensure that the parents of a child with a disability are able to have qualified examiners, experts, advocates and witnesses participate in Individualized Education Program Team Meetings and special education dispute resolution procedures.

Committee Amendment "A" (H-189)

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment directs the Department of Education to specify in its rules that a school administrative unit is not required to spend any funds to purchase additional equipment in order to comply with the provision that schools provide alternative means of meeting participation to ensure that the parents of a child with a disability are able to have the appropriate persons participate in individualized education program team meetings and special education dispute resolution procedures.

Enacted Law Summary

Resolve 2011, chapter 63 directs the Department of Education to amend its rules in Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty to require that schools permit the use of alternative means of meeting participation, such as individual or conference telephone calls and videoconferencing, to ensure that the parents of a child with a disability are able to have the appropriate persons participate in Individualized Education Program Team Meetings and special education dispute resolution procedures. The resolve also directs the department to specify in its rules that a school administrative unit is not required to spend any funds to purchase additional equipment in order to comply with this provision.

LD 689 Resolve, Requiring the Department of Education To Amend Its Rules MAJORITY
Relating to School Administrative Unit Payments for the Costs (ONTP) REPORT
Associated with Independent Educational Evaluations

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

This resolve directs the Department of Education to amend its rule Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty to provide that, when a parent exercises the parent's right to an independent educational evaluation at public expense, the school is required to pay for the full cost of the evaluation, including the cost for the independent evaluator to produce an evaluation report and to appear before the individualized education program team to present the evaluation report, or to ensure that all of these evaluation costs are otherwise provided for at no cost to the parent.

LD 715 Resolve, To Ensure That Maine Teachers and Paraprofessionals Who RESOLVE 47
Work with Children with Autism Spectrum Disorders Are EMERGENCY
Appropriately and Adequately Prepared

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS ALFOND	OTP-AM MAJ ONTP MIN	H-115

This resolve requires the Department of Education to convene a work group to conduct a study to ensure that teachers and paraprofessionals who work with children with autism spectrum disorders are highly qualified. The work group is required to submit its recommendations to the department by November 1, 2011. The department is

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required to submit a report, including the findings and recommendations from the work group, to the Joint Standing Committee on Education and Cultural Affairs by December 7, 2011, and the Joint Standing Committee on Education and Cultural Affairs is authorized to introduce legislation to the Second Regular Session of the 125th Legislature.

This amendment strikes out the "highly qualified" language of the resolve and replaces it with "appropriately and adequately prepared" to eliminate confusion with federal law. The amendment also includes the State Board of Education, along with the Department of Education, to share areas of responsibility.

Enacted Law Summary

Resolve 2011, chapter 47 requires the Department of Education and the State Board of Education to convene a work group to conduct a study to ensure that teachers and paraprofessionals who work with children with autism spectrum disorders are appropriately and adequately prepared. The work group is required to submit its recommendations to the department by November 1, 2011. The department and the State Board of Education is required to submit a report, including the findings and recommendations from the work group, to the Joint Standing Committee on Education and Cultural Affairs by December 7, 2011, and the Joint Standing Committee on Education and Cultural Affairs is authorized to introduce legislation to the Second Regular Session of the 125th Legislature.

Resolve 2011, chapter 47 was finally passed as an emergency measure effective May 23, 2011.

LD 758 Resolve, To Establish a Schoolchildren's Well-being Stakeholder Group ONTP

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

This resolve requires the Department of Education and the Department of Health and Human Services to jointly convene a stakeholder group to identify options and alternatives to improve and maintain the nutritional well-being of schoolchildren. In particular, the focus of the stakeholder group will be to explore ways and make recommendations to address childhood behavioral disorders, attention deficit and attention deficit hyperactivity disorders, autism spectrum disorders and child obesity through nutritional strategies that include food choices and dietary supplementation. The departments are required to present the work of the stakeholder group to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services and may suggest legislation to the joint standing committees, which may each submit legislation to the Second Regular Session of the 125th Legislature.

LD 775 An Act To Clarify Special Education Reporting Requirements MAJORITY (ONTP) REPORT

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

This bill requires a school administrative unit to report legal disputes between a parent, surrogate parent or guardian of a child with a disability and the school administrative unit concerning a student's special education program to the Commissioner of Education. This bill requires the commissioner to track these reports and report annually to the joint standing committee of the Legislature having jurisdiction over education matters a summary of the reports received from school administrative units. This bill also requires school administrative units to maintain files on

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each dispute.

LD 776 **An Act To Create a Fair Process for Energy Service Companies
Contracting with Maine Schools**

PUBLIC 279

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON D	OTP-AM	H-386

This bill removes provisions of law that allow school administrative units to use a process other than a competitive bid process in selecting energy service providers for the design, installation, operation, maintenance and financing of energy conservation or combined energy conservation and air quality improvements. This bill requires the Department of Administrative and Financial Services, Bureau of General Services to adopt by rule a model contract for these services.

Committee Amendment "A" (H-386)

This amendment replaces the bill. It retains a school administrative unit's authority to use a process other than a competitive bidding process for energy conservation agreements. It revises the current law to specify performance criteria to be addressed in an agreement and the process for soliciting requests for qualifications and requests for proposals and for selecting an energy services company.

Enacted Law Summary

Public Law 2011, chapter 279 revises the law pertaining to agreements for energy conservation improvements to:

1. Increase the maximum length of an agreement from 15 years to 20 years;
2. Define "energy services company" and use that term in the statute;
3. Increase the total contract cost allowed without going to competitive bidding from \$2,000,000 to \$2,500,000 and exclude private and federal grant funds from counting toward that maximum figure;
4. Prohibit a request for qualifications or a request for proposals from containing certain requirements that might exclude qualified energy services companies from competing;
5. Establish performance criteria that must be included in an agreement for energy services;
6. Establish a minimum time period for accepting responses to a request for qualifications or a request for proposals and a maximum period for responding to objections to the terms of a request; and
7. Require the Department of Administrative and Financial Services, Bureau of General Services and the Department of Education to provide guidance to school administrative units regarding these agreements.

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LD 782 An Act To Expand Competitive Bidding for Energy Service Contracts with Schools ONTP

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

This bill provides that school projects for the design, installation, operation, maintenance and financing of energy conservation or combined energy conservation and air quality improvements at existing school administrative unit facilities are subject to competitive bidding requirements.

LD 786 An Act To Eliminate the Penalty for School Administrative Units That Did Not Consolidate and Eliminate State Funding of Local Administrative Costs MAJORITY (ONTP) REPORT

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

This bill amends the laws governing school administrative unit reorganization to eliminate the penalties set forth for nonconforming school administrative units. It also requires that a school administrative unit pay local administrative costs using local funds and provides that state funds may not be appropriated or allocated to pay local administrative costs.

LD 800 An Act To Allow the Town of Surry To Join School Union No. 93 P & S 9 EMERGENCY

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

This emergency bill authorizes the Commissioner of Education, upon the submission of a written plan of organization that has been approved by the school boards involved in School Union No. 93 and the school board of the Surry School Department, to adjust the grouping of school administrative units in School Union No. 93 to include the Town of Surry.

Enacted Law Summary

Private and Special Law 2011, chapter 9 authorizes the Commissioner of Education, upon the submission of a written plan of organization that has been approved by the school boards involved in School Union No. 93 and the school board of the Surry School Department, to adjust the grouping of school administrative units in School Union No. 93 to include the Town of Surry.

Private and Special Law 2011, chapter 9 was enacted as an emergency measure effective May 31, 2011.

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LD 803 An Act To Allow the Town of Dayton To Opt Out of Its Regional School Unit Agreement ONTP

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

This bill allows the Town of Dayton to withdraw from Regional School Unit No. 23 without penalty upon a favorable vote of the residents of the Town of Dayton. If the vote required by this bill is favorable to withdraw, this bill allows the school department in the Town of Dayton to form an alternative organizational structure.

LD 813 An Act To Require Every School Administrative Unit To Have a Food Service Director MAJORITY (ONTP) REPORT

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

This bill requires all school administrative units to hire a professional food service director. The bill allows school administrative units to join in cooperative agreements to hire such directors.

Committee Amendment "A" (H-388)

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. It changes the requirement in the bill that a school board hire a professional food service director meeting certain qualifications to a requirement that a school board designate a person to serve as the food service director by August 1, 2012. It directs the Commissioner of Education to use existing rulemaking authority to establish qualifications for a food service director. It directs the Department of Education to facilitate the sharing of information among food service directors and to report to the Joint Standing Committee on Education and Cultural Affairs on these efforts. The minority report was not adopted.

LD 817 An Act To Stabilize Short-term Funding of Public Kindergarten to Grade 12 Education ONTP

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

This bill amends the annual targets for the state share percentage of the statewide adjusted total cost of the components of essential programs and services.

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LD 860 An Act To Reduce Student Hunger

PUBLIC 379

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM MAJ ONTP MIN	S-170 S-206 MASON

This bill requires a public school in which at least 40% of the students qualify for a free or reduced-price lunch to implement a federally subsidized summer food service program to provide meals to children during the summer months. The bill requires the Commissioner of Education to adopt rules to implement the program. The bill also requires each public school to develop a written plan to enroll students who are eligible in the summer food service program.

Committee Amendment "A" (S-170)

The amendment, which is the majority report of the committee, eliminates the requirement in the bill that a public school in which 40% of the students qualify for a free or reduced-price lunch under federal law participate in the federal summer food service program and instead does the following.

1. It provides that, beginning with the 2011-2012 school year, a school administrative unit with at least one public school in which the percentage of students who qualify for a free or reduced-price lunch is determined to be equal to or greater than the minimum percentage established for eligibility under the National School Lunch Program shall participate in the federal summer food service program.
2. It phases in the requirement that school administrative units participate in the federal summer food service program. For the summer following the 2011-2012 school year, a school administrative unit is required to participate if at least one of the schools within the school administrative unit has a student body at least 75% of which qualifies for a free or reduced-price lunch. For the summer following the 2012-2013 school year, the percentage is 65%. For the summer following the 2013-2014 school year and subsequent school years, the percentage is 50%.
3. It provides the Commissioner of Education with the authority to provide an exemption for a school administrative unit and directs the commissioner or the commissioner's designee to work with each eligible school administrative unit to determine if any of the following criteria apply to exempt the school administrative unit from offering the federal summer food service program:
 - A. Already participating with a municipality, county or nonprofit organization in the federal summer food service program;
 - B. Unable to administer the federal summer food service program within existing budgeted resources or in a manner that is cost-neutral; or
 - C. Unable to participate in the federal summer food service program due to an insufficient number of students who are eligible to enroll or participate in the program.
4. It also adds an appropriations and allocations section to the bill.

Senate Amendment "A" To Committee Amendment "A" (S-206)

This amendment clarifies that school administrative units do not have to participate in the federal summer food

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service program for children but may participate and receive support services from the Department of Education.

Enacted Law Summary

Public Law 2011, chapter 379 provides that, beginning with the 2011-2012 school year, a school administrative unit with at least one public school in which the percentage of students who qualify for a free or reduced-price lunch is determined to be equal to or greater than the minimum percentage established for eligibility under the National School Lunch Program may participate in the federal summer food service program and shall receive support services from the Department of Education in developing a plan to participate in the program.

The law establishes a phase-in schedule for the participation of school administrative units in the federal summer food service program as follows. For the summer following the 2011-2012 school year, a school administrative unit may participate if at least one of the schools within the school administrative unit has a student body at least 75% of which qualifies for a free or reduced-price lunch. For the summer following the 2012-2013 school year, the percentage is 65%. For the summer following the 2013-2014 school year and subsequent school years, the percentage is 50%.

LD 871 An Act To Allow a 4-day School Week ONTP

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

This bill authorizes a school administrative unit to use an alternative school calendar of four days of student instruction per week if that calendar provides for an amount of student instruction equivalent to that provided by a traditional school calendar.

LD 886 An Act To Remove All Federal Funding from Inclusion in the Essential Programs and Services Funding Formula ONTP

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

This bill removes all references pertaining to the allocation of federal resources from the statutory provisions of the Essential Programs and Services Funding Act.

LD 903 An Act To Allow a Student Attending Private School Access to Public School Cocurricular, Interscholastic and Extracurricular Activities PUBLIC 456

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICCHIOTTI MASON	OTP-AM MAJ ONTP MIN	S-331

This bill provides that a student enrolled in an equivalent instruction program in a private school that enrolls fewer than 30 students is eligible to participate in public school cocurricular, extracurricular and interscholastic activities.

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Committee Amendment "A" (H-490)

This amendment, which is the majority report of the committee, provides that a student enrolled in an equivalent instruction program in a private school that enrolls fewer than 30 students is eligible to participate in public school cocurricular, extracurricular and interscholastic activities when the private school is not a member of the Interscholastic Division of the Maine Principals' Association, a statewide association that promotes, organizes and regulates statewide interscholastic activities in both public and private schools.

This amendment is a Committee of Conference report and incorporates the substance of Committee Amendment "A," Senate Amendment "A" and Senate Amendment "B." The amendment provides that a student enrolled in an equivalent instruction program in a private school is eligible to participate in public school cocurricular, extracurricular and interscholastic activities when the private school is not a member of the Interscholastic Division of the Maine Principals' Association, a statewide association that promotes, organizes and regulates statewide interscholastic activities in both public and private schools.

This amendment also allows the principal of a school to withhold approval of participation of a student in cocurricular, extracurricular or interscholastic activities.

This amendment also strikes the restriction that allows only students of private schools that enroll fewer than 30 students to be eligible to participate in public school cocurricular, extracurricular and interscholastic activities.

Enacted Law Summary

Public Law 2011, chapter 456 provides that a student enrolled in an equivalent instruction program in a private school is eligible to participate in public school cocurricular, extracurricular and interscholastic activities when the private school is not a member of the Interscholastic Division of the Maine Principals' Association, a statewide association that promotes, organizes and regulates statewide interscholastic activities in both public and private schools. The law also allows the principal of a school to withhold approval of participation of a student in cocurricular, extracurricular or interscholastic activities.

LD 911 Resolve, Directing the Maine Community College System To Establish the Great Works School Campus MAJORITY (ONTP) REPORT

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

This resolve directs the Maine Community College System to establish the Great Works School in Sanford as a campus of the Maine Community College System.

LD 929 Resolve, To Establish a Study Group To Review the Teacher Certification Process ONTP

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

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This resolve directs the Commissioner of Education to establish a study group to review the teacher certification process and recommend ways to streamline and simplify the process and reduce the time needed to receive certification as a teacher with particular emphasis on certification for individuals without degrees in education. The commissioner is required to report the results of the study undertaken by the study group along with any recommended legislation to the Joint Standing Committee on Education and Cultural Affairs.

**LD 938 An Act To Permit Public School Online Learning Programs To Accept
Nonresident Tuition Students**

**PUBLIC 353
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAULIEU CRAVEN	OTP-AM	H-537

This bill permits Maine public school systems that offer online learning programs to allow nonresident students to participate in those programs on a tuition basis. The participation of nonresident tuition students in these programs will benefit the sponsoring public school systems both educationally and financially.

Committee Amendment "A" (H-537)

This amendment clarifies the provisions in the bill that permit Maine public school systems that offer online learning programs to allow nonresident students to participate in those programs on a tuition basis when the students, and their parents, reside outside the State. The amendment also adds language to repeal these provisions in three years. The amendment changes provisions in the bill that provide that tuition students whose parents reside outside the State may not be counted for purposes of the Essential Programs and Services Funding Act, may not be included in the statewide assessment program established pursuant to the Maine Revised Statutes, Title 20-A, chapter 222 and are not subject to Title 20-A, chapter 223 provisions pertaining to student health, immunization and health screening to clarify that the tuition student must also reside outside the State for these exemptions to apply. The amendment also strikes provisions in the bill that propose to establish a definition of "learning coach" and to add the term to provisions pertaining to online learning programs or courses.

Enacted Law Summary

Public Law 2011, chapter 353 permits school administrative units that offer online learning programs and courses to allow nonresident students to participate in those programs and courses on a tuition basis when the students, and their parents, reside outside the State. The law provides that tuition students whose parents reside outside the State may not be counted for purposes of the Essential Programs and Services Funding Act, may not be included in the statewide assessment program established pursuant to the Maine Revised Statutes, Title 20-A, chapter 222 and are not subject to Title 20-A, chapter 223 provisions pertaining to student health, immunization and health screening. The law also includes language to repeal these provisions in three years.

Public Law 2011, chapter 353 was enacted as an emergency measure effective June 15, 2011.

LD 944 An Act To Increase College Attainment

**MINORITY
(ONTP) REPORT**

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

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This bill requires secondary school students to complete a federally accepted free application for federal student aid and at least one application to a postsecondary educational institution to assess eligibility for financial aid.

Committee Amendment "A" (S-260)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. It provides exceptions to the proposed requirement that a student must complete an application to a postsecondary educational institution and a free application for federal student aid prior to receiving a high school diploma. The majority report was not adopted.

**LD 949 Resolve, To Require the Department of Education To Submit a Plan for
the Implementation of Standards-based Education**

RESOLVE 83

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-236

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to amend the current education laws to update the graduation requirements for the State's high schools and would establish a standards-based system as follows.

1. In order to graduate from high school, a student would have to demonstrate proficiency in all eight content areas outlined in the system of learning results established in the Maine Revised Statutes, Title 20-A, section 6209. In addition, students would be required to be engaged in learning English and mathematics during each of their four years of high school study, or during every year of their high school career if they graduate early.
2. Beginning with the class of 2014, students graduating from the State's high schools also would demonstrate proficiency in each of the five guiding principles outlined in the Department of Education Rule Chapter 132: Learning Results: Parameters for Essential Instruction.
3. School administrative units and schools would be required to create a decision-making system for graduation that enhances or replaces the current system of credit accumulation for graduation. In addition to local requirements that could include the accumulation of credits, students would build a body of evidence that demonstrates their achievement of specific content area learning standards and the goals established in the guiding principles. This evidence would come from across the content areas, would include student efforts within and outside of the school building over an extended period of time and consist of student-designed assignments and assessments, as well as teacher-designed assignments and assessments.
4. The Department of Education would create a series of rubrics for schools to use in evaluating the student's body of evidence and assigning a score to this work. Students would be expected to present their body of evidence to an audience that includes educators from the school as well as parents and key community members chosen by the student. The presentation could be a single event or a series of events taking place when students are prepared to demonstrate readiness, not on a uniform or preconceived timeline.
5. Students would be able to decide to graduate from high school sooner or continue longer than the traditional four-year time frame, placing increased emphasis on the quality of learning rather than the time it takes each student to achieve such learning. The results of these decisions would be noted on a student's transcript as part of the student's permanent record.
6. Schools would be required to report student learning in terms of proficiency in each content area standard delineated in the system of learning results and each of the guiding principles to students and parents at the end of

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each grading period. Scoring decisions would be made by educators from the school administrative unit or the school and would incorporate input from other participants.

7. To ensure a level of trustworthiness of these decisions, samples of student work and local decisions would be submitted and reviewed by the Department of Education periodically to ensure that the standard for graduation retains a level of consistency across the State. Students would have multiple opportunities to demonstrate success and different formats, using multiple measures, to engage in this process.

8. With respect to the guiding principles, each school administrative unit would put in place an assessment system that uses rubrics to pass judgment on student performance on multiple examples of student work completed over time. The Department of Education would develop a set of rubrics aligned with each of the guiding principles that can be used for this purpose.

9. Each school administrative unit's standards-based system of high school graduation would be reviewed and approved annually during the basic school approval process as set forth in the Maine Revised Statutes, Title 20-A, chapter 206. A school administrative unit may choose to create and use different rubrics pending approval by the Department of Education through the basic school approval process.

Committee Amendment "A" (S-236)

This amendment replaces the concept draft with a resolve directing the Department of Education to develop and submit a plan for the implementation of standards-based education, including awarding high school diplomas to students who demonstrate proficiency in meeting state standards in all eight content areas of the system of learning results established in the Maine Revised Statutes, Title 20-A, section 6209.

Enacted Law Summary

Resolve 2011, chapter 83 directs the Department of Education to develop and submit a plan for the implementation of standards-based education, including awarding high school diplomas to students who demonstrate proficiency in meeting state standards in all eight content areas of the system of learning results established in the Maine Revised Statutes, Title 20-A, section 6209.

LD 952 An Act To Amend the Laws Governing the School Revolving ONTP
Renovation Fund

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

This bill amends the laws governing the School Revolving Renovation Fund to provide that repairs and renovations to improve energy efficiency qualify for first priority status in determining which loans to school administrative units are approved. It also increases from \$1,000,000 to \$3,000,000 the maximum loan amount from the fund to address first priority, second priority or third priority projects. It increases from \$3,000,000 to \$9,000,000 the maximum total loans from the fund for which a school building is eligible.

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LD 958 Resolve, To Direct the Department of Education To Review the Carried Over
Essential Programs and Services Model

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

This resolve directs the Department of Education to have an independent agency not previously involved with the essential programs and services funding formula review the essential programs and services model to analyze the impact of its implementation on children from economically disadvantaged areas, the funding shifts experienced by small rural schools and the result of the regional salary adjustment variable and the economically disadvantaged student variable on the equity of the distribution of state aid to municipalities for education and to provide a report to the Joint Standing Committee on Education and Cultural Affairs by December 1, 2011. The joint standing committee is authorized to submit a bill relating to the report to the Second Regular Session of the 125th Legislature.

LD 958 was removed from the Special Appropriations Table and recommitted to the Committee on Education and Cultural Affairs.

This resolve was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

Committee Amendment "A" (H-604)

This amendment replaces the resolve to direct the Department of Education to enter into a contract for an independent review of the Essential Programs and Services Funding Act through a request for proposal process that awards a contract to a qualified research entity. The department is required to provide a report of the results of the independent review to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 31, 2013. The joint standing committee is authorized to submit a bill relating to the report to the First Regular Session of the 126th Legislature. The amendment also adds an appropriations and allocations section.

LD 959 Resolve, Directing the Department of Education To Provide Curriculum ONTP
Consistency in Maine Public Schools

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

This resolve is a concept draft pursuant to Joint Rule 208. The resolve proposes to direct the Department of Education to provide a model curriculum to all elementary and secondary schools that meets the requirements of the comprehensive, statewide system of learning results and the Common Core Standards in English language arts and mathematics for kindergarten to grade 12 established in common with the other states as established in the Maine Revised Statutes, Title 20-A, section 6209. The model curriculum should span 80% of the school year, leaving 20% of the school year for schools to raise the standards of or to modify and improve the curriculum to meet local requirements and standards.

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LD 964 Resolve, Requiring the Department of Education To Amend Its Rules To Prohibit School Administrative Units from Imposing Unreasonable Restrictions That Impede the Ability of Parents and Evaluators To Observe Students

RESOLVE 42

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KENT ALFOND	ONTP MAJ OTP MIN	S-67 SHERMAN

This resolve directs the Department of Education to amend its rules in Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty to permit a qualified examiner to observe a child at school or at a potential educational placement when the qualified examiner is not employed by the school and is conducting an independent educational evaluation at the request of the parent.

Senate Amendment "A" (S-67)

This amendment specifies that the rules adopted must permit a qualified independent examiner to observe the child at the times and for the duration that the school would permit an examiner employed by the school.

Enacted Law Summary

Resolve 2011, chapter 42 directs the Department of Education to amend its rules in Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty to permit a qualified examiner to observe a child at school or at a potential educational placement when the qualified examiner is not employed by the school and is conducting an independent educational evaluation at the request of the parent. The resolve also specifies that the rules adopted must permit a qualified independent examiner to observe the child at the times and for the duration that the school would permit an examiner employed by the school.

LD 971 An Act To Improve the Health of Maine Students

**MAJORITY
(ONTP) REPORT**

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

This bill requires every school administrative unit to provide for all students in grades one to eight at least 20 minutes of daily physical activity, which includes unstructured recess, leisure or recreational time, sports, hobbies or a structured exercise program. A school administrative unit that does not provide this physical activity is subject to a 20% reduction of the unit's state funding for education.

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LD 976 An Act To Require 3 Years of Experience in a School Administrative Unit before a Teacher May Receive a Continuing Contract Offer

PUBLIC 172

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON P THOMAS	OTP-AM	H-243

This bill extends the probationary teacher contract to three years and provides that a duly certified teacher is not eligible for a continuing contract in the employing school administrative unit until after the third year of a probationary teacher contract. This bill also extends the period of a duly certified teacher's contract to five years and requires the superintendent to notify the teacher in writing, prior to May 15th before the expiration of the fifth year of a duly certified teacher's contract, of the superintendent's decision to nominate or not nominate the teacher for another five-year contract.

Committee Amendment "A" (H-243)

This amendment specifies that superintendents must evaluate probationary teachers in their second year of employment as determined by school board policy. The amendment increases the probationary period of teachers from its current two-year period to a three-year period beginning with the 2012-2013 school year. The amendment directs superintendents to support probationary teachers throughout their probationary periods. The amendment also directs the Department of Education to review teacher evaluation systems to determine how they are used to aid hiring, retention and dismissal decisions and professional development. The Department of Education is directed to report its findings to the Joint Standing Committee on Education and Cultural Affairs by December 30, 2011.

Public Law 2011, chapter 420 (LD 1480), The Errors Bill, amended an error in this Committee Amendment by reinstating the existing two-year contract minimum for non-probationary teachers from the incorrect five-year provision.

Enacted Law Summary

Public Law 2011, chapter 172 directs superintendents to evaluate probationary teachers in their second year of employment as determined by school board policy. It increases the probationary period of teachers from its current two-year period to a three-year period beginning with the 2012-2013 school year. It directs superintendents to support probationary teachers throughout their probationary periods. Public Law 2011, chapter 172 also directs the Department of Education to review teacher evaluation systems to determine how they are used to aid hiring, retention and dismissal decisions and professional development. The Department of Education is directed to report its findings to the Joint Standing Committee on Education and Cultural Affairs by December 30, 2011.

LD 977 Resolve, To Analyze the Value of Distance Learning in a Rural Environment

ONTP

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

This resolve directs the Department of Education to conduct an analysis of distance learning via the Internet statewide and for rural communities by establishing two pilot programs in the spring semester of 2012 and analyzing distance learning's cost, effectiveness and impact on the structure of educational districts and the teaching workforce and the feasibility of establishing an online high school. The resolve also requires the department to develop

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legislation to allow enrollment of a student from one school administrative unit in an educational course offered via the Internet by another school administrative unit and to make distance learning via the Internet a top priority in the State.

LD 980 An Act To Prohibit Cyberbullying in Public Schools Carried Over

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

Current law requires each school board to adopt a policy that addresses injurious hazing. This bill repeals the injurious hazing law and enacts provisions requiring school boards to adopt policies prohibiting offensive student or organizational behavior, including injurious hazing, harassment, bullying and cyberbullying. It requires the school board to include in the policy a procedure for reporting the offensive behavior to the authorities. The bill also makes harassment by cyberbullying a civil violation.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 982 An Act To Create a Unified Board of Higher Education MAJORITY (ONTP) REPORT

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

This bill replaces the Board of Trustees of the University of Maine System, the Board of Trustees of the Maine Community College System and the Board of Trustees of the Maine Maritime Academy with the Board of Trustees of Higher Education to provide a unified body for the governance of those institutions. Part A makes changes to the law to replace some select references to the individual boards of trustees with the unified board and enacts a new chapter in the Maine Revised Statutes, Title 20-A with provisions that establish the new unified board. Part B establishes a transition team to recommend further changes to the law to fully accomplish the transition to the unified board. The transition team will specifically recommend changes to determine the qualifications of trustees and the powers and duties of the unified board in a report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. The report of the transition team must also recommend changes to the administration or organization and the existing law governing the University of Maine System, the Maine Maritime Academy and the Maine Community College System to ensure that any potential conflicts with the law establishing the new unified board are avoided. The joint standing committee is authorized to submit a bill to the Second Regular Session of the 125th Legislature based upon the report.

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LD 1003 An Act To Assist Maine Schools To Obtain Federal Funds for Medically Necessary Services Carried Over

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to increase school administrative units' access to federal Medicaid funding for medically necessary services provided by those school administrative units to special education students for whom those services are required under an individualized education plan adopted for the student and as part of a free and appropriate public education.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1013 An Act Regarding School Board Members and Their Spouses MAJORITY (ONTP) REPORT

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

Current law prohibits a member of a school board or the spouse of a member of a school board from being an employee in a school that is within the jurisdiction of the school board on which that member serves. This bill provides for an exception to that prohibition if the spouse is employed as a part-time substitute teacher or a coach or in some other extracurricular position and the school administrative unit has a policy to handle conflicts of interest. This bill also, in other cases, allows the Commissioner of Education to waive the prohibition if the school administrative unit has a conflict of interest policy in place and can demonstrate, based on the size of the school administrative unit, the geographic location of the school administrative unit and the difficulty in getting employees, that the waiver is appropriate.

Committee Amendment "A" (H-250)

This amendment, which is the minority report, strikes the part of the bill that authorizes the Commissioner of Education to waive the prohibition of full-time employment of a spouse of a school board member in a public school within the jurisdiction of the school board.

LD 1017 An Act To Improve the Essential Programs and Services Funding Model by Providing for a Cost of Housing Adjustment ONTP

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

This bill requires that, beginning in fiscal year 2013-14, the regional adjustment to the salary and benefits costs of teachers and other school personnel be based on the cost of housing in the counties in the State. The bill also directs

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the Commissioner of Education, in conjunction with the Maine Education Policy Research Institute, to prepare a transition plan that addresses the development of the regional adjustment that is based on a cost of housing factor.

LD 1033 An Act To Support Resource Sharing among Maine Libraries

**HELD BY
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO RECTOR	OTP-AM	S-369 ROSEN R

This bill provides funding to support weekly van delivery service to help defray the cost of sending and returning items through interlibrary loan to public libraries across the State.

Committee Amendment "A" (H-225)

This amendment specifies that the funds appropriated in the bill are to be used to defray the cost of van delivery service for those libraries that participated in the van delivery service in fiscal years 2009-10 and 2010-11.

Senate Amendment "A" (S-369)

This amendment incorporates Committee Amendment "A" and removes the funding for fiscal year 2011-12.

Enacted Law Summary

This bill was enacted but as of this printing, had not been acted upon by the Governor and, pursuant to Art. IV, Part 3rd, Sec. 2 of the Maine Constitution, currently has no final disposition. It provides funding in fiscal year 2012-2013 to support the weekly van delivery service to help defray the cost of sending and returning items through interlibrary loan to public libraries across the State.

LD 1038 An Act Regarding Property Deposited with Museums and Historical Societies

PUBLIC 263

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON D	OTP-AM	H-465

This bill reduces storage and insurance costs for museums and historical societies by reducing by 22 years the period that abandoned property must be held before title may be taken. The bill adopts the American Association of Museums definition of "museum," clarifies the rights of those lending tangible collection materials to museums and protects museums exercising due diligence in emergency situations.

Committee Amendment "A" (H-465)

This amendment modifies the bill to provide that property that has a value of less than \$100 that has been abandoned to a museum for three years becomes the property of the museum. It also modifies the definition of "museum" to clarify the types of organizations governed by this provision of law.

Enacted Law Summary

Public Law 2011, chapter 263 provides that property that has a value of less than \$100 that has been abandoned to a museum for three years becomes the property of the museum. It revises notice requirements that apply to property

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This resolve authorizes the transfer of ownership of the former School Administrative District No. 56 superintendent's building to the Town of Searsport.

LD 1083 An Act To Allow the Town of Arundel To Withdraw from Its Regional School Unit without Penalty ONTP

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

This bill exempts the Town of Arundel from certain requirements contained in the school administrative unit reorganization law. The bill accomplishes the following.

1. It exempts the Town of Arundel from the requirements pertaining to the withdrawal of a single municipality from a regional school unit.
2. It provides that the Town of Arundel may not be subject to the penalties applicable to a nonconforming school administrative unit.
3. It exempts the Town of Arundel from the requirement that it join with another regional school unit or alternative organizational structure.
4. It provides that, upon the submission of a notice of intent to the Commissioner of Education, the commissioner is required to treat the Town of Arundel in a manner similar to the treatment of other school administrative units that were approved as regional school units after receiving exemptions from and accommodations to the Maine Revised Statutes, Title 20-A, chapter 103-A.

LD 1094 An Act To Improve the Delivery of School Psychological Services to Children PUBLIC 386

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-279

This bill changes the term "school psychological service provider" to "school psychologist" in the law pertaining to school psychological services. The bill directs the Commissioner of Education to revise the rules to align the code of ethics and practice standards with those set by the National Association of School Psychologists and the American Psychological Association. It requires a school psychologist in the first year of employment to participate in at least two hours per week of individual or group supervision with a certified school psychologist or licensed psychologist. The bill also authorizes a school to be reimbursed for services provided by a school psychologist to students who are Medicaid recipients.

Committee Amendment "A" (S-279)

This amendment distinguishes between two levels of school psychologists. It replaces the scope of services section in the bill. It revises the supervision requirements for a school psychologist receiving initial certification. It removes the MaineCare reimbursement provision in the bill. It directs the Advisory Committee on School Psychologists to convene a stakeholders group and requires a report to the Joint Standing Committee on Education

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and Cultural Affairs no later than January 15, 2012. It authorizes the Joint Standing Committee on Educational and Cultural Affairs to submit legislation to the Second Regular Session of the 125th Legislature.

Enacted Law Summary

Public Law 2011, chapter 386 distinguishes between two levels of school psychologists at the specialist level and at the doctoral level. It clarifies the scope of services that a school psychologist may deliver to children from birth to grade 12. It references the current Model for Comprehensive and Integrated School Psychological Services as published by the National Association of School Psychologists for an articulation of the scope and delivery of services. It revises the supervision requirements for a school psychologist receiving initial certification. It directs the Advisory Committee on School Psychologists to convene a stakeholders group to discuss issues regarding certification of school psychologists and requires a report by the Commissioner of Education to the Joint Standing Committee on Education and Cultural Affairs no later than January 15, 2012. It authorizes the Joint Standing Committee on Educational and Cultural Affairs to submit legislation to the Second Regular Session of the 125th Legislature based on the work of the stakeholders group.

LD 1107 An Act To Eliminate Penalties under the School Administrative Unit Consolidation Laws for Grand Isle School Department, Madawaska School Department, School Administrative District No. 32 and School Administrative District No. 33

**MAJORITY
(ONTP) REPORT**

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

This bill waives the penalties for nonconforming school administrative units for School Administrative District No. 33, Grand Isle School Department, Madawaska School Department and School Administrative District No. 32.

LD 1110 An Act Regarding the Attendance of Attorneys at Individualized Education Program Team Meetings

PUBLIC 363

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KENT ALFOND	OTP-AM MAJ ONTP MIN	H-590

This bill provides that a school administrative unit may not be represented at a pupil evaluation team meeting by an attorney unless the parent is also represented at the meeting by an attorney.

This amendment is a committee of conference report and incorporates provisions of Committee Amendment "A" that change the name of the team required to develop or amend an individualized education plan for a child with a disability in accordance with the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., as amended. The amendment adds language that requires a school administrative unit to notify parents in writing seven days prior to an individualized education program team meeting whether the school administrative unit will have an attorney present at the meeting. The amendment also adds language that, in the event that the parent of a child with a disability has an attorney present at the individualized education program team meeting, the school administrative unit may have an attorney present without providing prior written notice. Finally, the amendment requires the Department of Education to submit provisionally adopted rules to the Legislature by January 13, 2012 to implement the provisions of this legislation.

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Enacted Law Summary

Public Law 2011, chapter 363 provides that a school administrative unit may not be represented at a pupil evaluation team meeting by an attorney unless the parent is also represented at the meeting by an attorney. The law requires a school administrative unit to notify parents in writing seven days prior to an individualized education program team meeting whether the school administrative unit will have an attorney present at the meeting. The law also provides that, in the event that the parent of a child with a disability has an attorney present at the individualized education program team meeting, the school administrative unit may have an attorney present without providing prior written notice. The law further requires the Department of Education to submit provisionally adopted rules to the Legislature by January 13, 2012 to implement the provisions of this legislation. Finally, the law changes the name of the team required to develop or amend an individualized education plan for a child with a disability in accordance with the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., as amended.

LD 1136 An Act To Require the Opportunity To Recite the Pledge of Allegiance in Schools

PUBLIC 162

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

This bill requires a school administrative unit to allow every student enrolled in the school administrative unit the opportunity to recite the Pledge of Allegiance at some point during a school day. This bill does not require a student to recite the Pledge of Allegiance.

Enacted Law Summary

Public Law 2011, chapter 162 requires a school administrative unit to allow every student enrolled in the school administrative unit the opportunity to recite the Pledge of Allegiance at some point during a school day. It does not require a student to recite the Pledge of Allegiance.

LD 1139 Resolve, To Promote Instruction in Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAHAM ALFOND	OTP-AM	H-387

This bill requires that, as a condition of graduation from high school, beginning with the 2012-2013 school year, each student receive instruction and achieve proficiency in cardiopulmonary resuscitation and the use of an automated external defibrillator.

Committee Amendment "A" (H-387)

This amendment replaces the bill with a resolve directing the Department of Education and the Department of Health and Human Services to gather information on the availability of automated external defibrillators and training in their use. It directs the Department of Education to examine the teaching of cardiopulmonary resuscitation and the use of automated external defibrillators in Maine schools. It requires the departments to report back to the

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respective legislative committees of jurisdiction.

LD 1149 An Act To Provide Equitable Access to Postsecondary Courses

ONTP

Sponsor(s)

MASON

Committee Report

ONTP

Amendments Adopted

LD 1149 authorizes students who are home-schooled and students at certain private schools to attend postsecondary courses under the same conditions as those set for students who attend public secondary schools and allows the postsecondary educational institutions to receive the state subsidy for those students. See the bill summary for LD 1197.

LD 1173 An Act To Make Changes to the Maine College Savings Program

PUBLIC 150

Sponsor(s)

RICHARDSON D
LANGLEY

Committee Report

OTP-AM

Amendments Adopted

H-208

This bill makes changes to the Maine College Savings Program, also known as NextGen or the NextGen College Investing Plan, by vesting the act of "holding" the program fund in the authority and not the Treasurer of State; by clarifying that in holding the program fund, the authority may invest, reinvest or commingle the assets in the program fund as authorized or may cause such assets to be invested, reinvested or commingled. The bill alters the composition of the Advisory Committee on College Savings by changing the position held by a member with knowledge of student financial assistance to an at-large position and by changing the Governor-appointed positions held by two members representing institutions of higher education with experience in and knowledge of higher education financial and investment matters to one Governor-appointed member with experience in and knowledge of institutional investment of funds and one member appointed by the chair of the authority's board of directors who is a member of the authority's board of directors, other than the Treasurer of State.

Committee Amendment "A" (H-208)

This amendment changes the effective date proposed in the bill from June 30, 2012 to July 1, 2012. The July 1, 2012 effective date aligns the new provisions proposed by the bill with the start of the state fiscal year.

Enacted Law Summary

Public Law 2011, chapter 150 makes changes to the Maine College Savings Program, also known as NextGen or the NextGen College Investing Plan, by vesting the act of "holding" the program fund in the authority and not the Treasurer of State; by clarifying that in holding the program fund, the authority may invest, reinvest or commingle the assets in the program fund as authorized or may cause such assets to be invested, reinvested or commingled. The law alters the composition of the Advisory Committee on College Savings by changing the position held by a member with knowledge of student financial assistance to an at-large position and by changing the Governor-appointed positions held by two members representing institutions of higher education with experience in and knowledge of higher education financial and investment matters to one Governor-appointed member with experience in and knowledge of institutional investment of funds and one member appointed by the chair of the authority's board of directors who is a member of the authority's board of directors, other than the Treasurer of State.

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LD 1188 An Act To Achieve Maine's High School Graduation Goal

ONTP

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

This bill establishes the At-risk Student Grant Program, to be administered by the Commissioner of Education, to improve the ability of school districts to reduce dropout rates by creating programs, preferably with nonprofit partners, to provide services to at-risk youth that may include an option for residential services and will further the State's goal of increasing high school graduation rates. The program is funded from available resources identified by the commissioner.

LD 1197 An Act To Amend Standards for Participation in Certain Public School Services by Students Who Are Homeschooled

DIED BETWEEN HOUSES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS DC THOMAS	OTP-AM	H-571 S-356 ROSEN R

This bill allows a student who is homeschooled to obtain special education services from a school administrative unit and allows the school administrative unit to receive state reimbursement for the provision of those services. This bill also allows a student who is homeschooled to receive reimbursement from a school administrative unit of 50% of the tuition costs for attendance in postsecondary courses as long as the student meets the same relevant criteria as a student at a secondary school in that school administrative unit.

Committee Amendment "A" (H-571)

This amendment replaces the bill and clarifies that a student receiving homeschool instruction is eligible for a state tuition subsidy for postsecondary courses taken under the Maine Revised Statutes, Title 20-A, chapter 208-A as long as the criteria for participation are met. This amendment also clarifies that a student receiving homeschool instruction is eligible for special education services in the same manner that students enrolled in a private school are eligible for these services.

Senate Amendment "A" To Committee Amendment "A" (S-356)

This amendment adds a mandate preamble.

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LD 1206 An Act To Amend the School Consolidation Laws Pertaining to Higher Performing Schools

**MAJORITY
(ONTP) REPORT**

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

The so-called "school consolidation" law exempted "efficient, high-performing" school administrative units. An efficient, high-performing district is one that contains at least three schools that have been identified as "higher performing." This bill allows a school administrative unit to qualify for exemption from the school consolidation law if it has two schools that have been identified as "higher performing."

LD 1211 An Act To Include Civics in the Social Studies and History Courses Required for a High School Diploma

PUBLIC 294

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NELSON ALFOND	OTP-AM	H-344

This bill requires a secondary student to satisfactorily complete at least one course in civics and government to receive a high school diploma.

Committee Amendment "A" (H-344)

This amendment specifies that civics must be taught as part of the required course of study under social studies and history.

Enacted Law Summary

Public Law 2011, chapter 294 specifies that civics must be taught as part of the required course of study under social studies and history.

LD 1214 An Act To Allow a Referendum Regarding School Choice within Regional School Unit No. 12

ONTP

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

This bill permits the voters in Regional School Unit No. 12 to vote at referendum on whether to end the choice for students in kindergarten to grade eight residing in the Town of Alna or the Town of Westport Island to attend school in a town other than the Town of Wiscasset.

Joint Standing Committee on Education and Cultural Affairs

LD 1237 An Act To Prohibit Bullying in Schools

Carried Over

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

This bill requires each school administrative unit to adopt, by August 15, 2012, a harassment, intimidation and bullying prevention policy based upon a model policy developed by the Commissioner of Education in conjunction with an advisory committee composed of representatives of parents, guardians, teachers, school employees, volunteers, students, administrators, community representatives, the Maine School Superintendents Association, the Maine Principals' Association and other interested parties. Harassment, intimidation and bullying prevention policies must be posted on the publicly accessible portions of the Department of Education's website and the respective school administrative unit's website.

LD 1237 was removed from the Special Appropriations Table and recommitted to the Committee on Education and Cultural Affairs.

Committee Amendment "A" (H-570)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. It replaces the bill, which requires the Commissioner of Education to develop a model harassment, intimidation and bullying prevention policy and school administrative units to adopt a policy based on the model by August 15, 2012. The amendment defines "bullying" and "cyberbullying." It requires each school administrative unit to adopt a policy to address bullying, which must include an emphasis on consequences that include alternative discipline. It specifies responsibilities for reporting incidents of bullying and for implementing and enforcing the law and policies adopted by a school board. This amendment was enacted; however, the bill was ultimately referred back to the Education and Cultural Affairs Committee and carried over.

Senate Amendment "A" To Committee Amendment "A" (S-357)

This amendment adds a mandate preamble. This amendment was enacted; however, the bill was ultimately referred back to the Education and Cultural Affairs Committee and carried over.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 1267 An Act To Amend the School Transportation Formula To Recognize
One-way Bus Trips**

ONTP

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

This bill amends the formula for calculating school transportation costs to require the inclusion of all mileage accumulated for so-called "one-way trips," in which a school bus is required to travel the same road in both directions due to geographical constraints to drop off or pick up a student.

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LD 1269 An Act To Require That the Taking of a Statewide Assessment Test for High School Seniors Be Voluntary ONTP

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

This bill allows students in grade 12 to choose to not take an assessment test administered by their school, including the preliminary scholastic assessment test, or PSAT, or the scholastic assessment test, or SAT.

LD 1273 An Act To Establish a 2-week Quiet Period for School Teams ONTP

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

This bill prohibits the coach or other advisor of a school athletic team or other school-organized and affiliated team from having any contact with members of the team during the two-week period immediately prior to the beginning of that team's traditional competitive season. This bill prohibits the team or a school-affiliated booster club or support group aligned with that team from engaging in fund-raising during that same two-week period. This bill also prohibits a school administrative unit from being a member of any statewide interscholastic association that places more restrictive limits on contact by coaches or fund-raising.

LD 1274 An Act To Restore Equity in Education Funding PUBLIC 419

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM MAJ ONTP MIN	S-240 S-273 RAYE

This bill amends several provisions of the Essential Programs and Services Funding Act to more equitably allocate state funds that are appropriated for essential programs and services. The bill makes the following changes.

1. It amends the definition of "property fiscal capacity" in order to base the local school administrative unit's fiscal capacity on the most recent certified state valuation or the average of the certified state valuation for the three years prior to the most recently certified state valuation, whichever is lower. This change provides a more accurate determination of a school administrative unit's fiscal capacity while protecting those school administrative units that are experiencing increasing property valuation.

2. It amends the staffing ratios established to determine the calculation of salary and benefit costs for school-level staff positions by providing a 10% reduction in the staffing ratios for school administrative units with a total school population of less than 1,200 students. This change recognizes that school administrative units with fewer than 1,200 students still have to provide certain levels of instruction, support and administrative positions that do not

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conform to the existing staffing ratios, which are based on enrollment assumptions that do not apply to approved smaller school administrative units.

3. It amends the EPS per-pupil rate calculated by the Commissioner of Education for each school administrative unit by removing the reduction of federal Title I funds from the calculation for teacher salaries and benefit costs. This change reflects the fact that federal Title I funding is one of several sources of revenue that are allocated to school administrative units and expended to support essential programs and services.

4. It amends the regional adjustment in the total operating allocation for school administrative units based on the regional differences in teacher salary costs for the labor market areas in which school administrative units are located by removing the benefits costs for teachers and other school-level staff from the calculation of salary costs. This change addresses the inequitable treatment of school administrative units with lower teacher salary costs relative to statewide averages due to local economic circumstances.

Committee Amendment "A" (S-240)

This amendment, which is the majority report of the committee, removes the provisions in the bill that propose to change the following components of the Essential Programs and Services Funding Act:

1. The definition of "property fiscal capacity" upon which a local school administrative unit's fiscal capacity is based; and
2. The removal of the reduction of federal Title I funds from the calculation of salaries and benefits costs for teachers and other school-level staff who are not teachers from the EPS per-pupil rate calculated by the Commissioner of Education for each school administrative unit.

The amendment clarifies the provision in the bill that pertains to the calculation of salary costs included in the regional adjustment in the total operating allocation for school administrative units based on the regional differences in teacher salary costs for the labor market areas in which school administrative units are located. The amendment provides that the calculation of the regional adjustment does not apply to the benefits costs of teachers and other school-level personnel.

The amendment also adds an adjustment for a school administrative unit that is a minimum subsidy receiver if the percentage of economically disadvantaged students in the school administrative unit is greater than the state average percentage of economically disadvantaged students and the school administrative unit operates a school. Finally, the amendment adds an appropriations and allocations section to the bill.

Senate Amendment "A" To Committee Amendment "A" (S-273)

This amendment requires the Department of Education to implement the provisions of this legislation within the existing budgeted resources of the general purpose aid for local schools program.

Enacted Law Summary

Public Law 2011, chapter 419 amends several provisions of the Essential Programs and Services Funding Act to more equitably allocate state funds that are appropriated for essential programs and services. The law makes the following changes.

1. It amends the staffing ratios established to determine the calculation of salary and benefit costs for school-level staff positions by providing a 10% reduction in the staffing ratios for school administrative units with a total school population of less than 1,200 students.
2. It amends the regional adjustment in the total operating allocation for school administrative units based on the regional differences in teacher salary costs for the labor market areas in which school administrative units

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are located by providing that the regional adjustment does not apply to the benefits costs of teachers and other school-level personnel.

3. It adds an adjustment for a school administrative unit that is a minimum subsidy receiver if the percentage of economically disadvantaged students in the school administrative unit is greater than the state average percentage of economically disadvantaged students and the school administrative unit operates a school.

The law also requires the Department of Education to implement the provisions of this legislation within the existing budgeted resources of the general purpose aid for local schools program.

LD 1280 An Act To Establish a Pilot Physical Education Project in Four Maine Schools

**PUBLIC 108
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROCHELO ALFOND	OTP-AM	H-125

This bill implements the recommendations of the PE4ME planning and oversight team related to improving the health and physical fitness of elementary school children.

Committee Amendment "A" (H-125)

This amendment stipulates that the Department of Education and the Department of Health and Human Services are not required to select pilot project sites and implement pilot projects if sufficient funds are not available from the Obesity and Chronic Disease Fund.

Enacted Law Summary

Public Law 2011, chapter 108 authorizes the Department of Education and the Department of Health and Human Services to use resources allocated from the Obesity and Chronic Disease Fund to develop improved physical education programs for elementary schools in the State. It directs the Commissioner of Education, the Commissioner of Health and Human Services and the Maine Governor's Council on Physical Activity to reconvene the PE4ME planning and oversight team, established pursuant to Resolve 2007, chapter 102, to further implement plans for improving the health, nutrition and physical fitness of elementary school children in the State. It directs the PE4ME planning and oversight team to design and implement a pilot project to demonstrate the efficacy of progressive practices involving physical education and health education in up to 4 elementary schools in the State. The Department of Education and the Department of Health and Human Services are not required to implement pilot projects if sufficient funds are not available from the Obesity and Chronic Disease Fund. The PE4ME planning and oversight team is required to submit an interim report to the Legislature's Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services by January 31, 2012 and a final report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 31, 2013.

Public Law 2011, chapter 108 was enacted as an emergency measure effective May 19, 2011.

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LD 1283 An Act To Allow Students Choice in High School Enrollment ONTP

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

This bill requires school administrative units to allow school choice. Each school administrative unit must allow up to 20 eighth-grade students choice in public high school enrollment. Receiving schools are required to take the students as tuition students.

LD 1286 An Act To Rename the Maine Fire Training and Education Program at PUBLIC 166
Southern Maine Community College the Maine Fire Service Institute

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

This bill changes the name of the Maine Fire Training and Education Program at Southern Maine Community College to the Maine Fire Service Institute.

Enacted Law Summary

Public Law 2011, chapter 166 changes the name of the Maine Fire Training and Education Program at Southern Maine Community College to the Maine Fire Service Institute.

LD 1289 An Act To Waive Penalties on School Administrative District No. 32 and MAJORITY
School Administrative District No. 33 under the School Administrative (ONTP) REPORT
Unit Consolidation Laws

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

This bill waives the penalties for nonconforming school administrative units for School Administrative District No. 32 and School Administrative District No. 33 to allow those school administrative districts more time to organize under the school administrative unit consolidation laws.

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LD 1293 Resolve, To Establish a Study Group To Promote the Use of Locally Grown Food in Schools ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This resolve proposes to establish a study group whose purpose is to examine the procedures used by school administrative units to obtain and prepare locally grown foods for use in schools. The study group's purpose would be to develop recommendations to promote and use locally grown foods in a cost-effective manner. The study group would be required to report its findings and recommendations, along with implementing legislation, to the Joint Standing Committee on Education and Cultural Affairs, which may submit legislation to the Second Regular Session of the 125th Legislature. See bill summary for LD 1446, Resolve to Develop and Implement a Farm and Fish to School Pilot Project.

LD 1298 An Act To Facilitate the Certification of Teachers ONTP

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

This bill allows an individual who has three months left in a four-year teacher preparation program to be issued a nonrenewable transitional teacher certificate by the State Board of Education. The certificate expires upon the individual's completion of the program and the issuance of a provisional teaching certificate. The bill also provides that semester hours of study that are required for teacher certification may be earned at a two-year accredited college or university.

LD 1307 An Act To Amend and Clarify Certain Education Statutes PUBLIC 171

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

This bill, submitted by the Department of Education, amends and clarifies inconsistencies in the following education statutes.

1. It aligns the board of directors' weighted votes representation in Method B in school administrative districts with the percentage in regional school units.
2. It exempts certain reformulated school administrative districts that did not operate a kindergarten to grade 12 program from the requirement to maintain such a program.
3. It corrects certain references to school administrative districts to refer to school administrative units.

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4. It clarifies that the vote regarding the closure of an elementary or secondary school in a regional school unit is required only when the school is closed for lack of need.
5. It provides that, for regional school units with only one member municipality, the Maine Revised Statutes, Title 20-A, section 4102, subsection 4, paragraph B-1 applies as it pertains to the closing of the regional school unit.
6. It repeals the annual audit requirement for the purpose of approving private schools for tuition purposes.
7. It clarifies that elementary school and secondary school closures for regional school units that have more than one secondary school must be in accordance with the procedures in Title 20-A, section 1512.
8. It amends the language on annual student counts for school administrative units and publicly funded students in private schools or programs for reporting dates to the Department of Education according to time schedules that the Commissioner of Education established. It also amends the laws governing student counts to require that student counts are based on the number of students in attendance on October 1st and April 1st.
9. It repeals an obsolete provision in the laws regarding school construction pertaining to an inventory of public school facilities, which was completed as required.

Enacted Law Summary

Public Law 2011, chapter 171 amends and clarifies inconsistencies in the following education statutes.

1. It aligns the board of directors' weighted votes representation in Method B in school administrative districts with the percentage in regional school units.
2. It exempts certain reformulated school administrative districts that did not operate a kindergarten to grade 12 program from the requirement to maintain such a program.
3. It corrects certain references to school administrative districts to refer to school administrative units.
4. It clarifies that the vote regarding the closure of an elementary or secondary school in a regional school unit is required only when the school is closed for lack of need.
5. It provides that, for regional school units with only one member municipality, the Maine Revised Statutes, Title 20-A, section 4102, subsection 4, paragraph B-1 applies as it pertains to the closing of the regional school unit.
6. It repeals the annual audit requirement for the purpose of approving private schools for tuition purposes.
7. It clarifies that elementary school and secondary school closures for regional school units that have more than one secondary school must be in accordance with the procedures in Title 20-A, section 1512.
8. It amends the language on annual student counts for school administrative units and publicly funded students in private schools or programs for reporting dates to the Department of Education according to time schedules that the Commissioner of Education established. It also amends the laws governing student counts to require that student counts are based on the number of students in attendance on October 1st and April 1st.
9. It repeals an obsolete provision in the laws regarding school construction pertaining to an inventory of public school facilities, which was completed as required.

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LD 1316 An Act To Expand Magnet Schools in Maine

Carried Over

Sponsor(s)

LOVEJOY

Committee Report

Amendments Adopted

This bill is a concept draft pursuant to Joint Rule 208. It proposes to give school districts across the State authority to create magnet schools, either within their communities or in partnerships with other districts. Magnet schools that are created under this bill will be eligible for state funds under the essential programs and services funding formula.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1322 An Act To Extend the Probationary Period for Teachers

ONTP

Sponsor(s)

NELSON
ALFOND

Committee Report

ONTP

Amendments Adopted

This bill requires school superintendents to implement programs to evaluate and support probationary teachers and extends the probationary period for teachers from two years presently to three years for teachers hired in 2012 and four years for teachers hired in 2013 or subsequent years.

While this bill was not enacted Public Law 2011, chapter 172 (LD 976) includes the initiative proposed in the bill.

LD 1345 An Act To Align Maine Special Education Statutes with Federal Requirements

PUBLIC 348

Sponsor(s)

JOHNSON P
DIAMOND

Committee Report

OTP-AM

Amendments Adopted

H-536

This bill repeals provisions providing for planning the transition of students with disabilities to adult services and for transitional services coordination projects for students with disabilities by the Interdepartmental Committee on Transition in order to make state requirements regarding these students not exceed federal requirements. The bill eliminates the Interdepartmental Committee on Transition. It also repeals provisions for transitional pilot projects for which funding is no longer provided. This bill enacts language regarding the duties of school administrative units and the Commissioner of Education with regard to services for students with disabilities who are in transition from school to the community in accordance with the provisions of rules adopted by the Department of Education. This bill provides for the coordination of the Department of Health and Human Services and the Department of Education in the submission of the annual report on efforts to plan for and develop social and habilitative services for persons who have autism and other pervasive developmental disorders and provides that the report also be submitted to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs.

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Committee Amendment "A" (H-536)

This amendment clarifies language in the bill that provides for the participation of representatives of the Department of Labor, the Department of Corrections and the Department of Health and Human Services in transition planning for students who are in transition from school to the community. The amendment also requires the Department of Education to form a work group with representation from those departments and other private and public stakeholders to determine appropriate statutory language pertaining to transition to adult services and the allocation of those statutory provisions in the Maine Revised Statutes to reflect the responsibilities of the various state agencies.

Enacted Law Summary

Public Law 2011, chapter 348 repeals provisions that provide for planning the transition of students with disabilities to adult services and for transitional services coordination projects for students with disabilities by the Interdepartmental Committee on Transition in order to make state requirements regarding these students not exceed federal requirements. The law accomplishes the following.

1. It eliminates the Interdepartmental Committee on Transition.
2. It repeals provisions for transitional pilot projects for which funding is no longer provided.
3. It enacts provisions regarding the duties of school administrative units and the Commissioner of Education with regard to services for students with disabilities who are in transition from school to the community in accordance with the provisions of rules adopted by the Department of Education.
4. It provides for the coordination of the Department of Health and Human Services and the Department of Education in the submission of the annual report on efforts to plan for and develop social and habilitative services for persons who have autism and other pervasive developmental disorders and provides that the report also be submitted to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs.
5. It provides for the participation of representatives of the Department of Labor, the Department of Corrections and the Department of Health and Human Services in transition planning for students who are in transition from school to the community; and further requires the Department of Education to form a work group with representation from those departments and other private and public stakeholders to determine appropriate statutory language pertaining to transition to adult services and the allocation of those statutory provisions in the Maine Revised Statutes to reflect the responsibilities of the various state agencies.

**LD 1356 An Act To Amend the Laws Concerning the School Revolving
Renovation Fund**

PUBLIC 153

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

This bill amends the Maine Municipal Bond Bank Act to allow for funding from the School Revolving Renovation Fund for hazardous material removal in schools and for repairs and improvements related to energy and water conservation. This bill also strikes obsolete language.

Enacted Law Summary

Public Law 2011, chapter 153 amends the Maine Municipal Bond Bank Act to allow for funding from the School Revolving Renovation Fund for hazardous material removal in schools and for repairs and improvements related to

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energy and water conservation. This law also strikes obsolete language.

LD 1380 An Act To Extend the Salary Supplement for National Board-certified Teachers at Publicly Supported Secondary Schools That Enroll at Least 60% Public Students DIED BETWEEN HOUSES

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

This bill extends the salary supplement provided to public school teachers who have attained certification from the National Board for Professional Teaching Standards to teachers at publicly supported secondary schools, which includes private secondary schools approved for the receipt of public funds that enroll 60% or more publicly funded students.

LD 1388 An Act To Allow Schools To Adopt Approved Alternative Curricula ONTP

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

This bill amends the school restructuring statutes to encourage school administrative units to collaborate with approved private schools to develop alternative curriculum frameworks to achieve school restructuring at the middle school or high school level. The bill allows a school administrative unit that is undergoing restructuring at the middle school or high school level to request a waiver of the rule requirements related to the system of learning results established in the Maine Revised Statutes, Title 20-A, section 6209 if the waiver is necessary to achieve school restructuring and an alternative curriculum framework proposed for the school administrative unit's school restructuring differs from, but does not conflict with, the rules related to the system of learning results.

LD 1402 An Act To Extend Employment Reference Immunity to School Administrative Units PUBLIC 397

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

This bill extends employment reference immunity to employees of school administrative units.

Enacted Law Summary

Public Law 2011, chapter 397 extends employment reference immunity to employees of school administrative units.

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LD 1422 An Act To Prepare Maine People for the Future Economy

Carried Over

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

This bill:

1. Establishes an education policy, core priorities for the State's education system, education system goals, benchmarks and intervention strategies;
2. Requires the development of a strategic plan to achieve the goals within the policy framework;
3. Requires that the state budget document present proposed expenditures on early childhood development, public education, adult education, higher education and workforce development in a manner that facilitates evaluation by the Legislature of whether funds are being appropriated and allocated in a manner that best accords with the established policy framework, advances the established goals and implements the strategic plan;
4. Requires that the Commissioner of Education adopt rules prescribing a uniform process for kindergarten screening in a manner that facilitates reliable and consistent measurement of statewide kindergarten readiness;
5. Requires school administrative units to award high school diplomas based on standards established by rule; and
6. Requires that, beginning with the class of 2015, students graduating from high schools demonstrate proficiency in the content areas of English language arts, mathematics, science and technology, social studies and health, physical education and wellness. Beginning with the class of 2018, students graduating from high schools must demonstrate proficiency in the content areas of career and education development; English language arts; world languages; health, physical education and wellness; mathematics; science and technology; social studies; and visual and performing arts.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1424 An Act To Enhance Parental Roles in Education Choice

ONTP

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

This bill allows parents to petition for the restructuring of a school that is not making adequate yearly progress. Restructuring may include closure of the school, conversion of the school to a charter school, replacement of school leadership and teachers and oversight by the State of structural improvements. This bill is based on a process referred to as the "Parent Trigger" adopted by the State of California in 2009.

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LD 1425 An Act To Protect the Quality and Integrity of Maine's Educational Materials ONTP

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

This bill requires that, beginning with school year 2012-2013, each school board amend its policy adopted for the selection of educational materials and approve only educational materials that are consistent with a course of study aligned with the system of learning results established in the Maine Revised Statutes, Title 20-A, section 6209 and with Department of Education rules pertaining to school approval standards. The bill also requires the Commissioner of Education to annually review school board policies for selecting and purchasing educational materials, to implement the enforcement measures established by rule and to notify the joint standing committee of the Legislature having jurisdiction over education matters of the school administrative units that fail to comply with these requirements.

LD 1430 Resolve, To Conduct a Review of the Roles and Functions of the Department of Education and of Certain Mandates ONTP

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

This resolve establishes a stakeholder group to conduct a review of the roles and functions of the Department of Education and of unfunded and underfunded mandates. The stakeholder group is required to prepare and submit a report to the Joint Standing Committee on Education and Cultural Affairs by December 7, 2011.

LD 1446 Resolve, To Develop and Implement a Farm and Fish to School Pilot Program RESOLVE 91

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE LANGLEY	OTP-AM	H-488

This bill establishes the Maine Farm and Fish to School Program to increase the purchasing by schools of food raised, grown or harvested by Maine farmers and fishermen. It establishes a fund to implement the program. It establishes a minimum percentage of school food budgets to be spent on food purchased from Maine producers and increases that percentage in three steps to 30% in the 2025-2026 school year. It revises the Local Produce Fund in the Department of Education to include meat and fish, removes the maximum contribution of the State set in statute and renames it the Local Food Procurement Fund. The bill requires the Commissioner of Agriculture, Food and Rural Resources, the Commissioner of Education and the Commissioner of Health and Human Services to determine actions needed to fully implement the State's food policy and to take steps and request resources to do so.

Committee Amendment "A" (H-488)

This amendment replaces the bill and makes it a resolve directing the Department of Agriculture, Food and Rural

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Resources, the Department of Education and the Department of Marine Resources to support or otherwise assist in the development and implementation of a pilot program to examine the benefits of promoting the purchasing of food grown or raised and fish raised or caught by Maine food producers for use in primary and secondary school meal programs.

Enacted Law Summary

Resolve 2011, chapter 91 directs the Department of Agriculture, Food and Rural Resources, the Department of Education and the Department of Marine Resources to, within existing resources, support or otherwise assist one or more cooperating nonprofit organizations in the development and implementation of a pilot program to examine the benefits of promoting the purchasing of food grown or raised and fish raised or caught by Maine food producers for use in primary and secondary school meal programs.

LD 1471 An Act To Require Voter Validation for a School Administrative Unit ONTP
To Retain Ownership of a School No Longer Used Primarily for
Classroom Education

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

This bill requires voter approval for a school administrative unit to retain a school building for a purpose other than the instruction of students.

LD 1488 An Act To Create Innovative Public School Zones and Innovative Public PUBLIC 446
School Districts

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM MAJ ONTP MIN	S-277

This bill provides for the creation, submission, review and approval of innovation plans to establish innovative public school zones and innovative public school districts. An innovative public school zone and an innovative public school district must demonstrate a system for accountability for student achievement that exceeds, but is not in conflict with, the State's accountability standards and the State's assessment system. The bill allows one or more public schools within a school administrative unit to initiate the creation of an innovation plan for submission to its school board. The bill also permits a school board to initiate and collaborate with one or more of the public schools it operates to create an innovation plan. The bill provides that a school board may obtain waivers of laws, rules and local policy requirements from the Commissioner of Education that are considered necessary for an innovative public school zone or district to implement an innovation plan.

Committee Amendment "A" (S-277)

This amendment accomplishes the following.

1. It removes the provisions in the bill that propose to require the consent of a majority of administrators, teachers and school staff and students, their parents and the community prior to the designation of a public school as an innovative school, zone or district under an innovation plan.

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- 2. It provides that a school board must approve the acceptance of private gifts, grants and donations received to offset the costs of developing and implementing an innovation plan.
- 3. It adds provisions to the bill pertaining to the collective bargaining rights of public school employees when an innovative school, zone or district is established under an innovation plan. The amendment provides for the continuation and assignment of collective bargaining agreements, the continuation of continuing contract rights for teachers and the continued recognition of bargaining agents that represent a collective bargaining unit of public employees employed by a public school that establishes an innovative school, zone or district.
- 4. It provides for the establishment of the Fund for the Efficient Delivery of Educational Services within the Department of Education. The fund permits the department to provide grants to school administrative units, municipalities and counties or a combination of two or more of these entities to implement plans for local and regional initiatives such as innovative public schools, zones or districts in order to improve educational opportunity and student achievement through the efficient delivery of educational services.
- 5. It also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 446 provides for the creation, submission, review and approval of innovation plans to establish innovative public school zones and innovative public school districts. An innovative public school zone and an innovative public school district must demonstrate a system for accountability for student achievement that exceeds, but is not in conflict with, the State's accountability standards and the State's assessment system. The law allows one or more public schools within a school administrative unit to initiate the creation of an innovation plan for submission to its school board. The law also permits a school board to initiate and collaborate with one or more of the public schools it operates to create an innovation plan. The law provides that a school board may obtain waivers of laws, rules and local policy requirements from the Commissioner of Education that are considered necessary for an innovative public school zone or district to implement an innovation plan. The law further provides for the continuation and assignment of collective bargaining agreements, the continuation of continuing contract rights for teachers and the continued recognition of bargaining agents that represent a collective bargaining unit of public employees employed by a public school that establishes an innovative school, zone or district.

The law also provides for the establishment of the Fund for the Efficient Delivery of Educational Services within the Department of Education. The fund permits the department to provide grants to school administrative units, municipalities and counties or a combination of 2 or more of these entities to implement plans for local and regional initiatives such as innovative public schools, zones or districts in order to improve educational opportunity and student achievement through the efficient delivery of educational services.

LD 1493 An Act Regarding the Powers of the Director of the Maine State Museum Commission

PUBLIC 151

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

This bill provides statutory authority for the Director of the Maine State Museum Commission to actively solicit the gifts, grants, donations, bequests, endowments and membership fees currently authorized for acceptance by the director.

Enacted Law Summary

Public Law 2011, chapter 151 provides statutory authority for the Director of the Maine State Museum Commission

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to actively solicit the gifts, grants, donations, bequests, endowments and membership fees currently authorized for acceptance by the director.

LD 1494 An Act To Support Maine State Museum Accreditation

PUBLIC 152

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

This bill provides a clear statement by the Legislature concerning standards the Maine State Museum must follow and the importance of its collections in order to address new accreditation requirements imposed by the American Association of Museums, which provides accreditation for the Maine State Museum.

Enacted Law Summary

Public Law 2011, chapter 152 provides a clear statement by the Legislature concerning standards the Maine State Museum must follow and the importance of its collections in order to address new accreditation requirements imposed by the American Association of Museums, which provides accreditation for the Maine State Museum.

LD 1503 An Act To Promote School Attendance and Increase School Achievement

Carried Over

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

This bill implements the recommendations of the stakeholder group established by the Commissioner of Education pursuant to Public Law 2009, chapter 626. The charge provided to the stakeholder group was to develop methodologies and recommendations relating to increasing high school graduation rates and to address other policy issues pertaining to school expulsion, suspension, zero-tolerance practices and truancy in the State. The bill accomplishes the following.

1. It requires the Department of Education to obtain more accurate and complete data in calculating high school graduation rates. In addition to calculating the four-year adjusted cohort graduation rate required by the Federal Government, the department is required to collect and record graduation rates for a five-year cohort and a six-year cohort and also use other descriptors of academic success for school-age students on a statewide aggregate basis, including the Department of Education diploma, high school equivalency diploma obtained through adult education and the general equivalency diploma.
2. It changes the law regarding compulsory school age by reducing the age when a child must start school from seven to six years of age and by increasing the age threshold under which a child who has not attained high school graduation or equivalency is expected to attend secondary school from 17 to 20 years of age. The bill also amends the exceptions to the compulsory school age requirements.
3. It amends the truancy laws by striking all references to "habitual" truancy. It changes the provisions for determining truancy and removes the requirement that local law enforcement be notified of a truant student. It describes response to intervention teams for schools and their duties, including assessing situations of student truancy and developing and helping implement intervention plans for truant students.

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4. It clarifies provisions pertaining to the qualifications and role of school attendance coordinators and requires superintendents to appoint attendance coordinators. In current law, school attendance coordinators are elected. It establishes that the salary costs of attendance coordinators are eligible for state subsidy under the Essential Programs and Services Funding Act.
5. It directs school boards to review policies and procedures established for the code of conduct and school discipline, including provisions that encourage school boards to focus the code of conduct on positive intervention and expectations rather than unacceptable student behavior and to focus school disciplinary policies on evidence-based positive and restorative interventions rather than set punishments for specific behavior. The bill also requires that schools provide notice to parents or legal guardians of a student's suspension regardless of whether it is an in-school or out-of-school suspension and discourages the use of zero-tolerance practices in school discipline.
6. It establishes due process standards for school expulsion proceedings to inform students and their parents or legal guardians of the procedural steps involved in and of their legal rights prior to, during and following the due process hearing and provide an explanation of the consequences of expulsion.
7. It amends the laws regarding school expulsion to require that all students who have been expelled from school must be provided with a written reentry plan, developed by the superintendent in consultation with the student and the student's parents or legal guardian, that provides guidance to the expelled student regarding what the student must do to establish satisfactory evidence that the behavior that resulted in the expulsion will not likely recur.
8. It further amends the laws regarding school expulsion to authorize school boards to provide educational services to an expelled student in an alternative setting.
9. The bill also provides for an ongoing appropriation of funds to the Department of Education to disburse to school administrative units that request funding for providing appropriate interventions to students who are at risk of becoming truants or dropouts due to an expulsion from school or who struggle with mental health and substance abuse issues.

LD 1503 was removed from the Special Appropriations Table and recommitted to the Committee on Education and Cultural Affairs.

Committee Amendment "A" (S-287)

This amendment makes the following changes to the bill.

1. It strikes the definition of "response to intervention team" and all uses of the term from the bill and replaces it with references to a student assistance team or the school personnel designated by the superintendent in accordance with the system of intervention established by the school administrative unit in accordance with the Maine Revised Statutes, Title 20-A, section 4710.
2. It amends the due process standards proposed for school expulsion proceedings by removing the provisions pertaining to a student's right to appeal the decision of the school board to the Superior Court within 30 days.
3. It amends the provision that requires a reentry plan to be developed for a student who has been expelled by a school board by providing that:
 - A. The reentry plan may require the student to take reasonable measures determined by the superintendent to be helpful to establish the student's readiness to return to school;
 - B. The expelled student's parents or guardian are responsible for the cost of any professional services necessary to establish the student's readiness to return to school under the reentry plan; and

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C. For a child with a disability who is expelled by a school board, the superintendent may, as necessary, provide the reentry plan to the student's individualized education program team.

4. It strikes the provision that requires a school board to use suspensions and expulsions only as a last resort when taking disciplinary action against a student who has violated the school administrative unit's student code of conduct.

5. It amends the changes to the compulsory school age statutes by reducing the age threshold under which a child who has not attained high school graduation or equivalency is expected to attend secondary school from 20 to 18 years of age. The amendment also makes technical changes to clarify the exceptions to the compulsory school age requirements.

6. It strikes the proposed changes to the truancy laws that would have counted excused absences, as well as unexcused absences, towards the number of days of absences that would determine when a student is truant.

7. It strikes procedural provisions proposed in the bill and makes technical changes to clarify the role of superintendents, principals, attendance coordinators and the student assistance team or other systems of intervention established by the school administrative unit pertaining to assessing situations of student truancy and developing and implementing intervention plans for truant students.

8. It strikes the provisions in the bill pertaining to the qualifications of school attendance coordinators and the provisions that propose to establish that the salary costs of attendance coordinators are eligible for state subsidy under the Essential Programs and Services Funding Act.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1540 An Act To Encourage Science, Technology, Engineering and Mathematics Education

**PUBLIC 346
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	S-177

This bill establishes the Science, Technology, Engineering and Mathematics Council to develop strategies for enhancing science, technology, engineering and mathematics education from prekindergarten through postsecondary education.

Committee Amendment "A" (S-177)

The bill establishes the Science, Technology, Engineering and Mathematics Council. This amendment makes the following changes to the bill:

1. It adds an emergency preamble and an emergency clause;
2. It adds the President of the Maine Maritime Academy to the ex officio members of the council;
3. It allows the ex officio members to designate a person to represent them on the council;
4. It adds three new members to the council, including a representative of:

A. The State Board of Education;

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B. An equivalent instruction program that is approved as an alternative to public school as set forth in the Maine Revised Statutes, Title 20-A, section 5001-A, subsection 3; and

C. The business sector who employs workers with training in science, technology, engineering or mathematics;

5. It staggers the initial appointment of council members; and

6. It allows the council to form subcommittees of no fewer than three members.

Enacted Law Summary

Public Law 2011, chapter 346 establishes the Science, Technology, Engineering and Mathematics Council to develop strategies for enhancing science, technology, engineering and mathematics education from prekindergarten through postsecondary education.

Public Law 2011, chapter 346 was enacted as an emergency measure effective June 14, 2011.

LD 1553 An Act To Create a Public Charter School Program in Maine

PUBLIC 414

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON	OTP-AM A OTP-AM B ONTP C	H-637 BELIVEAU S-301

This bill establishes a process to authorize the establishment of public charter schools in the State.

Committee Amendment "A" (S-301)

This amendment, which is the majority report of the committee, replaces the bill to amend and clarify the process to authorize the establishment of public charter schools in the State.

1. It directs the Department of Education to establish standards for authorizers of public charter schools and authorizes the department to investigate and sanction an authorizer of public charter schools that is found to be deficient or in noncompliance with the standards.
2. It requires that the Department of Education adopt major substantive rules to implement the public charter school program.
3. It provides enrollment limitations to protect smaller noncharter public schools during the first three years of a public charter school's operation.
4. It removes the provision that proposed to require school administrative units to provide notice to parents and the public regarding the opportunity to enroll students in a public charter school.
5. It removes certain colleges as authorizers of charter schools.
6. It removes unnecessary provisions from service contract provisions.
7. It adds qualifications to the requirements for appointing certain members to the State Charter School Commission

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and provides that the joint standing committee of the Legislature having jurisdiction over education matters has an opportunity to meet and interview candidates nominated for the commission prior to their appointment.

8. It authorizes the State Charter School Commission to adopt rules to develop, implement and refine its procedures for authorizing public charter schools.

9. It establishes a 10-year transition period during which only 10 public charter schools may be authorized by the State Charter School Commission and provides that public charter schools authorized by school boards may not be counted against the limit established for public charter schools authorized by the State Charter School Commission.

10. It clarifies provisions established for virtual public charter schools related to teacher contact with students and parents to ensure student participation and learning.

11. It requires that a public charter school must submit an annual audit to its authorizer and the Department of Education.

12. It provides that the rules adopted by the Department of Education must address attendance and funding requirements for students enrolled in public charter schools.

13. It clarifies that the funding following the student enrolled in a public charter school is the Essential Programs and Services per-pupil rate established pursuant to the Maine Revised Statutes, Title 20-A, chapter 606-B and not the actual amount of per-pupil funding raised by local school administrative units.

14. It provides that the rules adopted by the Department of Education may establish an alternative method of transferring funds to public charter schools.

15. It provides that a public charter school may not begin operations prior to July 1, 2012, and it provides that a public charter school application submitted to an authorizer before July 1, 2012 is subject to statutory amendments enacted or rule amendments adopted before July 1, 2012.

16. It directs the Department of Education to present a report to the Joint Standing Committee on Education and Cultural Affairs by November 1, 2011 on the status of rules proposed to implement this legislation and on the status of suggested legislation to be submitted to the Second Regular Session of the 125th Legislature to further improve the implementation of this legislation.

17. It adds an appropriations and allocations section.

House Amendment "E" To Committee Amendment "A" (H-637)

This amendment makes the following changes to the committee amendment.

1. It amends the definition of "education service provider" to limit the scope of educational services and resources that an education management organization, charter management organization, school design provider or any other partner entity may provide to a public charter school through a contract.

2. It amends the request for proposals provision related to an applicant that intends to contract with an education service provider to clarify that services may not be comprehensive and are limited in scope. It also includes language to clarify the roles and relationship of the governing board, the school's leadership and management team and the education service provider. These changes align this provision of the amendment with the changes made to the definition of "education service provider" included in this amendment.

3. It strikes the request for proposals provision related to an applicant that currently operates one or more schools in any other state or nation.

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4. It provides an exception for virtual public charter schools with respect to the limitations placed on the scope and role of education service providers in providing educational services and resources for a public charter school.
5. It provides that a public charter school has the power to contract with an education service provider as long as the governing board and the school's leadership and management team retain authority over the oversight and management of the public charter school.

Enacted Law Summary

Public Law 2011, chapter 414 codifies a process for the establishment of public charter schools in the State. The law permits the formation of public charter schools in accordance with the following provisions.

1. It establishes a 7-member State Charter School Commission as a state-level "general government" board empowered to authorize public charter schools; and it provides that the commission shall adopt rules to develop, implement and refine its procedures for authorizing public charter schools.
2. It provides that the authorizers of public charter schools are school boards and the State Charter School Commission. School boards may authorize public charter schools within the boundary of the member municipality or municipalities that are part of the school administrative unit. The State Charter School Commission may authorize public charter schools within the State and the commission is the sole authorizer for virtual public charter schools that offer educational services predominantly through an online learning program. Collaboration among school boards, or between one or more school boards and the State Charter School Commission, may authorize a regional public charter school.
3. It provides that a request for proposal developed by an authorizer must include elements of the performance-based charter contract, including academic and operational performance measures and expectations, which must be realized by the governing board and operators of the public charter school.
4. It provides that, except for a virtual public charter school, a public charter school has the power to contract with an education service provider as long as the governing board and the school's leadership and management team retain authority over the oversight and management of the public charter school.
5. It directs the Department of Education to establish standards for authorizers of public charter schools and empowers the department to investigate and sanction an authorizer of public charter schools that is found to be deficient or in noncompliance with the standards.
6. It requires that a public charter school must submit an annual audit to its authorizer and the Department of Education.
7. It requires that the Department of Education adopt major substantive rules to implement the public charter school program, including rules that address attendance and funding requirements for students enrolled in public charter schools.
8. It provides that state and local operating funds must follow each student to the public charter school attended by the student. For each public charter school student, the school administrative unit in which the student resides must forward the per-pupil allocation determined pursuant to the Maine Revised Statutes, Title 20-A, chapter 606-B directly to the public charter school attended by the student. The school administrative unit of residence may retain up to 1% of the per-pupil allocation to cover associated administrative costs.
9. It provides that the rules adopted by the Department of Education may establish an alternative method of transferring funds to public charter schools.

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10. It establishes a 10-year transition period during which only 10 public charter schools may be authorized by the State Charter School Commission and provides that public charter schools authorized by school boards may not be counted against the limit established for public charter schools authorized by the State Charter School Commission.

11. It provides enrollment limitations to protect smaller noncharter public schools. The enrollment limitations apply to each of the first 3 years of operation of a public charter school that is authorized by the State Charter School Commission as follows:

A. For a school administrative unit with an enrollment of 500 or fewer students, a public charter school may not enroll more than 5% of the school administrative unit's students per grade level; and

B. For a school administrative unit with an enrollment of more than 500 students, a public charter school may not enroll more than 10% of the school administrative unit's students per grade level.

12. It provides that a public charter school may not begin operations prior to July 1, 2012, and it provides that a public charter school application submitted to an authorizer before July 1, 2012 is subject to statutory amendments enacted or rule amendments adopted before July 1, 2012.

13. It directs the Department of Education to present a report to the Joint Standing Committee on Education and Cultural Affairs by November 1, 2011 on the status of rules proposed to implement this law and on the status of suggested legislation to be submitted to the Second Regular Session of the 125th Legislature to further improve the implementation of this law.

LD 1559 Resolve, To Transfer the Guilford Butler School to Regional School Unit 13

RESOLVE 88

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM	S-164

This resolve authorizes the State to transfer ownership of the Guilford Butler School in South Thomaston to Regional School Unit 13.

Committee Amendment "A" (S-164)

This amendment corrects the spelling of the name of the school that is the subject of this resolve.

Enacted Law Summary

Resolve 2011, chapter 88 authorizes the State to transfer ownership of the Guilford Butler School in South Thomaston to Regional School Unit 13.

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Not Enacted

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Not Enacted

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Career and Technical Education

Not Enacted

LD 232	Resolve, To Change the Name of the Northern Penobscot Technical Center	ONTP
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Cultural Affairs

Enacted

LD 656	Resolve, To Establish a Task Force on Franco-Americans	RESOLVE 102 EMERGENCY
LD 1038	An Act Regarding Property Deposited with Museums and Historical Societies	PUBLIC 263
LD 1493	An Act Regarding the Powers of the Director of the Maine State Museum Commission	PUBLIC 151
LD 1494	An Act To Support Maine State Museum Accreditation	PUBLIC 152

Not Enacted

LD 1033	An Act To Support Resource Sharing among Maine Libraries	HELD BY GOVERNOR
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Curriculum, Instruction, Textbooks and Testing

Enacted

LD 12	Resolve, Regarding Legislative Review of Portions of Chapter 131: The Maine Federal, State and Local Accountability Standards, a Major Substantive Rule of the Department of Education	RESOLVE 6 EMERGENCY
LD 77	Resolve, Directing the Department of Education To Create a Resource Guide to Maine History Developed in Cooperation with Franco-American Specialists	RESOLVE 17
LD 184	An Act To Promote the Financial Literacy of High School Students	PUBLIC 154
LD 949	Resolve, To Require the Department of Education To Submit a Plan for the Implementation of Standards-based Education	RESOLVE 83
LD 1211	An Act To Include Civics in the Social Studies and History Courses Required for a High School Diploma	PUBLIC 294
LD 1540	An Act To Encourage Science, Technology, Engineering and Mathematics Education	PUBLIC 346 EMERGENCY

Not Enacted

LD 236	An Act To Require High School Students To Register To Vote as a Requirement for Graduation	ONTP
LD 944	An Act To Increase College Attainment	MINORITY (ONTP) REPORT
LD 959	Resolve, Directing the Department of Education To Provide Curriculum Consistency in Maine Public Schools	ONTP
LD 1269	An Act To Require That the Taking of a Statewide Assessment Test for High School Seniors Be Voluntary	ONTP
LD 1388	An Act To Allow Schools To Adopt Approved Alternative Curricula	ONTP

LD 1422	An Act To Prepare Maine People for the Future Economy	Carried Over
LD 1425	An Act To Protect the Quality and Integrity of Maine's Educational Materials	ONTP

Education - Other

Enacted

LD 114	An Act To Allow Vietnam War Era Veterans To Receive High School Diplomas	PUBLIC 25
LD 1094	An Act To Improve the Delivery of School Psychological Services to Children	PUBLIC 386
LD 1136	An Act To Require the Opportunity To Recite the Pledge of Allegiance in Schools	PUBLIC 162

Not Enacted

LD 306	Resolve, Directing the Office of Program Evaluation and Government Accountability To Make Recommendations To Find Efficiencies in Per-pupil Costs Associated with Interscholastic Activities	ONTP
LD 758	Resolve, To Establish a Schoolchildren's Well-being Stakeholder Group	ONTP
LD 813	An Act To Require Every School Administrative Unit To Have a Food Service Director	MAJORITY (ONTP) REPORT
LD 1045	An Act To Encourage Better Grades for High School Students by Linking Grades with the Granting of a Driver's License	ONTP
LD 1273	An Act To Establish a 2-week Quiet Period for School Teams	ONTP

Health, Nutrition and Safety

Enacted

LD 505	An Act To Align State Standards Pertaining to Food and Beverages outside of the School Lunch Program to Federal Standards	PUBLIC 224
LD 1280	An Act To Establish a Pilot Physical Education Project in Four Maine Schools	PUBLIC 108 EMERGENCY
LD 1446	Resolve, To Develop and Implement a Farm and Fish to School Pilot Program	RESOLVE 91

Not Enacted

LD 971	An Act To Improve the Health of Maine Students	MAJORITY (ONTP) REPORT
LD 1139	Resolve, To Promote Instruction in Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator	VETO SUSTAINED

LD 1293 **Resolve, To Establish a Study Group To Promote the Use of
Locally Grown Food in Schools** **ONTP**

Online Learning Programs and Courses

Enacted

LD 569 **An Act To Support and Encourage the Use of Online Textbooks** **PUBLIC 354**

LD 938 **An Act To Permit Public School Online Learning Programs To
Accept Nonresident Tuition Students** **PUBLIC 353
EMERGENCY**

Not Enacted

LD 167 **An Act To Provide Full Funding for Advanced Placement
Courses** **MAJORITY
(ONTP) REPORT**

LD 675 **An Act To Establish Multidistrict Online Classes in Maine** **Carried Over**

LD 977 **Resolve, To Analyze the Value of Distance Learning in a Rural
Environment** **ONTP**

Postsecondary Education Finance and Student Aid

Enacted

LD 66 **An Act To Amend the Laws Governing the Capital Reserve
Funds of the Maine Educational Loan Authority** **PUBLIC 401
EMERGENCY**

LD 209 **Resolve, To Establish a Stakeholder Group To Review the Maine
State Grant Program** **RESOLVE 14**

LD 1173 **An Act To Make Changes to the Maine College Savings Program** **PUBLIC 150**

Not Enacted

LD 627 **An Act To Expand the Capacity of York County Community
College** **Carried Over**

LD 1149 **An Act To Provide Equitable Access to Postsecondary Courses** **ONTP**

Postsecondary Education Governance and Coordination

Enacted

LD 430 **Resolve, To Name the Maine Fire Training and Education
Program at Southern Maine Community College the Maine Fire
Service Institute** **RESOLVE 8**

LD 564 **An Act Regarding Retention and Graduation Rates for Maine's
Colleges and Universities** **PUBLIC 232**

LD 579 **Resolve, To Study the Creation of a School of Hospitality and
Hotel Management within the University of Maine System** **RESOLVE 53
EMERGENCY**

LD 1286 **An Act To Rename the Maine Fire Training and Education Program at Southern Maine Community College the Maine Fire Service Institute** PUBLIC 166

Not Enacted

LD 911 **Resolve, Directing the Maine Community College System To Establish the Great Works School Campus** MAJORITY (ONTP) REPORT

LD 982 **An Act To Create a Unified Board of Higher Education** MAJORITY (ONTP) REPORT

Safe Schools and Student Conduct

Not Enacted

LD 980 **An Act To Prohibit Cyberbullying in Public Schools** Carried Over

LD 1237 **An Act To Prohibit Bullying in Schools** Carried Over

School Budgets

Not Enacted

LD 349 **An Act To Require the Inclusion of a Financial Statement on School Administrative Unit Bond Obligations When Voting on a School Construction Project** DIED BETWEEN HOUSES

School Construction, Facilities and Buses

Enacted

LD 397 **An Act To Amend the Laws Governing Competitive Bidding for School Construction and Repair** PUBLIC 352

LD 530 **An Act To Allow Alternative Delivery Methods for Locally Funded School Construction Projects** P & S 17

LD 776 **An Act To Create a Fair Process for Energy Service Companies Contracting with Maine Schools** PUBLIC 279

LD 1356 **An Act To Amend the Laws Concerning the School Revolving Renovation Fund** PUBLIC 153

LD 1559 **Resolve, To Transfer the Gilford Butler School to Regional School Unit 13** RESOLVE 88

Not Enacted

LD 148 **An Act To Set Uniform Standards for School Construction** ONTP

LD 389 **An Act To Exempt Certain Necessary School Auxiliary Buildings for New Mechanical Systems from Referendum Requirements** MAJORITY (ONTP) REPORT

LD 782	An Act To Expand Competitive Bidding for Energy Service Contracts with Schools	ONTP
LD 952	An Act To Amend the Laws Governing the School Revolving Renovation Fund	ONTP
LD 1060	Resolve, To Require Regional School Unit No. 20 To Transfer Certain Property to the Town of Searsport	ONTP
LD 1267	An Act To Amend the School Transportation Formula To Recognize One-way Bus Trips	ONTP
LD 1471	An Act To Require Voter Validation for a School Administrative Unit To Retain Ownership of a School No Longer Used Primarily for Classroom Education	ONTP

School District Reorganization

Enacted

LD 139	An Act To Reduce the Time Period after Which a Member Municipality May Petition To Withdraw from a Regional School Unit	PUBLIC 328
LD 385	An Act To Amend the School Administrative Unit Consolidation Laws	PUBLIC 251
LD 800	An Act To Allow the Town of Surry To Join School Union No. 93	P & S 9 EMERGENCY
LD 1307	An Act To Amend and Clarify Certain Education Statutes	PUBLIC 171

Not Enacted

LD 171	An Act To Exempt School Administrative District No. 24 and School Administrative District No. 32 from the Laws Requiring School Administrative Unit Consolidation	MAJORITY (ONTP) REPORT
LD 268	An Act To Make the Consolidation of School Administrative Units Voluntary and To Eliminate the Penalties for Units That Choose Not To Consolidate	MAJORITY (ONTP) REPORT
LD 786	An Act To Eliminate the Penalty for School Administrative Units That Did Not Consolidate and Eliminate State Funding of Local Administrative Costs	MAJORITY (ONTP) REPORT
LD 803	An Act To Allow the Town of Dayton To Opt Out of Its Regional School Unit Agreement	ONTP
LD 1049	An Act To Allow a Municipality To Withdraw from a Regional School Unit	ONTP
LD 1107	An Act To Eliminate Penalties under the School Administrative Unit Consolidation Laws for Grand Isle School Department, Madawaska School Department, School Administrative District No. 32 and School Administrative District No. 33	MAJORITY (ONTP) REPORT
LD 1206	An Act To Amend the School Consolidation Laws Pertaining to Higher Performing Schools	MAJORITY (ONTP) REPORT

LD 1214	An Act To Allow a Referendum Regarding School Choice within Regional School Unit No. 12	ONTP
LD 1289	An Act To Waive Penalties on School Administrative District No. 32 and School Administrative District No. 33 under the School Administrative Unit Consolidation Laws	MAJORITY (ONTP) REPORT

School Finance

Enacted

LD 1274	An Act To Restore Equity in Education Funding	PUBLIC 419
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Not Enacted

LD 93	An Act To Improve Essential Programs and Services Funding for Education	ONTP
LD 347	Resolve, Directing the Commissioner of Education To Convene a Task Force To Develop a Proposal for a More Equitable Distribution of Kindergarten to Grade 12 State Education Funding	ONTP
LD 598	An Act To Provide Assistance to Economically Disadvantaged Students	ONTP
LD 817	An Act To Stabilize Short-term Funding of Public Kindergarten to Grade 12 Education	ONTP
LD 886	An Act To Remove All Federal Funding from Inclusion in the Essential Programs and Services Funding Formula	ONTP
LD 958	Resolve, To Direct the Department of Education To Review the Essential Programs and Services Model	Carried Over
LD 1017	An Act To Improve the Essential Programs and Services Funding Model by Providing for a Cost of Housing Adjustment	ONTP
LD 1051	An Act To Calculate Essential Programs and Services Funding on an Equal Labor Market	ONTP
LD 1083	An Act To Allow the Town of Arundel To Withdraw from Its Regional School Unit without Penalty	ONTP

Special Education Programs and Finance

Enacted

LD 45	An Act To Allow Marriage and Family Therapists To Provide Related Services in Public Schools	PUBLIC 19
LD 106	Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education	RESOLVE 39 EMERGENCY
LD 688	Resolve, To Facilitate Participation in Individualized Education Program Team Meetings and Special Education Dispute Resolution Procedures	RESOLVE 63

LD 715	Resolve, To Ensure That Maine Teachers and Paraprofessionals Who Work with Children with Autism Spectrum Disorders Are Appropriately and Adequately Prepared	RESOLVE 47 EMERGENCY
LD 964	Resolve, Requiring the Department of Education To Amend Its Rules To Prohibit School Administrative Units from Imposing Unreasonable Restrictions That Impede the Ability of Parents and Evaluators To Observe Students	RESOLVE 42
LD 1110	An Act Regarding the Attendance of Attorneys at Individualized Education Program Team Meetings	PUBLIC 363
LD 1345	An Act To Align Maine Special Education Statutes with Federal Requirements	PUBLIC 348

Not Enacted

LD 326	An Act To Require That School Administrative Units Bear the Burden of Proving That an Individualized Education Program Is Appropriate	MAJORITY (ONTP) REPORT
LD 568	Resolve, To Establish an Early Childhood Stakeholder Group	VETO SUSTAINED
LD 662	Resolve, Directing the Department of Education To Amend Its Rules Pertaining to the Statute of Limitations for Filing a Due Process Hearing Request Regarding Special Education	MAJORITY (ONTP) REPORT
LD 689	Resolve, Requiring the Department of Education To Amend Its Rules Relating to School Administrative Unit Payments for the Costs Associated with Independent Educational Evaluations	MAJORITY (ONTP) REPORT
LD 775	An Act To Clarify Special Education Reporting Requirements	MAJORITY (ONTP) REPORT
LD 1003	An Act To Assist Maine Schools To Obtain Federal Funds for Medically Necessary Services	Carried Over
LD 1197	An Act To Amend Standards for Participation in Certain Public School Services by Students Who Are Homeschooled	DIED BETWEEN HOUSES

Teachers and Administrators

Enacted

LD 391	An Act Concerning Models for Teacher and Principal Evaluations	PUBLIC 36
LD 976	An Act To Require 3 Years of Experience in a School Administrative Unit before a Teacher May Receive a Continuing Contract Offer	PUBLIC 172

Not Enacted

LD 130	Resolve, Directing the Department of Education To Explore Options To Increase Participation in the University of Southern Maine's Extended Teacher Education Program	ONTP
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LD 275	An Act To Change the Notice Period for Terminating Teachers' Contracts	ONTP
LD 444	An Act To Require Annual Evaluation of Public School Teachers	ONTP
LD 929	Resolve, To Establish a Study Group To Review the Teacher Certification Process	ONTP
LD 1298	An Act To Facilitate the Certification of Teachers	ONTP
LD 1322	An Act To Extend the Probationary Period for Teachers	ONTP
LD 1380	An Act To Extend the Salary Supplement for National Board-certified Teachers at Publicly Supported Secondary Schools That Enroll at Least 60% Public Students	DIED BETWEEN HOUSES

Truants, Dropouts and Homeless Students

Not Enacted

LD 1188	An Act To Achieve Maine's High School Graduation Goal	ONTP
LD 1503	An Act To Promote School Attendance and Increase School Achievement	Carried Over

STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON ENVIRONMENT AND
NATURAL RESOURCES**

July 2011

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Joint Standing Committee on Environment and Natural Resources

LD 49 An Act To Allow Storage of Lobster Traps on Docks

PUBLIC 12

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKANE TRAHAN	OTP-AM	H-10

This bill removes the Department of Environmental Protection's authority, under the Natural Resources Protection Act, to regulate lobster trap storage on docks.

Committee Amendment "A" (H-10)

This amendment moves the provisions in the bill to the section of law related to exemptions to the permitting requirements of the Natural Resources Protection Act. The amendment provides that a Natural Resources Protection Act permit is not required for the storage of lobster traps and related trap lines, buoys and bait bags on a dock. It also clarifies the definition of "dock."

Enacted Law Summary

Public Law 2011, chapter 12 provides that a Natural Resources Protection Act permit is not required for the storage of lobster traps and related trap lines, buoys and bait bags on a dock.

**LD 132 Resolve, Directing the Department of Environmental Protection To
Convene a Task Force To Develop Initiatives To Reduce Unnecessary
Packaging**

ONTP

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

This resolve directs the Department of Environmental Protection to convene a task force to develop initiatives designed to reduce unnecessary packaging and to report to the Joint Standing Committee on Environment and Natural Resources by January 15, 2012.

LD 154 An Act To Change the Classification of the Lower Androscoggin River

ONTP

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

This bill changes from Class C to Class B the classification of the lower Androscoggin River from the Worumbo Dam in Lisbon Falls to a line formed by the extension of the Bath-Brunswick boundary across Merrymeeting Bay.

Joint Standing Committee on Environment and Natural Resources

LD 156 An Act To Clarify the Regulation of Impacts to Significant Vernal Pool Habitats under the Natural Resources Protection Act ONTP

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

This bill clarifies that a landowner proposing to cause an impact to a significant vernal pool habitat is not subject to regulation pursuant to the Department of Environmental Protection's vernal pool rules if the significant vernal pool habitat depression is not on property owned or controlled by that landowner. This bill also clarifies that, when a vernal pool habitat has not previously been determined to be significant and the Department of Environmental Protection or the Department of Inland Fisheries and Wildlife makes a determination as to its significance, the vernal pool habitat is considered to be not significant if it is located in southern Maine and dries out after spring filling and before July 15th or if it is located in northern Maine and dries out after spring filling and before July 31st.

LD 159 An Act To Foster Economic Development by Improving Administration of the Laws Governing Site Location of Development and Storm Water Management PUBLIC 359

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-139

This bill revises the thresholds for review by the Department of Environmental Protection pursuant to the laws governing site location of development by changing the definitions of "subdivision" and "structure." It ensures consistency between the laws governing site location of development and the Natural Resources Protection Act in standards pertaining to a development's effects on existing uses, scenic character and protected natural resources. The bill also provides that rules adopted by the department after January 1, 2010 pursuant to the laws governing site location of development and storm water management are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, with certain limited exceptions in the rules governing storm water management for minor clerical corrections and technical clarifications.

Committee Amendment "A" (S-139)

This amendment:

1. Exempts trail management activities from review under the laws governing storm water management on snowmobile trails developed as part of the Maine Trails System under the Maine Revised Statutes, Title 12, section 1892;
2. Retains the provision in the bill that provides that rules adopted by the Department of Environmental Protection after January 1, 2010 pursuant to the laws governing storm water management are major substantive rules, with certain limited exceptions for minor clerical corrections and technical clarifications;
3. Narrows the provision in the bill that proposes to create consistency between the laws governing site location of development and the Natural Resources Protection Act in standards pertaining to a development's effects on existing uses, scenic character and protected natural resources. The amendment requires the Department of Environmental Protection to apply the standards adopted in rule pursuant to the Natural Resources Protection Act for significant

Joint Standing Committee on Environment and Natural Resources

vernal pool habitat to significant vernal pool habitat reviewed under the laws governing the site location of development. It prohibits the department from requiring a buffer strip adjacent to significant vernal pool habitat under the laws governing site location of development unless the buffer strip is established for another protected natural resource;

4. Retains the provision in the bill that provides that rules related to standards for development adopted by the Department of Environmental Protection after January 1, 2010 pursuant to the laws governing site location of development are major substantive rules, except for standards for blasting and wind energy development or offshore wind power projects;

5. Directs the Department of Environmental Protection to adopt rules to allow activities in, on or over high and moderate value waterfowl and wading bird habitat to be eligible for permit by rule under the Natural Resources Protection Act;

6. Authorizes the Joint Standing Committee on Environment and Natural Resources to report out a bill relating to high and moderate value waterfowl and wading bird habitat to the Second Regular Session of the 125th Legislature; and

7. Strikes the provisions in the bill that revise the thresholds for review by the Department of Environmental Protection pursuant to the laws governing site location of development.

Enacted Law Summary

Public Law 2011, chapter 359:

1. Exempts trail management activities from review under the laws governing storm water management on snowmobile trails developed as part of the Maine Trails System under the Maine Revised Statutes, Title 12, section 1892;

2. Provides that rules adopted by the Department of Environmental Protection after January 1, 2010 pursuant to the laws governing storm water management are major substantive rules, with certain limited exceptions for minor clerical corrections and technical clarifications;

3. Requires the Department of Environmental Protection to apply the standards adopted in rule pursuant to the Natural Resources Protection Act for significant vernal pool habitat to significant vernal pool habitat reviewed under the laws governing the site location of development. It prohibits the department from requiring a buffer strip adjacent to significant vernal pool habitat under the laws governing site location of development unless the buffer strip is established for another protected natural resource;

4. Provides that rules related to standards for development adopted by the Department of Environmental Protection after January 1, 2010 pursuant to the laws governing site location of development are major substantive rules, except for standards for blasting and wind energy development or offshore wind power projects;

5. Directs the Department of Environmental Protection to adopt rules to allow activities in, on or over high and moderate value waterfowl and wading bird habitat to be eligible for permit by rule under the Natural Resources Protection Act; and

6. Authorizes the Joint Standing Committee on Environment and Natural Resources to report out a bill relating to high and moderate value waterfowl and wading bird habitat to the Second Regular Session of the 125th Legislature.

Joint Standing Committee on Environment and Natural Resources

**LD 180 Resolve, To Change Rules Concerning Landfill Gas and Odor Management from Routine Technical Rules to Major Substantive Rules RESOLVE 43
EMERGENCY**

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

This resolve requires that rules governing the management of landfill gas and odors at solid waste facilities adopted by the Department of Environmental Protection, Board of Environmental Protection pursuant to Resolve 2007, chapter 170 are major substantive rules rather than routine technical rules.

Enacted Law Summary

Resolve 2011, chapter 43 requires that rules governing the management of landfill gas and odors at solid waste facilities adopted by the Department of Environmental Protection, Board of Environmental Protection pursuant to Resolve 2007, chapter 170 are major substantive rules rather than routine technical rules.

Resolve 2011, chapter 43 was finally passed as an emergency measure effective May 23, 2011.

**LD 219 An Act To Amend the Laws Governing Shoreland Zoning MAJORITY
(ONTP) REPORT**

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

This bill reduces the width of land that is subject to shoreland zoning and land use controls from 250 feet to 75 feet from the normal high-water line or upland edge of any body of water, river or wetland. A municipal ordinance regarding shoreland zoning in effect on January 1, 2011 is considered valid and remains in effect until rescinded, amended or changed by that municipality.

LD 240 An Act To Allow the Removal of Gravel Bars in the Sandy River ONTP

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

This bill allows the removal or displacement of point gravel bars from the Sandy River in the Town of Farmington without a Natural Resources Protection Act permit from the Department of Environmental Protection.

Joint Standing Committee on Environment and Natural Resources

LD 245 An Act To Amend the Laws Governing Waste Processing ONTP

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

This bill requires that solid waste disposal facilities licensed in the State be licensed to only accept waste generated within the State and clarifies that waste generated within the State does not include waste that has its origin outside the State and was transported to another location within the State prior to being transported to the facility.

LD 252 An Act To Amend the Laws Governing Aquatic Nuisance Species PUBLIC 47

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE KATZ	OTP-AM	H-66

This bill broadens the definition of "aquatic plant" in the laws governing the control of aquatic nuisance species. It also provides that a vacancy of a public position on the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species may be filled by a person who does not represent a particular constituency if after 6 months of a vacancy on the task force the Governor cannot fill that vacancy. It requires the Department of Inland Fisheries and Wildlife, in consultation with the Department of Environmental Protection, to report to the Joint Standing Committee on Inland Fisheries and Wildlife by January 15, 2012 concerning issues related to the control of invasive aquatic species, including but not limited to the use of felt-soled waders and the spread of invasive aquatic species.

Committee Amendment "A" (H-66)

This amendment adds a provision that if the Governor cannot fill a vacancy identified in law, the vacancy may be filled by a member who has demonstrated experience or interest in the area of threats to fish and wildlife posed by invasive aquatic plants and nuisance species. The amendment also strikes a reporting requirement.

Enacted Law Summary

Public Law 2011, chapter 47 broadens the definition of "aquatic plant" in the laws governing the control of aquatic nuisance species. It also provides that a vacancy of a public position on the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species may be filled by a person who does not represent a particular constituency but who has demonstrated experience or interest in the area of threats to fish and wildlife posed by invasive aquatic plants and nuisance species if after 6 months of a vacancy on the task force the Governor cannot fill that vacancy.

LD 253 Resolve, To Establish a Single Construction Permit for Certain Aboveground Oil Storage Tanks in Gravel Pits and Quarries RESOLVE 26

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNAPP	OTP-AM	H-67

Joint Standing Committee on Environment and Natural Resources

This resolve requires the Department of Environmental Protection in consultation with the Office of the State Fire Marshal to establish a process for obtaining a single construction permit for aboveground oil storage tanks in gravel pits and quarries that meets the requirements of the Maine Revised Statutes, Title 25, section 2483 and Title 38, sections 490-D and 490-Z.

Committee Amendment "A" (H-67)

This amendment replaces the term "gravel pits," which is a term not used in the laws implemented by the Department of Environmental Protection, with the term "excavations for borrow, clay, top soil or silt." The amendment also clarifies that the permit-by-rule process authorized by the resolve is limited to aboveground oil storage tanks used for the supply of diesel fuel.

Enacted Law Summary

Resolve 2011, chapter 26 requires the Department of Environmental Protection in consultation with the Office of the State Fire Marshal to establish a permit-by-rule process for obtaining a single construction permit for aboveground oil storage tanks that are used for the supply of diesel fuel and located in excavations for borrow, clay, top soil or silt and quarries that meets the requirements of the Maine Revised Statutes, Title 25, section 2483 and Title 38, sections 490-D and 490-Z.

LD 256 An Act To Amend the Law Regarding Repairing a Structure in a Coastal Sand Dune System ONTP

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

This bill allows structures located in a coastal sand dune system to be repaired in a way in which the square footage of the repaired structure does not exceed the square footage of the structure as it existed 24 months prior to the repair. Under current rules of the Department of Environmental Protection, the height, width and length of the repaired structure have to be the same as the structure as it existed 24 months prior to the repair.

LD 261 An Act To Eliminate Combined Sewer Overflows in Maine Waters MAJORITY (ONTP) REPORT

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

This bill prohibits the Department of Environmental Protection from licensing combined sewer overflows.

Joint Standing Committee on Environment and Natural Resources

LD 262 An Act To Expand Eligibility of Certain Municipal Landfills To Participate in the State's Remediation and Closure Program

PUBLIC 435

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON P THOMAS	OTP-AM	H-30

This bill amends the closure and remediation cost-sharing program that was established in the late 1980's to help municipalities close and clean-up landfills. The bill makes the cost-sharing program applicable to municipal landfills that were originally licensed on or before September 1, 1989 and that incur closure costs before December 31, 2015. It also makes state-cost share contingent on a finding by the commissioner that the landfill is contaminating groundwater and that corrective actions have not been successful.

Committee Amendment "A" (H-30)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2011, chapter 435 amends the closure and remediation cost-sharing program that was established in the late 1980's to help municipalities close and clean-up landfills. It makes the cost-sharing program applicable to municipal landfills that were originally licensed on or before September 1, 1989 and that incur closure costs before December 31, 2015. It also makes state-cost share contingent on a finding by the commissioner that the landfill is contaminating groundwater and that corrective actions have not been successful.

LD 310 Resolve, Regarding Legislative Review of Portions of Chapter 232: Well Drillers and Pump Installers Rules, a Major Substantive Rule of the Maine Water Well Commission

**RESOLVE 13
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 232: Well Drillers and Pump Installers Rules, a major substantive rule of the Maine Water Well Commission.

Enacted Law Summary

Resolve 2011, chapter 13 authorizes final adoption of portions of Chapter 232: Well Drillers and Pump Installers Rules, a major substantive rule of the Maine Water Well Commission.

Resolve 2011, chapter 13 was finally passed as an emergency measure effective March 31, 2011.

Joint Standing Committee on Environment and Natural Resources

LD 311 An Act To Improve Harbor Safety by Clarifying Requirements for Maintenance Dredging Permits

PUBLIC 65

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS	OTP-AM	S-30

This bill clarifies that maintenance dredging may be performed with a permit by rule only if the applicant has been issued an individual permit for maintenance dredging in the same location within the last 10 years. This bill also provides that the amount of material to be dredged may not exceed the amount originally approved by the individual permit.

Committee Amendment "A" (S-30)

This amendment amends current law by removing the requirement that an individual permit or consistency determination issued by the Department of Environment Protection is required for maintenance dredging if the amount of material to be dredged exceeds 50,000 cubic yards. The amendment also amends the bill by clarifying that a permit by rule for maintenance dredging may be allowed only by renewing an individual permit for maintenance dredging. Under the amendment, an individual permit for maintenance dredging may be renewed with a permit by rule only if the area to be dredged is located in an area that was dredged within the last 10 years and the amount of material to be dredged does not exceed the amount approved by the individual permit.

Enacted Law Summary

Public Law 2011, chapter 65 amends the law by removing the requirement that an individual permit or consistency determination issued by the Department of Environment Protection is required for maintenance dredging if the amount of material to be dredged exceeds 50,000 cubic yards. It also provides that an individual permit for maintenance dredging may be renewed with a permit by rule only if the area to be dredged is located in an area that was dredged within the last 10 years and the amount of material to be dredged does not exceed the amount approved by the individual permit.

LD 333 Resolve, Directing the Department of Environmental Protection To Evaluate and Amend Its Rules Regarding Snow Dumps

RESOLVE 44

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRIGGS JACKSON	OTP-AM MAJ ONTP MIN	H-156

This resolve directs the Department of Environmental Protection to amend its rules regarding snow dumps to exempt from the waste discharge licensing requirement any snow dump operation controlled by a municipality for the primary purpose of removing accumulated snow from public rights-of-way for the safety and convenience of the traveling public.

Committee Amendment "A" (H-156)

This amendment replaces the resolve. The amendment directs the Department of Environmental Protection to review and amend its rules regarding snow dumps.

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Enacted Law Summary

Resolve 2011, chapter 44 directs the Department of Environmental Protection to review and amend its rules regarding snow dumps.

LD 339 An Act To Prohibit Municipal Ordinances More Stringent than State Guidelines INDEF PP

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

This bill was not referred to the Joint Standing Committee on Environment and Natural Resources. This bill prohibits municipalities from adopting shoreland zoning ordinances that are more stringent than state guidelines. Under current law, municipalities are authorized to adopt ordinances that are consistent with or more stringent than minimum state guidelines.

LD 341 An Act To Exempt Artificial Wetlands and Artificial Significant Vernal Pool Habitats from State Regulation ONTP

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

This bill exempts artificial wetlands and artificial significant vernal pool habitats from state regulation under the Natural Resources Protection Act.

LD 379 An Act To Stop Unfunded Mandates Concerning Waste Discharge Licenses ONTP

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

This bill prohibits the Department of Environmental Protection from imposing by rule any requirements that qualify as an unfunded mandate on a waste discharge licensee unless the requirement is necessary to comply with a federal regulation.

Joint Standing Committee on Environment and Natural Resources

LD 387 An Act To Amend the Natural Resources Protection Act Regarding Coastal Sand Dune Systems

PUBLIC 64

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHASE COLLINS	OTP-AM	H-65

This bill allows the modification of a structure in a coastal sand dune system without a permit if the structure is in an impervious area and does not violate the height restriction of an applicable law or ordinance. An impervious area is defined as an area that is covered by development.

Committee Amendment "A" (H-65)

This amendment replaces the bill. It defines "impervious area" and provides that decks and patios are not included in the definition. It defines "footprint" with respect to a building as the outline that would be created on the ground by extending the exterior walls of the building to the ground surface. It allows expansion without a permit of an existing residential or commercial building in a coastal sand dune system if the footprint of the expansion is contained within an existing impervious area and is no further seaward than the existing building; the height of the expansion is within the height restriction of any applicable law or ordinance; and the expansion conforms to the mandatory shoreland zoning law standards for expansion of a building.

Enacted Law Summary

Public Law 2011, chapter 64 allows expansion of an existing residential or commercial building in a coastal sand dune system without a Natural Resources Protection Act permit if the footprint of the expansion is contained within an existing impervious area and is no further seaward than the existing building; the height of the expansion is within the height restriction of any applicable law or ordinance; and the expansion conforms to the mandatory shoreland zoning law standards for expansion of a building.

LD 411 Resolve, Regarding Legislative Review of Portions of Chapter 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, a Major Substantive Rule of the Department of Environmental Protection

**RESOLVE 27
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-61

This resolve provides for legislative review of portions of Chapter 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, a major substantive rule of the Department of Environmental Protection.

Committee Amendment "A" (H-61)

This amendment authorizes the adoption of portions of Chapter 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, a major substantive rule of the Department of Environmental Protection if:

1. "Cobble" and "cobble-trapping fence" are defined; and
2. A cobble-trapping fence is allowed to be in place year-round, is allowed only if the fence is landward of an existing seawall in a developed area and is not required to be placed 15 feet or less in front of a building.

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Enacted Law Summary

Resolve 2011, chapter 27 authorizes the adoption of portions of Chapter 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, a major substantive rule of the Department of Environmental Protection if:

1. "Cobble" and "cobble-trapping fence" are defined; and
2. A cobble-trapping fence is allowed to be in place year-round, is allowed only if the fence is landward of an existing seawall in a developed area and is not required to be placed 15 feet or less in front of a building.

Resolve 2011, chapter 27 was finally passed as an emergency measure effective April 26, 2011.

LD 412 Resolve, Regarding Legislative Review of Portions of Chapter 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products, a Major Substantive Rule of the Department of Environmental Protection RESOLVE 25 EMERGENCY

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

This resolve provides for legislative review of portions of Chapter 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products, a major substantive rule of the Department of Environmental Protection.

Enacted Law Summary

Resolve 2011, chapter 25 authorizes final adoption of portions of Chapter 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products, a major substantive rule of the Department of Environmental Protection.

Resolve 2011, chapter 25 was finally passed as an emergency measure effective April 25, 2011.

LD 434 An Act To Exempt Wetlands Created by Obstructions or Barriers from the Shoreland Zoning Laws ONTP

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

This bill exempts freshwater wetlands that are created as a result of artificial or natural obstructions or barriers from regulation under the shoreland zoning laws.

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LD 439 Resolve, To Waive the Fine That the Department of Environmental Protection Imposed on Arthur Drolet in Connection with the Removal of Underground Petroleum Storage Tanks MAJORITY (ONTP) REPORT

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

This resolve directs the Department of Environmental Protection to waive the fine that was imposed upon Arthur Drolet in connection with the removal of underground petroleum storage tanks.

LD 442 An Act To Allow Year-round Placement of Cobble-trapping Fences behind Established Seawalls ONTP

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

This bill authorizes the use of cobble-trapping fences on a year-round basis and sets conditions on their use.

LD 479 An Act To Prohibit the Burning of Construction and Demolition Debris at Municipal Landfills and Transfer Stations ONTP

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

This bill prohibits municipal solid waste landfills and transfer stations from burning construction and demolition debris.

LD 480 Resolve, To Allow Service Stations in Maine To Use Their Inventory of Lead Wheel Weights MAJORITY (ONTP) REPORT

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

This resolve allows a person who for compensation replaces or balances tires on motor vehicles to use and sell a wheel weight or other balancing product that contains lead or mercury that was intentionally added during the manufacture of the product if that wheel weight or other balancing product was in that person's inventory on January 1, 2011.

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**LD 484 An Act To Allow the Burning of Certain Agricultural Products in
Outdoor Wood Boilers**

**MAJORITY
(ONTP) REPORT**

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

This bill allows the burning of hay bales and cornstalks in an outdoor wood boiler.

**LD 510 An Act To Exclude Shellfish Processing Facilities from Arsenic
Wastewater Testing**

ONTP

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

This bill exempts shellfish processing facilities from testing and reporting requirements and discharge limits concerning arsenic.

LD 512 An Act Regarding the Disposition of Mercury-added Lamps

PUBLIC 275

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM MAJ ONTP MIN	S-203

This bill authorizes the use of crushing devices in a mercury-added lamp recycling program. Under the bill, the owner of the crushing device must register with the Department of Environmental Protection, develop an operating manual for safely crushing mercury-added lamps, document maintenance activities, meet federal Occupational Safety and Health Administration requirements, dispose of all material crushed in the device and maintain an annual report for review by the Department of Environmental Protection, at the discretion of the department.

Committee Amendment "A" (S-203)

This amendment adds to the requirements in the bill for the use of crushing devices. Under this amendment, an operating manual must include procedures for operator training and procedures to address emergency situations. The amendment requires owners of crushing devices to maintain testing and monitoring data. The amendment also provides that crushing devices may be operated only in a closed system, in such a manner that any emission of mercury does not exceed 0.3 micrograms per cubic meter, and must be operated in a secure, ventilated area not accessible to the general public.

Enacted Law Summary

Public Law 2011, chapter 275 authorizes the use of crushing devices in a mercury-added lamp recycling program. The owner of the crushing device must register with the Department of Environmental Protection, develop an

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operating manual for safely crushing mercury-added lamps, document maintenance activities, meet federal Occupational Safety and Health Administration requirements, dispose of all material crushed in the device, maintain an annual report for review by the Department of Environmental Protection, at the discretion of the department, and maintain testing and monitoring data. Crushing devices may be operated only in a closed system, in such a manner that any emission of mercury does not exceed 0.3 micrograms per cubic meter, and must be operated in a secure, ventilated area not accessible to the general public.

LD 515 An Act To Review State Water Quality Standards

PUBLIC 194

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM MAJ ONTP MIN	S-130

This bill is a concept draft pursuant to Joint Rule 208. This bill would revise and update water quality standards utilized to establish waste discharge license parameters. This bill would also establish procedures for developing alternative state and site-specific water quality standards.

Committee Amendment "A" (S-130)

This amendment replaces the bill. The amendment allows mercury testing once per year. It establishes a new risk level for inorganic arsenic when the Department of Environmental Protection is calculating ambient water quality criteria. It provides that the department may use any unallocated assimilative capacity that the department has set aside for future growth if use of the unallocated assimilative capacity would avoid an exceedance or reasonable potential to exceed ambient water quality criteria. It provides that metals limits must be expressed as mass-based limits.

Enacted Law Summary

Public Law 2011, chapter 194 establishes a new risk level for inorganic arsenic when the Department of Environmental Protection is calculating ambient water quality criteria. It allows mercury testing once per year. It provides that the department may use any unallocated assimilative capacity that the department has set aside for future growth if use of the unallocated assimilative capacity would avoid an exceedance or reasonable potential to exceed ambient water quality criteria. It provides that metals limits must be expressed as mass-based limits.

LD 524 An Act To Charge a Fee for Garbage Disposal To Encourage Recycling

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish a fee, to be collected and retained by local municipalities, to offset the costs associated with the collection and disposal of household refuse and the collection of recyclable materials at municipal landfills.

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LD 552 An Act To Exclude Cupolas from the Measurement of Height for Structures in the Shoreland Zone

PUBLIC 231

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL	OTP-AM MAJ ONTP MIN	H-305

This bill provides that the height of a cupola, dome, widow's walk or similar feature is not included in the measurement of the height of a structure for determining compliance with limitations on the height of a structure in the shoreland zone if that cupola, dome, widow's walk or similar feature has a floor area of 100 square feet or less.

Committee Amendment "A" (H-305)

This amendment replaces the bill. It provides that a municipal ordinance may exempt a cupola, dome, widow's walk or similar feature added to a legally existing conforming structure if the structure is not located in a Resource Protection District or a stream protection district and the cupola, dome, widow's walk or similar feature:

1. Does not extend beyond the exterior walls of the existing structure;
2. Has a floor area of 53 square feet or less; and
3. Does not increase the height of the existing structure by more than 7 feet.

The amendment differs from the bill in that the bill proposes to authorize a cupola, dome, widow's walk or similar feature if it has a floor area of 100 square feet or less, and the bill did not provide that the structure to which the cupola, dome, widow's walk or similar feature is added must be a legally existing conforming structure.

Enacted Law Summary

Public Law 2011, chapter 231 provides that a municipal ordinance may exempt a cupola, dome, widow's walk or similar feature added to a legally existing conforming structure if the structure is not located in a Resource Protection District or a stream protection district and the cupola, dome, widow's walk or similar feature:

1. Does not extend beyond the exterior walls of the existing structure;
2. Has a floor area of 53 square feet or less; and
3. Does not increase the height of the existing structure by more than 7 feet.

LD 614 An Act To Expedite the Review of Certain Maine Land Use Regulation Commission and Department of Environmental Protection Applications

ONTP

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

This bill requires the Maine Land Use Regulation Commission to enter into an agreement for an outside review of an application to subdivide land if the director of the commission determines within 30 days of the application's being accepted as complete that the commission cannot complete the review within the 60-day statutory time period. The

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bill also requires the Commissioner of Environmental Protection to enter into an agreement with an outside reviewer if, at the expiration of 1/2 of the published processing time for permit and license applications, the commissioner determines that the department cannot complete the application review within the published processing time.

LD 615 An Act To Authorize the Rerouting of Meadow Brook into Toothaker Pond ONTP

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

This bill authorizes the Toothaker Pond Association to reroute Meadow Brook into Toothaker Pond in the Town of Phillips.

LD 666 Resolve, To Reimburse Convenience Stores on a One-time Basis for Beverage Containers MAJORITY (ONTP) REPORT

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

This resolve requires the State, on a one-time basis, to reimburse convenience stores the refund value of beverage containers that are not labeled as being refundable in Maine. The resolve also directs the Department of Agriculture, Food and Rural Resources to establish a process for implementing the reimbursement.

LD 671 An Act To Amend the Laws Governing the Ground Water Oil Clean-up Fund PUBLIC 243

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AYOTTE SHERMAN	OTP-AM	H-274 H-314 HAMPER

This bill changes the membership of the Fund Insurance Review Board, provides the board additional powers and authorizes the board to review and approve the budget of the Ground Water Oil Clean-up Fund.

Committee Amendment "A" (H-274)

This amendment replaces the bill. The amendment changes the membership of the Fund Insurance Review Board by:

1. Decreasing from 3 to 2 the number of members representing the petroleum industry;
2. Designating membership of 2 members who have expertise in oil storage facility design and installation, oil spill remediation or environmental engineering; and

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3. Decreasing from 5 to 4 the number of public members.

The amendment also alters the duties of the review board to include reviewing Department of Environmental Protection priorities for disbursements from the Ground Water Oil Clean-up Fund and making recommendations to the Commissioner of Environmental Protection on how the fund should be allocated. The amendment also provides for the number of meetings to be held by the review board and for the annual selection of a chair. The amendment also consolidates responsibilities for hearing appeals and reporting to the Legislature in the section of law that deals with the review board. The amendment retains the provision in current law that repeals the review board on December 31, 2015. The amendment also retains the provision in the bill that provides that total disbursements from the Ground Water Oil Clean-up Fund for administrative expenses may not exceed \$2,000,000 per fiscal year.

House Amendment "A" To Committee Amendment "A" (H-314)

This amendment strikes the section of Committee Amendment "A" that provides that total disbursements from the Ground Water Oil Clean-up Fund for administrative expenses may not exceed \$2,000,000 per fiscal year.

Enacted Law Summary

Public Law 2011, chapter 243 changes the membership of the Fund Insurance Review Board; alters the duties of the review board to include reviewing Department of Environmental Protection priorities for disbursements from the Ground Water Oil Clean-up Fund and making recommendations to the Commissioner of Environmental Protection on how the fund should be allocated; provides for the number of meetings to be held by the review board and for the annual selection of a chair; consolidates responsibilities for hearing appeals and reporting to the Legislature in the section of law that deals with the review board; and retains the provision in current law that repeals the review board on December 31, 2015.

LD 680 Resolve, Directing the Commissioner of Environmental Protection To ONTP
Convene a Task Force To Study the Effect of Additives in Gasoline

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

This resolve requires the Commissioner of Environmental Protection to convene a task force to study and report to the Legislature on the effects of additives in gasoline on the environment.

LD 693 An Act Concerning Solid Waste Facility Citizen Advisory Committees Carried Over

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

This bill clarifies that a solid waste facility citizen advisory committee is to continue through the closure of the facility. It authorizes a citizen advisory committee to appeal licensing and permitting decisions and intervene in licensing and permitting proceedings if the disposition of the proceedings could impair the ability of the committee to carry out its responsibilities. It authorizes municipalities that appoint members to a citizen advisory committee to appeal licensing and permitting decisions and intervene in licensing and permitting

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proceedings. It directs the Executive Department, State Planning Office to provide financial and administrative support for citizen advisory committees. The bill also makes these provisions applicable to the citizen advisory committee established in connection with the Juniper Ridge landfill in Old Town and Alton.

Committee Amendment "A" (H-444)

This amendment removes the language from the bill that clarifies that a solid waste disposal facility citizen advisory committee established in accordance with the Maine Revised Statutes, Title 38, section 2171 continues through the closure of the facility and that the committee is authorized to appeal and intervene in licensing and permitting proceedings if the disposition of the proceedings could impair the ability of the committee to carry out its responsibilities. The amendment also removes the language that requires the Executive Department, State Planning Office to provide financial and administrative support for the joint citizen advisory committee established for the Juniper Ridge Landfill in accordance with Resolve 2003, chapter 93. The amendment retains the provision in the bill that provides for impact payments to a municipality in which a state-owned solid waste disposal facility is located to provide financial and administrative support for the joint citizen advisory committee. The bill authorizes the citizen advisory committee established in connection with the Juniper Ridge landfill to report committee findings and recommendations concerning the disposal facility to the City of Old Town and the Town of Alton; the amendment adds the authority to report to the Penobscot Nation. The bill authorizes the City of Old Town and Town of Alton to appeal a license or permit decision and intervene in proceedings relating to the facility; the amendment gives that authority to the Penobscot Nation also. The amendment also makes technical corrections and adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-500)

This amendment provides that the Executive Department, State Planning Office is not required to base its impact payments to the municipality in which a state-owned solid waste disposal facility is located on financial and administrative support for a citizen advisory committee if the operator of the facility is required to provide that support pursuant to an agreement for the operation of the facility. This amendment also strikes the appropriations and allocations section due to the change made by this amendment.

LD 693 was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

LD 716 An Act To Improve the Recycling Rate of Mercury-added Motor Vehicle Components

LEAVE TO WITHDRAW

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WALSH INNES GOODALL	LTW	

This bill clarifies that payment is required for the disposal of mercury-added motor vehicle components for motor vehicles for which a vehicle identification number or year, make and model have been provided. The bill defines the term "manufacturer." The bill also authorizes the Department of Environmental Protection to pay for the cost of collecting and recycling a manufacturer's mercury switches and seek cost recovery from the nonpaying manufacturer. The bill also authorizes the Attorney General to bring a civil action against a nonpaying manufacturer to recover the costs.

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LD 721 An Act To Extend the Use of Underground Storage Tanks

PUBLIC 276

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COURTNEY	OTP-AM MAJ ONTP MIN	S-119 S-142 SAVIELLO

This bill provides that an underground oil storage tank for which the manufacturer's warranty has expired does not need to be removed from service and properly abandoned if the tank is tested in accordance with the provisions of the Maine Revised Statutes, Title 38, section 564, subsection 1-A. It also provides that underground oil storage tanks and facilities do not need to be abandoned while they are not in service if they are tested in accordance with the provisions of Title 38, section 564, subsection 1-A.

Committee Amendment "A" (S-119)

The amendment replaces the bill. The bill provides that an underground oil storage tank for which the manufacturer's warranty has expired does not need to be removed from service and properly abandoned if the tank is tested in accordance with the provisions of the Maine Revised Statutes, Title 38, section 564, subsection 1-A. The amendment provides that a double-walled tank may continue in service up to 10 years beyond the expiration of the warranty if precision tests are undertaken to determine the integrity of the tank.

The amendment also extends from 12 months to 24 months the time period after which underground oil storage tanks taken out of service must be properly abandoned. It also prohibits single-walled underground oil storage tanks that have been out of service for a period of more than 24 months from being brought back into service and it prohibits double-walled underground oil storage tanks that have been out of service for a period of more than 24 months from being brought back into service without the written approval of the Commissioner of Environmental Protection.

The amendment also directs the Department of Environmental Protection to report to the Fund Insurance Review Board data and associated information related to incidents of leaks or spills resulting from the double-walled underground oil storage tank exception to the otherwise mandatory replacement upon the expiration of the manufacturer's warranty.

The amendment also directs the Department of Environmental Protection to amend its rules to allow the upgrading of secondary containment systems for underground oil storage tanks.

Senate Amendment "A" To Committee Amendment "A" (S-142)

This amendment replaces the rule-making provision in Committee Amendment "A" to require the Department of Environmental Protection to amend its rules to allow the retrofitting of single-walled underground storage tanks with secondary containment systems prior to the expiration of the tank manufacturer's warranty and to allow the upgrading of related piping.

Enacted Law Summary

Public Law 2011, chapter 276 provides that a double-walled tank may continue in service up to 10 years beyond the expiration of the warranty if precision tests are undertaken to determine the integrity of the tank. It extends from 12 months to 24 months the time period after which underground oil storage tanks taken out of service must be properly abandoned. It prohibits single-walled underground oil storage tanks that have been out of service for a period of more than 24 months from being brought back into service and it prohibits double-walled underground oil storage

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tanks that have been out of service for a period of more than 24 months from being brought back into service without the written approval of the Commissioner of Environmental Protection. It directs the Department of Environmental Protection to report to the Fund Insurance Review Board data and associated information related to incidents of leaks or spills resulting from the double-walled underground oil storage tank exception to the otherwise mandatory replacement upon the expiration of the manufacturer's warranty. It directs the Department of Environmental Protection to amend its rules to allow the retrofitting of single-walled underground storage tanks with secondary containment systems prior to the expiration of the tank manufacturer's warranty and to allow the upgrading of related piping.

LD 728 An Act To Reduce Truck Travel Caused by the Bottle Redemption Laws ONTP

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

This bill removes the current obligation in rule that requires a distributor to pick up a redemption center every time the distributor makes a delivery of product to any dealer or retailer that has an agreement with that redemption center. It replaces that obligation with a statutory obligation to pick up beverage containers at every redemption center every 30 days and to make additional pick ups when the redemption center has accumulated \$750 worth of beverage containers.

LD 733 An Act To Allow a Person Who Has Lost a Home in a Shoreland Zone To Obtain a Building Permit ONTP

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

This bill allows an owner of a structure in a shoreland zone up to 36 months to obtain a building permit to rebuild or replace the structure when the structure has been removed, damaged or destroyed to the extent that it has lost over 50% of its market value.

LD 781 An Act To Establish Flushability Standards for Consumer Products Advertised as Flushable Carried Over

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

This bill prohibits the packaging or labeling of consumer products for distribution or sale in the State if the package or label states that the product is flushable or safe for sewer and septic systems unless the product meets the acceptance criteria for flushability as published in the Guidance Document for Assessing the Flushability of Nonwoven Consumer Products, published by the Association of the Nonwoven Fabrics Industry in effect on January 1, 2011.

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LD 781 was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

LD 839 Resolve, To Study Motor Fuel and Fuel Additives and To Explore Alternatives to Ethanol Motor Fuel DIED IN CONCURRENCE

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR	ONTP MAJ OTP-AM MIN	H-277

This resolve requires the Commissioner of Environmental Protection to convene a stakeholder group to conduct a study regarding motor fuel and fuel additives, including but not limited to acetaldehyde in ethanol motor fuel. The stakeholder group is directed to study the State's compliance with the federal Clean Air Act Amendments of 1990 with respect to emissions of acetaldehyde produced by the combustion of ethanol gasoline, and conduct a comprehensive review of the statewide costs associated with the acetaldehyde in ethanol motor fuel, including the corrosive effects of acetaldehyde on small engines, the effects of acetaldehyde on marine resources in the State and the negative impact such effects have on business in the State. The commissioner shall report the stakeholder group's findings to the Joint Standing Committee on Environment and Natural Resources by December 1, 2011. The committee may report out a bill to the Second Regular Session of the 125th Legislature.

Committee Amendment "A" (H-277)

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

LD 862 Resolve, Directing the Department of Environmental Protection To Amend Its Rules Governing the Length of Time Certain Permits Are Valid RESOLVE 46

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS	OTP-AM	S-56

This resolve directs the Department of Environmental Protection to amend its rules governing the protection of natural resources, site location of development and storm water to provide that permits issued with respect to these areas are valid for 5 years after they are issued and that a person who holds such a permit has 10 years to complete a project pursuant to such a permit.

Committee Amendment "A" (S-56)

This amendment clarifies that the Department of Environmental Protection is required to amend its rules relating to the Natural Resources Protection Act. It also changes the time periods in the resolve to provide that permits issued with respect to the Natural Resources Protection Act and laws governing site location of development and storm water are valid for 4 years after they are issued and that a person who holds such a permit has 7 years to complete a project pursuant to that permit.

Enacted Law Summary

Resolve 2011, chapter 46 directs the Department of Environmental Protection to amend its rules to provide that permits issued with respect to the Natural Resources Protection Act and laws governing site location of development

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and storm water are valid for 4 years after they are issued and that a person who holds such a permit has 7 years to complete a project pursuant to that permit.

LD 872 An Act To Clarify the Natural Resources Protection Act

**MAJORITY
(ONTP) REPORT**

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

This bill changes to 75 feet the setback for significant vernal pool habitat, high and moderate value inland waterfowl and wading bird habitat and shorebird nesting, feeding and staging areas. It also provides a mechanism to compensate landowners for the property value losses incurred as a result of more stringent setback regulations.

LD 879 An Act To Ensure Adequate Landfill Capacity in the State for Solid Waste

Carried Over

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

This bill amends the law regarding expansion of commercial solid waste disposal facilities and biomedical waste disposal or treatment facilities by authorizing a commercial landfill facility that is not under an order or agreement to close to expand if the proposed expansion is contiguous with the existing facility and is located on property owned by the person holding the commercial solid waste disposal facility license. It clarifies that an expanded facility may not receive a property tax exemption on real or personal property, and it provides that the department may not process or act upon any application until certain conditions are met.

LD 879 was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

LD 888 An Act To Allow Flexibility under Municipal Shoreland Zoning Ordinances

ONTP

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

This bill allows a municipality to enact in its shoreland zoning ordinance alternative provisions to the requirements in the Maine Revised Statutes, Title 38 that limit the expansion of a nonconforming structure in a shoreland zone that increases the structure's volume or floor area by 30% or more in addition to the requirements in Title 38.

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LD 900 An Act To Reduce Fraud in Bottle Deposit Redemption

ONTP

Sponsor(s)

HUNT

Committee Report

ONTP

Amendments Adopted

This bill allows an initiator of deposit to bring a civil action against any person, other than a licensed redemption center, who is found in possession of or knowingly tenders to a redemption center or retailer more than 48 beverage containers that were not originally sold in this State. This bill also increases the penalty for possession of containers not originally sold in this State to be consistent with the penalty for tendering such containers and removes reference to a first-year warning period from the penalty provision.

LD 930 An Act To Clarify Maine's Phaseout of the "Deca" Mixture of Polybrominated Diphenyl Ethers

**PUBLIC 160
EMERGENCY**

Sponsor(s)

CRAY
SNOWE-MELLO

Committee Report

OTP-AM

Amendments Adopted

H-152

This bill amends the law to allow for the replacement of the "deca" mixture of polybrominated diphenyl ethers as a flame retardant with a brominated or chlorinated flame retardant, as long as the replacement is not a persistent, bioaccumulative and toxic chemical and does not create another chemical as a breakdown product that is persistent, bioaccumulative and toxic.

Committee Amendment "A" (H-152)

This amendment replaces the bill. The amendment allows for the replacement of the "deca" mixture of polybrominated diphenyl ethers with a chemical that is a brominated or chlorinated flame retardant if it is demonstrated to the satisfaction of the Commissioner of Environmental Protection that the replacement flame retardant is a safer alternative. The bill allowed the replacement of the "deca" mixture with a brominated or chlorinated flame retardant without the need for the commissioner to determine that the replacement flame retardant is a safer alternative.

Enacted Law Summary

Public Law 2011, chapter 160 allows for the replacement of the "deca" mixture of polybrominated diphenyl ethers with a chemical that is a brominated or chlorinated flame retardant if it is demonstrated to the satisfaction of the Commissioner of Environmental Protection that the replacement flame retardant is a safer alternative.

Public Law 2011, chapter 160 was enacted as an emergency measure effective May 26, 2011.

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LD 969 Resolve, To Adjust Composting Limits for Farms

**RESOLVE 60
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY COURTNEY	OTP-AM MAJ OTP-AM MIN	H-196 H-233 HAMPER

This resolve requires the Department of Environmental Protection to amend its rules to increase the maximum cubic yards of Type IB and Type IC residuals that a farm may compost in any 30-day period from 30 to 100 cubic yards.

This resolve was jointly referred to the Joint Standing Committees on Environment and Natural Resources and Agriculture, Conservation and Forestry.

Committee Amendment "A" (H-196)

This amendment is the majority report of the Joint Standing Committee on Environment and Natural Resources and the Joint Standing Committee on Agriculture, Conservation and Forestry. It directs the Department of Agriculture, Food and Rural Resources to review exemptions from licensing under the Department of Environmental Protection that are contingent on a composting facility's operating in accordance with a compost management plan approved by the Department of Agriculture, Food and Rural Resources. The Commissioner of Agriculture, Food and Rural Resources is directed to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 3, 2012 with recommendations for any statutory changes needed to clarify or enhance the department's oversight of agricultural composting operations. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to report out a bill in the Second Regular Session of the 125th Legislature.

House Amendment "A" to Committee Amendment "A" (H-233)

This amendment requires the Department of Environmental Protection to amend its rules to increase the maximum cubic yards of Type IB and Type IC residuals that a farm may compost in any 30-day period to 60 cubic yards, instead of 100 cubic yards as proposed in the resolve, and requires that the farm be operated in accordance with a compost management plan approved by the Department of Agriculture, Food and Rural Resources. It directs the Department of Environmental Protection, in addition to the Department of Agriculture, Food and Rural Resources, to review agricultural composting operations that are exempt from licensing as a solid waste facility under rules adopted by the Department of Environmental Protection. It directs the Commissioner of Environmental Protection, in addition to the Commissioner of Agriculture, Food and Rural Resources, to report to the Joint Standing Committee on Agriculture, Conservation and Forestry with recommendations regarding oversight of agricultural composting operations. The amendment also adds an emergency preamble and an emergency clause.

Enacted Law Summary

Resolve 2011, chapter 60 requires the Department of Environmental Protection to amend its rules to increase the maximum cubic yards of Type IB and Type IC residuals that a farm may compost in any 30-day period from 30 to 60 cubic yards and requires that the farm be operated in accordance with a compost management plan approved by the Department of Agriculture, Food and Rural Resources. It directs the Department of Agriculture, Food and Rural Resources and the Department of Environmental Protection to review agricultural composting operations that are exempt from licensing as a solid waste facility under rules adopted by the Department of Environmental Protection. It directs the Commissioner of Agriculture, Food and Rural Resources and the Commissioner of Environmental Protection to report to the Joint Standing Committee on Agriculture, Conservation and Forestry with recommendations regarding oversight of agricultural composting operations.

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Resolve 2011, chapter 60 was finally passed as an emergency measure effective June 3, 2011.

**LD 981 An Act To Increase Recycling Jobs in Maine and Lower Costs for
Maine Businesses Concerning Recycled Electronics**

**PUBLIC 250
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WALSH INNES SNOWE-MELLO	OTP-AM	H-315

This bill provides that the recycling of covered electronic devices received at collection sites and events from small universal waste generators is the manufacturer's responsibility. It clarifies that a manufacturer must register with the State prior to selling covered electronic devices in the State and must report sales information on annual registrations in terms of national numbers. In addition, this bill modifies the annual manufacturer registration fee from a flat fee to a tiered system based on a manufacturer's annual national unit sales of covered electronic devices, and exempts certain historic manufacturers from the registration fee requirements. It changes the reporting requirements from every 2 years to being a part of the product stewardship report.

Committee Amendment "A" (H-315)

Current law covers only households in the State's electronic waste recycling laws. The bill expands that by covering small universal waste generators as well as households. The amendment removes the bill's coverage of small universal waste generators and expands current coverage to small businesses and nonprofit organizations that employ 100 or fewer individuals and primary and secondary schools. The amendment adds a provision that limits the number of covered electronic devices that may be dropped off at municipal collection sites or consolidator-sponsored collection events to 7 devices, unless the municipal collection site or consolidator is willing to accept additional devices. The amendment adds a provision that allows for the controlled breakage of cathode ray tubes by licensed electronics demanufacturing facilities if the facilities demonstrate to the Department of Environmental Protection that they meet specified environmental health and safety standards. The amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Current law covers only households in the State's electronic waste recycling laws. Public Law 2011, chapter 250 expands current coverage to small businesses and nonprofit organizations that employ 100 or fewer individuals and primary and secondary schools. It limits the number of covered electronic devices that may be dropped off at municipal collection sites or consolidator-sponsored collection events to 7 devices, unless the municipal collection site or consolidator is willing to accept additional devices. It clarifies that a manufacturer must register with the State prior to selling covered electronic devices in the State and must report sales information on annual registrations in terms of national numbers. It modifies the annual manufacturer registration fee from a flat fee to a tiered system based on a manufacturer's annual national unit sales of covered electronic devices, and exempts certain historic manufacturers from the registration fee requirements. It changes the reporting requirements from every 2 years to being a part of the product stewardship report. Chapter 250 also allows for the controlled breakage of cathode ray tubes by licensed electronics demanufacturing facilities if the facilities demonstrate to the Department of Environmental Protection that they meet specified environmental health and safety standards.

Public Law 2011, chapter 250 was enacted as an emergency measure effective June 8, 2011.

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**LD 1009 Resolve, Directing the Department of Environmental Protection To
Work with the Town of Sanford To Develop a Plan To Clean Up
Number One Pond in Sanford**

**MAJORITY
(ONTP) REPORT**

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

This resolve directs the Department of Environmental Protection to work with the Town of Sanford to develop a plan to clean up Number One Pond in Sanford. The department is required to report to the Joint Standing Committee on Environment and Natural Resources regarding its progress in developing this plan no later than December 7, 2011. The joint standing committee may submit a bill to the Second Regular Session of the 125th Legislature related to the subject matter of the department's report.

**LD 1015 An Act To Reduce Unnecessary Reporting Requirements Related to
Natural Resources**

PUBLIC 120

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE	OTP-AM	H-199

This bill:

1. Repeals a requirement that the Commissioner of Environmental Protection annually conduct a review related to the permit by rule system and make any recommendations concerning additional categories of permits to the Board of Environmental Protection;
2. Repeals a requirement that the Commissioner of Environmental Protection report before February 1st of each year to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the effects of license fee increases on department efficiency and license and permit processing times;
3. Repeals a requirement that the Commissioner of Environmental Protection report biennially to the Legislature on the implementation and impact of local shoreland zoning ordinances;
4. Repeals a requirement that the Department of Environmental Protection periodically evaluate whether the State should continue to implement and enforce California low-emission vehicle standards relating to the control of emissions from new motor vehicles or new motor vehicle engines;
5. Repeals a requirement that the Department of Environmental Protection report annually to the joint standing committee of the Legislature having jurisdiction over natural resources on the levels of methyl tertiary butyl ether or MTBE in gasoline brought into the State; and
6. Removes a requirement that the Commissioner of Environmental Protection periodically hold hearings and report to the joint standing committee of the Legislature having jurisdiction over natural resources matters concerning progress toward meeting the instream color pollution standards under the Maine Revised Statutes, Title 38, section 414-C.

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Committee Amendment "A" (H-199)

This amendment exempts agricultural producers from the water withdrawal reporting program and removes the Commissioner of Agriculture, Food and Rural Resources from the list of commissioners to whom a water withdrawal report may be submitted.

Enacted Law Summary

Public Law 2011, chapter 120:

1. Repeals a requirement that the Commissioner of Environmental Protection annually conduct a review related to the permit by rule system and make any recommendations concerning additional categories of permits to the Board of Environmental Protection;
2. Repeals a requirement that the Commissioner of Environmental Protection report before February 1st of each year to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the effects of license fee increases on department efficiency and license and permit processing times;
3. Repeals a requirement that the Commissioner of Environmental Protection report biennially to the Legislature on the implementation and impact of local shoreland zoning ordinances;
4. Repeals a requirement that the Department of Environmental Protection periodically evaluate whether the State should continue to implement and enforce California low-emission vehicle standards relating to the control of emissions from new motor vehicles or new motor vehicle engines;
5. Repeals a requirement that the Department of Environmental Protection report annually to the joint standing committee of the Legislature having jurisdiction over natural resources on the levels of methyl tertiary butyl ether or MTBE in gasoline brought into the State;
6. Removes a requirement that the Commissioner of Environmental Protection periodically hold hearings and report to the joint standing committee of the Legislature having jurisdiction over natural resources matters concerning progress toward meeting the instream color pollution standards under the Maine Revised Statutes, Title 38, section 414-C; and
7. Exempts agricultural producers from the water withdrawal reporting program and removes the Commissioner of Agriculture, Food and Rural Resources from the list of commissioners to whom a water withdrawal report may be submitted.

LD 1022 An Act To Amend the Law Concerning Overboard Discharge Systems

PUBLIC 121

Sponsor(s)

TILTON
SAVIELLO

Committee Report

OTP-AM MAJ
ONTP MIN

Amendments Adopted

H-151

This bill removes the requirement that, prior to transferring ownership of property containing an overboard discharge system, the parties to the transfer must determine the feasibility of technologically proven alternatives to the overboard discharge system and install the alternative system if one is identified. The bill also directs the Department of Environmental Protection to provide education and outreach to owners of overboard discharge systems. The bill makes the changes to the law retroactive to January 1, 2004.

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Committee Amendment "A" (H-151)

This amendment replaces the bill. The bill removes the requirement that, prior to transferring ownership of property containing an overboard discharge system, the parties to the transfer must determine the feasibility of technologically proven alternatives to the overboard discharge system and install an alternative system if one is identified. The amendment retains that requirement but makes several changes to it. The amendment allows a transferee with an annual income of less than \$25,000 to request a waiver from the requirement to install an alternative system. The amendment increases the time frame, from 90 days of property transfer or significant action to 180 days of property transfer or significant action, within which an alternative system to the overboard discharge must be installed. The amendment also makes 2 technical corrections to the law. First, it clarifies that an application for transfer of an overboard discharge license must be made no later than 2 weeks after the transfer of ownership and, second, it clarifies that the sentence in the Maine Revised Statutes, Title 38, section 413, subsection 3 that limits application of the subsection to licenses issued before September 1, 2010 only applies to overboard discharge licenses, not all licenses issued by the Department of Environmental Protection.

Enacted Law Summary

Public Law 2011, chapter 121 makes several changes to the law that requires, prior to transferring ownership of property containing an overboard discharge system, the parties to the transfer to determine the feasibility of technologically proven alternatives to the overboard discharge system and install an alternative system if one is identified. Chapter 121 allows a transferee with an annual income of less than \$25,000 to request a waiver from the requirement to install an alternative system. It increases the time frame, from 90 days of property transfer or significant action to 180 days of property transfer or significant action, within which an alternative system to the overboard discharge must be installed. It also makes 2 technical corrections to the law. First, it clarifies that an application for transfer of an overboard discharge license must be made no later than 2 weeks after the transfer of ownership and, second, it clarifies that the sentence in the Maine Revised Statutes, Title 38, section 413, subsection 3 that limits application of the subsection to licenses issued before September 1, 2010 only applies to overboard discharge licenses, not all licenses issued by the Department of Environmental Protection.

LD 1031 An Act To Amend the Laws Governing Significant Wildlife Habitat

PUBLIC 362

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AYOTTE SHERMAN	OTP-AM MAJ OTP-AM MIN	H-281

Under current law, forest management activities in significant wildlife habitat are exempt from permitting requirements under the Natural Resources Protection Act unless the habitat is mapped through rulemaking by the Department of Inland Fisheries and Wildlife. This bill removes the mapped habitat provision in the exemption for forest management activities.

Committee Amendment "A" (H-281)

This amendment replaces the bill. The bill proposes to remove the mapped habitat provision in the exemption for forest management activities under the Natural Resources Protection Act. The amendment directs the Department of Environmental Protection to amend its rules to:

1. Provide that if a vernal pool depression is bisected by a property boundary, only that portion of the vernal pool depression located on the property of the landowner proposing to cause an impact may be considered in determining whether the vernal pool is significant;
2. Provide that an artificial vernal pool is exempt from regulation as long as the vernal pool was not created in

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connection with a compensation project; and

3. Remove seasonal precipitation as a factor in determining that a vernal pool habitat is not significant.

Enacted Law Summary

Public Law 362 directs the Department of Environmental Protection to amend its rules to:

1. Provide that if a vernal pool depression is bisected by a property boundary, only that portion of the vernal pool depression located on the property of the landowner proposing to cause an impact may be considered in determining whether the vernal pool is significant;
2. Provide that an artificial vernal pool is exempt from regulation as long as the vernal pool was not created in connection with a compensation project; and
3. Remove seasonal precipitation as a factor in determining that a vernal pool habitat is not significant.

LD 1063 An Act To Restore Limits on the Location of Licensed Redemption Centers and Improve Operations ONTP

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

This bill provides that beverage container redemption centers licensed before April 1, 2009 must be counted when determining the number of centers located in a municipality and establishes a standard size and gauge for the plastic bags used by dealers and redemption centers to collect beverage containers.

LD 1108 An Act To Modify the Requirement To Replace Trees Cut Down in Violation of Local Laws PUBLIC 228

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOULTON THOMAS	OTP-AM MAJ ONTP MIN	H-275

Current law requires a person who, except for timber harvesting, cuts down a tree or understory vegetation in violation of local land use laws and ordinances to replace the tree or vegetation with a tree or vegetation of similar size and species. This bill gives the court the discretion to order the replacement of the tree or vegetation, provides that the replacement doesn't have to be on a one-for-one basis and allows the replacement to be of a reasonably similar species only.

Committee Amendment "A" (H-275)

The amendment replaces the bill. The bill proposes to give the court discretion to order the replacement of trees or vegetation when a person cuts down a tree or understory vegetation in violation of the shoreland zoning laws. Under current law, except for timber harvesting, a person is required to replace each tree with a tree of substantially similar size and species to the extent available and feasible.

This amendment requires the replacement of each tree cut with a tree or trees of varying size and species such that the visual impact from the cutting will be remediated, the tree canopy that was cut will be restored within a

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reasonable time period and a total basal area equal to at least 50% of the basal area cut will be replanted. The amendment requires the replacement of understory vegetation with understory vegetation of substantially similar size and species to the extent reasonably available and feasible. The amendment requires a 5-year management plan to be developed, which must address how the replacement trees must be maintained to enable them to grow to a healthy, mature height.

Enacted Law Summary

Under current law, except for timber harvesting, when a person cuts down a tree or understory vegetation in violation of the shoreland zoning laws, that person is required to replace each tree with a tree of substantially similar size and species to the extent available and feasible. Public law 2011, chapter 228 requires the replacement of each tree cut with a tree or trees of varying size and species such that the visual impact from the cutting will be remediated, the tree canopy that was cut will be restored within a reasonable time period and a total basal area equal to at least 50% of the basal area cut will be replanted. It requires the replacement of understory vegetation with understory vegetation of substantially similar size and species to the extent reasonably available and feasible. It requires a 5-year management plan to be developed, which must address how the replacement trees must be maintained to enable them to grow to a healthy, mature height.

LD 1129 An Act To Provide the Department of Environmental Protection with Regulatory Flexibility Regarding the Listing of Priority Chemicals PUBLIC 319

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER	OTP-AM	H-421

This bill makes a number of changes to the priority chemical program, including:

1. Amending the Maine Administrative Procedure Act to require that the Legislature receive notification through the regulatory agenda process of any proposals to regulate chemicals pursuant to the Maine Revised Statutes, Title 38, chapter 16-D before rulemaking may be initiated;
2. Providing the Department of Environmental Protection with a process by which it can respond to developments in science to remove the designation of and de-list a chemical that is ultimately found to not pose a risk to human health;
3. Designating rules adopted by the Department of Environmental Protection that designate chemicals of high concern as priority chemicals to be major substantive rules;
4. Establishing de minimus levels of chemical concentrations in children's products;
5. Establishing clear exposure criteria for designation of priority chemicals;
6. Removing the presumptions regarding safer alternatives to a priority chemical;
7. Reducing regulatory duplication with other state or federal programs; and
8. Increasing from 10 to 45 days the amount of time a manufacturer or distributor of a product offered for sale in violation of the priority chemical requirements has to provide evidence that the product is not in violation or notify persons who sell the product.

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Committee Amendment "A" (H-421)

This amendment replaces the bill. The amendment makes a number of changes to the priority chemical program.

1. It prohibits the Department of Environmental Protection from initiating rulemaking under the Maine Revised Statutes, Title 38, chapter 16-D unless the chemical at issue has been included in a regulatory agenda disclosed to the Legislature pursuant to the Maine Administrative Procedure Act or the rulemaking is in response to a petition by a person to adopt or modify a rule pursuant to the Maine Administrative Procedure Act.
2. It changes the name of the list of "chemicals of high concern" to "chemicals of concern." Conforming name changes are made throughout the amendment. By January 1, 2012, the department is required to remove chemicals from the original list that are exempt from regulation. A person may petition for removal of chemicals that don't meet the listing criteria.
3. By July 1, 2012, a new list of up to 70 "chemicals of high concern" must be developed by the Department of Health and Human Services, Maine Center for Disease Control and Prevention and published by the Department of Environmental Protection based on a finding of strong credible evidence of toxicity and one or more indicators of likely exposure.
4. "De minimis level" is defined. For a chemical present in a product as a contaminant, the de minimis level is 100 parts per million. For a chemical that's intentionally added to a product by a manufacturer, the de minimis level is the practical quantification limit, which is the lowest concentration of the chemical that can be reliably and accurately measured.
5. The Commissioner of Environmental Protection is required to review the published list of chemicals of high concern at least every 3 years and may, with the concurrence of the Department of Health and Human Services, Maine Center for Disease Control and Prevention, remove chemicals that no longer meet the listing criteria and may add chemicals that meet the criteria. The list of chemicals of high concern may not consist of more than 70 or fewer than 10 chemicals, unless fewer than 10 meet the listing criteria.
6. Effective July 1, 2012, a "priority chemical" may be designated only if the chemical has been listed on the list of chemicals of high concern.
7. The definition of "children's product" is amended by limiting it to those products intended, made and marketed for use by children under 12 years of age and other consumer products through which a child under 12 years of age or a fetus is likely to be exposed to a chemical of concern.
8. The definition of "consumer product" is narrowed to mean items sold for indoor use in a residence, child care facility or school, or for outdoor residential use if children may have direct contact with the items.
9. Definitions of "credible scientific evidence" and "practical quantification limit" have been added.
10. The criteria to be considered for designating a priority chemical are reduced from 6 to 3.
11. In determining whether a safer alternative is available, the Department of Environmental Protection may presume that a safer alternative is available if another state bans that chemical only if that state based its action on the availability of safer alternatives.
12. It provides that the Department of Environmental Protection may consider the extent to which a chemical is adequately regulated by the Federal Government or another state agency in Maine in exercising its discretionary authority under the law.

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13. It provides that the following are exempt from the requirements for disclosing information for priority chemicals and from any sales prohibition:
- A. Inaccessible components, except that the Department of Environmental Protection may adopt a rule based on a case-by-case evaluation to subject inaccessible components to those requirements; and
 - B. A priority chemical that occurs in a product component only as a contaminant, if the manufacturer had a manufacturing control plan and exercised due diligence.
14. It allows a manufacturer 30 days instead of 10 days to respond to the Department of Environmental Protection's request for a certificate of compliance.
15. It provides that any reporting requirements for products containing existing priority chemicals that have been adopted by rule by the Department of Environmental Protection are extended to the effective date of this legislation. It makes this provision retroactive to the date the reports are currently required, July 8, 2011.

Enacted Law Summary

Public Law 2011, chapter 319 makes a number of changes to the priority chemical program.

1. It prohibits the Department of Environmental Protection from initiating rulemaking under the Maine Revised Statutes, Title 38, chapter 16-D unless the chemical at issue has been included in a regulatory agenda disclosed to the Legislature pursuant to the Maine Administrative Procedure Act or the rulemaking is in response to a petition by a person to adopt or modify a rule pursuant to the Maine Administrative Procedure Act.
2. It changes the name of the list of "chemicals of high concern" to "chemicals of concern." Conforming name changes are made throughout the law. By January 1, 2012, the department is required to remove chemicals from the original list that are exempt from regulation. A person may petition for removal of chemicals that don't meet the listing criteria.
3. By July 1, 2012, a new list of up to 70 "chemicals of high concern" must be developed by the Department of Health and Human Services, Maine Center for Disease Control and Prevention and published by the Department of Environmental Protection based on a finding of strong credible evidence of toxicity and one or more indicators of likely exposure.
4. "De minimis level" is defined. For a chemical present in a product as a contaminant, the de minimis level is 100 parts per million. For a chemical that's intentionally added to a product by a manufacturer, the de minimis level is the practical quantification limit, which is the lowest concentration of the chemical that can be reliably and accurately measured.
5. The Commissioner of Environmental Protection is required to review the published list of chemicals of high concern at least every 3 years and may, with the concurrence of the Department of Health and Human Services, Maine Center for Disease Control and Prevention, remove chemicals that no longer meet the listing criteria and may add chemicals that meet the criteria. The list of chemicals of high concern may not consist of more than 70 or fewer than 10 chemicals, unless fewer than 10 meet the listing criteria.
6. Effective July 1, 2012, a "priority chemical" may be designated only if the chemical has been listed on the list of chemicals of high concern.
7. The definition of "children's product" is amended by limiting it to those products intended, made and marketed for use by children under 12 years of age and other consumer products through which a child under 12 years of age or a fetus is likely to be exposed to a chemical of concern.

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8. The definition of "consumer product" is narrowed to mean items sold for indoor use in a residence, child care facility or school, or for outdoor residential use if children may have direct contact with the items.
9. Definitions of "credible scientific evidence" and "practical quantification limit" have been added.
10. The criteria to be considered for designating a priority chemical are reduced from 6 to 3.
11. In determining whether a safer alternative is available, the Department of Environmental Protection may presume that a safer alternative is available if another state bans that chemical only if that state based its action on the availability of safer alternatives.
12. It provides that the Department of Environmental Protection may consider the extent to which a chemical is adequately regulated by the Federal Government or another state agency in Maine in exercising its discretionary authority under the law.
13. It provides that the following are exempt from the requirements for disclosing information for priority chemicals and from any sales prohibition:
 - A. Inaccessible components, except that the Department of Environmental Protection may adopt a rule based on a case-by-case evaluation to subject inaccessible components to those requirements; and
 - B. A priority chemical that occurs in a product component only as a contaminant, if the manufacturer had a manufacturing control plan and exercised due diligence.
14. It allows a manufacturer 30 days instead of 10 days to respond to the Department of Environmental Protection's request for a certificate of compliance.
15. It provides that any reporting requirements for products containing existing priority chemicals that have been adopted by rule by the Department of Environmental Protection are extended to the effective date of this legislation. It makes this provision retroactive to the date the reports are currently required, July 8, 2011.

LD 1146 *Resolve, To Direct the Department of Environmental Protection To Adopt Rules Establishing Sound Level Limits for Wind Turbines* ONTP

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

This resolve directs the Department of Environmental Protection to adopt rules regulating sound level limits for industrial grade wind turbines for sound generated both in the audible range and in the low frequency subaudible range.

LD 1156 *An Act To Exempt from Subdivision Requirements Land Sold by 65 Years of Age or Older Persons* ONTP

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

Joint Standing Committee on Environment and Natural Resources

This bill permits a landowner who is 65 years of age or older to sell a tract or parcel of land once a year without creating a lot for subdivision purposes as long as the division of land is in compliance with local ordinances.

LD 1185 An Act To Amend the Process for Prioritizing Toxic Chemicals in Children's Products ONTP

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

The bill amends the law to require the Commissioner of Environmental Protection by January 1, 2012 to establish a list of chemicals that are candidates for designation as a priority chemical based on similar listings of other authoritative agencies or demonstrated potential to expose children to that chemical from its use in children's products. Under the bill, the candidate list is a subset of the list of chemicals of high concern, which is already established under existing law. The bill further requires that, after January 1, 2012, a chemical may be designated as a priority chemical only if it is included on the candidate list and requires that at least 2 additional priority chemicals be designated by January 1, 2013.

LD 1202 An Act To Equalize the Premiums Imposed on the Sale of Motor Vehicle Oil ONTP

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

Under current law, motor vehicle oil, when sold in containers of more than 5 gallons, is subject to a premium of \$1.10 per gallon. Prepackaged motor oil and diesel engine motor oil are subject to a premium of 35¢ per gallon. This bill equalizes the premiums for all motor vehicle oils at 35¢ per gallon, effective October 1, 2011.

LD 1210 An Act To Exempt Small Distributors from Unclaimed Deposit Requirements ONTP

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

This bill exempts from the unclaimed beverage container deposit requirements small distributors who each calendar year sell no more than 100,000 gallons or 500,000 containers of product.

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LD 1250 An Act To Improve Oil Storage Facility Operator Training

PUBLIC 317

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-257

Current rules of the Department of Environmental Protection require persons in charge of the daily operations of oil storage facilities to undergo a department training program in the monitoring, maintenance and operating procedures of those facilities. This bill requires the training program to be completed every 3 years and allows the department to approve training done by a 3rd party.

Committee Amendment "A" (S-257)

This amendment requires a training program for operators of underground oil storage facilities to be completed every 2 years instead of every 3 years as the bill proposes.

Enacted Law Summary

Public Law 2011, chapter 317 requires a training program for operators of underground oil storage facilities to be completed every 2 years and allows the Department of Environmental Protection to approve training done by a 3rd party.

LD 1255 Resolve, To Study Initiatives To Increase Recycling in Maine

ONTP

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

This resolve directs the Executive Department, State Planning Office to convene a stakeholder group to analyze the beverage container recycling program in the State in the context of the State's municipal solid waste recycling program and to report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters by January 15, 2013.

LD 1278 An Act To Stabilize Solid Waste Management Funding

Carried Over

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

This bill creates a 3rd subsidiary account in the Maine Solid Waste Management Fund for the purpose of purchasing additional landfill disposal capacity. The bill imposes fees on the disposal of construction and demolition debris and construction and demolition debris processing residue and imposes higher fees on certain wastes that are disposed of at a landfill granted a license to expand after October 15, 2011. The bill also provides that a disposal fee may not be imposed on construction and demolition debris and construction and demolition debris processing residue that is

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disposed of at a municipal, regional association or generator-owned landfill.

LD 1278 was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

LD 1320 An Act To Increase the Recycling Rate in Maine

ONTP

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

This bill:

1. Requires municipalities, from January 1, 2012 to December 31, 2017, to semiannually receive household hazardous waste;
2. Requires a municipality with a population greater than 2,000 to receive, recycle and, if possible, sell all cardboard disposed of in the municipality;
3. Requires a municipality with a population greater than 2,000 to receive and compost household yard waste; and
4. Allows municipal expenses incurred in implementing the requirements of this bill to be paid by the Executive Department, State Planning Office from the Maine Solid Waste Management Fund.

LD 1324 An Act To Create Consistency and Fairness in Maine's Bottle Bill

PUBLIC 429

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRESCOTT MARTIN T	OTP-AM	H-316 S-359 ROSEN R

This bill removes containers larger than 28 ounces from the bottle bill. It establishes a period for phaseout for discontinuing the issuance of deposit and redemption of deposit for these items, including the payment of deposits by redemption centers to consumers and the payment of deposits and handling fees by manufacturers and distributors to redemption centers. The bill also establishes a uniform deposit of 5¢ for all containers and establishes a similar period for phaseout for converting the deposit on those items from 15¢ to 5¢.

Committee Amendment "A" (H-316)

The bill proposes to remove containers larger than 28 ounces from the bottle bill and to establish a uniform deposit of 5¢ for all containers. The amendment strikes those provisions. The amendment retains those sections of the bill that change the committee of jurisdiction that reviews major substantive rules. The amendment also adds provisions that:

1. Remove the requirement that 50% or more of like beverage containers for which deposits are initiated in the State must be covered in a commingling agreement. This allows initiators of deposit who do not initiate 50% or more of like beverage containers to enter into commingling agreements;

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2. Incorporate the provisions of L.D. 900 that allow an initiator of deposit to bring a civil action against any person, other than a licensed redemption center, that is found in possession of or knowingly tenders to a redemption center or retailer more than 48 beverage containers that were not originally sold in this State. It also increases the penalty for possession of containers not originally sold in this State to be consistent with the penalty for tendering such containers and removes reference to a first-year warning period from the penalty provision;
3. Clarify that unclaimed deposits received under the bottle bill are not deposited in the Maine Solid Waste Management Fund; and
4. Direct the Department of Agriculture, Food and Rural Resources to undertake rulemaking regarding commingling agreements, plastic bags and redemption center locations.

Senate Amendment "B" To Committee Amendment "A" (S-359)

This amendment reinstates the requirement that 50% or more of like beverage containers for which deposits are initiated in the State must be covered in a commingling agreement and adds a provision allowing initiators of deposit for wine containers who sell no more than 100,000 gallons of wine or 500,000 wine containers per year to enter into a commingling agreement. The provision allowing initiators of deposit for wine containers who sell no more than 100,000 gallons of wine or 500,000 wine containers per year to enter into a commingling agreement takes effect July 1, 2012.

Enacted Law Summary

Public Law 2011, chapter 429:

1. Allows an initiator of deposit to bring a civil action against any person, other than a licensed redemption center, that is found in possession of or knowingly tenders to a redemption center or retailer more than 48 beverage containers that were not originally sold in this State. It also increases the penalty for possession of containers not originally sold in this State and removes reference to a first-year warning period from the penalty provision;
2. Clarifies that unclaimed deposits received under the bottle bill are not deposited in the Maine Solid Waste Management Fund;
3. Directs the Department of Agriculture, Food and Rural Resources to undertake rulemaking regarding commingling agreements, plastic bags and redemption center locations; and
4. Effective, July 1, 2012, allows initiators of deposit for wine containers who sell no more than 100,000 gallons of wine or 500,000 wine containers per year to enter into a commingling agreement.

LD 1328 Resolve, To Create a Working Group To Study the Subdivision Laws

ONTP

Sponsor(s)
MORISSETTE
WHITTEMORE

Committee Report
ONTP

Amendments Adopted

This resolve requires the Department of Public Safety to convene a working group to study the subdivision laws. The department shall report its recommendations for changes to the laws to the Joint Standing Committee on State and Local Government by January 30, 2012.

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LD 1387 An Act To Restore Exemptions in the Natural Resources Protection Act

PUBLIC 205

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA SAVIELLO	OTP-AM	H-317

This bill amends the exemption for certain maintenance and repair activities in the Natural Resources Protection Act. The bill eliminates a longstanding duplicate exemption applying to stream crossings. The bill replaces the exemption for certain existing road culverts in the Natural Resources Protection Act. The bill also clarifies that slip or invert lining of existing culverts is not considered a maintenance and repair activity, thus requiring a permit by rule for those activities. The bill requires that the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Transportation present the final draft of a statewide aquatic conservation and restoration strategy plan to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 31, 2013. The plan may include recommended legislation, and the committee is authorized to report out a bill to the First Regular Session of the 126th Legislature.

Committee Amendment "A" (H-317)

This amendment clarifies that the Natural Resources Protection Act exemption applies to all existing crossings, not just road crossings. It removes a provision in the bill that requires crossings to not block passage for aquatic organisms other than fish. It requires replacement crossings to match the natural stream grade and removes a provision in the bill that requires the stream grade to not exceed 2%. The amendment retains the provisions in the bill that require the development of a statewide aquatic conservation and restoration strategy plan. The amendment removes the provision in the bill that excludes slip-lining and invert lining from eligibility for the repair and maintenance exemption.

Enacted Law Summary

Public Law 2011, chapter 205 amends the exemption for certain maintenance and repair activities in the Natural Resources Protection Act and eliminates a longstanding duplicate exemption applying to stream crossings. It replaces the exemption for existing crossings. It also requires that the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Transportation present the final draft of a statewide aquatic conservation and restoration strategy plan to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 31, 2013. The plan may include recommended legislation, and the committee is authorized to report out a bill to the First Regular Session of the 126th Legislature.

LD 1390 An Act To Revise the Reporting Requirements for Oil Spills

ONTP

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

Current law requires the discharge of oil into any coastal waters or beaches or any other waters of the State to be reported to the Department of Environmental Protection within 2 hours of the discharge. This bill exempts from that reporting requirement discharges of less than 5 gallons that occur on land and do not affect any well or drinking

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water source; the person causing or responsible for the discharge is still required to remove the discharge and reimburse the department for any costs related to the discharge.

**LD 1398 An Act To Amend the Laws Administered by the Department of
Environmental Protection**

**PUBLIC 206
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER	OTP-AM MAJ OTP-AM MIN	H-369

This bill makes the following changes to the laws governing environmental protection.

1. It authorizes the Department of Environmental Protection to allow an operator to review a completed operator certification test with department staff in order to identify subject areas for which questions were answered incorrectly and further study is advisable.
2. It repeals an obsolete provision of law governing certification of underground oil storage tank removers.
3. It clarifies the laws governing liability of fiduciaries and lenders who undertake investigations of contaminated property.
4. It changes the name of the Pollution Prevention Advisory Committee to the Pollution Prevention and Small Business Assistance Advisory Panel and amends the laws governing the appointment of members to the panel and terms and compensation of members.
5. It adds the category of degraded regions or watersheds to the list of regions or watersheds that the department is required to establish in rule.
6. It amends the Maine Revised Statutes, Title 38, section 420-D, subsection 5 to provide that if project review is required pursuant to Title 38, section 1310-N, 1319-R or 1319-X, regarding waste facility licenses, review is not required pursuant to the laws governing storm water management.
7. It repeals Title 38, section 420-D, subsection 7, paragraph F, which is an exemption from the laws governing storm water management for waste facilities regulated under Title 38, section 1310-N, 1319-R or 1319-X.
8. It amends Title 38, section 420-D, subsection 11, a provision that authorizes the Department of Environmental Protection to establish a nonpoint source reduction program to allow an applicant to pay a compensation fee in lieu of meeting certain requirements, by adding the alternative of allowing an applicant to carry out a compensation project in lieu of meeting such requirements. It also deletes a related provision that authorizes the department to allow an applicant to meet a municipally required mitigation option in certain circumstances as an alternative to paying a compensation fee.
9. It amends Title 38, section 469 to add text consistent with the first paragraph of section 469, to correct the structure of section 469 and to aid the ease of use of the section.
10. It amends the laws governing the classification of estuarine and marine waters in Phippsburg to specify missing coordinates.
11. It amends the oil spill prevention laws to make it clear that liquid natural gas is not oil.

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12. It amends the laws on registration of underground oil storage tanks to require that such tanks be registered within the year preceding installation.
13. It amends the laws governing abandonment and removal of oil storage facilities to allow flexibility in providing notice to the department in advance of removal work.
14. It amends the oil spill remediation laws to make it clear that the costs of cleaning up discharges from aboveground home heating oil tanks are eligible for coverage by the Ground Water Oil Clean-up Fund whether or not the tank is constructed of fiberglass, cathodically protected steel or other noncorrosive material. It also deletes obsolete language related to eligibility for fund coverage of discharges that were discovered before October 1, 1999.
15. It amends the oil spill remediation laws to provide that oil cleanup costs from leaking storage tanks are eligible for coverage by the Ground Water Oil Clean-up Fund if the applicant for coverage such as the tank owner or operator pays the applicable statutory deductibles.
16. It limits the liability of municipalities that acquire oil storage facilities through tax delinquency proceedings.
17. It repeals and replaces Title 38, section 584-A to provide that references to ambient air quality standards refer to national ambient air quality standards.
18. It amends the wellhead protection laws to extend the siting restrictions on automobile maintenance shops to public works garages and other noncommercial facilities where motor vehicles are serviced.
19. It amends the wellhead protection laws to eliminate language regarding the applicability of wellhead siting restrictions to development under construction. The language has been rendered obsolete by the passage of time.
20. It amends the mercury products laws to consolidate restrictions on the sale of mercury-added batteries.
21. It amends the mercury products laws to clarify that automakers must pay the minimum \$4 amount for mercury switches from motor vehicles if the year, make and model of the vehicle are provided.
22. It amends the laws governing recycling of mercury thermostats to clarify the requirements for distribution of collection bins to recycling locations. It also amends the provisions requiring thermostat manufacturers to pay a \$5 bounty on each mercury thermostat returned for recycling by clarifying that the bounty is owed whether or not the thermostat is returned with the exterior cover intact.
23. It consolidates reporting requirements under the thermostat recycling and product stewardship laws.
24. It amends the product stewardship laws to make explicit that product manufacturers may create a stewardship organization to implement their responsibilities for managing the environmental impacts of their products.

Committee Amendment "A" (H-369)

This amendment, which is the majority report of the committee, makes the following changes to the bill.

1. It adds an emergency preamble and clause.
2. It retains the current authority of the President of the Senate and Speaker of the House to appoint members to the Pollution Prevention and Small Business Assistance Advisory Panel. The bill proposes to move the authority to appoint 4 members to the Governor.
3. It amends the law on registration of underground oil storage tanks to require that the tanks be registered within 2 years preceding installation, instead of within one year as proposed in the bill.

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4. It clarifies that the authority of the Department of Environmental Protection to adopt emission standards designed to achieve ambient air quality standards is not limited by language in the bill that references the federal Clean Air Act.
5. It adds a provision that amends the single entity ownership exception contained in the definition of "commercial solid waste disposal facility."
6. It adds a provision that amends the laws governing wellhead protection to address the removal and replacement of grandfathered facilities in wellhead protection zones.
7. It adds a provision that delays the effective date of Maine's ban on the sale of mercury-added button cell batteries.

Enacted Law Summary

Public Law 2011, chapter 206 makes the following changes to the laws governing environmental protection.

1. It authorizes the Department of Environmental Protection to allow an operator to review a completed operator certification test with department staff in order to identify subject areas for which questions were answered incorrectly and further study is advisable.
2. It repeals an obsolete provision of law governing certification of underground oil storage tank removers.
3. It clarifies the laws governing liability of fiduciaries and lenders who undertake investigations of contaminated property.
4. It changes the name of the Pollution Prevention Advisory Committee to the Pollution Prevention and Small Business Assistance Advisory Panel and amends the laws governing the appointment of certain members to the panel and terms and compensation of members.
5. It adds the category of degraded regions or watersheds to the list of regions or watersheds that the department is required to establish in rule.
6. It amends the Maine Revised Statutes, Title 38, section 420-D, subsection 5 to provide that if project review is required pursuant to Title 38, section 1310-N, 1319-R or 1319-X, regarding waste facility licenses, review is not required pursuant to the laws governing storm water management.
7. It repeals Title 38, section 420-D, subsection 7, paragraph F, which is an exemption from the laws governing storm water management for waste facilities regulated under Title 38, section 1310-N, 1319-R or 1319-X.
8. It amends Title 38, section 420-D, subsection 11, a provision that authorizes the Department of Environmental Protection to establish a nonpoint source reduction program to allow an applicant to pay a compensation fee in lieu of meeting certain requirements, by adding the alternative of allowing an applicant to carry out a compensation project in lieu of meeting such requirements. It also deletes a related provision that authorizes the department to allow an applicant to meet a municipally required mitigation option in certain circumstances as an alternative to paying a compensation fee.
9. It amends Title 38, section 469 to add text consistent with the first paragraph of section 469, to correct the structure of section 469 and to aid the ease of use of the section.
10. It amends the laws governing the classification of estuarine and marine waters in Phippsburg to specify missing coordinates.

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11. It amends the oil spill prevention laws to make it clear that liquid natural gas is not oil.
12. It amends the laws on registration of underground oil storage tanks to require that such tanks be registered within 2 years preceding installation.
13. It amends the laws governing abandonment and removal of oil storage facilities to allow flexibility in providing notice to the department in advance of removal work.
14. It amends the oil spill remediation laws to make it clear that the costs of cleaning up discharges from aboveground home heating oil tanks are eligible for coverage by the Ground Water Oil Clean-up Fund whether or not the tank is constructed of fiberglass, cathodically protected steel or other noncorrosive material. It also deletes obsolete language related to eligibility for fund coverage of discharges that were discovered before October 1, 1999.
15. It amends the oil spill remediation laws to provide that oil cleanup costs from leaking storage tanks are eligible for coverage by the Ground Water Oil Clean-up Fund if the applicant for coverage such as the tank owner or operator pays the applicable statutory deductibles.
16. It limits the liability of municipalities that acquire oil storage facilities through tax delinquency proceedings.
17. It repeals and replaces Title 38, section 584-A to provide that references to ambient air quality standards refer to national ambient air quality standards.
18. It amends the wellhead protection laws to extend the siting restrictions on automobile maintenance shops to public works garages and other noncommercial facilities where motor vehicles are serviced.
19. It amends the wellhead protection laws to eliminate language regarding the applicability of wellhead siting restrictions to development under construction. The language has been rendered obsolete by the passage of time.
20. It amends the mercury products laws to consolidate restrictions on the sale of mercury-added batteries.
21. It amends the mercury products laws to clarify that automakers must pay the minimum \$4 amount for mercury switches from motor vehicles if the year, make and model of the vehicle are provided.
22. It amends the laws governing recycling of mercury thermostats to clarify the requirements for distribution of collection bins to recycling locations. It also amends the provisions requiring thermostat manufacturers to pay a \$5 bounty on each mercury thermostat returned for recycling by clarifying that the bounty is owed whether or not the thermostat is returned with the exterior cover intact. (Note: Public Law 2011, chapter 420, "the Errors Bill," removed these provisions from law.)
23. It consolidates reporting requirements under the thermostat recycling and product stewardship laws. (See Note in #22 above.)
24. It amends the product stewardship laws to make explicit that product manufacturers may create a stewardship organization to implement their responsibilities for managing the environmental impacts of their products.
25. It amends the single entity ownership exception contained in the definition of "commercial solid waste disposal facility."
26. It amends the laws governing wellhead protection to address the removal and replacement of grandfathered facilities in wellhead protection zones.
27. It delays the effective date of Maine's ban on the sale of mercury-added button cell batteries.

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Public Law 2011, chapter 206 was enacted as an emergency measure effective June 3, 2011.

LD 1412 An Act To Promote the Proper Disposal of Used Medical Sharps Carried Over

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

This bill requires a manufacturer of medical sharps to participate in a program, individually or in conjunction with other manufacturers, for the collection, handling, transportation, treatment and disposal of unwanted medical sharps. It also provides that an entity that uses medical sharps is not required to dispose of them by shredding.

LD 1412 was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

LD 1417 An Act To Exempt Wine Bottles from Maine's Container Redemption System ONTP

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

This bill exempts wine bottles from the bottle redemption system.

LD 1433 An Act To Provide for the Recycling or Proper Disposal of Architectural Paint ONTP

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

This bill establishes a product stewardship program for the environmentally sound disposal of architectural paint.

**LD 1434 An Act To Streamline the Waste Motor Oil Disposal Site Remediation Program PUBLIC 211
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J SAVIELLO	OTP-AM	H-318

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This bill implements the recommendations of the stakeholder group convened by the Department of Environmental Protection pursuant to Resolve 2009, chapter 211. The bill amends the waste motor oil disposal site remediation program and the Plymouth Waste Oil Loan Program in accordance with the stakeholder group recommendations.

1. Current law imposes a premium on prepackaged gasoline engine motor oil and diesel engine bulk motor vehicle oil at the rate of 35¢ per gallon and on gasoline engine bulk motor vehicle oil at the rate of \$1.10 per gallon. This bill specifies that the premium is \$1.10 per gallon of gasoline engine crankcase oil sold or distributed in a volume of more than 5 gallons and 35¢ per gallon on diesel engine crankcase oil, gasoline engine crankcase oil sold or distributed in containers of 5 gallons or less and all other motor vehicle oil sold or distributed in containers of 16 gallons or less.
2. As long as there is at least \$600,000 in the Waste Motor Oil Revenue Fund, the Finance Authority of Maine is directed to disburse the funds in excess of that amount each year to reimburse motor vehicle oil dealers for premiums paid on oil sold or distributed outside of Maine, to pay the responsible parties at the Plymouth waste motor oil disposal site, to reimburse the Maine National Guard for response costs incurred at the Plymouth waste motor oil disposal site and to reimburse the Uncontrolled Sites Fund in the Department of Environmental Protection for response costs incurred by the department at the waste motor oil disposal sites in Plymouth, Casco, Ellsworth and Presque Isle.
3. Once \$3,500,000 is paid to the Department of Environmental Protection from the Waste Motor Oil Revenue Fund, the department is directed to release from liability any eligible person at the Ellsworth, Casco and Presque Isle waste motor oil disposal sites.
4. A program to reimburse motor oil dealers for premiums paid on oil sold or distributed out of state is established using funds in the Waste Motor Oil Revenue Fund.
5. The Finance Authority of Maine is required to disburse, on a pro rata basis, all funds in the Waste Oil Clean-up Fund, established in the Maine Revised Statutes, Title 10, section 1023-L, to eligible persons at the waste motor oil disposal site in Plymouth.
6. The Finance Authority of Maine is required to treat as a grant any loan made by the authority under the Plymouth Waste Oil Loan Program established in Title 10, section 1023-M and to dismiss any further obligation of the borrower.

Committee Amendment "A" (H-318)

This amendment makes a technical correction by changing the phrase "redemption of premiums" to "redemption premiums." The amendment also clarifies that the Finance Authority of Maine is not required to disburse the balance in the Waste Oil Clean-up Fund within 30 days of the effective date of the Act.

Enacted Law Summary

Public Law 2011, chapter 211 implements the recommendations of the stakeholder group convened by the Department of Environmental Protection pursuant to Resolve 2009, chapter 211. It amends the waste motor oil disposal site remediation program and the Plymouth Waste Oil Loan Program in accordance with the stakeholder group recommendations.

1. Current law imposes a premium on prepackaged gasoline engine motor oil and diesel engine bulk motor vehicle oil at the rate of 35¢ per gallon and on gasoline engine bulk motor vehicle oil at the rate of \$1.10 per gallon. Chapter 211 specifies that the premium is \$1.10 per gallon of gasoline engine crankcase oil sold or distributed in a volume of more than 5 gallons and 35¢ per gallon on diesel engine crankcase oil, gasoline engine crankcase oil sold or distributed in containers of 5 gallons or less and all other motor vehicle oil sold or distributed in containers of 16 gallons or less.

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2. As long as there is at least \$600,000 in the Waste Motor Oil Revenue Fund, the Finance Authority of Maine is directed to disburse the funds in excess of that amount each year to reimburse motor vehicle oil dealers for premiums paid on oil sold or distributed outside of Maine, to pay the responsible parties at the Plymouth waste motor oil disposal site, to reimburse the Maine National Guard for response costs incurred at the Plymouth waste motor oil disposal site and to reimburse the Uncontrolled Sites Fund in the Department of Environmental Protection for response costs incurred by the department at the waste motor oil disposal sites in Plymouth, Casco, Ellsworth and Presque Isle.
3. Once \$3,500,000 is paid to the Department of Environmental Protection from the Waste Motor Oil Revenue Fund, the department is directed to release from liability any eligible person at the Ellsworth, Casco and Presque Isle waste motor oil disposal sites.
4. A program to reimburse motor vehicle oil dealers for premiums paid on oil sold or distributed out of state is established using funds in the Waste Motor Oil Revenue Fund.
5. The Finance Authority of Maine is required to disburse, on a pro rata basis, all funds in the Waste Oil Clean-up Fund, established in the Maine Revised Statutes, Title 10, section 1023-L, to eligible persons at the waste motor oil disposal site in Plymouth.
6. The Finance Authority of Maine is required to treat as a grant any loan made by the authority under the Plymouth Waste Oil Loan Program established in Title 10, section 1023-M and to dismiss any further obligation of the borrower.

Public Law 2011, chapter 211 was enacted as an emergency measure effective June 3, 2011.

LD 1458 An Act To Transfer Recycling Technical Assistance and Solid Waste Policy Responsibilities from the State Planning Office to the Department of Environmental Protection

Carried Over

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

This bill:

1. Gives the following recycling technical assistance and solid waste disposal policy responsibilities, which are currently the responsibilities of the Executive Department, State Planning Office, to the Department of Environmental Protection:
 - A. Determining reasonable municipal recycling progress;
 - B. Providing technical and financial assistance to municipalities;
 - C. Providing technical assistance to businesses;
 - D. Collecting municipal solid waste management and recycling reports and data;
 - E. Providing recycling marketing assistance;
 - F. Assisting entities with meeting office paper recycling requirements;

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- G. Participating in national and interstate initiatives for uniform state laws;
- H. Collecting incinerator reports and data;
- I. Preparing the state waste management and recycling plan; and
- J. Staffing the Solid Waste Management Advisory Council; and

2. Provides that the State Planning Office keep the following recycling technical assistance and solid waste disposal policy responsibilities:

- A. Preparing the waste generation and disposal capacity report;
- B. Planning for development of solid waste disposal facilities; and
- C. Recommending development of state-owned solid waste disposal facilities.

LD 1458 was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

LD 1567 Resolve, To Authorize the State To Acquire a Landfill in the Town of East Millinocket

**RESOLVE 90
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM MAJ ONTP MIN	H-635 HAMPER S-282

This resolve directs the Executive Department, State Planning Office to purchase and cause to be operated an existing licensed and generator-owned solid waste disposal facility in the Town of East Millinocket known as the Dolby Landfill. The current owner of the disposal facility and the owner's successors and assigns in the ownership of the pulp and paper mills in the Town of Millinocket and the Town of East Millinocket will have the right to dispose of sludge, ash and other wastes generated at these facilities. The municipality in which the disposal facility is located may not regulate the operation of the disposal facility. The municipal officials of the Town of East Millinocket and the Town of Millinocket are directed to establish a joint citizen advisory committee regarding the disposal facility. The resolve directs the Executive Department, State Planning Office to submit a report to the Joint Standing Committee on Environment and Natural Resources by February 15, 2012 on the acquisition of the disposal facility and a review of the operations related to the disposal facility.

Committee Amendment "A" (S-282)

This amendment, which is the majority report of the committee, amends the resolve in the following ways.

1. It authorizes the Executive Department, State Planning Office to acquire, own and cause to be operated an existing solid waste disposal facility in the Town of East Millinocket. The resolve directs the State Planning Office to take those actions.
2. It strikes a provision in the resolve that requires the acquisition agreement to provide that the current owner of the disposal facility and the owner's successors and assigns in the ownership of the pulp and paper mills have the right to dispose of sludge, ash and other wastes generated at the facilities.

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- 3. It modifies the provision in the resolve requiring the municipal officers of the towns to establish a joint citizen advisory committee by clarifying that a joint citizen advisory committee must be established if the type of waste permitted to be disposed of at the disposal facility changes.
- 4. It adds a provision that expressly preserves the sovereign immunity of the State with respect to any agreement authorized under the resolve.

House Amendment "A" To Committee Amendment "A" (H-635)

This amendment provides that the State Planning Office may only acquire real estate associated with the solid waste disposal facility by donation and further provides that the donation of real estate associated with the disposal facility is conditioned on the execution of an agreement by a buyer for the acquisition of the pulp and paper mills in the Town of Millinocket and the Town of East Millinocket; the office's endeavoring to identify and implement measures to mitigate the State's closure costs, including the consideration of cost caps on the closure costs; and the office's having received from the buyer an acceptable business plan, including employment projections. The amendment also adds an emergency preamble and emergency clause.

Enacted Law Summary

Resolve 2011, chapter 90 authorizes the Executive Department, State Planning Office to acquire and cause to be operated an existing licensed and generator-owned solid waste disposal facility in the Town of East Millinocket known as the Dolby Landfill. The State Planning Office may only acquire real estate associated with the solid waste disposal facility by donation. The donation of real estate associated with the disposal facility is conditioned on the execution of an agreement by a buyer for the acquisition of the pulp and paper mills; the office's endeavoring to identify and implement measures to mitigate the State's closure costs, including the consideration of cost caps on the closure costs; and the office's having received from the buyer an acceptable business plan, including employment projections. Chapter 90 expressly preserves the sovereign immunity of the State with respect to any agreement authorized under the resolve. Under chapter 90, the municipality in which the disposal facility is located may not regulate the operation of the disposal facility and, if the type of waste permitted to be disposed of at the disposal facility changes, the municipal officials of the Town of East Millinocket and the Town of Millinocket are directed to establish a joint citizen advisory committee regarding the disposal facility. Chapter 90 directs the Executive Department, State Planning Office to submit a report to the Joint Standing Committee on Environment and Natural Resources by February 15, 2012 on the acquisition of the disposal facility and a review of the operations related to the disposal facility.

Resolve 2011, chapter 90 was finally passed as an emergency measure effective June 17, 2011.

**LD 1575 An Act To Conform the Authority of the Department of Environmental Protection to Federal Law PUBLIC 357
EMERGENCY**

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

This bill removes a statutory restriction on a person's serving as Commissioner of Environmental Protection if the person has received a significant portion of income directly or indirectly from license or permit holders or applicants for a license or permit under the Federal Water Pollution Control Act. The bill provides that the commissioner, employees of the Department of Environmental Protection and members of the Board of Environmental Protection may participate in National Pollutant Discharge Elimination System matters to the extent permitted under federal law and permits a commissioner who is restricted from participation to delegate duties to a department employee who is not restricted from participation.

Joint Standing Committee on Environment and Natural Resources

Committee Amendment "A" (S-201)

This amendment, which is the majority report of the committee, adds a provision that employees who are delegated duties when the Commissioner of Environmental Protection receives or during the previous 2 years has received a significant portion of income from National Pollutant Discharge Elimination System permit holders or applicants must be employees who do not hold major policy-influencing positions at the Department of Environmental Protection. The amendment also adds a provision requiring the Governor to submit a plan for delegating the restricted duties at the time of nomination of a person for the position of Commissioner of Environmental Protection. The amendment also makes it clear that the Commissioner of Environmental Protection is also governed by the conflict-of-interest provisions of the Maine Revised Statutes, Title 5, section 18.

Enacted Law Summary

Public Law 2011, chapter 357 provides that the Commissioner of Environmental Protection may not participate in the review of or act on an application for a National Pollutant Discharge Elimination System permit or the modification, renewal or appeal of a permit under Section 402 of the Federal Water Pollution Control Act if the commissioner receives, or during the previous 2 years has received, a significant portion of income directly or indirectly from NPDES permit holders or applicants. Members of the Board of Environmental Protection are subject to similar restrictions. If the commissioner's authority is restricted, duties related to the restricted matter must be delegated to employees who do not hold major policy-influencing positions at the Department of Environmental Protection. The Governor must submit a plan for delegating the restricted duties at the time of nomination of a person for the position of Commissioner of Environmental Protection. Chapter 357 also makes it clear that the Commissioner of Environmental Protection is also governed by the conflict-of-interest provisions of the Maine Revised Statutes, Title 5, section 18.

Public Law 2011, chapter 357 was enacted as an emergency measure effective June 15, 2011.

Joint Standing Committee on Environment and Natural Resources

SUBJECT INDEX

Air quality

Not Enacted

LD 484	An Act To Allow the Burning of Certain Agricultural Products in Outdoor Wood Boilers	MAJORITY (ONTP) REPORT
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Beverage containers

Enacted

LD 1324	An Act To Create Consistency and Fairness in Maine's Bottle Bill	PUBLIC 429
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Not Enacted

LD 666	Resolve, To Reimburse Convenience Stores on a One-time Basis for Beverage Containers	MAJORITY (ONTP) REPORT
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LD 728	An Act To Reduce Truck Travel Caused by the Bottle Redemption Laws	ONTP
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LD 900	An Act To Reduce Fraud in Bottle Deposit Redemption	ONTP
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LD 1063	An Act To Restore Limits on the Location of Licensed Redemption Centers and Improve Operations	ONTP
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LD 1210	An Act To Exempt Small Distributors from Unclaimed Deposit Requirements	ONTP
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LD 1255	Resolve, To Study Initiatives To Increase Recycling in Maine	ONTP
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LD 1417	An Act To Exempt Wine Bottles from Maine's Container Redemption System	ONTP
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Chemicals

Enacted

LD 412	Resolve, Regarding Legislative Review of Portions of Chapter 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products, a Major Substantive Rule of the Department of Environmental Protection	RESOLVE 25 EMERGENCY
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LD 930	An Act To Clarify Maine's Phaseout of the "Deca" Mixture of Polybrominated Diphenyl Ethers	PUBLIC 160 EMERGENCY
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LD 1129 **An Act To Provide the Department of Environmental Protection with Regulatory Flexibility Regarding the Listing of Priority Chemicals** PUBLIC 319

Not Enacted

LD 1185 **An Act To Amend the Process for Prioritizing Toxic Chemicals in Children's Products** ONTP

Department of Environmental Protection

Enacted

LD 862 **Resolve, Directing the Department of Environmental Protection To Amend Its Rules Governing the Length of Time Certain Permits Are Valid** RESOLVE 46

LD 1015 **An Act To Reduce Unnecessary Reporting Requirements Related to Natural Resources** PUBLIC 120

LD 1398 **An Act To Amend the Laws Administered by the Department of Environmental Protection** PUBLIC 206
EMERGENCY

LD 1575 **An Act To Conform the Authority of the Department of Environmental Protection to Federal Law** PUBLIC 357
EMERGENCY

Not Enacted

LD 614 **An Act To Expedite the Review of Certain Maine Land Use Regulation Commission and Department of Environmental Protection Applications** ONTP

Geothermal wells

Enacted

LD 310 **Resolve, Regarding Legislative Review of Portions of Chapter 232: Well Drillers and Pump Installers Rules, a Major Substantive Rule of the Maine Water Well Commission** RESOLVE 13
EMERGENCY

Lead

Not Enacted

LD 480 **Resolve, To Allow Service Stations in Maine To Use Their Inventory of Lead Wheel Weights** MAJORITY
(ONTP) REPORT

Natural Resources Protection Act

Enacted

LD 49 **An Act To Allow Storage of Lobster Traps on Docks** PUBLIC 12

LD 311 **An Act To Improve Harbor Safety by Clarifying Requirements for Maintenance Dredging Permits** PUBLIC 65

LD 387	An Act To Amend the Natural Resources Protection Act Regarding Coastal Sand Dune Systems	PUBLIC 64
LD 411	Resolve, Regarding Legislative Review of Portions of Chapter 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, a Major Substantive Rule of the Department of Environmental Protection	RESOLVE 27 EMERGENCY
LD 1031	An Act To Amend the Laws Governing Significant Wildlife Habitat	PUBLIC 362
LD 1387	An Act To Restore Exemptions in the Natural Resources Protection Act	PUBLIC 205

Not Enacted

LD 156	An Act To Clarify the Regulation of Impacts to Significant Vernal Pool Habitats under the Natural Resources Protection Act	ONTP
LD 240	An Act To Allow the Removal of Gravel Bars in the Sandy River	ONTP
LD 256	An Act To Amend the Law Regarding Repairing a Structure in a Coastal Sand Dune System	ONTP
LD 341	An Act To Exempt Artificial Wetlands and Artificial Significant Vernal Pool Habitats from State Regulation	ONTP
LD 442	An Act To Allow Year-round Placement of Cobble-trapping Fences behind Established Seawalls	ONTP
LD 615	An Act To Authorize the Rerouting of Meadow Brook into Toothaker Pond	ONTP
LD 872	An Act To Clarify the Natural Resources Protection Act	MAJORITY (ONTP) REPORT

Oil - Waste motor oil

Enacted

LD 1434	An Act To Streamline the Waste Motor Oil Disposal Site Remediation Program	PUBLIC 211 EMERGENCY
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Not Enacted

LD 1202	An Act To Equalize the Premiums Imposed on the Sale of Motor Vehicle Oil	ONTP
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Oil/Fuel

Enacted

LD 253	Resolve, To Establish a Single Construction Permit for Certain Aboveground Oil Storage Tanks in Gravel Pits and Quarries	RESOLVE 26
LD 671	An Act To Amend the Laws Governing the Ground Water Oil Clean-up Fund	PUBLIC 243

LD 721	An Act To Extend the Use of Underground Storage Tanks	PUBLIC 276
LD 1250	An Act To Improve Oil Storage Facility Operator Training	PUBLIC 317

Not Enacted

LD 439	Resolve, To Waive the Fine That the Department of Environmental Protection Imposed on Arthur Drolet in Connection with the Removal of Underground Petroleum Storage Tanks	MAJORITY (ONTP) REPORT
LD 680	Resolve, Directing the Commissioner of Environmental Protection To Convene a Task Force To Study the Effect of Additives in Gasoline	ONTP
LD 839	Resolve, To Study Motor Fuel and Fuel Additives and To Explore Alternatives to Ethanol Motor Fuel	DIED IN CONCURRENCE
LD 1390	An Act To Revise the Reporting Requirements for Oil Spills	ONTP

Shoreland zoning

Enacted

LD 552	An Act To Exclude Cupolas from the Measurement of Height for Structures in the Shoreland Zone	PUBLIC 231
LD 1108	An Act To Modify the Requirement To Replace Trees Cut Down in Violation of Local Laws	PUBLIC 228

Not Enacted

LD 219	An Act To Amend the Laws Governing Shoreland Zoning	MAJORITY (ONTP) REPORT
LD 339	An Act To Prohibit Municipal Ordinances More Stringent than State Guidelines	INDEF PP
LD 434	An Act To Exempt Wetlands Created by Obstructions or Barriers from the Shoreland Zoning Laws	ONTP
LD 733	An Act To Allow a Person Who Has Lost a Home in a Shoreland Zone To Obtain a Building Permit	ONTP
LD 888	An Act To Allow Flexibility under Municipal Shoreland Zoning Ordinances	ONTP

Site Location of Development

Enacted

LD 159	An Act To Foster Economic Development by Improving Administration of the Laws Governing Site Location of Development and Storm Water Management	PUBLIC 359
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Solid waste

Enacted

LD 180	Resolve, To Change Rules Concerning Landfill Gas and Odor Management from Routine Technical Rules to Major Substantive Rules	RESOLVE 43 EMERGENCY
LD 262	An Act To Expand Eligibility of Certain Municipal Landfills To Participate in the State's Remediation and Closure Program	PUBLIC 435
LD 1567	Resolve, To Authorize the State To Acquire a Landfill in the Town of East Millinocket	RESOLVE 90 EMERGENCY

Not Enacted

LD 132	Resolve, Directing the Department of Environmental Protection To Convene a Task Force To Develop Initiatives To Reduce Unnecessary Packaging	ONTP
LD 245	An Act To Amend the Laws Governing Waste Processing	ONTP
LD 479	An Act To Prohibit the Burning of Construction and Demolition Debris at Municipal Landfills and Transfer Stations	ONTP
LD 524	An Act To Charge a Fee for Garbage Disposal To Encourage Recycling	ONTP
LD 693	An Act Concerning Solid Waste Facility Citizen Advisory Committees	Carried Over
LD 879	An Act To Ensure Adequate Landfill Capacity in the State for Solid Waste	Carried Over
LD 1278	An Act To Stabilize Solid Waste Management Funding	Carried Over
LD 1320	An Act To Increase the Recycling Rate in Maine	ONTP
LD 1458	An Act To Transfer Recycling Technical Assistance and Solid Waste Policy Responsibilities from the State Planning Office to the Department of Environmental Protection	Carried Over

Subdivisions

Not Enacted

LD 1156	An Act To Exempt from Subdivision Requirements Land Sold by 65 Years of Age or Older Persons	ONTP
LD 1328	Resolve, To Create a Working Group To Study the Subdivision Laws	ONTP

Waste

Enacted

LD 512	An Act Regarding the Disposition of Mercury-added Lamps	PUBLIC 275
LD 969	Resolve, To Adjust Composting Limits for Farms	RESOLVE 60 EMERGENCY
LD 981	An Act To Increase Recycling Jobs in Maine and Lower Costs for Maine Businesses Concerning Recycled Electronics	PUBLIC 250 EMERGENCY

Not Enacted

LD 716	An Act To Improve the Recycling Rate of Mercury-added Motor Vehicle Components	LEAVE TO WITHDRAW
LD 1412	An Act To Promote the Proper Disposal of Used Medical Sharps	Carried Over
LD 1433	An Act To Provide for the Recycling or Proper Disposal of Architectural Paint	ONTP

Water quality

Enacted

LD 252	An Act To Amend the Laws Governing Aquatic Nuisance Species	PUBLIC 47
LD 333	Resolve, Directing the Department of Environmental Protection To Evaluate and Amend Its Rules Regarding Snow Dumps	RESOLVE 44
LD 515	An Act To Review State Water Quality Standards	PUBLIC 194
LD 1022	An Act To Amend the Law Concerning Overboard Discharge Systems	PUBLIC 121

Not Enacted

LD 154	An Act To Change the Classification of the Lower Androscoggin River	ONTP
LD 261	An Act To Eliminate Combined Sewer Overflows in Maine Waters	MAJORITY (ONTP) REPORT
LD 379	An Act To Stop Unfunded Mandates Concerning Waste Discharge Licenses	ONTP
LD 510	An Act To Exclude Shellfish Processing Facilities from Arsenic Wastewater Testing	ONTP
LD 781	An Act To Establish Flushability Standards for Consumer Products Advertised as Flushable	Carried Over
LD 1009	Resolve, Directing the Department of Environmental Protection To Work with the Town of Sanford To Develop a Plan To Clean Up Number One Pond in Sanford	MAJORITY (ONTP) REPORT

Windpower - Noise

Not Enacted

**LD 1146 Resolve, To Direct the Department of Environmental Protection
To Adopt Rules Establishing Sound Level Limits for Wind
Turbines**

ONTP

STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON ENERGY, UTILITIES
AND TECHNOLOGY**

July 2011

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Joint Standing Committee on Energy, Utilities and Technology

**LD 13 Resolve, Regarding Legislative Review of Portions of Chapter 316:
Long-Term Contracting and Resource Adequacy, a Major Substantive
Rule of the Public Utilities Commission**

**RESOLVE 10
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-6

This resolve provides for legislative review of portions of Chapter 316: Long-Term Contracting and Resource Adequacy, a major substantive rule of the Public Utilities Commission. Chapter 316 was first adopted in January 2007. PL 2009, chapter 518 amended the commission's authority for long-term contracts. The commission amended its rule to conform with the changes in PL 2009, chapter 518. This resolve provides for legislative review of that amended rule.

Committee Amendment "A" (H-6)

This amendment conditionally authorizes a major substantive rule of the Public Utilities Commission, Chapter 316: Long-Term Contracting and Resource Adequacy. The Public Utilities Commission is directed to amend the rule to clarify that contracts may include renewable energy credits and that payments will be made only after contracted amounts of capacity, related energy or renewable energy credits have been provided, except for the exceptions provided in the Maine Revised Statutes, Title 35-A, section 3210-C, subsection 9, paragraphs A and B.

Enacted Law Summary

Resolve 2011, chapter 10 conditionally authorizes a major substantive rule of the Public Utilities Commission, Chapter 316: Long-Term Contracting and Resource Adequacy. The Public Utilities Commission is directed to amend the rule to clarify that contracts may include renewable energy credits and that payments will be made only after contracted amounts of capacity, related energy or renewable energy credits have been provided, except for the exceptions provided in the Maine Revised Statutes, Title 35-A, section 3210-C, subsection 9, paragraphs A and B.

Resolve 2011, chapter 10 was finally passed as an emergency measure effective March 31, 2011.

**LD 48 An Act To Require Oral Disclosure of the Cost of Certain Public
Telephone Calls**

INDEF PP

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

This bill requires a person who owns, controls, operates or manages a public telephone to provide oral notice of the cost of a collect, operator-assisted or credit card call to the person making that telephone call before the call is placed.

Committee Amendment "A" (H-38)

This amendment, which is the minority report of the Joint Standing Committee on Energy, Utilities and Technology, strikes the bill and directs the Public Utilities Commission to adopt major substantive rules that establish oral notice requirements for providers of intrastate telecommunications service initiated from public telephones. The provisions the commission is directed to adopt are the same provisions that are established in rules of the Federal

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Communications Commission that apply to providers of interstate telecommunications service. The federal rules require, among other things, that the provider audibly identify itself, disclose upon request a quotation of its charges for the call and instruct the caller how to obtain applicable rate and surcharge quotations. The provider is given 2 options for how it instructs the caller to obtain the rate and surcharge information: instructing the customer to dial no more than 2 digits or instructing the customer to remain on the line.

This bill was originally reported out of committee with a majority ONTP report and the minority report described above (H-38). The bill was later recommitted to the committee and, after the deadline for reporting all bills out of committee had passed, was removed from the committee pursuant to Joint Rule 309 and indefinitely postponed in both houses.

LD 68 Resolve, Directing the Public Utilities Commission To Examine the **ONTP
Purchase of Low-cost Electric Power from Quebec**

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

This resolve directs the Public Utilities Commission to examine the possibility of purchasing low-cost electric power from Quebec, Canada and to report to the Joint Standing Committee on Energy, Utilities and Technology by January 15, 2012.

LD 84 An Act To Improve the Sewer District Rate Collection Procedures **PUBLIC 26
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM	H-25

This bill provides sewer districts with the same authority as sanitary districts to place a mortgage lien on real estate served or benefited by the district's sewers for nonpayment of rates. The procedures for foreclosing the lien are the same as for sanitary district liens.

Committee Amendment "A" (H-25)

This amendment limits the application of the lien provisions in the bill to qualified sewer districts. A qualified sewer district is a district:

1. Whose charter does not establish, or authorize the district to establish, a lien on real estate served by the district; and
2. That has been approved to exercise the lien provisions of the law by the voters of the district voting in a referendum.

Enacted Law Summary

Public Law 2011, chapter 26 provides qualified sewer districts with the same authority as sanitary districts to place a mortgage lien on real estate served or benefited by the district's sewers for nonpayment of rates. The procedures for foreclosing the lien are the same as for sanitary district liens. A qualified sewer district is a district:

Joint Standing Committee on Energy, Utilities and Technology

1. Whose charter does not establish, or authorize the district to establish, a lien on real estate served by the district; and
2. That has been approved to exercise the lien provisions of the law by the voters of the district voting in a referendum.

Public Law 2011, chapter 26 was enacted as an emergency measure effective April 11, 2011.

LD 183 An Act Relating To Net Energy Billing for Solar Energy Users ONTP

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

Under current rules of the Public Utilities Commission, a customer who owns a small renewable or highly efficient generator may elect net energy billing under which the customer is billed on the basis of net energy used by that customer, taking into account electricity generated by the customer and electricity delivered to the customer by the transmission and distribution utility. The rules allow the customer to obtain credit for electricity generated by the customer's generator in excess of that used by the customer during any billing period, but only over a period of 12 months. At the end of the 12-month period, any accumulated unused credits are lost.

This bill requires the commission to permit certain customers to choose net energy billing and prohibits the commission from limiting the amount of credit that a customer may earn if the customer's generator relies on solar arrays and installations. At the suggestion of the sponsor of this bill, the committee voted a unanimous ought-not-to-pass report.

LD 192 An Act To Bring a Green Data Center to Maine ONTP

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

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

This bill proposes to create a program to encourage the development of a data center in this State that is powered by indigenous renewable energy sources, uses the new so-called "Three Ring Binder" fiber-optic infrastructure and creates jobs in the State.

LD 197 An Act To Improve Response to Gas Safety Emergencies PUBLIC 27

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK ALFOND	OTP-AM	H-26

Joint Standing Committee on Energy, Utilities and Technology

This bill requires the Public Utilities Commission, in the event of a natural gas explosion or fire or other natural gas event involving a gas utility or natural gas pipeline utility that results in injury to persons or damage to property, to:

1. Immediately seek to ensure, to the full extent of its authority and resources, that all evidence of the natural gas event is retained and secured;
2. In any commission proceeding concerning the natural gas event, afford any person injured by the event and any person who suffered any property damage in the event an opportunity to address the commission regarding the event;
3. Use administrative penalties collected from a gas utility or natural gas pipeline utility for violations relating to the event to equitably compensate persons not otherwise fully compensated for injuries or property damage suffered as a result of the event; and
4. Cooperate with and assist, to the extent reasonable and practicable, any person seeking recovery in a civil action against a natural gas utility or natural gas pipeline utility for personal injury or property damage suffered as a result of the event.

Committee Amendment "A" (H-26)

This amendment replaces the bill. This amendment:

1. Requires the State Fire Marshal to investigate and secure evidence of a gas explosion event in accordance with a protocol adopted by the State Fire Marshal;
2. Allows the Public Utilities Commission to reimburse the State Fire Marshal for expenses associated with investigating a gas explosion event involving a gas utility or a natural gas pipeline utility subject to the jurisdiction of the commission;
3. Directs the Public Utilities Commission to allow a person injured by a gas explosion event or who suffered property damage an opportunity to address the commission in a proceeding concerning the gas explosion event;
4. Requires the Public Utilities Commission, in any final order regarding the application of administrative penalties to benefit any person affected or potentially affected by the underlying violation, to make specific findings of fact supporting the commission's decision, including findings supporting any amount the commission decides to apply as well as findings supporting any denial of a request or portion of a request for an application of the penalties to benefit a person affected or potentially affected by the violation; and
5. Directs the Public Utilities Commission, in determining whether to apply any administrative penalties relating to the gas explosion event to benefit customers affected or potentially affected by the violation, and in determining the amount to apply, to consider documented property losses suffered by a person as a result of the event and allows the commission to apply an amount to equitably compensate the person for losses not otherwise fully compensated.

Enacted Law Summary

Public Law 2007, chapter 27:

1. Requires the State Fire Marshal to investigate and secure evidence of a gas explosion event in accordance with a protocol adopted by the State Fire Marshal;
2. Allows the Public Utilities Commission to reimburse the State Fire Marshal for expenses associated with investigating a gas explosion event involving a gas utility or a natural gas pipeline utility subject to the jurisdiction of the commission;

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- 3. Directs the Public Utilities Commission to allow a person injured by a gas explosion event or who suffered property damage an opportunity to address the commission in a proceeding concerning the gas explosion event;
- 4. Requires the Public Utilities Commission, in any final order regarding the application of administrative penalties to benefit any person affected or potentially affected by the underlying violation, to make specific findings of fact supporting the commission's decision, including findings supporting any amount the commission decides to apply as well as findings supporting any denial of a request or portion of a request for an application of the penalties to benefit a person affected or potentially affected by the violation; and
- 5. Directs the Public Utilities Commission, in determining whether to apply any administrative penalties relating to the gas explosion event to benefit customers affected or potentially affected by the violation, and in determining the amount to apply, to consider documented property losses suffered by a person as a result of the event and allows the commission to apply an amount to equitably compensate the person for losses not otherwise fully compensated.

LD 241 An Act To Promote Energy Independence and Renewable Energy Production ONTP

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

This bill requires the Public Utilities Commission to accept all renewable resources electricity, as defined in Maine Revised Statute, Title 35-A, section 3210 located in this state, into the standard-offer service provided to customers not located within the New England independent system operator control area. The renewable resources electricity is required to meet reasonable terms and conditions established by the commission by rule or order. In establishing the terms and conditions the commission must ensure that charges to customers for standard-offer service are not increased as a result of the inclusion of those renewable resources. The committee voted this bill ought-not-pass and voted to send a letter to the Federal Energy Regulatory Commission expressing concerns over reliability in the Northern Maine Independent System Operator territory.

LD 243 An Act To Ensure Emergency Communications for Persons with Disabilities PUBLIC 173

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

This bill adds telecoil technology to the types of specialized customer communications equipment that may be made available by the Department of Labor, Bureau of Rehabilitation Services to low-income deaf, hard-of-hearing, late-deafened or speech-impaired persons and persons with disabilities to provide or facilitate emergency alert notifications.

Enacted Law Summary

Public Law 2001, chapter 173 adds telecoil technology to the types of specialized customer communications equipment that may be made available by the Department of Labor, Bureau of Rehabilitation Services to low-income deaf, hard-of-hearing, late-deafened or speech-impaired persons and persons with disabilities to provide or facilitate emergency alert notifications.

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LD 328 An Act To Move Propane Safety Oversight to the Maine Fuel Board

ONTP

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

This bill moves jurisdiction over propane gas systems from the Public Utilities Commission to the Maine Fuel Board.

See LD 908.

LD 331 Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission

**RESOLVE 31
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 895: Underground Facility Damage Prevention Requirements, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-85)

This amendment authorizes final adoption of changes to Chapter 895: Underground Facility Damage Prevention Requirements, a major substantive rule of the Public Utilities Commission only if the commission:

1. Removes all the commission's provisionally adopted changes to the rule;
2. Replaces the definitions of "emergency" and "emergency excavation" in the rule with a definition of "emergency excavation" that is the same as the definition in the Maine Revised Statutes, Title 23, section 3360-A, subsection 1, paragraph B;
3. Modifies the rule to provide that the period after which a Dig Safe System ticket must be renewed is 60 days and that the ticket may be renewed twice;
4. Modifies that part of the rule governing enforcement action procedure to change references to "notice of probable violation" to a more neutral terminology, such as "notice of investigation," and references to "probable violation" to a more neutral terminology, such as "possible violation"; and
5. Removes a provision from the commission's rule that creates confusion as to the responsibilities of contractors and subcontractors. Current law provides that in the case of an excavation involving subcontractors, the excavator that is directly responsible for performing the excavation shall ascertain that all notifications are performed. The commission's rule includes a conflicting provision that requires each excavator performing work in an excavation area to notify the Dig Safe System. The amendment directs that this conflicting provision be removed.

Enacted Law Summary

Joint Standing Committee on Energy, Utilities and Technology

Resolve 2011, chapter 31 authorizes final adoption of changes to Chapter 895: Underground Facility Damage Prevention Requirements, a major substantive rule of the Public Utilities Commission only if the commission:

1. Removes all the commission's provisionally adopted changes to the rule;
2. Replaces the definitions of "emergency" and "emergency excavation" in the rule with a definition of "emergency excavation" that is the same as the definition in the Maine Revised Statutes, Title 23, section 3360-A, subsection 1, paragraph B;
3. Modifies the rule to provide that the period after which a Dig Safe System ticket must be renewed is 60 days and that the ticket may be renewed twice;
4. Modifies that part of the rule governing enforcement action procedure to change references to "notice of probable violation" to a more neutral terminology, such as "notice of investigation," and references to "probable violation" to a more neutral terminology, such as "possible violation"; and
5. Removes a provision from the commission's rule that creates confusion as to the responsibilities of contractors and subcontractors. Current law provides that in the case of an excavation involving subcontractors, the excavator that is directly responsible for performing the excavation shall ascertain that all notifications are performed. The commission's rule includes a conflicting provision that requires each excavator performing work in an excavation area to notify the Dig Safe System. This law directs that this conflicting provision be removed.

Resolve 2011, chapter 31 was finally passed as an emergency measure effective May 9, 2011.

LD 361 Resolve, To Evaluate the Energy Use of the State House and the Burton M. Cross State Office Building

RESOLVE 40

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX THIBODEAU	OTP-AM	H-92

This bill requires the Efficiency Maine Trust to conduct an energy audit of the State House. The Efficiency Maine Trust is required to report its findings, including, but not limited to, recommendations regarding ways to save energy and reduce the use of oil in the short term such as the use of energy-efficient lighting and minimizing heat loss and in the long term such as the use of geothermal or wind energy, to the Legislative Council no later than December 7, 2011.

Committee Amendment "A" (H-92)

This amendment strikes the resolve and directs the Efficiency Maine Trust to conduct or contract for an energy audit of the State House and the Burton M. Cross State Office Building. The amendment directs the Efficiency Maine Trust to allocate \$200,000 for the completion of the energy audit and the implementation of cost-effective energy efficiency measures in the State House and the Burton M. Cross State Office Building.

Enacted Law Summary

Resolve 2011, Chapter 40 directs the Efficiency Maine Trust to conduct or contract for an energy audit of the State House and the Burton M. Cross State Office Building. It requires the trust to report the results and recommendations of audit to the Director of the Department of Administrative and Financial Services and the Executive Director of the Legislative Council no later than December 7, 2011. Additionally, this law directs the Efficiency Maine Trust to allocate \$200,000 for the completion of the energy audit and the implementation of cost-effective energy efficiency measures in the State House and the Burton M. Cross State Office Building.

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LD 407 An Act To Clarify the Dig Safe Standards

**PUBLIC 72
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAY THIBODEAU	OTP-AM	H-78

This bill requires the Public Utilities Commission to clarify the rules applicable to the dig safe underground facility damage prevention system to include a clear enunciation of the standards applicable to excavations around state highways, including guidance on notice requirements and acceptable premarking procedures. The bill also requires the Public Utilities Commission to convene a working group to study issues relating to clarifying the rules applicable to the dig safe system and to develop guidance on notice requirements and acceptable premarking procedures.

Committee Amendment "A" (H-78)

This amendment replaces the bill. This amendment:

1. Adds an emergency preamble and clause to the bill;
2. Modifies the law that requires an excavator to renotify an underground facility damage prevention system if the excavator does not commence an excavation within 30 days of approval by the system to extend the time of commencement to 60 days;
3. Requires an excavator to commence an emergency excavation within 12 hours of providing notice to the underground facility damage prevention system or as soon thereafter as can be safely accomplished;
4. Creates a new provision for road grading of unpaved public roads that allows grading to occur during a 12-month period after notice has been provided to underground facility owners, as long as the activity occurs in a manner that does not disturb those underground facilities;
5. Creates an exemption from the notice requirements for quarries and borrow pits;
6. Directs the Public Utilities Commission to provide payment schedules for persons fined for violations of the dig safe laws for whom paying the fine at once would create an undue financial hardship; and
7. Establishes a work group to develop recommendations for clarifying and simplifying the so-called "dig safe" laws and rules.

Enacted Law Summary

Public Law 2011, chapter 72:

1. Adds an emergency preamble and clause to the bill;
2. Modifies the law that requires an excavator to renotify an underground facility damage prevention system if the excavator does not commence an excavation within 30 days of approval by the system to extend the time of commencement to 60 days;
3. Requires an excavator to commence an emergency excavation within 12 hours of providing notice to the underground facility damage prevention system or as soon thereafter as can be safely accomplished;

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- 4. Creates a new provision for road grading of unpaved public roads that allows grading to occur during a 12-month period after notice has been provided to underground facility owners, as long as the activity occurs in a manner that does not disturb those underground facilities;
- 5. Creates an exemption from the notice requirements for quarries and borrow pits;
- 6. Directs the Public Utilities Commission to provide payment schedules for persons fined for violations of the dig safe laws for whom paying the fine at once would create an undue financial hardship; and
- 7. Establishes a work group to develop recommendations for clarifying and simplifying the so-called "dig safe" laws and rules.

Public Law 2011, chapter 72 was enacted as an emergency measure effective May 9, 2011.

LD 425 An Act To Stimulate Demand for Renewable Resources

Carried Over

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

Current law requires that each competitive electricity provider in this State demonstrate that no less than 30% of its portfolio of supply sources for retail electricity sales in this State is accounted for by eligible resources. This bill amends the definition of "renewable capacity resource" to add waste energy resources. It defines "waste energy resource" as a source of electrical generation that is fueled by municipal solid waste in conjunction with recycling and whose total power capacity does not exceed 35 megawatts. In addition, the waste energy resource is required to meet Maine's air emissions standards for resource recovery facilities and licensing standards for solid waste facilities. It establishes a 3.5% portfolio requirement for electricity from waste energy resources. It allows competitive electricity providers to meet the portfolio requirements for waste energy resources through the use of renewable energy credits or an alternative compliance payment to be set by the Public Utilities Commission.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1180.

LD 429 An Act To Clarify the Role of the Public Advocate

PUBLIC 79

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to clarify the role of the Public Advocate.

Committee Amendment "A" (S-46)

This amendment replaces the bill, which was a concept draft. It:

- 1. Authorizes the Public Advocate to represent and promote the interests of the using and consuming public in appropriate proceedings of the Legislature and in regional or national forums, including but not limited to any proceeding of an independent system operator or the Federal Energy Regulatory Commission;

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2. Requires the Public Advocate, when taking a position on any matter in any proceeding or forum, to exercise independent judgment to ensure the position is consistent with the requirements of the law governing the Public Advocate and promotes stabilization and lowering of prices paid by those members of the using and consuming public whose interests the Public Advocate is representing; and
3. Repeals the Railroad Crossing Information Council, on which the Public Advocate serves. The council serves as a repository of information concerning the establishment or maintenance of private railroad crossings and provides information and assistance to persons regarding private crossings of railroads.

Enacted Law Summary

Public Law 2011, chapter 79:

1. Authorizes the Public Advocate to represent and promote the interests of the using and consuming public in appropriate proceedings of the Legislature and in regional or national forums, including but not limited to any proceeding of an independent system operator or the Federal Energy Regulatory Commission;
2. Requires the Public Advocate, when taking a position on any matter in any proceeding or forum, to exercise independent judgment to ensure the position is consistent with the requirements of the law governing the Public Advocate and promotes stabilization and lowering of prices paid by those members of the using and consuming public whose interests the Public Advocate is representing; and
3. Repeals the Railroad Crossing Information Council, on which the Public Advocate serves. The council serves as a repository of information concerning the establishment or maintenance of private railroad crossings and provides information and assistance to persons regarding private crossings of railroads.

LD 431 An Act To Require the Efficiency Maine Trust To More Effectively Administer Funds

PUBLIC 84

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU	OTP-AM	S-47

This bill:

1. Prohibits the Efficiency Maine Trust from expending state funds on any energy efficiency or renewable energy program or project for a consumer that will result in any greater costs to that consumer; and
2. Modifies the definition of "energy savings improvement" under the PACE program to include an upgrade of any heating equipment that will result in increased energy efficiency.

Committee Amendment "A" (S-47)

This amendment strikes that part of the bill that prohibited the Efficiency Maine Trust from expending state funds on any energy efficiency or renewable energy program or project for a consumer that will result in any greater costs to that consumer and amends the definition of "energy savings improvement" under the PACE Act to clarify that the term includes heating equipment that meets or exceeds standards established or approved by the trust.

Enacted Law Summary

Public Law 2011, Chapter 84 amends the definition of "energy savings improvement" under the PACE Act to clarify that the term includes heating equipment that meets or exceeds standards established or approved by the trust.

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LD 463 An Act Concerning Policy Objectives of the Public Utilities Commission

PUBLIC 109

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK THIBODEAU	OTP-AM	H-121

This bill amends the powers and duties of the Public Utilities Commission to specify that essential policy objectives of the commission include, but are not limited to, the promotion of system reliability, the reduction of the cost of power to Maine ratepayers and long-term sustainable resource planning.

Committee Amendment "A" (H-121)

This amendment moves the language proposed in the bill to a different section of law. It moves the bill's proposed language from the chapter in the Maine Revised Statutes, Title 35-A setting out the general powers and duties of the commission to the chapter governing commission authority and responsibilities for electric industry restructuring.

Enacted Law Summary

Public Law 2011, Chapter 109 amends the Public Utilities Commission's authority and responsibilities under Chapter 32, Electric Industry Restructuring, to include the promotion of system reliability, the reduction of the cost of electricity to Maine ratepayers and long-term sustainable resource planning.

**LD 485 An Act To Ensure the Greatest Possible Public Benefit from Energy
Efficiency Spending**

ONTP

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

This bill amends provisions of law targeting the Efficiency Maine Trust's use of funds raised through the assessment on transmission and distribution utilities for conservation programs. It repeals requirements that a certain percentage of funding go to low-income residential customers and small business customers. It repeals a requirement for an equitable geographic distribution of funds. The bill requires that during the years 2011, 2012, 2013 and 2014, funds are allocated to the conservation programs that are the most cost-effective as measured in savings to electric ratepayers in the State per trust dollar allocated.

**LD 493 An Act To Provide Municipalities with Reciprocal Rights To Rent Space
for Street Lights on Utility Poles in Municipal Rights-of-way**

ONTP

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

This bill authorizes municipal officers to order a transmission and distribution utility that owns poles in the municipality's public streets or ways to rent space on those poles for municipal street lights subject to certain

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conditions.

The transmission and distribution utility may assess the municipality a reasonable rental charge for the use of the pole space. The Public Utilities Commission is required to establish by rule or order a maximum rental charge that may be assessed and the aggregate rental charge may not exceed the aggregate fees the municipality receives from the transmission and distribution utility for occupying space in the public way or street.

The transmission and distribution utility is required to allow the municipality to install the street lights or to install the street lights for the municipality for a fee established by the commission by rule or order. If the municipality is allowed to install the street lights, the work must be done by a qualified person. The transmission and distribution utility may not require the street lights to conform to any standard or code more stringent than those established by applicable state law or rule.

The transmission and distribution utility may appeal the order of the municipal officers to the commission, and if the commission determines that the installation would pose an unreasonable safety hazard or would unreasonably interfere with the business of any person with an interest in the wires, cables or appurtenances attached to or located on the poles, the commission may prohibit the municipality from attaching any street lights to the poles; otherwise, the commission is required to permit the municipality to proceed with its order.

The commission is required to examine whether persons other than transmission and distribution utilities should be allowed to install and maintain municipally owned street lights and, if so, what particular training, licensing or credentialing, if any, those persons should be required to possess in order to be able to undertake that work. The commission is required to report its findings and recommendations to the Joint Standing Committee on Energy, Utilities and Technology no later than January 2, 2012.

LD 502 An Act To Place a Moratorium on Expedited Permitting of Grid-scale Wind Energy Development ONTP

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

This bill places a 6-month moratorium on the submission of applications or granting of permits for expedited grid-scale wind energy developments in the State to allow time for further consideration and review of implementation policies. The permitting of wind energy developments, including grid-scale wind energy developments, under nonexpedited procedures and statute is unaffected by this bill and remains available for those parties pursuing permits for the placement of a wind energy development.

The committee considered 14 bills related to wind energy development during the first regular session of the 125th legislature. The committee voted all of the wind energy bills, except LD 1366 An Act to Update the Maine Wind Energy Act to Include Low-emission Energy, ought-not-to-pass. The committee amendment to LD 1366 was used as a vehicle to address many of the wind energy issues brought forward in the other bills.

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**LD 529 An Act To Enhance Transparency in the Regulation of Large,
Investor-owned Transmission and Distribution Utilities**

PUBLIC 71

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX BARTLETT	OTP-AM	H-79

This bill requires CMP and BHE to include with the balance sheet filed with the PUC a calculation of its rate of regulated return on common equity, and the same calculation for each of the previous 10 years.

Committee Amendment "A" (H-79)

This amendment requires a large, investor-owned transmission and distribution utility to report its return on common equity on investments subject to commission jurisdiction. This amendment also modifies the bill to require a large, investor-owned transmission and distribution utility to provide a calculation of the utility's return on common equity for each of the previous 3 years, rather than the previous 10 years.

Enacted Law Summary

Public Law 2011, chapter 71 requires a large, investor-owned transmission and distribution utility to report its return on common equity on investments subject to commission jurisdiction. It also requires a large, investor-owned transmission and distribution utility to provide a calculation of the utility's return on common equity for each of the previous 3 years.

LD 553 An Act To Improve Maine's Energy Security

PUBLIC 400

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS BARTLETT	OTP-AM	H-572

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes that the Efficiency Maine Trust, with input from stakeholders, develop a plan to reduce Maine's dependence on oil. The targets may not provide less than a 30% overall reduction in oil consumption from 2009 levels by 2030 and a 50% overall reduction from 2009 levels by 2050. The concept draft lists a number of potential policies and measures for the Trust's consideration to reduce oil consumption.

The Efficiency Maine Trust shall report to the Joint Standing Committee on Energy, Utilities and Technology by February 2012 with recommendations for short-term and mid-term policies needed to achieve the overall reductions in oil use, including recommendations for specific legislative actions. The recommendations must require that, by January 15, 2014 and by January 15th every 5 years thereafter, the Governor's Office of Energy Independence and Security shall evaluate the State's progress toward meeting the oil-reduction goals and make additional recommendations to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters as necessary to ensure that the State can meet the reduction goals.

Committee Amendment "A" (H-572)

This amendment strikes the concept draft and replaces it. This amendment establishes targets under the Governor's Office of Energy Independence and Security to reduce the State's consumption of oil by at least 30% from 2007

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levels by 2030 and at least 50% from 2007 levels by 2050. It requires the Governor's Office of Energy Independence and Security to develop a plan to achieve those targets and to submit that plan to the Legislature by December 1, 2012. It requires the biennial comprehensive state energy plan under the Maine Revised Statutes, Title 2, section 9, subsection 3, paragraph C to include a section regarding the State's progress in meeting the oil dependence reduction targets.

Enacted Law Summary

Public Law 2011, chapter 400 establishes targets under the Governor's Office of Energy Independence and Security to reduce the State's consumption of oil by at least 30% from 2007 levels by 2030 and at least 50% from 2007 levels by 2050. It requires the Governor's Office of Energy Independence and Security to develop a plan to achieve those targets and to submit that plan to the Legislature by December 1, 2012. It requires the biennial comprehensive state energy plan under the Maine Revised Statutes, Title 2, section 9, subsection 3, paragraph C to include a section regarding the State's progress in meeting the oil dependence reduction targets.

LD 554 An Act To Amend the Telecommunications Education Access Fund

PUBLIC 54

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING THIBODEAU	OTP-AM	H-63

This bill makes changes to provisions governing the Maine telecommunications education access fund (MTEAF). Discounts for schools and libraries for telecommunications access and advanced technology equipment are provided through both state and federal programs. The federal program is called the E-rate. The state program is the MTEAF. The bill modifies the MTEAF as follows.

1. It allows the fund to be used to provide services to public school administrative offices and noninstructional facilities. (The PUC temporarily approved the use of MTEAF for non-instructional school facilities for FY 11-12.) The federal E-rate allows funding for these facilities;
2. It allows MTEAF to be used to provide discounts to qualified schools and libraries "in support" of certain listed telecommunications equipment and services (current law allows the discounts to be used "for" the listed equipment and services);
3. It modifies the guidelines governing the allocation of the MTEAF: current law provides that the funds are to be used to ensure a "basic level of connectivity"; the bill removes "basic level" so the guideline would simply be to ensure connectivity;
4. Allows the University of Maine System (UMS) to enter contracts, order services and take advantage of the E-rate discounts on behalf of schools and libraries in connection with the fund. Under current law, the State Library and the Department of Education (DOE) have this administrative authorization. (Under a 2009 agreement between the State Library, the DOE, the Chief Information Officer of the State and UMS, a coordinating body called the Networkmaine Council was created. Under the agreement UMS was assigned responsibility for operating the school and library network services.); and
3. Removes a provision of the current law that requires that at least 25% of the annual budget of the MTEAF be devoted to targeted innovative projects.

Committee Amendment "A" (H-63)

This amendment replaces the bill. This amendment removes from the law governing the telecommunications

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education access fund a provision that requires that at least 25% of the annual budget of the fund be devoted to targeted innovative projects.

Enacted Law Summary

Public Law 2011, chapter 54 removes from the law governing the telecommunications education access fund a provision that requires that at least 25% of the annual budget of the fund be devoted to targeted innovative projects.

LD 600 An Act To Promote a Safe and Sustainable Environment by Extending the Portfolio Standard ONTP

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

This bill amends Maine's new renewable portfolio standard by extending the one percent annual increase for an additional 10 years. The annual increases are scheduled to end in 2017. This bill extends the annual one percent increase through 2027.

LD 620 Resolve, To Protect Maine Electricity Ratepayers Regarding the Installation of Smart Meters ONTP

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

This resolve imposes a one-year moratorium on the installation of smart electric meters. It requires an electric utility to remove a smart electric meter from a customer's premises at the request of the customer for a fee not exceeding \$30. It directs the Public Utilities Commission to study the safety of smart electric meters and report its findings to the Joint Standing Committee on Energy, Utilities and Technology.

During the session, the commission had a number of open dockets regarding smart meters. The commission issued an order regarding the removal of smart meters or opting out of smart meter installation. See Public Utilities Commission docket 2010-345.

LD 668 An Act To Improve Regional Transmission Organization Responsiveness ONTP

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

This bill requires that, beginning January 1, 2013, investor-owned transmission and distribution utilities be members of a regional transmission organization meeting specific organizational requirements, including compliance with laws governing public records and proceedings, using a public nomination process in selecting board members, guaranteeing consumer representation on its governing board and certifying that its rates and actions are just and reasonable to consumers.

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The committee sent a letter to the Office of Public Advocate requesting that the office coordinate a meeting among the leadership of legislative committees within the ISO-New England region that have jurisdiction over energy issues to discuss policies that can be adopted to encourage greater transparency of governance, more stakeholder input and cost containment as important considerations during the ISO-New England decision making process.

LD 699 An Act To Conserve Energy in Certain Commercial Buildings

ONTP

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

This bill requires the Technical Building Codes and Standards Board, when adopting or amending the Maine Uniform Building and Energy Code, to ensure that:

1. Hotels, motels and inns with more than 50 rooms have a system that turns off the power to lights in vacant rooms; and
2. Escalators in commercial buildings are motion-activated.

LD 710 An Act To Amend the Laws Governing the Duties of the Director of the Governor's Office of Energy Independence and Security

PUBLIC 55

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAVERS SAVIELLO	OTP-AM	H-64

This bill amends the laws prescribing the duties of the Director of the Governor's Office of Energy Independence and Security to require the director to identify opportunities to lower the cost of energy to Maine consumers, recommend appropriate actions to lower the cost of energy to Maine consumers and take action as necessary to carry out the goals and objectives of the comprehensive state energy plan including lowering the cost of energy to Maine consumers.

Committee Amendment "A" (H-64)

This amendment clarifies that the Director of the Governor's Office of Energy Independence and Security shall identify ways and take actions to lower the total cost of energy to consumers in this State.

Enacted Law Summary

Public Law 2011, chapter 55 amends the laws prescribing the duties of the Director of the Governor's Office of Energy Independence and Security to require the director to identify opportunities to lower the total cost of energy to Maine consumers, recommend appropriate actions to lower the total cost of energy to Maine consumers and take action as necessary to carry out the goals and objectives of the comprehensive state energy plan including lowering the total cost of energy to Maine consumers.

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LD 711 An Act To Regulate Noise from Wind Turbines in Residential Developments ONTP

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

Current law prohibits the regulation of noise from residential developments under the site location of development laws. This bill allows such regulation for noise from wind turbines and makes it retroactive to 2006.

The committee considered 14 bills related to wind energy development during the first regular session of the 125th legislature. The committee voted all of the wind energy bills, except LD 1366 An Act to Update the Maine Wind Energy Act to Include Low-emission Energy, ought-not-to-pass. The committee amendment to LD 1366 was used as a vehicle to address many of the wind energy issues brought forward in the other bills.

LD 729 An Act To Ensure Ratepayer Benefits from Long-term Contracts for Renewable Energy Credits PUBLIC 273

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS	OTP-AM	S-193

This bill rescinds the Public Utilities Commission's authority to direct transmission and distribution utilities to enter into long-term contracts. It also corrects cross references. The title was "An Act to Prohibit Electric Utilities from Entering into Long-term Supply Agreements."

Committee Amendment "A" (S-193)

This amendment amends the long-term contracting law to require that the price paid by the investor-owned transmission and distribution utility for the renewable energy credits be lower than the price received for those renewable energy credits at the time they are sold by the transmission and distribution utility. It repeals the condition that the Public Utilities Commission cannot direct an investor-owned transmission and distribution utility to enter into a long-term contract until after major substantive rules are finally adopted.

Enacted Law Summary

Public Law 2011, chapter 273 amends the long-term contracting law to require that the price paid by the investor-owned transmission and distribution utility for renewable energy credits be lower than the price received for those renewable energy credits at the time they are sold by the transmission and distribution utility. It repeals the condition that the Public Utilities Commission cannot direct an investor-owned transmission and distribution utility to enter into a long-term contract until after major substantive rules are finally adopted.

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**LD 732 Resolve, Directing the Public Utilities Commission To Adopt Rules
Affecting Utility Deposits**

RESOLVE 32

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU	OTP-AM	S-28

This bill provides that a public utility may not require an escrow or other initial start-up payment from a business customer that has an acceptable credit history with a previous public utility in the State.

Committee Amendment "A" (S-28)

This amendment replaces the bill. The amendment requires the Public Utilities Commission by rule to require a transmission and distribution utility to consider a business owner's prior credit history with another transmission and distribution utility when determining whether to require a deposit for service to a new business of that business owner as long as the business owner requests this consideration and provides permission for the other transmission and distribution utility to share the credit history information. The rules must require that the transmission and distribution utility consider the business owner's prior credit history with the other transmission and distribution utility in the same manner it would consider the prior credit history of a business owner located in its own service territory.

Enacted Law Summary

Resolve 2011, chapter 32 requires the Public Utilities Commission by rule to require a transmission and distribution utility to consider a business owner's prior credit history with another transmission and distribution utility when determining whether to require a deposit for service to a new business of that business owner as long as the business owner requests this consideration and provides permission for the other transmission and distribution utility to share the credit history information. The rules must require that the transmission and distribution utility consider the business owner's prior credit history with the other transmission and distribution utility in the same manner it would consider the prior credit history of a business owner located in its own service territory.

**LD 756 Resolve, To Examine Cyber Security and Privacy Issues Relating to
Smart Meters**

RESOLVE 82

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI	OTP-AM MAJ OTP MIN	H-521

This bill requires the Public Utilities Commission to establish terms and conditions governing the installation of wireless smart meters. The terms and conditions must allow customers, at no cost, to opt out of having a wireless smart meter installed or to have any wireless smart meter that has been installed removed. Customers, at no cost, must be given the option of a wired smart meter.

Committee Amendment "A" (H-521)

This amendment is the majority report of the committee. It replaces the bill with a resolve directing the Public Utilities Commission to examine the current cyber security and privacy requirements of transmission and distribution utilities that may be applied to smart meters and to identify potential regulatory gaps. The commission is required to monitor federal efforts regarding cyber security and privacy issues with respect to smart meters and to

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report to the Joint Standing Committee on Energy, Utilities and Technology by January 15, 2012. The committee may submit a bill relating to smart meter cyber security and privacy to the Second Regular Session of the 125th Legislature.

Enacted Law Summary

Resolve 2011, chapter 82 directs the Public Utilities Commission to examine the current cyber security and privacy requirements of transmission and distribution utilities that may be applied to smart meters and to identify potential regulatory gaps. The commission is required to monitor federal efforts regarding cyber security and privacy issues with respect to smart meters and to report to the Joint Standing Committee on Energy, Utilities and Technology by January 15, 2012. The committee may submit a bill relating to smart meter cyber security and privacy to the Second Regular Session of the 125th Legislature.

During the session, the commission had a number of open dockets regarding smart meters. The commission issued an order regarding the removal of smart meters or opting out of smart meter installation. See Public Utilities Commission docket 2010-345.

LD 761 An Act To Provide Rebates for Renewable Energy Technologies

**PUBLIC 314
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY RECTOR	OTP-AM	H-455

This bill reinstates the solar and wind energy rebate program, which provided rebates for the purchase of certain solar and wind energy equipment, until June 30, 2015. The program had expired December 31, 2010.

Committee Amendment "A" (H-455)

This amendment allows for rebates for renewable energy technologies to be eligible for funding from the Voluntary Renewable Resource Fund rather than reinstating an assessment on electricity for the purpose of providing rebates for certain solar and wind technology, as proposed in the bill. It requires the Efficiency Maine Trust to adopt rules regarding the selection criteria and qualification criteria for the use of funds from the Voluntary Renewable Resource Fund. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 314 adds rebates for renewable energy technologies as an eligible activity for funding from the Voluntary Renewable Resource Fund. It requires the Efficiency Maine Trust to adopt rules regarding the selection criteria and qualification criteria for the use of funds from the Voluntary Renewable Resource Fund.

Public Law 2011, chapter 314 was enacted as an emergency measure effective June 13, 2011.

LD 772 An Act To Modify the Auditing Requirements for Certain Small Water Utilities

PUBLIC 77

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AYOTTE JACKSON	OTP-AM	H-93

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This bill allows the Public Utilities Commission, for good cause, to excuse water utilities with revenues under \$200K from filing their annual balance sheets with the commission. Currently the PUC can exempt any public utility with revenues up to \$50K. This provision does not require an audit of accounts. The title and the summary of the bill refer to modifying auditing requirements: the text of the bill does not affect auditing requirements.

Committee Amendment "A" (H-93)

This amendment replaces the bill. Under current rules and decisions of the Public Utilities Commission, water utilities with revenues under \$50,000 are exempt from annual auditing requirements otherwise required by the commission pursuant to the Maine Revised Statutes, Title 35-A, section 505. This amendment codifies this existing exemption. The amendment also provides that consumer-owned water utilities with revenues greater than \$50,000 but not exceeding \$250,000 are exempt from commission's annual auditing requirements, but that such water utilities must cause to be conducted, in accordance with generally accepted auditing standards, an annual review of their accounts. Also, not less than once every 5 years and for any year used as a test year for rate-making purposes, such water utilities must cause to be conducted an audit of their accounts. The amendment does not limit or affect any other reporting, review, auditing or other requirement imposed by a creditor of the water utility or by any other applicable law or government authority.

Enacted Law Summary

Public Law 2011, chapter 77 modifies the auditing requirements for certain small water utilities. Under current rules and decisions of the Public Utilities Commission, water utilities with revenues under \$50,000 are exempt from annual auditing requirements otherwise required by the commission pursuant to the Maine Revised Statutes, Title 35-A, section 505. Public Law 2011, chapter 77 codifies this existing exemption. It also provides that consumer-owned water utilities with revenues greater than \$50,000 but not exceeding \$250,000 are exempt from commission's annual auditing requirements, but that such water utilities must cause to be conducted, in accordance with generally accepted auditing standards, an annual review of their accounts. Also, not less than once every 5 years and for any year used as a test year for rate-making purposes, such water utilities must cause to be conducted an audit of their accounts. This law does not limit or affect any other reporting, review, auditing or other requirement imposed by a creditor of the water utility or by any other applicable law or government authority.

LD 789 An Act To Eliminate the Governor's Office of Energy Independence and Security ONTP

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

This bill eliminates the Governor's Office of Energy Independence and Security and related cross-references.

LD 793 An Act To Protect Ratepayers While Enhancing Energy Independence and Security PUBLIC 277

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-194

Joint Standing Committee on Energy, Utilities and Technology

This bill does the following.

1. It directs the Department of Environmental Protection to take all necessary steps to withdraw the State from all memoranda of understanding and state contracts with other states relating to the regional greenhouse gas initiative authorized pursuant to Maine law. Upon successful completion of the withdrawal, the department is required to submit legislation to the Legislature making necessary changes to laws relating to the regional greenhouse gas initiative.
2. It directs the Public Utilities Commission to order Maine's 3 investor-owned transmission and distribution utilities to take all steps necessary to end membership in Independent System Operator New England and to file with the commission a plan to form an alternative structure to hold, manage and dispatch the transmission assets of the investor-owned transmission and distribution utilities and to oversee the wholesale electricity market. The plan must, to the maximum extent possible, ensure that electricity is provided to Maine consumers at the lowest available cost.
3. It removes the authority of the Public Utilities Commission to order transmission and distribution utilities to contract for capacity resources.

Committee Amendment "A" (S-194)

This amendment replaces the bill and requires the State to withdraw from the regional greenhouse gas initiative if other states that participate in the regional greenhouse gas initiative and in the same wholesale electricity market administered and overseen by the regional transmission organization as Maine have a total carbon dioxide emissions budget for the calendar year 2009 that totals less than 35,000,000 tons.

Enacted Law Summary

Public Law 2011, chapter 277 requires the State to withdraw from the regional greenhouse gas initiative if other states that participate in the regional greenhouse gas initiative and in the same wholesale electricity market administered and overseen by the regional transmission organization as Maine have a total carbon dioxide emissions budget for the calendar year 2009 that totals less than 35,000,000 tons.

LD 795 An Act To Expand Net Energy Billing

PUBLIC 262

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE	OTP-AM	S-216

Under current rules of the Public Utilities Commission, eligible customers may elect net energy billing under which the eligible customer is billed on the basis of net energy used by that eligible customer. This bill defines "eligible customer" for the purposes of net energy billing and requires the commission to permit net energy billing of any eligible customer that has legal rights to energy generated by an eligible generator located within the same transmission and distribution utility service territory as the eligible customer.

Committee Amendment "A" (S-216)

This amendment modifies the definition of net energy billing to more closely reflect the definition already in rules of the Public Utilities Commission. It deletes definitions that are not needed for this section. It also adds unallocated language that directs the commission to amend its rule to require that the length of contracts for interconnection agreements is sufficient for the purpose of securing financing.

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Enacted Law Summary

Public Law 2011, chapter 262 defines net energy billing. Unallocated language directs the commission to amend its Chapter 313 rule governing net energy billing to require that the length of contracts for interconnection agreements is sufficient for the purpose of securing financing.

LD 801 An Act To Authorize the Public Utilities Commission To Require That ONTP
Transmission or Distribution Lines Be Placed Underground

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

This bill requires the Public Utilities Commission, on petition of a customer of a transmission and distribution utility, to open a proceeding to determine whether to order a transmission or distribution line to be placed underground. The commission must order that a transmission or distribution line be placed underground if the commission finds that the public health, safety or welfare would be enhanced by such placement. The commission is required to allow a transmission and distribution utility to recover the actual costs of complying with the commissions order to place a line underground.

LD 802 An Act To Amend the Requirements for Electric Transmission Lines PUBLIC 281

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM MAJ OTP-AM MIN	S-197

This bill amends the statute governing the issuance of certificates of public convenience and necessity for transmission lines. This bill provides that the Public Utilities Commission may not approve a certificate of public convenience and necessity for a transmission line unless it finds that the construction and operation of the proposed transmission line either reduces costs for consumers or is necessary to meet the reliability requirements imposed by the Federal Energy Regulatory Commission or its designated electric reliability organization.

The bill also corrects a conflict that was created by Public Law 2009, chapter 615 and chapter 655 by incorporating the changes made by both chaptered laws.

Committee Amendment "B" (S-197)

This amendment is the majority report of the Energy, Utilities and Technology Committee. The amendment strikes the requirement that a proposed transmission line either reduce the costs for consumers or be necessary to meet reliability requirements for a certificate of public convenience and necessity to be issued by the Public Utilities Commission.

Committee Amendment "A" (S-196)

This amendment is the minority report of the Energy, Utilities and Technology committee. The amendment reorganizes provisions related to certificates of public convenience and necessity and provides that in addition to the Federal Energy Regulatory Commission or its designated electric reliability organization's standards determining if a transmission line is being constructed for the purpose of reliability, the Public Utilities Commission may make an

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independent finding that a transmission line is needed for reliability.

Enacted Law Summary

Public Law 2011, chapter 281 corrects a conflict that was created by Public Laws 2009, chapter 615 and chapter 655 by incorporating the changes made by both chaptered laws, which was the majority report of the committee.

LD 865 An Act To Require the Department of Environmental Protection To Enforce Standards for Smaller-scale Wind Energy Development in Organized Areas ONTP

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

This bill requires that the Department of Environmental Protection enforce the standards concerning siting considerations for smaller-scale wind energy development in organized areas.

The committee considered 14 bills related to wind energy development during the first regular session of the 125th legislature. The committee voted all of the wind energy bills, except LD 1366, An Act to Update the Maine Wind Energy Act to Include Low-emission Energy, ought-not-to-pass. The committee amendment to LD 1366 was used as a vehicle to address many of the wind energy issues brought forward in the other bills.

LD 870 An Act To Examine Electric Utility Regulation and Fees To Reduce Rates ONTP

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

This bill establishes the Electric Rate Evaluation Council to conduct a review of electric industry costs that go into the determination of electric rates and make recommendations to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters for repeal of any taxes, fees or regulatory provisions that are not justified.

The bill was voted unanimously ought-not-to-pass. A letter was sent to the director of the Office of Energy Independence and Security, requesting that the office post information on its website regarding the components of an electricity bill and factors that potentially influence electricity costs. The letter also requested that the same information be placed on the Office of Public Advocate website.

**LD 890 An Act To Create the Anson and Madison Water District P & S 6
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CURTIS WHITTEMORE	OTP-AM	H-116

Joint Standing Committee on Energy, Utilities and Technology

This bill creates the Anson and Madison Water District, which is composed of the Anson Water District and the Madison Water District.

Committee Amendment "A" (H-116)

This amendment makes the following changes to the bill:

1. It provides that the first board of trustees of the Anson and Madison Water District consists of 7 members, 4 appointed by the trustees of the Madison Water District and 3 appointed by the trustees of the Anson Water District. It also specifies the initial terms of the trustees;
2. It requires the trustees to hold a meeting within 30 days after the effective date of the bill to elect a chair, treasurer and secretary from among the trustees;
3. It provides that subsequent trustees are elected to 3-year terms, 4 members from the Town of Madison elected by the inhabitants of the Town of Madison and 3 members from the Town of Anson elected by the inhabitants of the Town of Anson. The elections are conducted in accordance with municipal election law by secret ballot;
4. It eliminates sections of the bill dealing with eminent domain and financing. The district will be governed by the standard water district laws governing those matters;
5. It clarifies that when the district is created and the current Anson Water District and Madison Water District are dissolved, legislation must be submitted to repeal the Anson Water District and the Madison Water District charters; and
6. It corrects a clerical error in the bill.

Enacted Law Summary

Private and Special Law 2011, chapter 6 creates the Anson and Madison Water District, which is composed of the Anson Water District and the Madison Water District.

Private and Special Law 2011, chapter 6 was enacted as an emergency measure effective May 19, 2011.

LD 908 An Act Regarding Gas Utilities under the Safety Jurisdiction of the Public Utilities Commission

**PUBLIC 197
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM	H-298

This bill defines "customer" and "corrosion" for purposes of Public Utility Commission safety jurisdiction over certain gas utilities. "Customer" is defined as a consumer that receives an invoice or bill from a gas utility. "Corrosion" is defined as a condition exhibiting signs of deterioration (pitting or loss of metal) but not surface rust or loss of paint coating.

Committee Amendment "A" (H-298)

This amendment replaces the bill and establishes parameters for the Public Utilities Commission's safety regulation of liquefied petroleum gas systems. This amendment:

1. Authorizes the commission to regulate such systems as an agent of the United States Department of

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Transportation Pipeline and Hazardous Materials Safety Administration and only to the extent the system is subject to the jurisdiction of the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration;

2. Prohibits the commission, in determining whether a system is subject to regulation, from determining a "public place" to include a motel room, hotel room, rented cottage or other rented or leased living space unless the commission receives written notice from the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration that this exclusion is incompatible with the administration's interpretation of 49 Code of Federal Regulations, Section 192.1 and the commission by major substantive rule establishes a definition of "public place" consistent with that written notice;
3. Requires the commission to regulate such systems in accordance with the minimum standards of the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration, but allows the commission to regulate certain specific additional safety issues through major substantive rules;
4. Requires the commission, in applying the atmospheric corrosion control standards established by the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration, to consider atmospheric corrosion to be a condition exhibiting signs of deterioration, including pitting or loss of metal. The commission may not consider surface rust or loss of paint coating to constitute atmospheric corrosion;
5. Provides that the commission may not continue to enforce its existing rules governing the safety and operation standards for liquefied petroleum gas systems but must conduct an examination in consultation with operators of liquefied petroleum gas systems of what rules, beyond the federal minimum standards, may be appropriate to implement the new requirements of the Maine Revised Statutes, Title 35-A, section 4702-A. Consistent with the results of its examination, the commission is required to conduct a rule-making proceeding to provisionally adopt rules to implement Title 35-A, section 4702-A and to submit those rules for legislative review by January 15, 2012;
6. Directs the commission to work with the Maine Energy Marketers Association to develop a request to the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration for a written interpretation of whether certain liquefied petroleum gas systems come within the scope of 49 Code of Federal Regulations, Section 192.1. The request must be cooperatively developed and the questions presented agreed to jointly; and
7. Adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2011, chapter 197 establishes parameters for the Public Utilities Commission's safety regulation of liquefied petroleum gas systems. This law:

1. Authorizes the commission to regulate such systems as an agent of the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration and only to the extent the system is subject to the jurisdiction of the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration;
2. Prohibits the commission, in determining whether a system is subject to regulation, from determining a "public place" to include a motel room, hotel room, rented cottage or other rented or leased living space unless the commission receives written notice from the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration that this exclusion is incompatible with the administration's interpretation of 49 Code of Federal Regulations, Section 192.1 and the commission by major substantive rule establishes a definition of "public place" consistent with that written notice;
3. Requires the commission to regulate such systems in accordance with the minimum standards of the United

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States Department of Transportation Pipeline and Hazardous Materials Safety Administration, but allows the commission to regulate certain specific additional safety issues through major substantive rules;

4. Requires the commission, in applying the atmospheric corrosion control standards established by the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration, to consider atmospheric corrosion to be a condition exhibiting signs of deterioration, including pitting or loss of metal. The commission may not consider surface rust or loss of paint coating to constitute atmospheric corrosion;
5. Provides that the commission may not continue to enforce its existing rules governing the safety and operation standards for liquefied petroleum gas systems but must conduct an examination in consultation with operators of liquefied petroleum gas systems of what rules, beyond the federal minimum standards, may be appropriate to implement the new requirements of the Maine Revised Statutes, Title 35-A, section 4702-A. Consistent with the results of its examination, the commission is required to conduct a rule-making proceeding to provisionally adopt rules to implement Title 35-A, section 4702-A and to submit those rules for legislative review by January 15, 2012;
6. Directs the commission to work with the Maine Energy Marketers Association to develop a request to the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration for a written interpretation of whether certain liquefied petroleum gas systems come within the scope of 49 Code of Federal Regulations, Section 192.1. The request must be cooperatively developed and the questions presented agreed to jointly.

Public Law 2011, chapter 197 was enacted as an emergency measure effective June 2, 2011.

**LD 909 An Act To Provide Additional Flexibility for the Funding of
Infrastructure Improvements by Consumer-owned Water Utilities**

PUBLIC 106

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

This bill is a concept draft pursuant to Joint Rule 208. This bill seeks to provide additional flexibility to consumer-owned water utilities for the funding of infrastructure improvements.

Committee Amendment "A" (H-126)

This amendment replaces the concept draft. It modifies the streamlined rate-making process available to consumer-owned water utilities by:

1. Repealing the requirement that to qualify for a rate increase under the streamlined rate-making process, a consumer-owned water utility must have negative net income in the 2 consecutive fiscal years immediately preceding the year in which the rate increase is proposed;
2. Repealing the requirement that a consumer-owned water utility proposing to use the streamlined rate-making process file with the Public Utilities Commission balance sheets or financial statements for the 3 most recent years together with other annual financial information the commission may prescribe;
3. Clarifying that the consumer-owned water utility must file with the Public Utilities Commission and the Public Advocate all materials supporting the rate increase that are required to be filed under the Maine Revised Statutes, Title 35-A, section 6104, subsection 4-A;
4. Repealing the requirement that when the consumer-owned water utility advertises the public meeting on its rate

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increase the notices must inform customers of the 10-person complaint process under Title 35-A, section 1302; and

5. Increasing the amount of rate increases that may be accomplished through the streamlined rate-making process. Under the amendment: (A) A consumer-owned water utility that has total revenues of at least \$750,000 may increase its rates up to 3% in any single ratemaking and up to 10% over 5 years; (B) A consumer-owned water utility that has total revenues less than \$750,000 but at least \$250,000 may increase its rates up to 5% in any single ratemaking and up to 15% over 5 years; and (C) A consumer-owned water utility that has total revenues of less than \$250,000 may increase its rates up to 7.5% in any single ratemaking and up to 20% over 5 years.

The amendment also directs the Public Utilities Commission to convene a work group to examine ways of ensuring that the capital requirements of these water utilities are provided for in an adequate and appropriate manner. The commission shall report the results of the examination and any recommendations for changes to laws to the Joint Standing Committee on Energy, Utilities and Technology by January 15, 2012. The Joint Standing Committee on Energy, Utilities and Technology may report out a bill to the Second Regular Session of the 125th Legislature relating to the subject matter of the report.

Enacted Law Summary

Public Law 2011, chapter 106 modifies the streamlined rate-making process available to consumer-owned water utilities by:

1. Repealing the requirement that to qualify for a rate increase under the streamlined rate-making process, a consumer-owned water utility must have negative net income in the 2 consecutive fiscal years immediately preceding the year in which the rate increase is proposed;
2. Repealing the requirement that a consumer-owned water utility proposing to use the streamlined rate-making process file with the Public Utilities Commission balance sheets or financial statements for the 3 most recent years together with other annual financial information the commission may prescribe;
3. Clarifying that the consumer-owned water utility must file with the Public Utilities Commission and the Public Advocate all materials supporting the rate increase that are required to be filed under the Maine Revised Statutes, Title 35-A, section 6104, subsection 4-A;
4. Repealing the requirement that when the consumer-owned water utility advertises the public meeting on its rate increase the notices must inform customers of the 10-person complaint process under Title 35-A, section 1302; and
5. Increasing the amount of rate increases that may be accomplished through the streamlined rate-making process. Under this law: (A) A consumer-owned water utility that has total revenues of at least \$750,000 may increase its rates up to 3% in any single ratemaking and up to 10% over 5 years; (B) A consumer-owned water utility that has total revenues less than \$750,000 but at least \$250,000 may increase its rates up to 5% in any single ratemaking and up to 15% over 5 years; and (C) A consumer-owned water utility that has total revenues of less than \$250,000 may increase its rates up to 7.5% in any single ratemaking and up to 20% over 5 years.

This law also directs the Public Utilities Commission to convene a work group to examine ways of ensuring that the capital requirements of these water utilities are provided for in an adequate and appropriate manner. The commission shall report the results of the examination and any recommendations for changes to laws to the Joint Standing Committee on Energy, Utilities and Technology by January 15, 2012. The Joint Standing Committee on Energy, Utilities and Technology may report out a bill to the Second Regular Session of the 125th Legislature relating to the subject matter of the report.

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LD 916 An Act To Clarify Notification Procedures during an Emergency Excavation

LEAVE TO WITHDRAW

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

This bill establishes steps that an underground facility operator must take in order to conduct an emergency excavation, including:

1. Immediately notifying the underground facility damage prevention system, otherwise known as "Dig Safe";
2. As soon as practicable, locating its underground facilities and marking the excavation area; and
3. Excavating the marked area after determining there are safe working conditions and upon the earlier of when the damage prevention system clears the area for excavation and when 4 or more hours have passed after notification to the system.

This bill also requires an underground facility operator to commence an emergency excavation within 12 hours after notification to the damage prevention system unless the circumstances of the emergency require a greater amount of time as determined by the underground facility operator.

See LD 407.

LD 923 An Act To Prevent Conflict of Interest in Efficiency Maine Audits

ONTP

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

The bill requires the Efficiency Maine Trust Board to adopt rules that prohibit individuals or businesses that conduct an energy audit from financially benefiting from the installation or completion of any energy savings measure identified in that energy audit.

LD 935 An Act To Create Fair and Open Competition in Line Extension Construction

Carried Over

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

This bill establishes standards governing transmission and distribution utility line extension practices, including standards for charges for line extensions, limits on cost recovery, standards for charges for make-ready work,

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customer service requirements and requirements for accounting of line extension construction costs.

In a letter to the Office of Public Advocate, the committee requested that office to convene a stakeholder meeting to discuss the bill and to present proposed amendments during the next legislative session.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1180.

LD 956 An Act To Improve Maine's Renewable Portfolio Standard ONTP

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

This bill modifies the portfolio requirements that competitive electricity providers must satisfy in selling electricity in this State. This bill removes all size limits on renewable resources eligible to meet the portfolio requirements. This bill also adds low-carbon-emitting resources to the list of resources that are eligible to meet the portfolio requirements.

The committee did not pass this bill, but through LD 1570, during the same session, directed the Public Utilities Commission to complete an in-depth analysis of the new renewable capacity portfolio standard established in Maine Revised Statutes, Title 35, section 3210, subsection 3-A.

LD 999 An Act Regarding the Public Utilities Commission's Ability To Use PUBLIC 283 Certain Funds

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM	H-437

This bill corrects a statutory oversight regarding the statutory reference to the Public Utilities Commission's ability to use up to \$100,000 from the conservation program fund to promote the green power offer and other green power supply products and renewable energy credit products.

Committee Amendment "A" (H-437)

This amendment strikes and replaces the bill and eliminates the Public Utilities Commission's authority to use up to \$100,000 per year from the conservation program fund to provide information to consumers regarding renewable energy generated in the State. This amendment permits the commission to use a total of \$100,000 for that purpose during the calendar years 2011 and 2012.

Enacted Law Summary

Public Law 2011, chapter 283 eliminates the Public Utilities Commission's authority to use up to \$100,000 per year from the conservation program fund to provide information to consumers regarding renewable energy generated in the State. Unallocated language permits the commission to use a total of \$100,000 for that purpose during the calendar years 2011 and 2012.

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LD 1014 An Act To Create the Children's Wireless Protection Act

**MAJORITY
(ONTP) REPORT**

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

This bill provides that a retailer may not sell a cellular telephone at retail in this State unless the cellular telephone and its packaging bear a warning label relating to the potential health effects associated with nonthermal effects of cellular telephone radiation. It requires the manufacturer of the cellular telephone to provide the warning labels to the retailer at no cost to the retailer. This bill also requires the retailer to post a sign where cellular telephones are displayed warning of potential health risks associated with the use of cellular telephones. A violation of this provision is a violation of the Maine Unfair Trade Practices Act.

A similar bill, LD 1706, An Act to Create the Children's Wireless Protection Act, was considered during the 124th Second Regular Legislative Session.

LD 1018 An Act To Amend the Charter of the Anson Water District

P & S 5

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

This bill amends the Anson Water District charter to provide that trustees are elected according to municipal election law. The bill provides that trustees may hold their annual meeting and their elections at a time and place called by the trustees. The bill fixes errors in the description of the district's territory.

Committee Amendment "A" (H-117)

This amendment clarifies that nominations and elections of trustees of the Anson Water District are conducted in accordance with the laws relating to municipal elections by secret ballot according to the Maine Revised Statutes, Title 30-A, section 2528. It also clarifies that trustees serving on the effective date of this bill continue to serve for the terms for which they were elected.

Enacted Law Summary

Private and Special Law 2011, chapter 5 amends the Anson Water District charter to provide that trustees are elected according to municipal election law. It authorizes the trustees to hold their annual meeting and their elections at a time and place called by the trustees. It also corrects errors in the description of the district's territory.

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LD 1028 An Act To Ensure Open and Transparent Bidding for the Lowest Electric Rates ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish a framework and process that will ensure that ratepayers in this State do not bear an undue burden for electrical energy development costs by requiring an open and transparent bidding process for electricity and the establishment of rates. The concept draft was voted ought-not-to-pass at the request of the sponsor, with a request that the concept presented in the bill be kept in mind as the committee considered other bills.

LD 1035 Resolve, To Establish Baseline Information on Health Impacts from Grid-scale Wind Energy Development ONTP

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

This resolve directs the Department of Environmental Protection, Department of Health and Human Services, Public Utilities Commission and Executive Department, State Planning Office to establish an interagency task force to develop a database of scientific studies that document possible health impacts from grid-scale wind energy developments. The interagency task force is directed to report to the Governor and the Joint Standing Committee on Energy, Utilities and Technology by October 30, 2012 with recommendations regarding how to incorporate information from the database in the regulation and siting requirements that govern the establishment of grid-scale wind energy developments in Maine.

The committee considered 14 bills related to wind energy development during the first regular session of the 125th legislature. The committee voted all of the wind energy bills, except LD 1366, An Act to Update the Maine Wind Energy Act to Include Low-emission Energy, ought-not-to-pass. The committee amendment to LD 1366 was used as a vehicle to address many of the wind energy issues brought forward in the other bills.

LD 1042 An Act To Preserve and Protect Citizens' Property Rights and Values ONTP

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

This bill establishes a property value guarantee program to ensure that a landowner whose real property is located within 3 miles of the base of a wind tower is compensated for any reduction in property value resulting from the proximity of the wind tower.

The committee considered 14 bills related to wind energy development during the First Regular Session of the 125th

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legislature. The committee voted all of the wind energy bills, except LD 1366, An Act to Update the Maine Wind Energy Act to Include Low-emission Energy, ought-not-to-pass. The committee amendment to LD 1366 was used as a vehicle to address many of the wind energy issues brought forward in the other bills.

LD 1059 An Act To Correct a Statutory Oversight Regarding Renewable Capacity Resources Portfolio Requirements for Consumer-owned Utilities **MAJORITY (ONTP) REPORT**

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

This bill corrects a statutory oversight to require consumer-owned utilities that sell retail generation service within their respective service territories to comply with the new renewable capacity resources portfolio requirement.

Committee Amendment "A" (H-456)

This amendment, which is the minority report of the committee, exempts current contracts held by consumer-owned transmission and distribution utilities from the requirements of the new renewable capacity resources portfolio standard until January 1, 2017 or until the latest date of expiration of their contracts, whichever comes first, and clarifies that consumer-owned transmission and distribution utilities are not expected to be licensed as competitive electricity providers in order to provide retail generation service within their territories.

LD 1061 An Act To Amend the Lien Process for Unpaid Water Rates **PUBLIC 97**

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

Under current law, all utilities currently have a lien on rental property to secure payment for utility services (35-A MRSA §706). Enforcement of the lien requires court action. This bill gives to private water companies the additional lien powers that consumer-owned water utilities and consumer-owned sanitary districts have: the authority to impose a lien on any real estate served to secure payment of unpaid rates; the authority, in the case of multi-unit rental property, to include in the lien on the rental property interest on the unpaid rate; and the authority to create a mortgage lien on the real estate and to foreclose that mortgage without court action.

Enacted Law Summary

Public Law 2011, chapter 97 gives to private water companies the lien powers that consumer-owned water utilities and consumer-owned sanitary districts have: the authority to impose a lien on any real estate served to secure payment of unpaid rates; the authority, in the case of multi-unit rental property, to include in the lien on the rental property interest on the unpaid rate; and the authority to create a mortgage lien on the real estate and to foreclose that mortgage without court action.

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LD 1066 An Act To Increase Home Weatherization and Energy Independence

**DIED IN
CONCURRENCE**

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

This bill establishes an assessment on #2 heating oil, kerosene and propane to fund weatherization and heating fuels efficiency programs. It provides a rebate for low-income households until the household participates in weatherization or heating fuels efficiency programs.

Committee Amendment "A" (H-438)

This amendment, which is the minority report of the committee, adds a safety valve to the assessment on heating fuels by suspending the assessment when the average price of the heating fuel, as determined by the Governor's Office of Energy Independence and Security, is equal to or greater than 90% of the highest average price of that heating fuel in the State. The assessment cannot be reinstated until the average price of the heating fuel in the State is equal to or less than 70% of the highest average price of the heating fuel in the State. The amendment also requires that each customer category is assigned funding from the Heating Fuels Efficiency and Weatherization Fund that is approximately equal to the assessment value that was collected from that customer category.

**LD 1077 An Act To Enhance Public Participation in Decisions Relating to the
Large-scale Extraction and Transportation of Water**

**MAJORITY
(ONTP) REPORT**

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

This bill amends the law enacted in 2009 governing agreements by consumer-owned water utilities that involve large-scale extraction or transportation of water.

Current law requires consumer-owned water utilities to: (1) hold a public meeting to present the terms of the agreement and hear public comments; (2) give notice of the public meeting to each customer, the PUC, the OPA and each municipality in which the water source is located and publish the notice in a paper with general circulation in the area; and (3) make the proposed agreement available for public inspection prior to the meeting. Current law applies to certain types of large-scale extraction and large-scale transportation of water beyond the boundaries of the municipality or township in which the water is naturally located. Current law excludes contracts with existing customer or another water utility; water transported for use in well drilling, construction, concrete mixing, swimming pool filling, servicing portable toilets, firefighting, hospital operations, aquaculture, agricultural applications or civil emergencies; water distilled as a by-product of a manufacturing process; or water transported from the a source that, before July 1, 1987, was used to supply water for bottling and sale and that is used exclusively for bottling and is sold in its pure form or as a carbonated or flavored beverage product.

This bill makes the following changes to current law: (1) expands the scope of the law to include water agreements by a municipality or the Maine Land Use Regulation Commission; (2) removes exceptions for contracts with an existing customer or contracts with a water utility; and (3) adds new voter-approval requirements for all such

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agreements. In the case of a LURC agreement, the vote would be by the voters in the county "impacted" by the agreement; in the case of a consumer-owned water utility or a municipality, the voters could approve the proposed contract at a town meeting; in the case of a consumer-owned water utility, all voters in all municipalities "in which that utility operates" would be eligible to vote, the voters in each municipality would need to approve the agreement, if the utility operates in more than one municipality, no more than one referendum on a proposal would be permitted within in 12-month period and the other party to the agreement may be required to pay for the referendum.

**LD 1091 An Act To Expand the Availability of Natural Gas to the Citizens of
Maine**

PUBLIC 261

Sponsor(s)

KATZ

Committee Report

OTP-AM

Amendments Adopted

S-178

This bill defines a "natural gas service expansion project" (NGSEP) under the laws governing the Finance Authority of Maine (FAME) as any development for the purpose of facilitating the production, generation, transmission, delivery or furnishing of natural gas to persons located in this state. It provides that such projects are "eligible projects" but are not "major business expansion projects." As "eligible projects," NGSEPs would be eligible for FAME's mortgage insurance program (also called commercial loan insurance program) and revenue obligation securities program. As a result of not being a major business expansion project, NGSEPs would not be required to result in a net gain of at least 50 jobs to receive FAME assistance and FAME's assistance would not be limited by the \$25M revenue obligation securities loan cap applicable to major business expansion projects (10 MRSA §1043(2)(J)) and the \$120M cap on moral obligation securities for all such major business expansion projects (10 MRSA §1053(6)(B)). The bill directs FAME to consult with the Public Utilities Commission to develop a moral obligation program for NGSEPs and report back to the Legislature by January 15, 2012.

Committee Amendment "A" (S-178)

This amendment replaces the bill. The amendment:

1. Modifies the definition of "energy distribution system project" under the laws governing the Finance Authority of Maine to include systems that distribute or transmit natural gas;
2. Authorizes the Finance Authority of Maine to issue revenue obligation securities relating to energy distribution system projects under the program limits currently established in law for electric rate stabilization projects and provides that loans for energy distribution system projects may not exceed the limits established annually by the authority;
3. Establishes standards under which the Finance Authority of Maine may approve providing financial assistance to energy distribution system projects; and
4. Requires the Public Utilities Commission, upon request of the Finance Authority of Maine, to provide assistance in analyzing financial, economic or technical issues relating to projects regulated by the commission. At the request of the commission, the Finance Authority of Maine must assess the applicant a fee to reimburse the commission for any costs incurred by the commission that cannot be absorbed within its existing resources.

Enacted Law Summary

Public Law 2011, chapter 261:

1. Modifies the definition of "energy distribution system project" under the laws governing the Finance Authority of Maine to include systems that distribute or transmit natural gas;

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2. Authorizes the Finance Authority of Maine to issue revenue obligation securities relating to energy distribution system projects under the program limits currently established in law for electric rate stabilization projects and provides that loans for energy distribution system projects may not exceed the limits established annually by the authority;
3. Establishes standards under which the Finance Authority of Maine may approve providing financial assistance to energy distribution system projects; and
4. Requires the Public Utilities Commission, upon request of the Finance Authority of Maine, to provide assistance in analyzing financial, economic or technical issues relating to projects regulated by the commission. At the request of the commission, the Finance Authority of Maine must assess the applicant a fee to reimburse the commission for any costs incurred by the commission that cannot be absorbed within its existing resources.

LD 1112 An Act To Improve Maine's Renewable Energy Portfolio Standard ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX MASON	ONTP	

This bill applies a 150% renewable energy credit multiplier to energy produced by efficient resources as defined under the Maine Revised Statutes, Title 35-A, section 3210, subsection 2, paragraph A.

LD 1158 An Act To Change the Regulation of Liquefied Petroleum Gas Distribution Facilities ONTP

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

This bill requires the Public Utilities Commission to adopt major substantive rules regarding safety jurisdiction over certain gas utilities in conjunction with the Maine Fuel Board. Until those rules are adopted, the commission may not adopt or enforce rules that are more stringent than the requirements of federal law and regulations.

See LD 908.

LD 1170 An Act To Establish a Code of Ethics for Individuals Involved in Grid-scale Wind Energy Development ONTP

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

This bill directs the Attorney General to develop through rulemaking a wind energy development code of ethics to prohibit inappropriate communications and interactions between municipal, county or state officials and wind

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energy developers involved in a grid-scale wind energy development. The rules must prohibit conflicts of interest and include methods to monitor compliance. The rules are major substantive rules. The bill includes monetary penalties for violations of the wind energy development code of ethics.

The committee considered 14 bills related to wind energy development during the First Regular Session of the 125th legislature. The committee voted all of the wind energy bills, except LD 1366, An Act to Update the Maine Wind Energy Act to Include Low-emission Energy, ought-not-to-pass. The committee amendment to LD 1366 was used as a vehicle to address many of the wind energy issues brought forward in the other bills.

LD 1191 *Resolve, To Encourage Business Development by Creating Limits on the Time Certain Utilities May Hold a Business Customer's Deposit* RESOLVE 38

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD BARTLETT	OTP-AM	H-127

This bill provides that a public utility may hold a deposit from a nonresidential customer for no longer than one year, after which time the deposit must be returned to the customer.

Committee Amendment "A" (H-127)

This amendment replaces the bill with a resolve that directs the Public Utilities Commission to amend its rules to require that deposits paid by small businesses with impeccable bill-paying histories be returned to those businesses after a reasonable time period. The commission may consider establishing different rules for different-sized utilities to account for differences in the risk to ratepayers associated with defaults by businesses. The commission may consider basing eligibility for return of a deposit on the size of the deposit that was required of the business, such as a business whose deposit was less than \$10,000. The commission is directed to establish a reasonable time period, such as 5 years, before a business is eligible for a return of the deposit. Rules adopted pursuant to this resolve are major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A and must be provisionally adopted by January 15, 2012.

Enacted Law Summary

Resolve 2011, chapter 38 directs the Public Utilities Commission to amend its rules to require that deposits paid by small businesses with impeccable bill-paying histories be returned to those businesses after a reasonable time period. The commission may consider establishing different rules for different-sized utilities to account for differences in the risk to ratepayers associated with defaults by businesses. The commission may consider basing eligibility for return of a deposit on the size of the deposit that was required of the business, such as a business whose deposit was less than \$10,000. The commission is directed to establish a reasonable time period, such as 5 years, before a business is eligible for a return of the deposit. Rules adopted pursuant to this resolve are major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A and must be provisionally adopted by January 15, 2012.

LD 1204 *An Act To Create Jobs through Home Energy Efficiency* ONTP

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

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The bill establishes the Maine Residential Energy Conservation Program within the Efficiency Maine Trust. It requires an owner of a residential property who is applying for a permit for substantial renovation of a residential structure or a seller of a residential property to obtain an energy audit by an energy advisor, providing a copy of the audit report to a buyer in the case of a sale; either make a minimum required expenditure on home energy improvements or install all energy efficiency measures identified by an energy advisor in an audit report with a payback period of 10 years or less; and obtain an inspection of the dwelling from an energy advisor after improvements have been installed to ensure compliance. If home energy improvements are made in anticipation of a sale, the cost of compliance must be borne by the buyer. The bill provides exemptions for certain sales and transfers and for certain residential structures.

LD 1234 *An Act To Restore the Uniform Visual Permitting Standard for Wind Power Projects* ONTP

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

This bill eliminates specific visual permitting standards for wind energy development to provide that wind energy developments are subject to the same visual permitting standards as other developments.

The committee considered 14 bills related to wind energy development during the First Regular Session of the 125th legislature. The committee voted all of the wind energy bills, except LD 1366, An Act to Update the Maine Wind Energy Act to Include Low-emission Energy, ought-not-to-pass. The committee amendment to LD 1366 was used as a vehicle to address many of the wind energy issues brought forward in the other bills.

LD 1236 *An Act To Amend the Legislative Findings in the Maine Wind Energy Act* ONTP

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

This bill amends the Maine Wind Energy Act to amend the findings of the Legislature regarding the presumption of benefits of wind energy development. The bill also removes the requirement that a primary siting authority presume that a grid-scale wind energy development project provides energy and emissions-related benefits. The bill also corrects a conflict created by Public Law 2009, chapters 615 and 655, which affected the same provision of law, by incorporating the changes made by both laws and removing the requirement that the Public Utilities Commission, when determining public need for a transmission line, consider state renewable energy generation goals.

The committee considered 14 bills related to wind energy development during the First Regular Session of the 125th legislature. The committee voted all of the wind energy bills, except LD 1366, An Act to Update the Maine Wind Energy Act to Include Low-emission Energy, ought-not-to-pass. The committee amendment to LD 1366 was used as a vehicle to address many of the wind energy issues brought forward in the other bills.

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LD 1264 An Act To Improve the Energy Efficiency of Public Buildings and Create Jobs

**HELD BY
GOVERNOR**

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

This bill amends the law to raise energy efficiency standards for public buildings and increases the ability of school units and counties to finance energy-related improvements in public buildings.

Part A raises efficiency standards for state-funded construction.

Part B raises efficiency standards for school construction, involves the Efficiency Maine Trust in the construction project approval process, gives school administrative units increased flexibility in contracting with energy service companies for energy efficiency, load management and distributed renewable energy improvements and makes school administrative units eligible for technical and other assistance from Efficiency Maine Trust in pursuing energy-related improvements.

Part C raises efficiency standards for county buildings and expands counties' ability to contract with energy service companies to achieve energy savings.

Part D raises efficiency standards for municipal buildings.

Part E applies the Maine Municipal Bond Bank's Efficiency Partners Program, which provides loans for efficiency upgrades to municipal and public school buildings, to renewable energy and load management projects.

Committee Amendment "A" (S-244)

This amendment strikes and replaces the bill with the following.

Part A extends existing standards for energy savings design considerations to include cost-effective load management systems.

Part B adds consideration of cost-effective load management systems to existing standards for energy savings design considerations and targets for school construction projects and gives school administrative units increased flexibility in contracting with energy service companies for energy efficiency and load management improvements.

Part C expands counties' ability to contract with energy service companies to include load management systems.

Part D expands the Maine Municipal Bond Bank's Efficiency Partners Program, which provides loans for efficiency upgrades to municipal and public school buildings, to include load management projects and expands the bank's aggregation powers for nonprofits and municipalities to include the services of energy service companies and products vendors.

Enacted Law Summary

This bill was enacted but as of this printing, had not been acted upon by the Governor and, pursuant to Art. IV, Part 3rd, Sec. 2 of the Maine Constitution, currently has no final disposition. The enacted bill provides the following. Part A extends existing standards for energy savings design considerations to include cost-effective load management systems. Part B adds consideration of cost-effective load management systems to existing standards for

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energy savings design considerations and targets for school construction projects and gives school administrative units increased flexibility in contracting with energy service companies for energy efficiency and load management improvements. Part C expands counties' ability to contract with energy service companies to include load management systems. Part D expands the Maine Municipal Bond Bank's Efficiency Partners Program, which provides loans for efficiency upgrades to municipal and public school buildings, to include load management projects and expands the bank's aggregation powers for nonprofits and municipalities to include the services of energy service companies and products vendors.

**LD 1275 Resolve, To Promote Greater Transparency and Accountability through
Regional Transmission Organization Reform**

RESOLVE 68

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	OTP-AM	S-225

This bill requires a nonprofit corporation exercising operating or administrative authority over the operation of high-voltage electric transmission facilities within this State to demonstrate that it has an open and transparent governance structure. The bill provides factors the Secretary of State shall consider in evaluating such a showing. The bill requires a corporation exercising operating or administrative authority over the operation of high-voltage electric transmission facilities within this State to include a certification in its annual report that it has an open and transparent governance structure. The bill also provides that a foreign corporation exercising operating or administrative authority over the operation of high-voltage electric transmission facilities within this State must file a certificate signed by a duly authorized officer affirming that the corporation has an open and transparent governance structure designed to protect the public's interest and that it will meet certain criteria in order to obtain authority to carry on its activities in this State. The bill requires that a foreign corporation is not authorized to carry on activities in this State unless the Secretary of State has filed an application for authority by such corporation meeting all the requirements of the Maine Revised Statutes, Title 13-B, section 1202.

Committee Amendment "A" (S-225)

This amendment directs the Public Utilities Commission, the Governor's Office of Energy Independence and Security and the Office of the Public Advocate to confer with comparable agencies in other states that are participants in the regional transmission organization for New England and to develop a plan to pursue transparency and accountability at the regional transmission organization. It requires the Public Utilities Commission, the Governor's Office of Energy Independence and Security and the Office of the Public Advocate develop model governance requirements for a regional transmission organization and formally propose the model to comparable agencies in other states. The commission must report on the progress of these efforts in its annual report for the years 2011, 2012 and 2013.

Enacted Law Summary

Resolve 2011, chapter 68 directs the Public Utilities Commission, the Governor's Office of Energy Independence and Security and the Office of the Public Advocate to confer with comparable agencies in other states that are participants in the regional transmission organization for New England and to develop a plan to pursue transparency and accountability at the regional transmission organization. It requires the Public Utilities Commission, the Governor's Office of Energy Independence and Security and the Office of the Public Advocate develop model governance requirements for a regional transmission organization and formally propose the model to comparable agencies in other states. The commission must report on the progress of these efforts in its annual report for the years 2011, 2012 and 2013.

Also related to transparency at the regional transmission organization for New England, as part of its deliberations on LD 668 of the same legislative session, the committee sent a letter to the Office of Public Advocate requesting

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that the office coordinate a meeting among the leadership of legislative committees within the ISO-New England region that have jurisdiction over energy issues to discuss policies that can be adopted to encourage greater transparency of governance, more stakeholder input and cost containment as important considerations during the ISO-New England decision making process.

LD 1291 Resolve, To Promote Community Wind Energy Development ONTP

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

This resolve is a concept draft pursuant to Joint Rule 208. This resolve proposes to establish a study group to develop a bidding process for use by the State to lease certain state-owned lands to community wind energy developers. The intent of the bidding and leasing process would be to create a long-term income stream for the State to be used for development of other wind energy projects.

The committee considered 14 bills related to wind energy development during the first regular session of the 125th legislature. The committee voted all of the wind energy bills, except LD 1366, An Act to Update the Maine Wind Energy Act to Include Low-emission Energy, ought-not-to-pass. The committee amendment to LD 1366 was used as a vehicle to address many of the wind energy issues brought forward in the other bills.

LD 1311 An Act To Specify That Providers of Voice Over Internet Protocol Services and Internet Protocol Enabled Services Do Not Constitute Telephone Utilities ONTP

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

This bill establishes that interconnected voice over Internet protocol service is not a telephone service and that a voice over Internet protocol provider is not a telephone utility.

See LD 1466.

LD 1323 An Act To Support Solar Energy Development in Maine MAJORITY (ONTP) REPORT

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

This bill creates the Maine Solar Energy Act, which:

1. States specific legislative findings that it is in the public interest to explore opportunities for and encourage

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development, where appropriate, of solar energy production in the State. This includes finding that solar energy development makes a significant contribution to the general welfare of the citizens of the State and that there is a need for modification of the regulatory process for siting solar energy developments;

2. Requires the Public Utilities Commission to take specific measures to support solar energy, including monitoring electricity markets, taking legal action to protect access to markets by solar power facilities located in the State and certifying a person as a community solar power generator; and
3. Encourages solar energy-related development and establishes state solar energy generation goals.

LD 1362 An Act To Ensure Accurate Valuation of a Community Benefits Package for Communities That Host Wind Energy Developments ONTP

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

This bill adds the requirement that the valuation of the community benefits package for communities that host wind energy developments account for losses such as decreases in property value and business losses. The bill also requires the community benefits package to include a financial assurance that it will be paid if there is a default.

The committee considered 14 bills related to wind energy development during the First Regular Session of the 125th legislature. The committee voted all of the wind energy bills, except LD 1366, An Act to Update the Maine Wind Energy Act to Include Low-emission Energy, ought-not-to-pass. The committee amendment to LD 1366 was used as a vehicle to address many of the wind energy issues brought forward in the other bills.

LD 1366 Resolve, To Clarify the Expectation for the 2012 Assessment of Progress on Meeting Wind Energy Development Goals RESOLVE 93

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIFFORD	OTP-AM MAJ OTP-AM MIN	H-610

This bill amends the Maine Wind Energy Act and the laws regarding expedited siting of grid-scale energy development to include low-emission energy, which is defined as energy derived from an electric generation source from which harmful emissions fall below emission levels from coal-fired or oil-fired electric generation sources. The bill also:

1. Amends the legislative findings to recognize low-emission energy and the detrimental effects of wind turbines on the environment and potentially on ratepayers;
2. Prohibits the Public Utilities Commission from requiring a transmission and distribution utility to purchase or sell electricity from a wind energy or other electric generation facility;
3. Changes the state goals for wind energy generation;
4. Amends the community benefits package provisions to:

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- A. Increase the amount an applicant for an expedited wind energy development is required to establish in a community benefits package from no less than \$4,000 to no less than \$8,000 per year per wind turbine;
 - B. Require the community benefits package to be approved by the legislative body of the host community;
 - C. Give the community benefits package a lien that has priority over all other liens; and
 - D. Change the exemption from the community benefits package requirement to apply to an expedited wind energy development that has an installed capacity of less than 4 megawatts instead of the current exemption of less than 20 megawatts;
5. Repeals the direct appeal to the Supreme Judicial Court of final action by the board or commissioner regarding an application for an expedited wind energy development;
6. Increases the maximum fee for processing an application that may be charged by the Department of Environmental Protection from \$250,000 to \$1,000,000; and
7. Requires the Department of Conservation, Maine Land Use Regulation Commission to amend its rules to prohibit the issuance or allowance of a permit for grid-scale wind power development in a mountain area protection subdistrict.

This bill was originally titled "An Act to Update the Maine Wind Energy Act to Include Low-emission Energy."

Committee Amendment "A" (H-610)

This amendment is the majority report of the committee. It strikes the bill, including the emergency preamble and clause, and replaces it with a resolve. This amendment sets out the information that the Joint Standing Committee on Energy, Utilities and Technology expects to receive in 2012 as part of the Governor's Office of Energy Independence and Security's annual assessment of progress on meeting the wind energy development goals and authorizes the committee to submit a bill to the Second Regular Session of the 125th Legislature following the receipt and review of the assessment. It also requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to conduct an analysis of the research on health effects from wind turbines, including effects from noise.

Committee Amendment "B" (H-611)

This amendment is the minority report of the committee. It strikes the bill, amends setback requirements for wind energy permitting requirements to make the setbacks at least 1.5 miles from the base of a wind turbine. This amendment sets out the information that the Joint Standing Committee on Energy, Utilities and Technology expects to receive in 2012 as part of the Governor's Office of Energy Independence and Security's annual assessment of progress on meeting the wind energy development goals. This amendment was not adopted.

Enacted Law Summary

Resolve 2011, chapter 93 sets out the information that the Joint Standing Committee on Energy, Utilities and Technology expects to receive in 2012 as part of the Governor's Office of Energy Independence and Security's annual assessment of progress on meeting the wind energy development goals and authorizes the committee to submit a bill to the Second Regular Session of the 125th Legislature following the receipt and review of the assessment. It also requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to conduct an analysis of the research on health effects from wind turbines, including effects from noise.

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LD 1382 An Act To Protect Homeowners Regarding Sewer Liens ONTP

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

This bill prohibits a sanitary district enforcing a lien for unpaid assessments on land that is occupied by a person other than the owner. The treasurer of the district may bring a civil action against the person occupying the land to recover the unpaid assessments.

**LD 1396 An Act To Require a Transmission and Distribution Utility To Provide MAJORITY
Safeguards to Consumers Prior To Installing Wireless Smart Meters (ONTP) REPORT**

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

This bill amends the State's smart grid policy to include consideration of customer rights. This bill requires the Public Utilities Commission to initiate a proceeding when a transmission and distribution utility is going to install a wireless smart meter. The proceeding must provide for opt-out provisions and wired smart meter alternatives, protection from unreasonable fees or rate increases and protection of customer data, including name, address, telephone number, electricity use and payment information. This bill requires the commission to take similar action to protect a customer that had a wireless smart meter installed prior to the effective date of this Act.

During the session, the commission had a number of open dockets regarding smart meters. The commission issued an order regarding the removal of smart meters or opting out of smart meter installation. See Public Utilities Commission docket 2010-345. Also see LD 756 which was related to smart meters and enacted during the First Regular Session of the 125th legislature.

**LD 1411 An Act To Facilitate Transparency and Accountability while Reducing ONTP
Electricity Costs**

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

This bill requires the Public Advocate to issue a monthly report regarding the performance of electricity generators, including but not limited to output, capacity factors, price of electricity generated and carbon dioxide emissions. The bill prohibits the construction of a new electricity generator unless the Public Advocate determines that the construction of the generator will result in reduced electricity costs for consumers in this State or the Public Utilities Commission issues a certificate of emergency.

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LD 1441 An Act To Amend the Yarmouth Water District Charter

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

This bill amends the Yarmouth Water District's charter to allow the district to purchase 2 wells from the Town of Cumberland and to conduct water from the Town of Cumberland to the Yarmouth Water District's service territory. The bill also amends the charter to give the board of trustees greater latitude as to when it schedules meetings.

Enacted Law Summary

Private and Special Law 2011, chapter 8 amends the Yarmouth Water District's charter to allow the district to purchase 2 wells from the Town of Cumberland and to conduct water from the Town of Cumberland to the Yarmouth Water District's service territory. It also amends the charter to give the board of trustees greater latitude as to when it schedules meetings.

LD 1443 An Act To Improve the Permitting Process for Wind Energy Developments and To Protect Maine's Quality of Place

ONTP

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

This bill requires that all approvals for a license, permit or certification for wind energy developments be decided through an adjudicatory proceeding. The bill requires the consideration of cumulative environmental impact and impacts to wildlife when approving wind energy developments. It prohibits wind energy facilities constructed at 1,000 feet or more above sea level from being greater than 75 feet in height. The bill requires all expansions of an expedited wind energy zone to be done through major substantive rulemaking rather than routine technical rulemaking and it requires wind energy developers to establish an escrow account for decommissioning.

The committee considered 14 bills related to wind energy development during the First Regular Session of the 125th legislature. The committee voted all of the wind energy bills, except LD 1366, An Act to Update the Maine Wind Energy Act to Include Low-emission Energy, ought-not-to-pass. The committee amendment to LD 1366 was used as a vehicle to address many of the wind energy issues brought forward in the other bills.

LD 1447 An Act To Create Jobs through the Establishment of the Renewable Energy Resources Feed-in Tariff Program

ONTP

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

This bill requires the Public Utilities Commission to establish a renewable energy resources feed-in tariff program. It requires that transmission and distribution utilities purchase electricity produced by renewable energy systems at

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commission-prescribed rates that give high-performing generators a rate of return of no more than 3.5%. It requires that utilities enter into standard contracts with qualified project owners. It includes provisions for commission and legislative oversight of the program.

**LD 1455 An Act To Create Efficiencies in State Government by Transferring the LEAVE TO
Duties of the Public Advocate to the Office of the Attorney General WITHDRAW**

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

This bill transfers the major duties and responsibilities of the Public Advocate to the Attorney General effective January 1, 2013 and requires the Attorney General by January 1, 2012 to submit proposed legislation to make all statutory changes necessary to terminate the Office of the Public Advocate and to complete the transfer of the powers, duties and responsibilities of the Public Advocate to the Attorney General.

**LD 1466 Resolve, To Direct the Public Utilities Commission To Develop a Plan RESOLVE 69
To Reform Telecommunications Regulation EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM	H-399

The bill establishes a finding that the public interest is best served by a State telecommunications regulatory structure that places equal regulatory obligations and burdens on all telecommunications providers, regardless of the mode of the communications. It establishes as an ultimate goal of the State to revise and reform the regulatory structure to provide equal regulatory requirements for all telecommunications providers by January 1, 2013. The bill provides that beginning January 1, 2012, the Public Utilities Commission is required to take all actions within its authority to regulate incumbent local exchange carriers essentially in the same manner as it regulates competitive local exchange carriers, unless the telephone utility consents otherwise. It does not require the Public Utilities Commission to change provisions regarding an obligation to serve as carrier of last resort, eligible telecommunications carrier or the wholesale obligations of any incumbent local exchange carrier, or, prior to January 1, 2013, change the obligations of a telephone utility imposed by a commission order that was in effect on January 1, 2011. The bill requires the Public Utilities Commission, by December 31, 2011, to submit a plan to the Legislature to ensure that, by January 1, 2013, all telecommunications providers, whether currently regulated or not, are regulated equally.

Committee Amendment "A" (H-399)

This amendment replaces the bill with a resolve that directs the Public Utilities Commission to develop a plan to reform telecommunications regulation and to process any filings submitted by telephone utilities for exemptions under the Maine Revised Statutes, Title 35-A with as much deliberative speed as possible, within the constraints of existing resources. It also makes several discrete changes to the regulatory structure pending the opportunity to implement the plan for regulatory reform.

The Public Utilities Commission's plan must be consistent with certain legislative findings, including that regulatory burdens should be the minimum necessary to protect the public welfare, and, to the maximum extent practicable, the regulatory burdens on different modes of providing telecommunications services should be the same; regulatory

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reform may not result in any provider being required to submit to a net increase in regulatory burden. This does not preclude reforms that establish options under which a provider may choose for its own benefit to take on new regulatory obligations, such as provider of last resort obligations, or reforms that replace existing regulatory requirements with more appropriate requirements, provided that no provider is required to submit to a net increase in regulatory burden; and regulatory reform may not relieve any provider of complying with wholesale obligations under either State or federal law, including but not limited to those relating to access to network elements, interconnection, inter-carrier compensation, pole attachments, switched access and any other obligations established under the Communications Act of 1934, as amended, and must preserve any related rights of any provider under that Act.

In developing the plan, the commission shall consider, at a minimum, the following: the extent of existing and anticipated competition for residential and business services; the characteristics of provider of last resort service and the obligations and support mechanisms, if any, that should accompany provider of last resort service; the extent to which any telecommunications provider should be able to choose to be subject to particular regulatory provisions; the implications of federal support mechanisms, preemption of state regulation of certain services and other federal issues; the degree, if any, to which any services, including provider of last resort services, should be subject to cost of service regulation; the need for a robust telecommunications infrastructure in the State; and the status of eligible telecommunications carriers.

In developing the plan, the commission is required to seek input from interested parties but is not required to conduct an adjudicatory proceeding and to examine the current regulatory structure in accordance with the legislative findings and may not presume existing laws and rules are appropriately designed for the current competitive environment.

The commission is required to submit its plan to the Joint Standing Committee on Energy, Utilities and Technology by December 31, 2011. To the maximum extent practicable, the commission shall establish target dates for implementation of the elements of the plan that are no later than 90 days after the adjournment of the 2nd Regular Session of the 125th Legislature. The commission shall include with the plan a draft of any legislation necessary to implement the plan, and, consistent with the requirements of Title 5, chapter 375, changes to rules necessary to implement the plan. The Joint Standing Committee on Energy, Utilities and Technology is authorized to report out a bill to reform telecommunications regulation to the 2nd Regular Session of the 125th Legislature.

The following modifications to telecommunications regulation are made. Except as otherwise may be provided by superseding legislation implementing the plan developed under section 1, these modifications apply between the effective date of the resolve and 90 days after the adjournment of the Second Regular Session of the 125th Legislature.

1. The commission may not enforce provisions of any order establishing an alternative form of regulation that prohibit an incumbent local exchange carrier from charging rates for non-residential service that are below the long-run incremental cost of providing that service or that establish some other minimum price requirement for services to non-residential customers.
2. The commission may not enforce provisions of any order establishing an alternative form of regulation that impose on an incumbent local exchange carrier multiplier penalties for repeated failures to meet service quality index performance standards with respect to any actions, inactions or other performance of that carrier occurring after July 31, 2010. The commission shall include in its report the service quality performance data required to be submitted to the commission by incumbent local exchange carriers affected by this subsection, together with any summary or analysis the commission may develop to assist the Legislature in reviewing whether this provision has had any effect on service quality performance.
3. The Commission may not require any local exchange carrier to prepare or submit pursuant to section 3 of the commission's rule Chapter 140, Utility Service Area and Infrastructure Maps, or pursuant to any similar provision of

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any successor rule, infrastructure maps: in a format different from or that contain a level of detail that is greater than the maps most recently submitted by that utility pursuant to that rule prior to the effective date of this resolve; or depicting the infrastructure connecting interoffice facilities to remote terminals and digital loop carriers.

4. The commission may not require any telecommunication carrier, pursuant to the commission's rule, Chapter 200, Telecommunications Carrier Outage Reporting, to submit notices of unscheduled service outages or notices of restorations of service earlier than 7 calendar days following the restoration of service.

5. A reorganization of an incumbent local exchange carrier is not subject to commission approval unless the reorganization results in a merger, sale or transfer of a controlling interest of the incumbent local exchange carrier or any entity that owns more than 50% of the incumbent local exchange carrier, as defined in the commission's rules.

6. The commission may not enforce its rule, Chapter 230, Installation, Maintenance and Ownership of Customer Premise Wire.

Also the Public Utilities Commission is prohibited from regulating interconnected voice over Internet protocol service as a telephone service under Title 35-A, unless otherwise directed by subsequently enacted law, and any commission order that is inconsistent with this prohibition is void. The specified intent of this provision is to return interconnected voice over Internet protocol service to its status prior to the issuance by the commission of its October 27, 2010 order in docket number 2008-421. Notwithstanding any limitation that the legislative findings might impose on the commission as a result of the regulatory effects of this provision, the commission may, free of any such limitations, examine and develop recommendations regarding interconnected voice over Internet protocol service when developing its plan.

Enacted Law Summary

Resolve 2001, chapter 69 directs the Public Utilities Commission to develop a plan to reform telecommunications regulation and to process any filings submitted by telephone utilities for exemptions under the Maine Revised Statutes, Title 35-A with as much deliberative speed as possible, within the constraints of existing resources. It also makes several discrete changes to the regulatory structure pending the opportunity to implement the plan for regulatory reform.

The Public Utilities Commission's plan must be consistent with certain legislative findings, including that regulatory burdens should be the minimum necessary to protect the public welfare, and, to the maximum extent practicable, the regulatory burdens on different modes of providing telecommunications services should be the same; regulatory reform may not result in any provider being required to submit to a net increase in regulatory burden (this does not preclude reforms that establish options under which a provider may choose for its own benefit to take on new regulatory obligations, such as provider of last resort obligations, or reforms that replace existing regulatory requirements with more appropriate requirements, provided that no provider is required to submit to a net increase in regulatory burden); and regulatory reform may not relieve any provider of complying with wholesale obligations under either State or federal law, including but not limited to those relating to access to network elements, interconnection, inter-carrier compensation, pole attachments, switched access and any other obligations established under the Communications Act of 1934, as amended, and must preserve any related rights of any provider under that Act.

In developing the plan, the commission shall consider, at a minimum, the following: the extent of existing and anticipated competition for residential and business services; the characteristics of provider of last resort service and the obligations and support mechanisms, if any, that should accompany provider of last resort service; the extent to which any telecommunications provider should be able to choose to be subject to particular regulatory provisions; the implications of federal support mechanisms, preemption of state regulation of certain services and other federal issues; the degree, if any, to which any services, including provider of last resort services, should be subject to cost of service regulation; the need for a robust telecommunications infrastructure in the State; and the status of eligible telecommunications carriers.

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In developing the plan, the commission is required to seek input from interested parties but is not required to conduct an adjudicatory proceeding and to examine the current regulatory structure in accordance with the legislative findings and may not presume existing laws and rules are appropriately designed for the current competitive environment.

The commission is required to submit its plan to the Joint Standing Committee on Energy, Utilities and Technology by December 31, 2011. To the maximum extent practicable, the commission shall establish target dates for implementation of the elements of the plan that are no later than 90 days after the adjournment of the Second Regular Session of the 125th Legislature. The commission shall include with the plan a draft of any legislation necessary to implement the plan, and, consistent with the requirements of Title 5, chapter 375, changes to rules necessary to implement the plan. The Joint Standing Committee on Energy, Utilities and Technology is authorized to report out a bill to reform telecommunications regulation to the 2nd Regular Session of the 125th Legislature.

The following modifications to telecommunications regulation are made. Except as otherwise may be provided by superseding legislation implementing the plan developed under section 1, these modifications apply between the effective date of this resolve and 90 days after the adjournment of the Second Regular Session of the 125th Legislature.

1. The commission may not enforce provisions of any order establishing an alternative form of regulation that prohibit an incumbent local exchange carrier from charging rates for non-residential service that are below the long-run incremental cost of providing that service or that establish some other minimum price requirement for services to non-residential customers.
2. The commission may not enforce provisions of any order establishing an alternative form of regulation that impose on an incumbent local exchange carrier multiplier penalties for repeated failures to meet service quality index performance standards with respect to any actions, inactions or other performance of that carrier occurring after July 31, 2010. The commission shall include in its report the service quality performance data required to be submitted to the commission by incumbent local exchange carriers affected by this subsection, together with any summary or analysis the commission may develop to assist the Legislature in reviewing whether this provision has had any effect on service quality performance.
3. The Commission may not require any local exchange carrier to prepare or submit pursuant to section 3 of the commission's rule Chapter 140, Utility Service Area and Infrastructure Maps, or pursuant to any similar provision of any successor rule, infrastructure maps: in a format different from or that contain a level of detail that is greater than the maps most recently submitted by that utility pursuant to that rule prior to the effective date of this resolve; or depicting the infrastructure connecting interoffice facilities to remote terminals and digital loop carriers.
4. The commission may not require any telecommunication carrier, pursuant to the commission's rule, Chapter 200, Telecommunications Carrier Outage Reporting, to submit notices of unscheduled service outages or notices of restorations of service earlier than 7 calendar days following the restoration of service.
5. A reorganization of an incumbent local exchange carrier is not subject to commission approval unless the reorganization results in a merger, sale or transfer of a controlling interest of the incumbent local exchange carrier or any entity that owns more than 50% of the incumbent local exchange carrier, as defined in the commission's rules.
6. The commission may not enforce its rule, Chapter 230, Installation, Maintenance and Ownership of Customer Premise Wire.

Also the Public Utilities Commission is prohibited from regulating interconnected voice over Internet protocol service as a telephone service under Title 35-A, unless otherwise directed by subsequently enacted law, and any commission order that is inconsistent with this prohibition is void. The specified intent of this provision is to return

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interconnected voice over Internet protocol service to its status prior to the issuance by the commission of its October 27, 2010 order in docket number 2008-421. Notwithstanding any limitation that the legislative findings in this resolve might impose on the commission as a result of the regulatory effects of this provision, the commission may, free of any such limitations, examine and develop recommendations regarding interconnected voice over Internet protocol service when developing its plan.

Resolve 2011, chapter 69 was finally passed as an emergency measure effective June 9, 2011.

LD 1479 An Act To Minimize Conflicts between Property Owners and Grid-scale Wind Energy Developments ONTP

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

This bill removes statutory guidance for wind energy development standards and creates specific statewide standards for setback requirements, shadow flicker effects and decommissioning plans for grid-scale wind energy developments and offshore wind power projects. This bill limits the length of roads and utility lines associated with a grid-scale wind energy development and the type of lighting that may be placed on a wind turbine. This bill directs the Department of Environmental Protection to adopt rules concerning statewide standards for sound level limits.

The committee considered 14 bills related to wind energy development during the First Regular Session of the 125th legislature. The committee voted all of the wind energy bills, except LD 1366, An Act to Update the Maine Wind Energy Act to Include Low-emission Energy, ought-not-to-pass. The committee amendment to LD 1366 was used as a vehicle to address many of the wind energy issues brought forward in the other bills.

LD 1483 An Act To Amend the Charter of the Sanford Sewerage District P & S 11

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COURTNEY	OTP-AM	S-140

This bill amends the charter of the Sanford Sewerage District to incorporate certain provisions of the sanitary district laws, to increase the number of trustees from 3 to 5 and to make other technical changes.

Committee Amendment "A" (S-140)

This amendment makes certain technical changes to the bill to make the charter of the Sanford Sewerage District consistent with the sanitary and sewer district provisions of the Maine Revised Statutes, Title 38. The amendment provides that, prior to proposing any amendment to the charter to the Legislature, the trustees must present the amendment to the town council of the Town of Sanford for review and comment. It also replaces the provision in the bill that establishes the election to staggered terms of the trustees of the district to remove the number of votes the trustees receive as the factor that determines the terms of office.

Enacted Law Summary

Private and Special Law 2011, chapter 11 amends major portions of the charter of the Sanford Sewerage District to make it consistent with provisions of the sanitary and sewer district provisions of Maine Revised Statutes, Title 38.

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It increases the number of trustees from 3 to 5. It provides that prior to proposing any amendment to the charter to the Legislature, the trustees must present the amendment to the town council of the Town of Sanford for review and comment.

LD 1506 An Act To Remove Obstacles to the Use of Technological Advances for Heating in Multifamily Structures PUBLIC 300

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

Under current law, electric space heating equipment may not be installed as the primary heating system in construction that is funded using public funds. This bill specifically exempts electric thermal storage space heating equipment from this prohibition.

Committee Amendment "A" (H-493)

This amendment defines "geothermal heat pump" and provides that geothermal heat pumps are not considered electric space heating equipment for the purposes of the laws governing electric heating systems in subsidized housing, thus allowing the pumps to be installed in multifamily residential structures funded by public funds.

Enacted Law Summary

Public Law 2011, chapter 300 defines "geothermal heat pump" and provides that geothermal heat pumps and electric thermal storage space heating equipment are not considered electric space heating equipment for the purposes of the laws governing electric heating systems in subsidized housing, thus allowing geothermal heat pumps and electric thermal storage space heating equipment to be installed in multifamily residential structures funded by public funds.

LD 1510 An Act Regarding Information Provided to Consumers by Competitive Electricity Providers PUBLIC 284

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM	H-398

This bill removes the requirement that a competitive electricity provider provide information to a customer at least once annually that enhances the consumer's ability to effectively make choices in a competitive electricity market. It requires the Public Utilities Commission to establish by rule standards for making this information available through any means considered appropriate.

Committee Amendment "A" (H-398)

This amendment changes the designation of the rules related to information provided to consumers by competitive electricity providers from major substantive rules to routine technical rules and removes the date by which the rules were to be adopted.

Enacted Law Summary

Public Law 2011, chapter 284 removes the requirement that a competitive electricity provider provide information to a customer at least once annually that enhances the consumer's ability to effectively make choices in a competitive electricity market. It requires the Public Utilities Commission to establish by rule standards for making this

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information available through any means considered appropriate. This law amends the designation of the rules related to information provided to consumers by competitive electricity providers from major substantive rules to routine technical rules and removes the date by which the rules were to be adopted.

LD 1516 An Act To Protect Consumer Information at the Efficiency Maine Trust

PUBLIC 343

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU	OTP-AM	S-198 S-267 BARTLETT

This bill designates as confidential, for purposes of the freedom of access laws, those records retained by the Efficiency Maine Trust that contain information about a customer's energy usage or that contain personal information about a customer seeking financing through the trust.

Committee Amendment "A" (S-198)

This amendment clarifies the personal information that is considered confidential by the Efficiency Maine Trust and extends the confidentiality to include records of customers seeking participation in any program of the trust, rather than records of customers seeking financing through a program of the trust as proposed in the bill.

Senate Amendment "A" To Committee Amendment "A" (S-267)

This amendment clarifies that confidentiality applies to the records of customers who have participated in a program of the Efficiency Maine Trust as well as customers seeking to participate in any program of the trust.

Enacted Law Summary

Public Law, chapter 343 designates as confidential, for purposes of the freedom of access laws, those records retained by the Efficiency Maine Trust that contain information about a customer's energy usage or that contains the social security number, address, telephone number or email address of a customer who has participated or is seeking to participate in a program of the trust.

LD 1521 An Act To Amend the InforME Public Information Access Act

PUBLIC 321

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

This bill amends the InforME Public Information Access Act to add definitions of "agency fees," "fee service," "portal fee" and "user" and amends definitions of "premium services" and "subscriber." The bill allows the InforME board to establish "portal fees" for electronic services, which is defined in current law to include all the services provided by InforME through electronic means, including access to information. The bill also allows InforME to assess fees on agencies. The bill changes InforME's fiscal year to coincide with the calendar year. It expands the confidentiality of InforME records to include not only records relating to the identity of subscribers (those who pay for services) but also of users. It exempts, however, public records held by data custodians.

Committee Amendment "A" (S-195)

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This amendment modifies the bill by:

1. Adding a definition of "transaction" and modifying the definition of "portal fee" to mean a fee paid by a user for a transaction;
2. Establishing a cap on portal fees of \$6 plus 3% of the total charges for each transaction, with a provision allowing the InforME Board to establish a higher portal fee by major substantive rule; and
3. Clarifying the language in the bill regarding confidentiality of user information.

Enacted Law Summary

Public Law 2011, chapter 321 amends the InforME Public Information Access Act to add definitions of "agency fees", "fee service," "portal fee", "transaction" and "user" and amends definitions of "premium services" and "subscriber." The law allows the InforME board to establish "portal fees" for electronic services but establishes a cap on portal fees of \$6 plus 3% of the total charges for each transaction; the InforME Board may establish a higher portal fee by major substantive rule. The law also allows InforME to assess fees on agencies. The law changes InforME's fiscal year to coincide with the calendar year. It expands the confidentiality of InforME records to include not only records relating to the identity of subscribers (those who pay for services) but also of users. It exempts, however, public records held by data custodians.

LD 1527 An Act To Encourage the Creation of Jobs through Development of ONTP
Maine's Solar Industry

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

This bill promotes development of Maine's solar industry. It requires the Maine Uniform Building and Energy Code to include standards for solar installations in new and existing buildings, and requires the Technical Building Codes and Standards Board to adopt a model municipal ordinance for solar permitting. The bill also creates a solar set-aside within Maine's existing renewable portfolio standard. The bill revives the solar and wind energy rebate program previously administered by the Efficiency Maine Trust.

LD 1545 An Act To Authorize the Public Utilities Commission To Exercise PUBLIC 110
Jurisdiction over Private Natural Gas Pipelines To Ensure Safe EMERGENCY
Operation

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

This bill authorizes the Public Utilities Commission to exercise safety regulations over any private natural gas pipeline that serves a single customer.

Enacted Law Summary

Public Law 2011, chapter 110 authorizes the Public Utilities Commission to exercise safety regulations over any private natural gas pipeline that serves a single customer.

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Public Law 2011, chapter 110 was enacted as an emergency measure effective May 19, 2011.

LD 1561 An Act To Create the Nickerson Lake Sewer District

**P & S 14
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	OTP-AM	S-199

This bill creates the Nickerson Lake Sewer District.

Committee Amendment "A" (S-199)

This amendment makes certain changes to the bill to make it consistent with the sanitary district laws and the laws governing all sewer districts. It also does the following:

1. Clarifies that the purpose of the district is to provide wastewater treatment services, including subsurface wastewater collection, treatment and disposal services;
2. Provides that, within the territory of the district and in areas outside the territory of the district located within the Town of Linneus or the Town of New Limerick, the district may exercise the powers specified under the Maine Revised Statutes, Title 38, section 1151 regarding locating its pipes and facilities and may also locate one or more septic fields;
3. Removes the requirement that certain trustees own property within the district; and
4. Adds an emergency preamble to the bill.

Enacted Law Summary

Private and Special Law 2011, chapter 14 creates the Nickerson Lake Sewer District.

Private and Special Law 2011, chapter 14 was enacted as an emergency measure effective June 9, 2011.

LD 1564 An Act Concerning Certain Privileges Transferred to GNE, LLC by Great Northern Paper, Inc.

INDEF PP

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

This bill, which was indefinitely postponed without reference to committee, retroactively excepts from the rights, privileges, immunities or franchises that Great Northern Paper, Inc. may sell or transfer pursuant to Private and Special Law 2001, chapter 45 the right to take or use water conveyed to Great Northern Paper, Inc. by Private and Special Law 1917, chapter 94.

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LD 1570 An Act To Reduce Energy Prices for Maine Consumers

PUBLIC 413

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU	OTP-AM	S-272 S-310 THIBODEAU

This bill caps the percentage of supply sources for retail electricity sales that must come from new renewable capacity resources at 4%. It requires the Public Utilities Commission to set the price of the alternative compliance payment rate for meeting the new renewable capacity resource requirement at no more than 110% of the prior year's average market prices of renewable energy credits. It specifies that any long-term contract negotiated by the Public Utilities Commission for capacity resources, available energy associated with capacity resources or available renewable energy credits associated with capacity resources may not be greater than 90% of the market price of capacity resources, available energy associated with capacity resources or available renewable energy credits associated with capacity resources. It requires the Public Utilities Commission to obtain the approval of the Legislature, instead of providing notice to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters, prior to requiring an investor-owned transmission and distribution utility to enter into a long-term contract for energy efficiency capacity resources.

Committee Amendment "A" (S-272)

This amendment is the majority report of the committee. It strikes the bill and replaces it. It provides a definition of "to refurbish" as it applies to new renewable capacity resources. It requires the Public Utilities Commission to conduct rulemaking to ensure that consumers will benefit from long-term contracts. It requires legislative approval for long-term contracts for energy efficiency capacity resources that result in a fee or an assessment on ratepayers. Finally, this amendment directs the Public Utilities Commission to conduct an in-depth analysis of the new renewable capacity resources portfolio requirements.

Senate Amendment "A" To Committee Amendment "A" (S-310)

Current law exempts the sale of electricity by a competitive electricity provider to a Pine Tree Development Zone business from the requirements of the portfolio standard established under the Maine Revised Statutes, Title 35-A, section 3210. Rather than the exemption being permitted upon request of a certified electricity provider, this amendment makes the exemption automatic and allows a qualified Pine Tree Development Zone business to request a waiver from the exemption. The amendment allows the Public Utilities Commission to adopt routine technical rules to implement the exemption.

Enacted Law Summary

Public Law 2011, chapter 413 provides a definition of "to refurbish" as it applies to new renewable capacity resources. It requires the Public Utilities Commission to conduct a rulemaking to ensure that consumers will benefit from long-term contracts. It requires legislative approval for long-term contracts for energy efficiency capacity resources that result in a fee or an assessment on ratepayers.

Sale of electricity by a competitive electricity provider to a Pine Tree Development Zone business is exempt from the requirements of the portfolio standard established under the Maine Revised Statutes, Title 35-A, section 3210 unless a qualified Pine Tree Development Zone business requests a waiver from the exemption. The Public Utilities Commission may adopt routine technical rules to implement the exemption.

Finally, this law directs the Public Utilities Commission to conduct an in-depth analysis of the new renewable

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capacity resources portfolio requirements. The commission must report to the committee by January 31, 2011. The committee may submit a bill related to the findings to the Second Regular Session of the 125th Legislature.

LD 1577 An Act To Amend the Winthrop Utilities District Charter

**P & S 12
EMERGENCY**

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

This bill amends the charter of the Winthrop Utilities District to give it authority to impose liens for rates and assessments and issue foreclosure notices in accordance with the laws governing sanitary districts.

Enacted Law Summary

Private and Special Law 2011, chapter 12 amends the charter of the Winthrop Utilities District to give it authority to impose liens for rates and assessments and issue foreclosure notices in accordance with the laws governing sanitary districts.

Private and Special Law 2011, chapter 12 was enacted as an emergency measure effective June 2, 2011.

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SUBJECT INDEX

Agency matters -- PUC/OPA/OEIS

Enacted

LD 429	An Act To Clarify the Role of the Public Advocate	PUBLIC 79
LD 710	An Act To Amend the Laws Governing the Duties of the Director of the Governor's Office of Energy Independence and Security	PUBLIC 55

Not Enacted

LD 789	An Act To Eliminate the Governor's Office of Energy Independence and Security	ONTP
LD 1455	An Act To Create Efficiencies in State Government by Transferring the Duties of the Public Advocate to the Office of the Attorney General	LEAVE TO WITHDRAW

Dig Safe

Enacted

LD 331	Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 31 EMERGENCY
LD 407	An Act To Clarify the Dig Safe Standards	PUBLIC 72 EMERGENCY

Not Enacted

LD 916	An Act To Clarify Notification Procedures during an Emergency Excavation	LEAVE TO WITHDRAW
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Electricity

Enacted

LD 13	Resolve, Regarding Legislative Review of Portions of Chapter 316: Long-Term Contracting and Resource Adequacy, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 10 EMERGENCY
LD 463	An Act Concerning Policy Objectives of the Public Utilities Commission	PUBLIC 109
LD 529	An Act To Enhance Transparency in the Regulation of Large, Investor-owned Transmission and Distribution Utilities	PUBLIC 71
LD 729	An Act To Ensure Ratepayer Benefits from Long-term Contracts for Renewable Energy Credits	PUBLIC 273

LD 732	Resolve, Directing the Public Utilities Commission To Adopt Rules Affecting Utility Deposits	RESOLVE 32
LD 756	Resolve, To Examine Cyber Security and Privacy Issues Relating to Smart Meters	RESOLVE 82
LD 793	An Act To Protect Ratepayers While Enhancing Energy Independence and Security	PUBLIC 277
LD 795	An Act To Expand Net Energy Billing	PUBLIC 262
LD 802	An Act To Amend the Requirements for Electric Transmission Lines	PUBLIC 281
LD 1275	Resolve, To Promote Greater Transparency and Accountability through Regional Transmission Organization Reform	RESOLVE 68
LD 1510	An Act Regarding Information Provided to Consumers by Competitive Electricity Providers	PUBLIC 284
<u>Not Enacted</u>		
LD 68	Resolve, Directing the Public Utilities Commission To Examine the Purchase of Low-cost Electric Power from Quebec	ONTP
LD 183	An Act Relating To Net Energy Billing for Solar Energy Users	ONTP
LD 241	An Act To Promote Energy Independence and Renewable Energy Production	ONTP
LD 493	An Act To Provide Municipalities with Reciprocal Rights To Rent Space for Street Lights on Utility Poles in Municipal Rights-of-way	ONTP
LD 620	Resolve, To Protect Maine Electricity Ratepayers Regarding the Installation of Smart Meters	ONTP
LD 668	An Act To Improve Regional Transmission Organization Responsiveness	ONTP
LD 801	An Act To Authorize the Public Utilities Commission To Require That Transmission or Distribution Lines Be Placed Underground	ONTP
LD 870	An Act To Examine Electric Utility Regulation and Fees To Reduce Rates	ONTP
LD 935	An Act To Create Fair and Open Competition in Line Extension Construction	Carried Over
LD 1028	An Act To Ensure Open and Transparent Bidding for the Lowest Electric Rates	ONTP
LD 1396	An Act To Require a Transmission and Distribution Utility To Provide Safeguards to Consumers Prior To Installing Wireless Smart Meters	MAJORITY (ONTP) REPORT
LD 1411	An Act To Facilitate Transparency and Accountability while Reducing Electricity Costs	ONTP
LD 1564	An Act Concerning Certain Privileges Transferred to GNE, LLC by Great Northern Paper, Inc.	INDEF PP

Energy Conservation

Enacted

LD 361	Resolve, To Evaluate the Energy Use of the State House and the Burton M. Cross State Office Building	RESOLVE 40
LD 431	An Act To Require the Efficiency Maine Trust To More Effectively Administer Funds	PUBLIC 84
LD 553	An Act To Improve Maine's Energy Security	PUBLIC 400
LD 1506	An Act To Remove Obstacles to the Use of Technological Advances for Heating in Multifamily Structures	PUBLIC 300
LD 1516	An Act To Protect Consumer Information at the Efficiency Maine Trust	PUBLIC 343

Not Enacted

LD 485	An Act To Ensure the Greatest Possible Public Benefit from Energy Efficiency Spending	ONTP
LD 699	An Act To Conserve Energy in Certain Commercial Buildings	ONTP
LD 923	An Act To Prevent Conflict of Interest in Efficiency Maine Audits	ONTP
LD 1066	An Act To Increase Home Weatherization and Energy Independence	DIED IN CONCURRENCE
LD 1264	An Act To Improve the Energy Efficiency of Public Buildings and Create Jobs	HELD BY GOVERNOR

Miscellaneous - Utilities and Energy

Enacted

LD 1191	Resolve, To Encourage Business Development by Creating Limits on the Time Certain Utilities May Hold a Business Customer's Deposit	RESOLVE 38
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Natural Gas

Enacted

LD 197	An Act To Improve Response to Gas Safety Emergencies	PUBLIC 27
LD 908	An Act Regarding Gas Utilities under the Safety Jurisdiction of the Public Utilities Commission	PUBLIC 197 EMERGENCY
LD 1091	An Act To Expand the Availability of Natural Gas to the Citizens of Maine	PUBLIC 261

LD 1545 **An Act To Authorize the Public Utilities Commission To Exercise Jurisdiction over Private Natural Gas Pipelines To Ensure Safe Operation** **PUBLIC 110 EMERGENCY**

Not Enacted

LD 328 **An Act To Move Propane Safety Oversight to the Maine Fuel Board** **ONTP**

LD 1158 **An Act To Change the Regulation of Liquefied Petroleum Gas Distribution Facilities** **ONTP**

Renewable Resources

Enacted

LD 761 **An Act To Provide Rebates for Renewable Energy Technologies** **PUBLIC 314 EMERGENCY**

LD 999 **An Act Regarding the Public Utilities Commission's Ability To Use Certain Funds** **PUBLIC 283**

LD 1366 **Resolve, To Clarify the Expectation for the 2012 Assessment of Progress on Meeting Wind Energy Development Goals** **RESOLVE 93**

LD 1570 **An Act To Reduce Energy Prices for Maine Consumers** **PUBLIC 413**

Not Enacted

LD 425 **An Act To Stimulate Demand for Renewable Resources** **Carried Over**

LD 502 **An Act To Place a Moratorium on Expedited Permitting of Grid-scale Wind Energy Development** **ONTP**

LD 600 **An Act To Promote a Safe and Sustainable Environment by Extending the Portfolio Standard** **ONTP**

LD 711 **An Act To Regulate Noise from Wind Turbines in Residential Developments** **ONTP**

LD 865 **An Act To Require the Department of Environmental Protection To Enforce Standards for Smaller-scale Wind Energy Development in Organized Areas** **ONTP**

LD 956 **An Act To Improve Maine's Renewable Portfolio Standard** **ONTP**

LD 1035 **Resolve, To Establish Baseline Information on Health Impacts from Grid-scale Wind Energy Development** **ONTP**

LD 1042 **An Act To Preserve and Protect Citizens' Property Rights and Values** **ONTP**

LD 1059 **An Act To Correct a Statutory Oversight Regarding Renewable Capacity Resources Portfolio Requirements for Consumer-owned Utilities** **MAJORITY (ONTP) REPORT**

LD 1112 **An Act To Improve Maine's Renewable Energy Portfolio Standard** **ONTP**

LD 1170	An Act To Establish a Code of Ethics for Individuals Involved in Grid-scale Wind Energy Development	ONTP
LD 1204	An Act To Create Jobs through Home Energy Efficiency	ONTP
LD 1234	An Act To Restore the Uniform Visual Permitting Standard for Wind Power Projects	ONTP
LD 1236	An Act To Amend the Legislative Findings in the Maine Wind Energy Act	ONTP
LD 1291	Resolve, To Promote Community Wind Energy Development	ONTP
LD 1323	An Act To Support Solar Energy Development in Maine	MAJORITY (ONTP) REPORT
LD 1362	An Act To Ensure Accurate Valuation of a Community Benefits Package for Communities That Host Wind Energy Developments	ONTP
LD 1443	An Act To Improve the Permitting Process for Wind Energy Developments and To Protect Maine's Quality of Place	ONTP
LD 1447	An Act To Create Jobs through the Establishment of the Renewable Energy Resources Feed-in Tariff Program	ONTP
LD 1479	An Act To Minimize Conflicts between Property Owners and Grid-scale Wind Energy Developments	ONTP
LD 1527	An Act To Encourage the Creation of Jobs through Development of Maine's Solar Industry	ONTP

Telecommunications

Enacted

LD 243	An Act To Ensure Emergency Communications for Persons with Disabilities	PUBLIC 173
LD 554	An Act To Amend the Telecommunications Education Access Fund	PUBLIC 54
LD 1466	Resolve, To Direct the Public Utilities Commission To Develop a Plan To Reform Telecommunications Regulation	RESOLVE 69 EMERGENCY
LD 1521	An Act To Amend the InforME Public Information Access Act	PUBLIC 321

Not Enacted

LD 48	An Act To Require Oral Disclosure of the Cost of Certain Public Telephone Calls	INDEF PP
LD 192	An Act To Bring a Green Data Center to Maine	ONTP
LD 1014	An Act To Create the Children's Wireless Protection Act	MAJORITY (ONTP) REPORT

LD 1311	An Act To Specify That Providers of Voice Over Internet Protocol Services and Internet Protocol Enabled Services Do Not Constitute Telephone Utilities	ONTP
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Water/Sewer - Charters

Enacted

LD 890	An Act To Create the Anson and Madison Water District	P & S 6 EMERGENCY
LD 1018	An Act To Amend the Charter of the Anson Water District	P & S 5
LD 1441	An Act To Amend the Yarmouth Water District Charter	P & S 8
LD 1483	An Act To Amend the Charter of the Sanford Sewerage District	P & S 11
LD 1561	An Act To Create the Nickerson Lake Sewer District	P & S 14 EMERGENCY
LD 1577	An Act To Amend the Winthrop Utilities District Charter	P & S 12 EMERGENCY

Water/Sewer - General

Enacted

LD 84	An Act To Improve the Sewer District Rate Collection Procedures	PUBLIC 26 EMERGENCY
LD 772	An Act To Modify the Auditing Requirements for Certain Small Water Utilities	PUBLIC 77
LD 909	An Act To Provide Additional Flexibility for the Funding of Infrastructure Improvements by Consumer-owned Water Utilities	PUBLIC 106
LD 1061	An Act To Amend the Lien Process for Unpaid Water Rates	PUBLIC 97

Not Enacted

LD 1077	An Act To Enhance Public Participation in Decisions Relating to the Large-scale Extraction and Transportation of Water	MAJORITY (ONTP) REPORT
LD 1382	An Act To Protect Homeowners Regarding Sewer Liens	ONTP

STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON HEALTH AND HUMAN
SERVICES**

July 2011

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Joint Standing Committee on Health and Human Services

LD 28 Resolve, To Improve Access to Employment Opportunities for Persons with Intellectual Disabilities and Autistic Disorders RESOLVE 49 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD CRAVEN	OTP-AM	H-139

This resolve directs the Department of Health and Human Services to amend the MaineCare Benefits Manual to remove the language that restricts the number of persons with intellectual disabilities and autistic disorders who may work at any given work site or location to 50 percent of a business's workforce at that work site or location.

Committee Amendment "A" (H-139)

This amendment requires the rule to be amended on an emergency basis and requires routine technical rulemaking following the expiration of the emergency rule.

Enacted Law Summary

Resolve 2011, chapter 49 directs the Department of Health and Human Services to amend the MaineCare Benefits Manual to remove the language that restricts the number of persons with intellectual disabilities and autistic disorders who may work at any given work site or location to 50 percent of a business's workforce at that work site or location. The resolve directs that the rules be amended on an emergency basis and that the rules be adopted as routine technical rules.

Resolve 2011, chapter 49, was finally passed as an emergency measure effective May 25, 2011.

LD 29 An Act To Limit Salaries of Hospital Administrators ONTP

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

This bill limits the annual salary and compensation package of hospital administrators to the level of the salary of the Governor beginning January 1, 2012.

LD 65 Resolve, To Establish a Working Group of Stakeholders To Review the Current and Future Dementia Training Needs of Long-term Care Providers RESOLVE 28 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	OTP-AM	S-24

This resolve requires the Department of Health and Human Services to amend the rules for licensing long-term care facilities and adult day care programs and for certifying residential care facilities and supported living arrangements

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to require that all administrators and direct care staff complete eight hours of dementia care training in order to work in those long-term care facilities, adult day care programs, residential care facilities and supported living arrangements and to require that documentation of satisfaction of the training requirement is a condition of their licensure or certification.

Committee Amendment "A" (S-24)

This amendment replaces the resolve and adds an emergency preamble and emergency clause to the resolve. It directs the Department of Health and Human Services to establish within existing resources a working group of stakeholders to review the current and future dementia training needs of long-term care providers. It directs the working group to make recommendations to the Commissioner of Health and Human Services. It directs the commissioner to report to the Joint Standing Committee on Health and Human Services by November 30, 2011.

Enacted Law Summary

Resolve 2011, chapter 28 directs the Department of Health and Human Services to establish within existing resources a working group of stakeholders to review the current and future dementia training needs of long-term care providers. It directs the working group to make recommendations to the Commissioner of Health and Human Services. It directs the commissioner to report to the Joint Standing Committee on Health and Human Services by November 30, 2011.

Resolve 2011, chapter 28 was passed as an emergency measure effective April 28, 2011.

LD 70 An Act To Include Independent Practice Dental Hygienists in MaineCare

PUBLIC 457

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON W	OTP-AM	H-49 S-339 ROSEN R

This bill provides for reimbursement under the MaineCare program to directly reimburse dental hygienists practicing independently as authorized under the Maine Revised Statutes, Title 32, section 1094-I for all procedures performed under Title 32, section 1094-Q, subsection 1. The bill directs the Department of Health and Human Services to adopt rules to implement this provision and designates the rules as routine technical rules.

Committee Amendment "A" (H-49)

This amendment removes the requirement that rules be adopted by April 1, 2012 and adds a provision to reimburse a federally qualified health center that employs an independent practice dental hygienist as a core provider.

Senate Amendment "A" To Committee Amendment "A" (S-339)

This amendment limits the procedures for which the Department of Health and Human Services, by October 1, 2012, must provide reimbursement to 6 specified procedures.

Enacted Law Summary

Public Law 2011, chapter 457 provides for reimbursement under the MaineCare program to directly reimburse dental hygienists practicing independently as authorized under the Maine Revised Statutes, Title 32, section 1094-I for 6 specified dental procedures by October 1, 2012. The law provides reimbursement for independent practice dental hygienists who are core providers at federally qualified health centers. The law directs the Department of

Joint Standing Committee on Health and Human Services

Health and Human Services to adopt rules to implement this provision by April 1, 2012 and designates the rules as routine technical rules.

LD 75 Resolve, Directing the Department of Health and Human Services To ONTP
Amend Its Rules Governing Electronic Benefits Transfer Cards

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

This bill requires the Department of Health and Human Services to amend its rules governing the electronic benefits transfer system to provide that a person may not receive cash back in connection with a transaction made with an electronic benefits transfer card that is drawing on the person's food supplement benefit account and to require that a photograph of the owner of an electronic benefits transfer card appear on that card.

LD 105 Resolve, Regarding Legislative Review of Chapter 13: Municipal RESOLVE 21
Service Fee, a Major Substantive Rule of the Department of Health and EMERGENCY
Human Services

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

This resolve provides for legislative review of Chapter 13: Municipal Service Fee, a major substantive rule of the Department of Health and Human Services.

Committee Amendment "A" (H-50)

This amendment authorizes the final adoption of Chapter 13: Municipal Service Fee, a provisionally adopted major substantive rule of the Department of Health and Human Services, only if the name of the fee is changed to the state share of vital records fee, municipalities remit the state portion of the fees by the 30th of each month and any increase beyond the capped state share is removed from the rule.

Enacted Law Summary

Resolve 2011, chapter 21 provides for legislative review of Chapter 13: Municipal Service Fee, a major substantive rule of the Department of Health and Human Services. The rule had been adopted by the department as an emergency with an effective date of October 5, 2010 to allow the department to assess a fee on municipal governments related to administering vital records. Resolve 2011, chapter 21 approves the rule as long as the rule is amended to change the name of the fee to the state share of vital records fee, municipalities remit the state portion of the fees by the 30th of each month, and any increase beyond the capped state share is removed from the rule.

Resolve 2011, chapter 21 was finally passed as an emergency measure effective April 15, 2011.

Joint Standing Committee on Health and Human Services

LD 121 An Act To Amend the Laws Regarding Public Health Infrastructure

PUBLIC 306

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH RAYE	OTP-AM	H-459

This bill extends to the federally recognized Indian nations, tribes and bands in the State and to their health departments and health clinics the laws on comprehensive community health coalitions, district coordinating councils for public health, district public health units, Healthy Maine Partnerships, the universal wellness initiative and health risk assessment.

Committee Amendment "A" (H-459)

This amendment replaces the bill. It creates a new tribal district in the public health infrastructure system composed of any lands belonging to Indian tribes in the State and including any member of a tribe living outside of tribal lands. It allows the tribal district to apply for Healthy Maine Partnerships funding. It allows for clear data assessments for the tribal district and tribal members that are separate from data available for other districts.

Enacted Law Summary

Public Law 2011, chapter 306 creates a new tribal district in the public health infrastructure system composed of any lands belonging to Indian tribes in the State and including any member of a tribe living outside of tribal lands. It allows the tribal district to apply for Healthy Maine Partnerships funding. It allows for clear data assessments for the tribal district and tribal members that are separate from data available for other districts.

LD 127 Resolve, To Align Child-to-staff Ratios in Child Care Facilities

ONTP

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

This resolve directs the Department of Health and Human Services to amend the rules for licensing child care facilities in order to increase the child-to-staff ratios of child care centers to the child-to-staff ratios of small child care facilities. The resolve designates the rules as routine technical rules.

LD 146 An Act To Prohibit the Use of Mercury Amalgams in Dental Procedures for Children, Pregnant Women and Nursing Mothers

ONTP

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

This bill prohibits a dentist from knowingly using mercury or a mercury amalgam in any dental procedure involving a person 17 years of age or younger, a woman who is pregnant or a woman who is nursing a child.

Joint Standing Committee on Health and Human Services

LD 150 An Act To Require Drug Testing for Medicaid Recipients with Prescriptions for Scheduled Drugs ONTP

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

This bill requires the Department of Health and Human Services to develop a program that requires Medicaid recipients with prescriptions for scheduled drugs to be tested periodically to ensure that they are taking the prescribed scheduled drugs.

LD 157 An Act To Encourage Access to Health Care in Maine INDEF PP

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

This bill amends the Hospital and Health Care Provider Cooperation Act, which applies to mergers of covered entities, which are defined as hospitals and health care providers. Currently the Act applies only to a merger of a hospital with a hospital or of a health care provider with a health care provider. This bill makes the Act apply also to a merger of a hospital with a health care provider. This bill was indefinitely postponed prior to referral to any committee.

LD 193 An Act To Require an Applicant for State Assistance To Show Proof of Legal Residence in the United States and Proof of Residency for at Least the Previous 90 Days in This State ONTP

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

This bill provides that an applicant for state assistance under the Temporary Assistance for Needy Families program, the MaineCare program or the food stamp program must be a legal resident of the United States and a resident of this State.

LD 216 Resolve, Regarding MaineCare Tobacco Treatment and Smoking Cessation Benefits RESOLVE 24

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

Joint Standing Committee on Health and Human Services

This resolve directs the Department of Health and Human Services to amend its rules governing the MaineCare program to provide that a person who smokes is not eligible to receive benefits under the program.

Committee Amendment "A" (S-17)

This amendment changes the title of the resolve and changes the resolve to focus on MaineCare tobacco cessation and treatment. The amendment directs the Department of Health and Human Services, through the Partnership for a Tobacco-Free Maine, the Maine Center for Disease Control and Prevention and the Office of MaineCare Services, to work to address and reduce tobacco use by MaineCare members, to identify best practice measures for reducing the smoking rate of MaineCare members and to determine ways to increase use of the MaineCare tobacco treatment benefit while working within existing resources to fund projects necessary to reach MaineCare members. The amendment requires the department to submit a written report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on its progress by November 30th each year through 2014.

Enacted Law Summary

Resolve, 2011, chapter 24 directs the Department of Health and Human Services, through the Partnership for a Tobacco-Free Maine, the Maine Center for Disease Control and Prevention and the Office of MaineCare Services, to work to address and reduce tobacco use by MaineCare members, to identify best practice measures for reducing the smoking rate of MaineCare members and to determine ways to increase use of the MaineCare tobacco treatment benefit while working within existing resources to fund projects necessary to reach MaineCare members. The resolve requires the department to submit a written report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on its progress by November 30th each year through 2014.

LD 248 An Act To Provide for a Temporary License To Operate Certain Eating and Lodging Establishments

LEAVE TO WITHDRAW

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

This bill allows an initial applicant for a license for a currently licensed eating establishment, eating and lodging place, lodging place, recreational camp, youth camp or camping area that needs a new license due to a change in ownership to also apply for a temporary license until a determination on the initial license application is reached or for 60 days, whichever is shorter. The fee for a temporary license is \$100.

LD 258 An Act Relating to Access to Vital Records

PUBLIC 58

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON	OTP-AM	H-77

This bill makes more accessible to the public birth records, marriage records, domestic partnership registrations and death records while maintaining safeguards regarding certified copies of those records.

Committee Amendment "A" (H-77)

Joint Standing Committee on Health and Human Services

This amendment replaces the bill. It clarifies that informational copies of vital records are noncertified copies. It shortens the time period for access to vital records. It opens to inspection and allows for purchase of noncertified copies of vital records created prior to 1892. It requires custodians of vital records to permit inspection of the records by a person who has a direct and legitimate interest and by a researcher engaged in genealogical research who holds a researcher identification card.

Enacted Law Summary

Public Law 2001, chapter 58 clarifies that informational copies of vital records are noncertified copies. It shortens the time period for access to vital records. It opens to inspection and allows for purchase of noncertified copies of vital records created prior to 1892. It requires custodians of vital records to permit inspection of the records by a person who has a direct and legitimate interest and by a researcher engaged in genealogical research who holds a researcher identification card.

LD 267 An Act To Strengthen the Laws on Methicillin-resistant Staphylococcus Aureus and To Improve Health Care MAJORITY (ONTP) REPORT

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

This bill strengthens the laws on the collection and dissemination of information regarding methicillin-resistant Staphylococcus aureus and screening requirements and procedures to control the spread of the infection. The bill requires reporting on multidrug-resistant organism infections and provides for a patient's right to personal advocacy in hospital and other health care settings.

Committee Amendment "A" (H-415)

This amendment is the minority report of the committee. The amendment adds mandatory screening for methicillin-resistant Staphylococcus aureus on transfer into an intensive care unit in a hospital and screening up to 3 weeks prior to elective admission. It requires screening of certain lesions. It requires screening of patients admitted for surgical implantation of any medical device or hardware and of patients who have had those procedures in the past. It qualifies the authority of a patient advocate, making it dependent on the discretion of the patient. It makes other changes in the proposed law on patient advocates.

LD 286 An Act To Allow the Operation of Crematoriums at Oak Grove Cemetery and the Kelley Family Cemetery P & S 10 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY MCCORMICK	OTP-AM MAJ ONTP MIN	H-142 S-131 RAYE

This bill authorizes Oak Grove Cemetery to construct a crematorium on land that it owns or is owned by the City of Gardiner and that is in an area zoned for industrial or commercial use or zoned as rural in the greater Gardiner area. Current law allows crematoriums only in cemeteries with 20 or more acres of land. This bill provides that the land on which the crematorium is constructed may be less than 20 acres, but not less than 3 acres.

Joint Standing Committee on Health and Human Services

Committee Amendment "A" (H-142)

This amendment requires that the site on which a crematorium is to be constructed be owned by Oak Grove Cemetery rather than owned by Oak Grove Cemetery or the City of Gardiner, as proposed in the bill.

Senate Amendment "B" (S-131)

This amendment authorizes the construction and operation of a crematorium in Steuben on land that meets the statutory criteria except that the cemetery has not included the full 20 acres for the full 2 years required under current law as interpreted by the Department of Health and Human Services.

Enacted Law Summary

Current law allows crematoriums to be built only in cemeteries with 20 or more acres of land and that have been in existence and used for burial for at least two years preceding the construction of the structure. Private and Special Law 2011, chapter 10 authorizes the construction of two crematoriums that do not meet the statutory criteria. It authorizes the Oak Grove Cemetery in Gardiner to construct a crematorium on land that it owns, is in an area zoned for industrial or commercial use or zoned as rural in the greater Gardiner area and on land smaller than 20 acres but larger than 3 acres. It also authorizes the construction and operation of a crematorium in Steuben on land that meets the statutory criteria except that the cemetery has not included the full 20 acres for the full 2 years required.

Private and Special Law 2011, chapter 10 was enacted as an emergency measure effective May 31, 2011.

LD 300 An Act To Increase the Availability of Lead Testing for Children

PUBLIC 183

Sponsor(s)

CRAVEN

Committee Report

OTP-AM

Amendments Adopted

S-129

This bill allows a health care provider or health care facility or clinic that dispenses benefits of the Women, Infants and Children Special Supplemental Food Program of the federal Child Nutrition Act of 1966 approved by the Department of Health and Human Services to perform in-office blood lead analyses under the Lead Poisoning Control Act.

Committee Amendment "A" (S-129)

This amendment adds Head Start facilities to the facilities that may analyze a child's blood sample for blood lead level as long as the facility meets the requirements of the Department of Health and Human Services. The amendment repeals the Maine Revised Statutes, Title 22, section 1319-A and reorganizes its contents as section 1319-D for easier reading.

Enacted Law Summary

Public Law 2011, chapter 183 allows a health care provider or health care facility or clinic that dispenses benefits of the Women, Infants and Children Special Supplemental Food Program of the federal Child Nutrition Act of 1966 or Head Start facilities that are approved by the Department of Health and Human Services to perform in-office blood lead analyses under the Lead Poisoning Control Act.

Joint Standing Committee on Health and Human Services

LD 303 An Act To Improve Hospital Transparency ONTP

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

This bill makes medical organizations that receive over \$250,000 annually in public funds for medical services subject to the freedom of access laws.

**LD 332 Resolve, Regarding Legislative Review of Portions of Chapter 11: Rules RESOLVE 96
Governing the Controlled Substances Prescription Monitoring EMERGENCY
Program, a Major Substantive Rule of the Department of Health and
Human Services**

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

This resolve provides for legislative review of portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program, a major substantive rule of the Department of Health and Human Services.

Enacted Law Summary

Resolve 2011, chapter 96 provides for legislative review of portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program, a major substantive rule of the Department of Health and Human Services.

Resolve 2011, chapter 96 was passed as an emergency effective June 21, 2011.

LD 346 An Act Regarding Pharmacy Reimbursement in MaineCare PUBLIC 458

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS DIAMOND	OTP-AM MAJ ONTP MIN	H-563 S-345 ROSEN R

This bill requires the Department of Health and Human Services to reimburse pharmacies for dispensing covered brand name and generic drugs under the MaineCare program based on a formula that includes calculated wholesale acquisition cost plus 6.7% and a dispensing fee of \$3.35 per prescription and allows the department to adopt routine technical rules. The formula applies to drugs dispensed under the MaineCare program on or after September 26, 2011.

Committee Amendment "A" (H-563)

Joint Standing Committee on Health and Human Services

This amendment is the majority report of the committee. This amendment replaces the bill. The amendment:

1. Authorizes pharmacies to charge MaineCare members copayments for prescription drugs dispensed and allows pharmacies to refuse to dispense if copayments are not paid as long as certain procedures are in place and are followed by the Department of Health and Human Services and the pharmacies;
2. Adds a provision requiring notice to MaineCare members of copayment requirements;
3. Provides an effective date for the statutory changes upon amendment and federal approval of the Medicaid state plan but no earlier than October 1, 2011;
4. Directs the Department of Health and Human Services to review the cost of dispensing a prescription drug under the MaineCare program, to review other information available on pharmacy reimbursement and to report by January 15, 2012 to the Joint Standing Committee on Health and Human Services with recommendations regarding the dispensing fee; and
5. Adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-345)

This amendment strikes the appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 458 amends MaineCare pharmacy benefits for MaineCare members, making the pharmacy copay mandatory by enacting the following:

1. Authorizing pharmacies to charge MaineCare members copayments for prescription drugs dispensed and allowing pharmacies to refuse to dispense if copayments are not paid as long as certain procedures are in place and are followed by the Department of Health and Human Services and the pharmacies;
2. Adding a provision requiring notice to MaineCare members of copayment requirements;
3. Providing an effective date for the statutory changes upon amendment and federal approval of the Medicaid state plan but no earlier than October 1, 2011; and
4. Directing the Department of Health and Human Services to review the cost of dispensing a prescription drug under the MaineCare program, to review other information available on pharmacy reimbursement and to report by January 15, 2012 to the Joint Standing Committee on Health and Human Services with recommendations regarding the dispensing fee.

LD 353 An Act Regarding Agencies Contracted by the Department of Health and Human Services To Provide Regulatory Oversight and Billing Services ONTP

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

This bill requires the Department of Health and Human Services to adopt rules regarding contracts for regulatory oversight and billing services for service providers to require proof that the contractor has obtained financial securitization for all financial obligations, even if the contractor ceases doing business.

Joint Standing Committee on Health and Human Services

LD 360 An Act To Amend the Maine Certificate of Need Act of 2002

PUBLIC 424

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKANE SNOWE-MELLO	OTP-AM MAJ OTP-AM MIN	H-625 H-661 STRANG BURGESS

Under current law, before introducing additional health care services and procedures in a market area, a person must apply for and receive a certificate of need from the Department of Health and Human Services. This bill eliminates that requirement.

Committee Amendment "A" (H-625)

This amendment is the majority report of the committee. The amendment replaces the bill and does the following.

Part A amends certificate of need laws by raising thresholds for review, providing for later threshold increases tied to the Consumer Price Index medical care services index and eliminating the certificate of need requirements for the purchase of replacement equipment. The amendment includes a threshold of \$3,000,000 for capital expenditures for a new health service by a new or existing health care facility. The amendment exempts from the requirement of a certificate of need process certain capital expenditures by health care facilities that have been certified by the Efficiency Maine Trust as cost-effective and requires the trust to develop and implement a process for certification.

Part B amends the certificate of need laws by increasing the threshold for nursing facility projects, providing for later threshold increases tied to the Consumer Price Index, limiting MaineCare budget neutrality requirements and the MaineCare nursing facility funding pool to apply solely to projects that propose to add additional nursing facility beds to the total inventory of beds within the State, making other changes to certificate of need laws and clarifying that projects need to comply with the principles of the Maine Quality Forum only when such standards are directly applicable to nursing facility projects.

Part C requires the Department of Health and Human Services to amend its rules on certificate of need by January 1, 2012 to permit applications to be filed at any time, rather than on a cycle, and to allow applicants to waive having a technical assistance meeting. It also requires the Department of Health and Human Services to convene a stakeholder group to review certificate of need laws and rules.

Part D shortens by half the time periods in the laws on the application and review processes for certificate of need.

Part E adds an appropriations and allocations section.

Part F adds an effective date of February 15, 2012 except that the provision requiring the Department of Health and Human Services to amend its rules to permit certificate of need applications to be filed at any time takes effect December 1, 2011 and the provision requiring the department to convene a stakeholder group takes effect October 1, 2011.

Committee Amendment "B" (H-626)

This amendment is the minority report of the committee. The amendment replaces the bill and does the following.

Part A amends certificate of need laws by raising thresholds for review, providing for later threshold increases tied to the Consumer Price Index medical care services index and eliminating the certificate of need requirements for the purchase of replacement equipment. The amendment includes a threshold of \$1,000,000 for capital expenditures for

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a new health service by a new or existing health care facility. The amendment exempts from the requirement of a certificate of need process certain capital expenditures by health care facilities that have been certified by the Efficiency Maine Trust as cost-effective and requires the trust to develop and implement a process for certification.

Part B amends the certificate of need laws by increasing the threshold for nursing facility projects, providing for later threshold increases tied to the Consumer Price Index, limiting MaineCare budget neutrality requirements and the MaineCare nursing facility funding pool to apply solely to projects that propose to add additional nursing facility beds to the total inventory of beds within the State, making other changes to certificate of need laws and clarifying that projects need to comply with the principles of the Maine Quality Forum only when such standards are directly applicable to nursing facility projects.

Part C requires the Department of Health and Human Services to amend its rules on certificate of need by January 1, 2012 to permit applications to be filed at any time, rather than on a cycle, and to allow applicants to waive having a technical assistance meeting. It also requires the Department of Health and Human Services to convene a stakeholder group to review certificate of need laws and rules.

Part D shortens by half the time periods in the laws on the application and review processes for certificate of need.

Part E adds an appropriations and allocations section.

Part F adds an effective date of February 15, 2012 except that the provision requiring the Department of Health and Human Services to amend its rules to permit certificate of need applications to be filed at any time takes effect December 1, 2011 and the provision requiring the department to convene a stakeholder group takes effect October 1, 2011.

House Amendment "A" To Committee Amendment "A" (H-661)

This amendment lowers the threshold of capital expenditures for which a new health care facility other than a nursing facility must obtain a certificate of need from \$10,000,000 to \$3,000,000. This amendment reinforces the authority of the Department of Health and Human Services to approve the conversion of nursing facility beds to residential care beds and the delicensing, selling and transferring of nursing facility beds. It requires the department to determine that any increase in residential care costs for the MaineCare program are offset by reductions in nursing facility costs. It eliminates the costs for the committee amendment and the need for appropriations and allocations.

Enacted Law Summary

Public Law 2011, chapter 424 does the following.

Part A amends certificate of need laws by raising thresholds for review, providing for later threshold increases tied to the Consumer Price Index medical care services index and eliminating the certificate of need requirements for the purchase of replacement equipment. The law includes a threshold of \$3,000,000 for capital expenditures for a new health service by a new or existing health care facility. The law exempts from the requirement of a certificate of need process certain capital expenditures by health care facilities that have been certified by the Efficiency Maine Trust as cost-effective and requires the trust to develop and implement a process for certification.

Part B amends the certificate of need laws by increasing the threshold for nursing facility projects, providing for later threshold increases tied to the Consumer Price Index, limiting MaineCare budget neutrality requirements and the MaineCare nursing facility funding pool to apply solely to projects that propose to add additional nursing facility beds to the total inventory of beds within the State, making other changes to certificate of need laws and clarifying that projects need to comply with the principles of the Maine Quality Forum only when such standards are directly applicable to nursing facility projects. The law reinforces the authority of the Department of Health and Human Services to approve the conversion of nursing facility beds to residential care beds and the delicensing, selling and transferring of nursing facility beds. It requires the department to determine that any increase in residential care costs for the MaineCare program are offset by reductions in nursing facility costs.

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Part C requires the Department of Health and Human Services to amend its rules on certificate of need by January 1, 2012 to permit applications to be filed at any time, rather than on a cycle, and to allow applicants to waive having a technical assistance meeting. It also requires the Department of Health and Human Services to convene a stakeholder group to review certificate of need laws and rules.

Part D shortens by half the time periods in the laws on the application and review processes for certificate of need.

Part E adds an appropriations and allocations section.

Part F adds an effective date of February 15, 2012 except that the provision requiring the Department of Health and Human Services to amend its rules to permit certificate of need applications to be filed at any time takes effect December 1, 2011 and the provision requiring the department to convene a stakeholder group takes effect October 1, 2011.

**LD 376 Resolve, To Complete the Timely and Appropriate Redesign of Shared Living Services for Adults with Intellectual Disabilities and Autism **RESOLVE 30
EMERGENCY****

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

This resolve requires the Department of Health and Human Services to complete the redesign of shared living and other home foster care services for adults with cognitive and intellectual disabilities and autism by April 15, 2011.

Committee Amendment "A" (H-81)

This amendment replaces the resolve. It requires the Department of Health and Human Services to continue to work on the redesign of its shared living program and to report on its progress to the Joint Standing Committee on Health and Human Services by September 1, 2011 and December 15, 2011.

Enacted Law Summary

Resolve 2011, chapter 30 requires the Department of Health and Human Services to continue to work on the redesign of its shared living program and to report on its progress to the Joint Standing Committee on Health and Human Services by September 1, 2011 and December 15, 2011.

Resolve 2011, chapter 30 was passed as an emergency measure effective May 9, 2011.

LD 388 An Act To Allow a Personal Representative To Obtain a Copy of a Death Certificate and To Direct the Department of Health and Human Services To Amend Its Rules Governing Vital Records Fees **ONTP**

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

This bill allows a personal representative to obtain a copy of the death certificate of the person who made the will designating that personal representative. It also directs the Department of Health and Human Services, Maine

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Center for Disease Control and Prevention, Office of Data, Research and Vital Statistics to amend its rules governing vital records fees to provide that a researcher identification card is valid for 2 years from the date of issuance and to reduce the fee for registration of a researcher identification card to \$25 for a person who is a dues-paying member of a genealogical society or organization.

LD 390 Resolve, To Implement Certain Recommendations of the Governor's Task Force on Expanding Access to Oral Health Care for Maine People DIED ON ADJOURNMENT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS CRAVEN	OTP-AM	H-170

This resolve increases MaineCare dental reimbursement rates in accordance with the recommendation of the 2008 Report of the Governor's Task Force on Expanding Access to Oral Health Care for Maine People.

Committee Amendment "A" (H-170)

This amendment replaces the resolve. It increases MaineCare dental reimbursement rates for 20 preventive, diagnostic and restorative dental procedures to the 10th percentile. The amendment also adds an appropriations and allocations section to the resolve.

This resolve died on the appropriations table on adjournment.

LD 424 An Act To Revise the Laws Governing the Licensure of Public Water System Operators PUBLIC 45

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-18

This bill adds distribution facilities to the list of public water systems that the Board of Licensure of Water System Operators shall classify. The bill authorizes the board to license persons to serve as operators of only public water systems in the State and allows the board to design or approve examinations. The bill requires a person who fails to renew that person's license within 2 years following the expiration of the license to take an examination as a condition of licensure. The bill increases the fee limit for the various water system operator fees from \$60 to \$95. The bill also has a separate fee for the examination and licensure of public water system operators.

Committee Amendment "A" (S-18)

This amendment adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2011, chapter 45 adds distribution facilities to the list of public water systems that the Board of Licensure of Water System Operators shall classify. The law authorizes the board to license persons to serve as operators of only public water systems in the State and allows the board to design or approve examinations. The law requires a person who fails to renew that person's license within 2 years following the expiration of the license to take an examination as a condition of licensure. The law increases the fee limit for the various water system operator fees from \$60 to \$95. The law also has a separate fee for the examination and licensure of public water

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system operators.

LD 428 An Act To Fund Special Education Advocacy ONTP

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

This bill provides an appropriation directly to the Disability Rights Center, the State's designated protection and advocacy agency for persons with disabilities pursuant to the Maine Revised Statutes, Title 5, chapter 511. These funds must be used to provide advocacy services for children with disabilities in education-related matters.

**LD 435 An Act To Improve the Rate of Organ and Tissue Donation by PUBLIC 168
Establishing the Organ Donation Advisory Council EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM	S-57

This bill repeals a volunteer advisory committee to provide information and advice regarding anatomical gifts and replaces it with an appointed advisory council to advise the State on improving the rate of organ and tissue donation.

Committee Amendment "A" (S-57)

The amendment moves the Organ Donation Advisory Council in Title 5 from general government boards to the section on boards and commissions that are advisory with minimal authority. It clarifies the appointing authority of the members of the council and removes the requirement for some members to be confirmed by the Joint Standing Committee on Health and Human Services and the Senate. It appoints 4 members of the council to a 2-year initial term to allow for staggered terms of membership. It adds an emergency preamble and clause to the bill.

Enacted Law Summary

Public Law 2011, chapter 168 repeals a volunteer advisory committee to provide information and advice regarding anatomical gifts and replaces it with the Organ Donation Advisory Council consisting of 10 members appointed for three year terms to advise the State on improving the rate of organ and tissue donation.

Public Law 2011, chapter 168 was enacted as an emergency measure effective May 30, 2011.

**LD 443 An Act To Require Prompt MaineCare Decisions on Care for Children PUBLIC 35
with Life-threatening Conditions**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL C BRANNIGAN	OTP-AM	H-51

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This bill requires the Department of Health and Human Services to make decisions approving or disapproving MaineCare care or services for children with life-threatening conditions within one working day of receiving the complete request or order.

Committee Amendment "A" (H-51)

This amendment clarifies that the request for MaineCare care or services must be an urgent request from the health care provider or providers.

Enacted Law Summary

Public Law 2011, chapter 35 requires the Department of Health and Human Services to make decisions approving or disapproving urgent requests for MaineCare care or services for children with life-threatening conditions within one working day of receiving the complete request or order.

LD 452 An Act To Provide MaineCare Reimbursement for Pastoral Counselors ONTP

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

This bill requires the Department of Health and Human Services to provide reimbursement under the MaineCare program for services provided by a licensed pastoral counselor beginning January 1, 2012.

LD 466 An Act To Require Hospitals To Adopt Employee Illness and Injury Prevention Programs and To Provide Lift Teams and To Require Reduced Workers' Compensation Insurance Rates for those Hospitals ONTP

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

This bill requires hospitals to adopt illness and injury prevention programs that include training in lifting patients and in the use of lifting equipment and the use of at least one lift team on each shift beginning January 1, 2012. The bill protects employees from disciplinary action in certain circumstances. The bill provides for a reduction in workers' compensation insurance rates for a hospital that provides lift teams and lifting equipment beginning with policies issued or renewed on July 1, 2012.

LD 472 An Act To Enhance the Security of Hospital Patients, Visitors and Employees PUBLIC 254

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CELLI	OTP-AM	H-360

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This bill requires the adoption of safety and security plans to protect patients, visitors and employees in hospitals. The plan would require training for employees, a system for reporting, investigation of incidents of violence, a guarantee of the employee's right to seek assistance and treatment, immunity for good faith reporting of incidents and reporting to the Department of Public Safety and from that department to the Department of Health and Human Services. It requires the State Board of Corrections to adopt standards for safety and security plans in correctional facilities and county jails. It also requires annual reporting from the Department of Health and Human Services to the Legislature on reports of violence in hospitals.

Committee Amendment "A" (H-360)

This amendment replaces the bill. It requires a licensed hospital to adopt a safety and security plan on an annual basis and prohibits interference with a person making a report as provided in the plan. It applies the provision to critical access hospitals beginning July 1, 2012 and to all other hospitals beginning January 1, 2012.

Enacted Law Summary

Public Law 2011, chapter 254 requires a licensed hospital to adopt a safety and security plan on an annual basis and prohibits interference with a person making a report as provided in the plan. It applies the provision to critical access hospitals beginning July 1, 2012 and to all other hospitals beginning January 1, 2012.

LD 475 An Act Regarding Private Health Insurance Purchased by the State for Recipients of MaineCare ONTP

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

This bill prohibits the Department of Health and Human Services from requiring an individual to complete a health assessment or considering an individual's health status as a condition of eligibility for the Private Health Insurance Premium Program. The bill also provides that the prohibition does not affect an individual or family enrolled in private health insurance pursuant to the program prior to the provision's effective date.

LD 492 An Act To Ensure That Children's Products Are Free of Cadmium INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK BLISS	REF ENR	

This bill prohibits the manufacture, sale and distribution in commerce of children's products containing cadmium at more than .004% by weight beginning July 1, 2013. In addition, the bill limits the substances that may be used as alternatives to cadmium in children's products. The bill directs the Department of Health and Human Services and the Maine Center for Disease Control and Prevention to enforce the cadmium limitation within available resources and provides penalties for violations. The Health and Human Services Committee voted to refer this bill to the Environment and Natural Resources Committee. The bill was indefinitely postponed prior to referral.

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LD 499 An Act To Protect Persons in Residential Care Who Are under Limited Guardianship ONTP

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

This bill requires licensed residential care facilities that have as residents persons under limited guardianship under the Maine Revised Statutes, Title 18-A, section 5-105 to certify as a condition of licensure or renewal a knowledge and understanding of limited guardianship.

LD 509 An Act To Establish Emergency Shelter Family Homes To Host Youth PUBLIC 385
Referred by the Department of Corrections

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	OTP-AM	S-255

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

This bill proposes to establish a category of licensing for host homes to provide short-term emergency shelter and care for youth who are 14 to 18 years of age and who cannot live at home because of family conflict or other concerns.

Committee Amendment "A" (S-255)

The bill is a concept draft. This amendment replaces the bill, changes the title and authorizes a licensed emergency shelter to operate an emergency shelter family home for youths in order to provide them with voluntary, safe, emergency housing with trained families or individuals in locations as close as reasonably possible to the home communities of the youths if the shelter has a contract with the Department of Corrections, the Department of Corrections refers the youths and the parents or legal guardians of the youths are in agreement.

Enacted Law Summary

Public Law 2011, chapter 385 authorizes a licensed emergency shelter to operate an emergency shelter family home for youths in order to provide them with voluntary, safe, emergency housing with trained families or individuals in locations as close as reasonably possible to the home communities of the youths if the shelter has a contract with the Department of Corrections, the Department of Corrections refers the youths and the parents or legal guardians of the youths are in agreement.

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LD 531 An Act To Specify Qualifications for the Director of the Office of Adult Mental Health Services within the Department of Health and Human Services VETO SUSTAINED

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

This bill specifies that when the director of the Office of Adult Mental Health Services within the Department of Health and Human Services is not a psychiatrist licensed pursuant to the Maine Revised Statutes, Title 32, chapter 56, subchapter 2, the Commissioner of Health and Human Services shall appoint a psychiatrist licensed pursuant to Title 32, chapter 56, subchapter 2 as a chief for clinical services.

LD 539 An Act To Build Accountability into the General Assistance Laws ONTP

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

This bill makes both initial and repeat applicants for general assistance who voluntarily abandon government or private resources without just cause ineligible to receive general assistance to replace the abandoned assistance for a period of 120 days from the date the applicant abandons the resource. The bill also makes an applicant who forfeits government or private resources due to fraud, misrepresentation or intentional violation or refusal to comply with program rules without just cause ineligible to receive general assistance to replace the forfeited assistance for the duration of the forfeiture or 120 days, whichever is greater. Current law provides that an applicant who forfeits government resources is ineligible to receive general assistance for the duration of the forfeiture.

LD 547 Resolve, Directing the Maine Center for Disease Control and Prevention To Conduct a Review of Wood Smoke Laws VETO SUSTAINED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY	OTP-AM	H-407 S-296 CRAVEN

This resolve directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention to examine the current public health nuisance laws and enforcement procedures to determine if they are sufficient to protect the public. The department is directed to convene a stakeholder group to identify problems with current public health nuisance laws and the enforcement of those laws and make recommendations for improvement to the Joint Standing Committee on Health and Human Services by November 30, 2011.

Committee Amendment "A" (H-407)

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This amendment narrows the scope of the stakeholder group from public health nuisance laws to laws relating to wood smoke. It requires the Statewide Coordinating Council for Public Health, supported by the Department of Health and Human Services, Maine Center for Disease Control and Prevention, to assemble a stakeholder group to examine the current laws relating to the control of wood smoke and enforcement procedures to determine if they are sufficient to protect the public. The stakeholder group shall include the Department of Environmental Protection and the Maine Center for Disease Control and Prevention, public health organizations, environmental health experts, municipal officials and affected members of the public. The stakeholder group shall report to the Joint Standing Committee on Health and Human Services by January 1, 2012.

Senate Amendment "A" (S-296)

This amendment removes the emergency preamble and emergency clause.

LD 560 Resolve, To Increase the Effectiveness of Accessibility Requirements for Persons with Disabilities ONTP

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

This resolve requires the Department of Health and Human Services and the Department of Administrative and Financial Services to convene a working group to study increasing the effectiveness of accessibility requirements for persons with disabilities for public buildings, public accommodations, restaurants and eating establishments, colleges and hospitals. The departments are required to provide staffing assistance to the working group and to report to the Legislature with recommendations for suggested legislation by November 1, 2011.

LD 572 An Act To Amend the Laws Governing the Maine Health Data Organization Relating to Retail Pharmacies PUBLIC 233

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	ONTP MAJ OTP-AM MIN	S-138

This bill removes retail pharmacies from the list of entities funding and reporting to the Maine Health Data Organization.

Committee Amendment "A" (S-138)

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

Enacted Law Summary

Public Law 2011, chapter 233 removes retail pharmacies from the list of entities funding and reporting to the Maine Health Data Organization.

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LD 581 An Act To Repeal the Laws Governing the Capital Investment Fund

PUBLIC 213

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCORMICK	OTP	H-295 RICHARDSON D

This bill repeals the laws governing the capital investment fund, which is a limit for resources allocated annually under the certificate of need program under the Maine Revised Statutes, Title 22, chapter 103-A.

House Amendment "A" (H-295)

This amendment was presented on behalf of the Committee on Bills in the Second Reading. Public Law 2011, chapter 90 repealed the sections of law that deal with state health planning, and this bill amends the same sections of law. The amendment is necessary to prevent a conflict.

Enacted Law Summary

Public Law 2011, chapter 213 repeals the laws governing the capital investment fund, which is a limit for resources allocated annually under the certificate of need program under the Maine Revised Statutes, Title 22, chapter 103-A.

LD 582 An Act To Amend the Maine Certificate of Need Act of 2002

ONTP

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

The bill amends the Maine Certificate of Need Act of 2002 as follows:

1. It raises the threshold for the review of purchases of major medical equipment to \$3,200,000;
2. It raises the threshold for review of a health care facility's utilization of new health services to \$300,000 and the 3rd-year costs associated with it to \$1,000,000, and raises the threshold for the utilization of new health services in private practice to \$3,200,000;
3. It strikes the certificate of need review threshold related to the purchase of replacement equipment;
4. It raises the threshold for the review of capital expenditures to \$6,200,000;
5. It adds an inflation adjustment factor for threshold amounts for review; and
6. It establishes a stakeholder group to review the Department of Health and Human Services' rules implementing the Maine Certificate of Need Act of 2002.

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LD 586 An Act To Include the Record of Emergency Data Form as an ONTP
Acceptable Instrument for the Disposition of Remains of a Service
Member

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

This bill clarifies that a United States Department of Defense record of emergency data form, which is currently identified as "DD Form 93," is an acceptable document to use to determine who has custody and control of the remains of a service member.

LD 589 An Act To Increase the Legal Age To Purchase, Use or Sell Tobacco MAJORITY
Products (ONTP) REPORT

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

This bill raises the legal age to purchase, use or sell tobacco products from 18 years of age to 21 years of age.

Committee Amendment "A" (H-614)

This amendment, which is the minority report of the committee, replaces the bill and raises the legal age to purchase or use tobacco products from 18 years of age to 19 years of age and allows a person 18 to 20 years of age to sell tobacco products at retail if supervised by an employee who is at least 21 years of age.

LD 596 An Act To Allow Medical Records To Contain an Option Regarding MAJORITY
HIV Status Disclosure (ONTP) REPORT

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

This bill allows the use of a general release form or check box on a form for a patient to authorize the release of HIV infection status information.

Committee Amendment "A" (S-65)

This amendment, which is the minority report of the committee, requires that the check box on a general release form to authorize the release of HIV infection status information be separately signed or initialed.

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LD 605 An Act To Require Random Drug Testing for MaineCare Recipients ONTP

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

This bill provides that a person who tests positive for use of illegal drugs may not receive benefits under the Medicaid program until the person tests negative.

LD 612 An Act To Provide Reimbursement for Medication Therapy Management Services Carried Over

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

This bill creates a category of pharmacy services, designated as medication therapy management services, for which pharmacists may charge separately from a charge for the prescription drug or a dispensing fee. The bill defines "medication therapy management services," "qualified pharmacist" and "targeted patient." The bill authorizes the MaineCare program to reimburse for these services if they are found by the Commissioner of Health and Human Services to be cost-effective. The bill requires health insurance carriers to pay for medication therapy management services to targeted patients by qualified pharmacists if the carrier provides coverage for prescription drugs. This bill requires an evaluation by the Commissioner of Health and Human Services of the effect of medication therapy management services by January 1, 2017 and establishes the Medication Therapy Management Advisory Committee to advise the Superintendent of Insurance within the Department of Professional and Financial Regulation on implementation of medication therapy management services.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 631 An Act To Update the Radon Registration Act PUBLIC 144

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN BRANNIGAN	OTP-AM MAJ ONTP MIN	H-143

The bill amends the Radon Registration Act by updating the lead agency name, clarifying who the act applies to, making new construction comply with the Maine Uniform Building and Energy Code and requiring the Department of Health and Human Services to set fees by rule.

Committee Amendment "A" (H-143)

This amendment, which is the majority report, deletes from the bill the language that requires the Department of Health and Human Services to set by rule the fees to defray the costs of the registration programs established under the Maine Revised Statutes, Title 22, sections 774 and 775.

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Enacted Law Summary

Public Law 2011, chapter 144 amends the Radon Registration Act by updating the lead agency name, clarifying who the act applies to and making new construction comply with the Maine Uniform Building and Energy Code.

LD 636 An Act To Ensure Proper Health Information Management

**MAJORITY
(ONTP) REPORT**

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

This bill requires a hospital, beginning January 1, 2012, to employ a certified director of health information management.

LD 646 An Act To Ensure the Safety of Children in the MaineCare Program Who Are Prescribed Antipsychotic Medications

Carried Over

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

This bill provides specific requirements for the provision of antipsychotic medications to children in the MaineCare program. It provides for uses approved and for uses not approved by the United States Department of Health and Human Services, Food and Drug Administration. It provides for documentation in the child's health care record and for monitoring for effectiveness and side effects. It directs the Department of Health and Human Services to adopt routine technical rules to implement the new requirements.

Committee Amendment "A" (H-408)

This amendment replaces the bill with a resolve establishing a committee to consider the current case management and coordination of care for children who are prescribed antipsychotic medications and to make recommendations for improvement in the care of such children. The Department of Health and Human Services is required to report the committee's findings and recommendations to the Joint Standing Committee on Health and Human Services not later than January 15, 2012.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 654 An Act To Amend the Occupational Disease Reporting Laws

PUBLIC 337

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

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This bill amends the laws governing occupational disease reporting to clarify who must report occupational diseases to the Department of Health and Human Services to be consistent with the mandated reporters designated in the rules for notifiable diseases and conditions adopted under the Maine Revised Statutes, Title 22, section 802. The bill also revises the confidentiality provision to allow the identification of the site of employment where an occupational disease has occurred to the Department of Labor, Bureau of Labor Standards.

Enacted Law Summary

Public Law 2011, chapter 337 amends the laws governing occupational disease reporting to clarify who must report occupational diseases to the Department of Health and Human Services to be consistent with the mandated reporters designated in the rules for notifiable diseases and conditions adopted under the Maine Revised Statutes, Title 22, section 802. It also revises the confidentiality provision to allow the identification of the site of employment where an occupational disease has occurred to the Department of Labor, Bureau of Labor Standards.

LD 674 An Act To Authorize the Department of Health and Human Services To ONTP
Administratively Suspend or Revoke Facility Licenses

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

This bill authorizes the Department of Health and Human Services to administratively suspend or revoke a license, after notice and opportunity for a hearing is given to a licensee, when the licensee fails to comply with applicable licensing laws and rules. This bill does not apply to emergency suspensions and revocations of a license for which the department seeks a court order. The bill retains the statutory alternative that allows the department, at its discretion, to initiate court action to suspend or revoke a license when a licensee fails to comply with applicable licensing laws and rules. The bill applies to licenses for residential care facilities, assisted housing programs, drug treatment and mental health centers, children's residential treatment, child placing agencies, child care facilities, family child care, nursery schools, adult day care programs, residential mental health and substance abuse treatment facilities and children's homes, which includes family and specialized foster homes and shelters.

LD 678 Resolve, To Improve Health Outcomes for MaineCare Members in ONTP
Managed Care

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

This resolve directs the Department of Health and Human Services to provide financial incentives to managed care organizations and persons who contract to deliver managed care to MaineCare members for reducing avoidable use of hospital emergency department services.

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LD 683 An Act To Enhance Long-term Care Services for Maine Citizens

PUBLIC 422

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PETERSON MCCORMICK	OTP-AM	H-502

This bill reorganizes the provision of long-term care services for Maine citizens. It consolidates long-term care services and provides a framework for consolidated in-home and community support services and nursing facility services with combined funding and integrated service delivery. It requires the Department of Health and Human Services to administer long-term care accounts as one account with one budget. By November 1, 2012, the Department of Health and Human Services is required to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the progress in implementing consolidation of long-term care services. The bill requires a report by January 1, 2012 from the Department of Health and Human Services to the same joint standing committee regarding the inclusion of services for persons with mental health needs and intellectual disabilities needs in the consolidation of long-term care services in fiscal years 2013-14 and 2014-15.

Committee Amendment "A" (H-502)

This amendment changes the implementation date of the consolidation of state-funded long-term care services in the bill from January 1, 2012 to July 1, 2012. It requires an interim report on progress by January 5, 2012 as well as by November 1, 2012, which is in the bill. Instead of requiring a report by January 1, 2012 on the inclusion of services for persons with mental health needs and intellectual disabilities needs, it requires a report by January 5, 2012 on the feasibility of the inclusion of those services.

Enacted Law Summary

Public Law 2011, chapter 422 reorganizes the provision of long-term care services for Maine citizens. It consolidates long-term care services and provides a framework for consolidated in-home and community support services and nursing facility services with combined funding and integrated service delivery beginning July 1, 2012. It requires the Department of Health and Human Services to administer long-term care accounts as one account with one budget. The law requires the Department of Health and Human Services to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the progress in implementing consolidation of long-term care services, with a progress report by January 5, 2012 and a final report by November 1, 2012. The bill requires a report by January 1, 2012 from the Department of Health and Human Services to the same joint standing committee regarding the feasibility of inclusion of services for persons with mental health needs and intellectual disabilities needs in the consolidation of long-term care services in fiscal years 2013-14 and 2014-15.

LD 694 An Act To Encourage Transparency in Disclosing the Ingredients in Vaccinations for Children to Parents and Guardians

**MAJORITY
(ONTP) REPORT**

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

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This bill requires a health care provider or clinic staff person to, prior to immunizing a person under 18 years of age, disclose the ingredients of the immunizing agent or agents to the parent or guardian of the child. It also requires the health care provider or clinic staff person to notify the parent or guardian of the option of refusing immunization of the child based on religious or philosophical beliefs.

LD 702 An Act To Prevent HIV Transmission from a Pregnant Mother to a Child

PUBLIC 229

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS CRAVEN	OTP-AM MAJ ONTP MIN	H-283

This bill provides for mandatory testing for HIV status as part of a standard set of medical tests for a pregnant woman or a woman being tested for pregnancy. The bill allows a woman to refuse an HIV test and requires documentation in the woman's medical record if she refuses an HIV test. The bill requires HIV testing of certain newborn infants.

Committee Amendment "A" (H-283)

This amendment removes the requirement in the bill for a health care provider to provide an HIV test when testing a woman for pregnancy. It adds an exemption for a parent to object to an HIV test on a newborn infant on religious grounds. It changes the requirement in the bill for a newborn infant to be tested within 48 hours after birth to the requirement that the test results on a newborn be made available within 12 hours after birth.

Enacted Law Summary

Public Law 2011, chapter 229 provides for mandatory testing for HIV status as part of a standard set of medical tests for a pregnant woman. The bill allows a woman to refuse an HIV test and requires documentation in the woman's medical record if she refuses an HIV test. The bill requires HIV testing of certain newborn infants except that a parent may object to an HIV test on religious grounds.

LD 703 An Act To Amend the Laws Governing Licensure Compliance Methods for Camping Areas, Recreational Camps, Youth Camps and Eating Establishments

PUBLIC 375

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS CRAVEN	OTP-AM	H-539

This bill changes the number of inspections covered by the license fee for an application for or the renewal of a license to operate an eating establishment, eating and lodging place, lodging place, recreational camp, youth camp or camping area from two to one. After the initial inspection and one follow-up inspection, there is a charge for each additional inspection to determine an applicant's eligibility for licensure. In addition, the bill permits the Department of Health and Human Services to determine licensure compliance by inspection or other method as determined by the department.

Committee Amendment "A" (H-539)

This amendment requires the inspection of a licensed establishment at least once every two years instead of at least once a year as proposed in the bill.

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Enacted Law Summary

Public Law 2011, chapter 375 changes the number of inspections covered by the license fee for an application for, or the renewal of, a license to operate an eating establishment, eating and lodging place, lodging place, recreational camp, youth camp or camping area from two to one. After the initial inspection and one follow-up inspection, there is a charge for each additional inspection to determine an applicant's eligibility for licensure. In addition, the bill permits the Department of Health and Human Services to determine licensure compliance by inspection or other method as determined by the department.

LD 719 An Act To Make Certain Prescription Drug Disclosure Laws Consistent PUBLIC 461
with Federal Law

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS MCCORMICK	OTP-AM MAJ OTP-AM MIN	H-647

This bill strikes the laws related to the reporting of marketing costs, price reporting and the disclosure of clinical trials by manufacturers and labelers of prescription drugs.

Committee Amendment "A" (H-647)

This amendment is the majority report of the committee. It provides funding for the academic detailing program. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 461 strikes the laws related to the reporting of marketing costs, price reporting and the disclosure of clinical trials by manufacturers and labelers of prescription drugs.

LD 724 Resolve, To Create an Evidence-based Study and Comprehensive Plan RESOLVE 55
for HIV and AIDS Services in Maine

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

This resolve directs the Maine HIV Advisory Committee to conduct a study and develop a comprehensive plan for HIV and AIDS prevention and care services in Maine. The committee is to report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2013.

Committee Amendment "A" (S-98)

This amendment adds to the resolve by requiring non-General Fund funding for the Maine HIV Advisory Committee to conduct an evidence-based study and develop a comprehensive plan for HIV and AIDS prevention and care services in the State.

Enacted Law Summary

Resolve 2011, chapter 55 directs the Maine HIV Advisory Committee to conduct a study and develop a comprehensive plan for HIV and AIDS prevention and care services in Maine. The committee must seek funding for

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the study and may not be funded by General Fund money. The committee is to report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2013.

LD 735 An Act To Allow the Use of Electronic Benefits Transfer Funds at Farmers' Markets

**MAJORITY
(ONTP) REPORT**

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

This bill allows a recipient of food supplement benefits to use electronic benefits transfer funds to purchase food at a farmers' market.

Committee Amendment "A" (S-204)

This amendment, which is the minority report of the committee, replaces the bill. It requires the Department of Agriculture, Food and Rural Resources and the Department of Health and Human Services to work with the Maine Federation of Farmers' Markets to issue letters of support for developing a public-private partnership working toward universal access of farmers' markets to machines required to process federal Supplemental Nutrition Assistance Program electronic benefit transfer funds. It requires the partnership to solicit private funds to provide farmers' markets with wireless electronic benefit transfer card readers. The partnership will also work with banks and machine vendors to eliminate, reduce or reimburse all costs and fees associated with processing the cards.

LD 739 Resolve, To Amend the Rules Concerning Long-term Care Services To Better Support Family Caregivers

RESOLVE 95

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	ONTP MAJ OTP-AM MIN	H-518 STRANG BURGESS S-205

This resolve requires the Department of Health and Human Services to amend its rules on eligibility for long-term care services provided under the MaineCare program or state-funded programs to remove provisions and presumptions that disqualify some persons from eligibility for long-term care. Amendments to the rules will enable more people to qualify for long-term care services by removing the requirements of written agreements and by removing the presumptions regarding the purpose of paying for services and certain transfers. The resolve directs the department to adopt routine technical rules to incorporate the amendments by October 15, 2011 and to notify the Joint Standing Committee on Health and Human Services.

Committee Amendment "A" (S-205)

This amendment, which is the minority report, adds an appropriations and allocations section.

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

This amendment replaces the resolve. This amendment requires the Department of Health and Human Services to work with interested parties to create a standard-form written contract that may be used by an individual in need of long-term care services and supports to hire and pay a relative to provide that care. The amendment also clarifies

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that other forms may be used to accomplish the same purpose. It also requires the posting of this agreement on the publicly accessible website of the Department of Health and Human Services and requires the department to adopt routine technical rules relating to the standard-form written contract. Finally, the creation of the standard-form written contract and its posting on the department's website must be accomplished within the limits of existing resources.

Enacted Law Summary

Resolve 2011, chapter 95 requires the Department of Health and Human Services to work with interested parties to create a standard-form written contract that may be used by an individual in need of long-term care services and supports to hire and pay a relative to provide that care. The resolve also clarifies that other forms may be used to accomplish the same purpose. It requires the posting of this agreement on the publicly accessible website of the Department of Health and Human Services and requires the department to adopt routine technical rules relating to the standard-form written contract. Finally, the creation of the standard-form written contract and its posting on the department's website must be accomplished within the limits of existing resources.

LD 743 Resolve, Regarding Legislative Review of Portions of Chapter 101, RESOLVE 78
MaineCare Benefits Manual Chapter III, Section 21: Allowances for EMERGENCY
Home and Community Benefits for Members with Intellectual
Disabilities or Autistic Disorder, a Major Substantive Rule of the
Department of Health and Human Services

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

This resolve provides for legislative review of portions of Chapter 101, MaineCare Benefits Manual Chapter III, Section 21: Allowances for Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder, a major substantive rule of the Department of Health and Human Services.

Enacted Law Summary

Resolve 2011, chapter 78 provides for legislative review of portions of Chapter 101, MaineCare Benefits Manual Chapter III, Section 21: Allowances for Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder, a major substantive rule of the Department of Health and Human Services.

Resolve 2011, chapter 78 was passed as an emergency measure effective June 14, 2011.

LD 747 An Act To Require Hospital Credit Reporting That Is Fair to ONTP
Consumers

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

This bill requires a hospital that reports a delinquent consumer account to a consumer reporting agency to report any extended repayment agreement and the experience of the hospital in collecting under the agreement.

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LD 757 An Act To Add a Member to the Advisory Council on Health Systems Development

INDEF PP

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

This bill adds an individual with expertise in the discipline of food science to the membership of the Advisory Council on Health Systems Development.

Committee Amendment "A" (H-140)

This amendment adds to the Advisory Council on Health Systems Development a member with expertise in health care delivery through federally qualified health centers.

LD 759 An Act To Increase Efficiency and Effectiveness in the Licensing of Certain Health and Human Services Providers

PUBLIC 145

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS CRAVEN	OTP-AM	H-171

This bill requires the Department of Health and Human Services to approve and license substance abuse treatment, child and adult welfare and behavioral health agencies, programs and facilities that receive and maintain accreditation by nationally recognized accrediting bodies. The Department of Health and Human Services is required to include the agency, program or facility on any list of approved and licensed agencies, programs and facilities maintained by the department. Notwithstanding an agency's, program's or facility's maintenance of accreditation, the Department of Health and Human Services may revoke the certificate of approval and remove a substance abuse treatment program or facility from the department's list of approved programs and facilities for failure to provide data, statistics, schedules or other information reasonably required by the department or revoke or modify any agency's, program's or facility's license for findings resulting from the investigation of an incident.

Committee Amendment "A" (H-171)

This amendment replaces the bill, which required the Department of Health and Human Services to approve and license substance abuse treatment, child and adult welfare and behavioral health agencies, programs and facilities accredited by nationally recognized accrediting bodies. The amendment simplifies the process and requires the Department of Health and Human Services to deem in compliance with state licensing rules those entities that receive and maintain accreditation by national accrediting bodies approved by the department. The department may review compliance with applicable accreditation requirements in response to a complaint.

Enacted Law Summary

Public Law 2011, chapter 145 simplifies the process of approving and licensing substance abuse treatment, child and adult welfare and behavioral health agencies by requiring the Department of Health and Human Services to deem in compliance with state licensing rules those entities that receive and maintain accreditation by national accrediting bodies approved by the department. The department may review compliance with applicable accreditation requirements in response to a complaint.

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LD 774 An Act To Allow Access to Pseudoephedrine by Prescription Only ONTP

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

This bill requires a prescription to possess any amount of pseudoephedrine.

**LD 790 Resolve, To Foster Energy Efficiency Improvements and Other Needed RESOLVE 106
Renovations at Residential Care Facilities Funded by MaineCare EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R	OTP-AM	H-371 FITTS S-127

This resolve requires the Department of Health and Human Services to amend its rules regarding residential care facilities funded by MaineCare to provide that fixed or capital cost reimbursement for new construction, acquisitions, equipment, renovations or other improvements when the aggregate capital expenditure does not exceed \$350,000 in one fiscal year does not require prior approval. Capital expenditures for energy efficiency improvements, for replacement equipment, for information systems, for communications systems and for parking lots and garages must be excluded from the cost of the project in determining whether it is subject to review and prior approval. When capital costs subject to review exceed \$350,000 in one fiscal year, facilities must submit plans, financial proposals and projected operating costs to the department for approval in order for costs to be reimbursed.

Committee Amendment "A" (S-127)

This amendment incorporates a fiscal note.

House Amendment "A" (H-371)

This amendment requires that rules adopted by the Department of Health and Human Services must provide that, in order for a cost reimbursement for an energy efficiency improvement to be provided, the energy efficiency improvement must be identified as cost-effective in an energy audit or be determined to be cost-effective by the Efficiency Maine Trust.

Enacted Law Summary

Resolve 2011, chapter 106 requires the Department of Health and Human Services to amend its rules regarding residential care facilities funded by MaineCare to provide that fixed or capital cost reimbursement for new construction, acquisitions, equipment, renovations or other improvements when the aggregate capital expenditure does not exceed \$350,000 in one fiscal year does not require prior approval. Capital expenditures for energy efficiency improvements, for replacement equipment, for information systems, for communications systems and for parking lots and garages must be excluded from the cost of the project in determining whether it is subject to review and prior approval. When capital costs subject to review exceed \$350,000 in one fiscal year, facilities must submit plans, financial proposals and projected operating costs to the department for approval in order for costs to be

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reimbursed. The resolve requires rules to be adopted that limit cost reimbursement for an energy efficiency improvement to those that have been determined to be cost-effective in an energy audit or be determined to be cost-effective by the Efficiency Maine Trust.

Resolve 2011, chapter 106 was passed as an emergency measure effective July 8, 2011.

LD 806 An Act To Provide Public Access to Price Lists of Hospitals and Ambulatory Surgical Facilities Carried Over

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

This bill requires a licensed hospital to post in the hospital in an area used by the public a list of prices charged by the hospital for the 100 most commonly performed procedures in the hospital. The hospital shall also post a link or page on its publicly accessible website stating its pricing policy and current prices for the 100 most commonly performed procedures in the hospital. The bill requires ambulatory surgical facilities to post similar price lists. The bill requires review and a report on hospital efforts to control costs from the Office of Program Evaluation and Government Accountability.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 825 An Act To Amend the Maine Certificate of Need Act of 2002 for Nursing Facility Projects To Provide Alternative Means To Satisfy MaineCare Neutrality INDEF PP

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

This bill amends the Maine Certificate of Need Act of 2002 governing the conversion of nursing facility beds to residential care beds to permit such conversions as long as the terms of the conversion are approved by the Department of Health and Human Services under applicable provisions permitting transfers that are MaineCare-neutral in their overall impact.

The bill also amends provisions governing the nursing facility MaineCare funding pool to create certain exceptions to the constraints of the pool. A provision is enacted to permit the transfers of beds and other nursing facility resources to residential care facilities and to exclude such beds and resources from the pool if prior approval is obtained from the department.

The bill also changes the provisions governing nursing facility projects in several respects:

1. To permit certificate of need approval of different types of nursing facility projects as long as MaineCare neutrality is demonstrated and to permit transfers of MaineCare resources between nursing facilities and residential care facilities to satisfy MaineCare neutrality requirements;
2. To permit the exchange of bed rights between nursing facilities and residential care facilities in order to permit nursing facilities to satisfy MaineCare neutrality requirements;

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3. To permit nursing facilities to satisfy MaineCare neutrality requirements for projects that do not involve relocation of beds from one facility to another or a new facility when the entity proposing the changes is able to satisfy MaineCare neutrality requirements by delicensing beds under common ownership or acquiring beds from other facilities including residential care facilities; and

4. To permit approval of nursing facility projects that propose transfers of ownership when any increases in MaineCare costs are offset by transfers of bed rights or the increase in MaineCare costs is limited to changes in fixed-cost reimbursement due to changes in approved financing or applicable depreciation schedules.

Committee Amendment "A" (H-646)

This amendment is the minority report of the Joint Standing Committee on Health and Human Services and adds an appropriations and allocations section.

See related provision in LD 360.

LD 828 An Act To Amend the Maine Certificate of Need Act of 2002 for ONTP
Nursing Facility Projects

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

This bill amends the Certificate of Need Act of 2002 as it affects nursing facility projects in several respects.

1. It increases the review threshold for nursing facility projects from \$1,000,000 to \$2,500,000 and restores an inflation adjustment factor.
2. It repeals the nursing facility MaineCare funding pool.
3. It removes the so-called MaineCare budget neutrality requirement.
4. It makes nursing facility projects subject to all certificate of need approval criteria and requirements.
5. It retains provisions of existing law that permit expedited approval of certain nursing facility projects.
6. It requires the Department of Health and Human Services to complete the review process for a project application for a certificate of need in a timely fashion. When a decision has not been issued within 150 days after the department declares an application complete, the application is automatically approved.

See related provision in LD 360.

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LD 831 Resolve, To Protect the State from Accumulating Future Hospital Debt

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING COURTNEY	OTP-AM MAJ ONTP MIN	H-581

This bill requires the Department of Health and Human Services to use current hospital cost reports to calculate amounts owed to hospitals and pay any amounts due within one year of receiving the reports. This resolve died on adjournment on the appropriations table.

Committee Amendment "A" (H-581)

This amendment is the majority report of the committee. This amendment changes the bill to a resolve and requires the Department of Health and Human Services to use current hospital cost reports to calculate amounts owed to hospitals and to pay any amounts due within one year of receiving the reports. It also adds an appropriations and allocations section.

**LD 859 Resolve, To Convene a Task Force To Study Cost-effective Ways of
Dealing with an Increased Population of Those Affected by Alzheimer's
Disease**

RESOLVE 58

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

This resolve directs the Commissioner of Health and Human Services to convene a task force to review Alzheimer's disease-related issues in health care and to develop cost-effective ways of dealing with an estimated 50% increase in the number of patients with Alzheimer's disease in the next 15 years. The commissioner is required to report the findings of the task force along with any recommended legislation to the Joint Standing Committee on Health and Human Services.

Enacted Law Summary

Resolve 2011, chapter 58 directs the Commissioner of Health and Human Services to convene a task force to review Alzheimer's disease-related issues in health care and to develop cost-effective ways of dealing with an estimated 50% increase in the number of patients with Alzheimer's disease in the next 15 years. The commissioner is required to report the findings of the task force along with any recommended legislation to the Joint Standing Committee on Health and Human Services.

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LD 869 An Act To Clarify the State's Authority under Public Health Laws for Municipal Inspections of Establishments

PUBLIC 295

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCORMICK	OTP-AM	S-166

This bill clarifies that the Department of Health and Human Services is the preeminent authority for inspection and licensing of establishments in order to ensure statewide uniformity of health standards. The bill clarifies the terms and conditions under which the department may authorize municipalities to conduct inspections of establishments within the municipality.

Committee Amendment "A" (S-166)

This amendment replaces the bill. It allows only municipalities that have been delegated authority by the Department of Health and Human Services to inspect establishments. A municipality that has not been delegated authority may not license or inspect establishments.

Enacted Law Summary

Public Law 2011, chapter 295 allows only municipalities that have been delegated authority by the Department of Health and Human Services to inspect establishments. A municipality that has not been delegated authority may not license or inspect establishments.

LD 873 An Act To Promote the Establishment of an Adult Day Health Care Program for Veterans in Lewiston

PUBLIC 444

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	OTP-AM	S-128

This bill establishes a model for adult day health care programs to serve Maine's veterans and eligible family members. The model is based on United States Department of Veterans Affairs program requirements and criteria, which promote home health care and community-based outpatient care. This model is intended to reduce both short-term and long-term costs of such care by utilizing community-based outpatient care options and combining federal and state funding while providing a wider range of medical care services, oversight and assistance with daily living for Maine's veterans and eligible family members. The initial placement of a facility is intended to be in Lewiston, which is an underserved area that is accessible to a significant population of eligible participants and allows the facility to be collocated at existing outreach facilities for veterans.

Committee Amendment "A" (S-128)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2011, chapter 444 establishes a model for adult day health care programs to serve Maine's veterans and eligible family members. The model is based on United States Department of Veterans Affairs program requirements and criteria, which promote home health care and community-based outpatient care. This model is intended to reduce both short-term and long-term costs of such care by utilizing community-based outpatient care

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options and combining federal and state funding while providing a wider range of medical care services, oversight and assistance with daily living for Maine's veterans and eligible family members. The initial placement of a facility is intended to be in Lewiston, which is an underserved area that is accessible to a significant population of eligible participants and allows the facility to be collocated at existing outreach facilities for veterans.

LD 887 An Act To Include Medicinal Marijuana Patients in the Controlled Substances Prescription Monitoring Program MAJORITY (ONTP) REPORT

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

This bill requires the Department of Health and Human Services to include the names and related information of medicinal marijuana patients registered with the State in the Controlled Substances Prescription Monitoring Program operated by the Office of Substance Abuse. The information submitted is confidential as are the names of patients using controlled substances and prescribers of controlled substances.

Committee Amendment "A" (H-237)

This amendment is the minority report of the committee. It changes the word "medicinal" to "medical" in the title and in 2 places in the bill to make the language consistent with current law. The amendment also adds an appropriations and allocations section.

LD 897 An Act To Amend the Application Process for the Progressive Treatment Program Carried Over

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

Current law limits who may obtain an order from the District Court to admit a patient to a progressive treatment program. This bill allows a health officer, law enforcement officer or any other person to obtain the order. The bill also requires that when an examiner forms an opinion it must be based on history as well as personal observation.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 918 An Act To Reduce the Cost of Mental Health Services in Maine ONTP

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

This bill updates existing language governing the provisions of community support services for people with serious and persistent mental illness, requires the Department of Health and Human Services to allocate federal child and adult mental health services block grant funds to peer and family supports and requires the department to seek these

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funds as long as they are available and to document both the recommendations of the statewide quality improvement council for the expenditure of those funds and the allocation that is eventually made.

LD 920 An Act To Ensure the Availability of Preventive Health Care Services ONTP
for Children

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

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

This bill proposes to allow every child in the State under 18 years of age to receive one annual medical checkup, free of charge, from the child's primary care physician. This checkup would include laboratory work for standard blood tests.

LD 933 Resolve, Requiring the Department of Health and Human Services To RESOLVE 61
Conduct a Review of Medicaid "Any Willing Provider" Requirements

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

This resolve requires the Department of Health and Human Services to conduct a review of "any willing provider" laws under the federal Medicaid program and report to the Joint Standing Committee on Health and Human Services the results of its review and recommendations for changes in the laws of this State and rules of the department to give the State more authority to regulate for positive health outcomes, quality of care, meeting geographic needs and controlling costs.

Committee Amendment "A" (H-284)

This amendment changes the report date in the resolve from December 1, 2011 to January 1, 2012.

Enacted Law Summary

Resolve 2011, chapter 61 requires the Department of Health and Human Services to conduct a review of "any willing provider" laws under the federal Medicaid program and report by January 1, 2012 to the Joint Standing Committee on Health and Human Services the results of its review and recommendations for changes in the laws of this State and rules of the department to give the State more authority to regulate for positive health outcomes, quality of care, meeting geographic needs and controlling costs.

LD 936 An Act To Conform Maine Menu Labeling Laws to Federal Standards Carried Over

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

Joint Standing Committee on Health and Human Services

This bill repeals provisions of law regarding menu labeling that have been preempted by the federal Patient Protection and Affordable Care Act, Public Law 111-148, Section 4205(2010), which creates a uniform national approach to nutrition labeling for restaurant menus with a primary focus on calorie content. The bill retains the current statutory definition of "chain restaurant" and directs the Department of Health and Human Services to adopt major substantive rules to locally enforce the provisions of 21 United States Code, Section 343(2010).

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 941 An Act To Prohibit Mandatory Immunizations

**MAJORITY
(ONTP) REPORT**

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

This bill prohibits mandatory immunizations for persons.

Committee Amendment "A" (S-106)

This amendment, which is the minority report of the committee, removes from the bill the section that relates to emergency rescue and public safety workers undergoing immunization for certain diseases. The amendment also repeals the authority of the Governor to declare an extreme public health emergency.

**LD 962 An Act To Amend the Medicaid Income Requirements To Promote
Agricultural Labor**

ONTP

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

This bill exempts income derived from seasonal agricultural or forest products employment from being counted as income for Medicaid eligibility purposes.

**LD 967 Resolve, To Study the Cost of Providing Behavioral Health Care and
Substance Abuse Services**

RESOLVE 107

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN CRAVEN	OTP-AM	H-424 H-663 STRANG BURGESS

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

This bill proposes to provide community-based mental health and substance abuse providers in emergency rooms to triage both mental health and substance abuse patients, in order to refer such patients to more appropriate and less

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expensive community-based treatment, and use the savings to increase access to peer support services.

Committee Amendment "A" (H-424)

This amendment replaces the bill, which is a concept draft. It requires the Department of Health and Human Services to review the use of hospital emergency departments by persons requiring only behavioral health and substance abuse services. The amendment requires the department to identify care that could be delivered in community-based settings, to review models for triage and diversion, to estimate potential cost savings and to report recommendations by March 1, 2012 to the Joint Standing Committee on Health and Human Services.

House Amendment "A" To Committee Amendment "A" (H-663)

This amendment changes the date by which the Department of Health and Human Services is required to report to the Joint Standing Committee on Health and Human Services from March 1, 2012 to June 1, 2012.

Enacted Law Summary

Resolve 2011, chapter 107 requires the Department of Health and Human Services to review the use of hospital emergency departments by persons requiring only behavioral health and substance abuse services. The resolve requires the department to identify care that could be delivered in community-based settings, to review models for triage and diversion, to estimate potential cost savings and to report recommendations by June 1, 2012 to the Joint Standing Committee on Health and Human Services.

LD 1001 An Act To Assist Persons Who May Be Eligible for Social Security Disability Assistance DIED ON ADJOURNMENT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVES ROSEN R	OTP-AM MAJ ONTP MIN	H-619

This bill requires the Department of Health and Human Services to assist ASPIRE-TANF participants who have been determined to have a physical or mental health problem that may be severe enough to qualify for federal social security disability insurance benefits or federal supplemental security income benefits to apply for those benefits. The bill also establishes guidelines and criteria that the department is required to follow in assisting the participants.

Committee Amendment "A" (H-619)

The amendment adds an appropriations and allocations section.

This bill died on the appropriations table on adjournment.

LD 1023 An Act To Authorize the Board of Licensure of Podiatric Medicine and the State Board of Veterinary Medicine To Establish a Podiatrist Health Program and a Veterinarian Health Program PUBLIC 190

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS CRAVEN	OTP-AM	H-285

Joint Standing Committee on Health and Human Services

This bill authorizes the Department of Professional and Financial Regulation, Board of Licensure of Podiatric Medicine and State Board of Veterinary Medicine to establish health programs to allow them to participate in a medical professionals health program created to promote the identification, treatment and recovery of health professionals diagnosed with substance abuse disorders or other mental illness. The program currently has contracts with the Board of Licensure in Medicine, the Board of Osteopathic Licensure, the Board of Dental Examiners, the Maine Board of Pharmacy and the State Board of Nursing.

Committee Amendment "A" (H-285)

This amendment adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2011, chapter 190 authorizes the Department of Professional and Financial Regulation, Board of Licensure of Podiatric Medicine and State Board of Veterinary Medicine to establish health programs to allow them to participate in a medical professionals health program created to promote the identification, treatment and recovery of health professionals diagnosed with substance abuse disorders or other mental illness. The program currently has contracts with the Board of Licensure in Medicine, the Board of Osteopathic Licensure, the Board of Dental Examiners, the Maine Board of Pharmacy and the State Board of Nursing.

LD 1029 Resolve, To Reduce Health Care Costs through Interstate Collaboration ONTP

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

This resolve directs the Department of Health and Human Services in consultation with health policy groups in the State to participate in regional interstate efforts to identify and implement systems and methodologies to reduce health care costs and improve the health care of the citizens of the participating states with the New England States Consortia Systems Organization and other cooperative regional efforts. The resolve also requires an interim report and a final report to the Joint Standing Committee on Health and Human Services.

LD 1039 Resolve, To Create a Working Group To Make Recommendations To Improve the Efficiency, Accountability and Proper Administration of Municipal General Assistance Programs DIED ON ADJOURNMENT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO ROSEN R	OTP-AM	H-540

This resolve directs the Commissioner of Health and Human Services to convene a working group to examine municipal general assistance programs. The commissioner is directed to report to the Second Regular Session of the 125th Legislature with its findings and suggested legislation. The working group is directed to examine the administration and efficiency of the programs, to study the administration of appropriate records and to determine the opportunity for electronic data exchange between municipalities and the Department of Health and Human Services to verify eligibility factors and to promote program integrity.

Committee Amendment "A" (H-540)

Joint Standing Committee on Health and Human Services

This amendment makes the following changes to the resolve, which creates a working group to study and to make recommendations regarding the administration of general assistance programs.

1. It adds the general assistance program manager in the Department of Health and Human Services to the working group, increasing the number of members of the group from 9 to 10.
2. It adds to the duties of the working group so that the group examines uniformity of general assistance administration, studies whether additional sources of income should be included in the calculation of general assistance, determines whether lump-sum payments should be calculated differently and studies whether the length of ineligibility following a work requirement violation, discharge for misconduct or refusal to use an available resource is appropriate.
3. It clarifies that the Director of the Office of Policy and Legal Analysis must be notified of meetings of the working group.
4. It clarifies that the report from the working group must be submitted to the Joint Standing Committee on Health and Human Services.
5. It adds an appropriations and allocations section.

This bill died on the appropriations table on adjournment.

LD 1062 An Act To Ensure Access to Certain Health Care Services for Children ONTP

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

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

This bill proposes to ensure access to health care for children by:

1. Allowing a child who does not have health care coverage to see a medical specialist free of charge; and
2. Allowing the child to continue to be seen and treated by that specialist, if the medical condition is one that can be treated by that specialist, for a small fee based only on income, such as actual wages earned by the child's parent or guardian or general assistance provided to the child or the child's parent or guardian. Unearned income, such as interest and dividends, savings, retirement plans, pensions, unemployment or workers' compensation benefits and the value of property owned by the child or the parent or guardian of the child, would not be includable for purposes of determining the fee to be paid to the specialist.

LD 1073 Resolve, To Encourage the Use of Defibrillators in Health Clubs and Gyms RESOLVE 50

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CASAVANT SULLIVAN	OTP-AM	H-172

Joint Standing Committee on Health and Human Services

This bill provides that health clubs and gymnasiums and other places of exercise and health must have automated external defibrillators in place, and requires personnel of the health clubs and gymnasiums to be trained in the use of automated external defibrillators.

Committee Amendment "A" (H-172)

This amendment replaces the bill with a resolve that requires the Department of Public Safety to work with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, Maine Cardiovascular Health Program, the American Heart Association's Maine affiliate and emergency medical services around the State to determine where health clubs and gyms are located, whether automated external defibrillators are installed in those health clubs and gyms and whether staff have been trained in their use. The government discounted price for automated external defibrillators has been extended to health clubs and gyms in the State and the amendment provides that this information must be publicized to health clubs and gyms. The Department of Public Safety is required to report to the Joint Standing Committee on Health and Human Services by January 1, 2012 with a progress report.

Enacted Law Summary

Resolve 2011, chapter 50 requires the Department of Public Safety to work with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, Maine Cardiovascular Health Program, the American Heart Association's Maine affiliate and emergency medical services around the State to determine where health clubs and gyms are located, whether automated external defibrillators are installed in those health clubs and gyms and whether staff have been trained in their use. The government discounted price for automated external defibrillators has been extended to health clubs and gyms in the State and this law provides that this information must be publicized to health clubs and gyms. The Department of Public Safety is required to report to the Joint Standing Committee on Health and Human Services by January 1, 2012 with a progress report.

LD 1105 **Resolve, To Study Oral Health Care in Maine and Make Recommendations Regarding How To Address Maine's Oral Health Care Needs**

RESOLVE 92

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM	S-238

This resolve directs the Legislature to contract with a qualified consultant that has sufficient resources and experience to conduct a study of the State's oral health care needs.

Committee Amendment "A" (S-238)

This amendment replaces the resolve and instead requires the Executive Director of the Legislative Council to request Medical Care Development, Inc. to perform a study of oral health care needs in the State. The amendment makes the study dependent on nonstate funding and requires a report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development and the Joint Standing Committee on Health and Human Services by January 1, 2012. The amendment also requires Medical Care Development, Inc. to seek the advice of Legislators from the 2 joint standing committees and statewide associations of interested parties.

Enacted Law Summary

Resolve 2011, chapter 92 requires the Executive Director of the Legislative Council to request Medical Care Development, Inc. to perform a study of oral health care needs in the State. The resolve makes the study dependent on nonstate funding and requires a report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development and the Joint Standing Committee on Health and Human Services by January 1, 2012. The

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resolve requires Medical Care Development, Inc. to seek the advice of Legislators from the 2 joint standing committees and statewide associations of interested parties.

LD 1106 An Act To Lower the Cost of Health Care through Improved Energy Efficiency ONTP

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

This bill exempts from the requirement of a certificate of need process any capital expenditure before January 1, 2017 that meets the certification standards of the Efficiency Maine Trust and is likely to produce energy cost savings through energy efficiency, renewable energy technology or smart grid technology.

See related provisions in LD 360.

LD 1114 An Act To Improve Preventive Dental Health Care and Reduce Future Avoidable Costs Carried Over

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

This bill directs the Department of Health and Human Services to establish criteria to determine those groups of adults for which the provision of preventive and restorative services would be cost effective by reducing expenditures under MaineCare, and authorizes the department to provide such services to persons within those identified groups.

Committee Amendment "A" (H-501)

This amendment replaces the bill. It retains the provisions of the bill that seek to provide cost-effective dental services for adult MaineCare members and adds a process for identifying those services and a requirement that the services be cost-effective.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1115 An Act To Clarify the Responsibilities of the Maine Developmental Services Oversight and Advisory Board Carried Over

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

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

This bill proposes to modify the Maine Revised Statutes to clarify the structure and responsibilities of the Maine Developmental Services Oversight and Advisory Board.

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Committee Amendment "A" (H-520)

This amendment replaces the bill, which was a concept draft, with a resolve. The amendment requires the Department of Health and Human Services to convene a stakeholder group to review oversight and advisory functions, laws and funding regarding services for adults with intellectual disabilities or autism spectrum disorders and to report to the Joint Standing Committee on Health and Human Services by December 7, 2011.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1116 An Act To Restore Market-based Competition for Pharmacy Benefits Management Services

PUBLIC 443

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS SULLIVAN	OTP-AM MAJ OTP-AM MIN	H-608

The bill repeals the Maine Revised Statutes, Title 22, chapter 603, subchapter 4, which concerns prescription drug practices, and continues the registration of pharmacy benefits managers under Title 24-A with the Bureau of Insurance.

Committee Amendment "A" (H-608)

This amendment is the majority report of the committee. This amendment adds to the bill provisions that relate to the business relationship between a pharmacy and a pharmacy benefits manager. The provisions address the contract between the 2 entities, pharmacy benefits manager duties, complaints, grievances and appeals, denial or limitation of benefits, written notice and audits of the records of the pharmacy.

Enacted Law Summary

Public Law 2011, chapter 443 repeals the Maine Revised Statutes, Title 22, chapter 603, subchapter 4, which concerns prescription drug practices and continues the registration of pharmacy benefits managers under Title 24-A with the Bureau of Insurance. The law addresses the business relationship between a pharmacy and a pharmacy benefits manager, the duties of the pharmacy benefits manager, complaints, grievances and appeals, denial or limitation of benefits, written notice and audits of the records of the pharmacy.

LD 1119 An Act To Amend the Laws Governing the Sale of Certain Tobacco Products

**MAJORITY
(ONTP) REPORT**

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

This bill prohibits the sale of flavored tobacco wrappers, including blunt wraps.

Committee Amendment "A" (H-310)

This amendment is the minority report of the committee. The amendment clarifies that "characterizing flavor" applies to flavors of cigars, tobacco wrappers and component parts. It removes from the definition of "flavored tobacco wrapper" in the bill reference to cigarette rolling papers and cigarette tubes and adds cones, rolling papers,

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cigar papers and cigar wraps.

LD 1122 An Act To Increase Dental Benefits and Oral Health Care ONTP

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

This bill provides expanded dental benefits for adults in the MaineCare program and also directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention to convene a broadly representative working group to review the feasibility of implementing certain provisions of the Governor's Task Force on Expanding Access to Oral Health Care for Maine People and to report with suggested legislation to the Joint Standing Committee on Health and Human Services by November 1, 2011.

LD 1131 An Act To Require Public Disclosure of Health Care Prices ONTP

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

This bill requires a health care practitioner to maintain a price list of the health care practitioner's most common services and procedures and to provide the list to a consumer upon request effective January 1, 2012.

LD 1159 An Act To Amend the Identification Requirements under the Maine Medical Use of Marijuana Act PUBLIC 383

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL GERZOFISKY	OTP-AM	H-541

This bill clarifies that an individual must possess both a valid registry identification card and a valid Maine-issued driver's license or other Maine-issued photo identification as proof of valid participation in the medical use of marijuana.

This bill specifies that a primary caregiver's registry identification card expires on the same date that the patient's card expires.

This bill removes the requirement that registry identification cards contain information distinguishing the cardholder as a patient or primary caregiver and a photo.

Committee Amendment "A" (H-541)

This amendment adds to the bill provisions on forfeiture for excess marijuana, allowing the use in court of certified copies of marijuana registry records and rulemaking on fees paid by primary caregivers.

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Enacted Law Summary

Public Law 383 clarifies that an individual must possess both a valid registry identification card and a valid Maine-issued driver's license or other Maine-issued photo identification as proof of valid participation in the medical use of marijuana. The law specifies that a primary caregiver's registry identification card expires on the same date that the patient's card expires. The law removes the requirement that registry identification cards contain information distinguishing the cardholder as a patient or primary caregiver and a photo. The law includes provisions on forfeiture for excess marijuana, allows the use in court of certified copies of marijuana registry records and includes rulemaking on fees paid by primary caregivers.

LD 1160 Resolve, To Promote Education Regarding Parkinson's Disease among Health Care and Emergency Personnel

**MAJORITY
(ONTP) REPORT**

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

This resolve requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to undertake an educational initiative regarding Parkinson's disease to increase understanding among health care and emergency personnel by July 1, 2012. The initiative must include training on Parkinson's disease and its symptoms and appropriate responses. The Maine Center for Disease Control and Prevention is directed to work collaboratively with the boards of licensure in the health care professions, the Department of Public Safety, the Department of Corrections, public transportation providers and crisis intervention personnel. Informational materials developed under the initiative must be used in the information and referral service on Parkinson's Syndrome.

Committee Amendment "A" (H-141)

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

LD 1166 An Act To Improve Electronic Prescribing

ONTP

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

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

This bill proposes to improve the electronic prescription drug program by establishing an electronic prior authorization system that:

1. Is aligned with the SCRIPT standard as set forth by the National Council for Prescription Drug Programs;
2. Is required to be included as a part of all devices and software and hardware systems that facilitate the electronic submission of prescription drug orders;
3. Uses a universal format for prior authorizations;

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- 4. Notifies the patient's preferred pharmacy of pending prior authorizations;
- 5. Provides specific feedback to the prescriber on acceptable reasons for approval of a prior authorization request for a prescription drug prescribed for a patient; and
- 6. Provides real-time feedback on the prior authorization request to a prescriber and a patient's preferred pharmacy, which provides an explanation of benefits for the patient and includes information on how to appeal in the event of a denial of the requested medication.

LD 1177 An Act To Make Minor Changes to Municipal Health Inspection Activities

PUBLIC 193

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN BRANNIGAN	OTP-AM	H-238

This bill amends the laws regarding the municipal licensing and inspection of campgrounds, recreational camps, youth camps and eating establishments. It clarifies definitions for campgrounds, cottages, eating establishments, lodging places, vending machines, recreational camps and youth camps. The bill adds definitions for health inspectors, public pools, public spas and sporting camps. It repeals definitions for eating and lodging places, sanitarians and vending machine establishments. It requires owners of public pools and spas and sporting camps to obtain a license from the Department of Health and Human Services. Municipal inspection reports must be furnished electronically in a format and on a schedule determined by the department, and fees as set forth in the Maine Revised Statutes, Title 22, section 2494 for municipal license types as described in Title 22, section 2492 must be waived for establishments located in municipalities to which authority to conduct inspections has been delegated by the department. However, the licensee is required to pay the department a sum not to exceed \$60 for each license type. It also exempts, for the purposes of the law requiring licensure of camping areas, those camping areas that are parking lots of shopping malls and store parking areas from the presumption that the owner of a camping area with five or more tents or recreational vehicles on a commercial lot is receiving compensation. The bill also fixes cross-references. It provides that the Department of Health and Human Services will not inspect or license lodging places that let three or fewer rooms.

Committee Amendment "A" (H-238)

This amendment amends the definition of "campground" to exclude parking lots generally, rather than only those parking lots used for emergency stops of less than 12 hours as proposed in the bill. It restores the definition of "eating and lodging places or lodging places" repealed in the bill but defines them as "eating and lodging places" only. It also restores references to eating and lodging places wherever they were removed from the statute in the bill. A definition of "lodging place" is included in the bill. The amendment increases the maximum sum that the Department of Health and Human Services may charge a delegated municipality for a license fee from \$60 to \$100. The amendment also adds a mandate preamble.

Enacted Law Summary

Public Law 2011, chapter 193 makes the following changes to the laws regarding the municipal licensing and inspection of campgrounds, recreational camps, youth camps and eating establishments.

- 1. It clarifies definitions for campgrounds, cottages, eating establishments, lodging places, eating and lodging places, vending machines, recreational camps and youth camps.
- 2. It adds definitions for health inspectors, public pools, public spas and sporting camps.

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3. It repeals definitions for sanitarians and vending machine establishments.
4. It requires owners of public pools and spas and sporting camps to obtain a license from the Department of Health and Human Services.
5. Municipal inspection reports must be furnished electronically in a format and on a schedule determined by the department.
6. Fees set forth in the Maine Revised Statutes, Title 22, section 2494 for municipal license types as described in Title 22, section 2492 must be waived for establishments located in municipalities to which authority to conduct inspections has been delegated by the department except that the licensee is required to pay the department a sum not to exceed \$100 for each license type.
7. It provides that the Department of Health and Human Services will not inspect or license lodging places that let three or fewer rooms.

LD 1181 An Act To Increase Access to Vital Records ONTP

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

This bill allows a person who is an interested party and has a legitimate purpose to obtain a copy of vital records without a court order. The bill also defines "interested party" as a beneficiary of a decedent, a beneficiary of an asset or a beneficiary of a life insurance policy.

LD 1195 Resolve, To Create Equitable Reimbursement for Mental Health Providers ONTP

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

This resolve directs the Department of Health and Human Services to amend its rules under the MaineCare program to increase reimbursement for social workers and other licensed mental health professionals and caseworkers from \$55 to \$70 per hour.

LD 1196 An Act To Clarify Assistance for Persons with Acquired Brain Injury PUBLIC 293

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODE CRAVEN	OTP-AM	H-409

Joint Standing Committee on Health and Human Services

This bill updates the laws relating to head injury to use the more appropriate term "acquired brain injury." The bill also revises the responsibilities of the Department of Health and Human Services with regard to persons who sustain acquired brain injuries, including the provision of appropriate services and the protection of civil rights.

Committee Amendment "A" (H-409)

This amendment replaces the bill. It retains the provisions that change "head injury" to "acquired brain injury." It specifies that the Department of Health and Human Services is authorized, rather than required, to undertake appropriate identification and medical and rehabilitative interventions and that whatever services are provided are provided within the limits of available resources. The same limitation is applied to the department's protection of the rights of patients. The amendment also authorizes, rather than requires, the inclusion of certain services in the comprehensive neurorehabilitation service system developed by the department.

Enacted Law Summary

Public Law 2011, chapter 293 specifies that the Department of Health and Human Services is authorized to undertake appropriate identification and medical and rehabilitative interventions and that whatever services are provided are provided within the limits of available resources, that the department may undertake the protection of the rights of patients and that certain services may be included in the comprehensive neurorehabilitation service system developed by the department.

LD 1212 An Act To Improve Hospital Reporting of MRSA and Clostridium difficile Data

PUBLIC 316

Sponsor(s)

MALABY
ROSEN R

Committee Report

OTP-AM

Amendments Adopted

H-410

This bill replaces the existing methicillin-resistant Staphylococcus aureus, or MRSA, screening protocol that was adopted in 2009, which focuses on the presence of MRSA in patients as they are admitted to a hospital, and replaces it with a protocol that focuses on actual MRSA infections that occur in the patient population while at hospitals.

Committee Amendment "A" (H-410)

This amendment strikes the bill. It replaces the existing methicillin-resistant Staphylococcus aureus, or MRSA, screening protocol that was adopted in 2009, which focuses on the presence of MRSA in patients as they are admitted to a hospital, with a protocol that focuses on MRSA infections that occur in the patient population while at hospitals. The amendment adds a 2nd multidrug resistant organism, Clostridium difficile, to the data collection and public reporting system. The amendment also provides the Maine Center for Disease Control and Prevention time to validate the data that was reported by the hospitals and requires the public reporting of that data following validation.

Enacted Law Summary

Public Law 2011, chapter 316 replaces the existing methicillin-resistant Staphylococcus aureus, or MRSA, screening protocol that was adopted in 2009, which focuses on the presence of MRSA in patients as they are admitted to a hospital, with a protocol that focuses on MRSA infections that occur in the patient population while at hospitals. The law adds a 2nd multidrug resistant organism, Clostridium difficile, to the data collection and public reporting system. The law provides the Maine Center for Disease Control and Prevention time to validate the data that was reported by the hospitals and requires the public reporting of that data following validation.

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**LD 1224 An Act To Fund the Screening and Early Detection Elements of the
Statewide Cancer Plan**

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS RAYE	OTP-AM MAJ ONTP MIN	H-322

This bill provides funding for the comprehensive cancer screening and detection elements of the statewide cancer prevention and control program by providing an ongoing appropriation from the Fund for a Healthy Maine.

Committee Amendment "A" (H-322)

This amendment is the majority report of the committee. It removes as the funding source the Fund for a Healthy Maine and specifies in law that the funding level is \$2,000,000 per year. The amendment adds an appropriation of \$2,000,000 for fiscal year 2011-12 and \$2,000,000 for fiscal year 2012-13 from the General Fund.

This bill died on the appropriations table on adjournment.

**LD 1230 An Act To Prohibit Smoking in Private Clubs Except in Separate
Enclosed Areas**

**MAJORITY
(ONTP) REPORT**

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

Current law allows smoking in private clubs, such as those operated by fraternal orders or veterans' organizations, under certain conditions, such as when approved by a vote of the members of the club. This bill prohibits smoking in private clubs except in designated outdoor smoking areas and enclosed indoor areas designed to prevent the escape of smoke into the rest of the club.

**LD 1252 Resolve, To Develop a Plan To Improve Public Guardianship Services to
Adults with Cognitive Disabilities**

RESOLVE 80

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	OTP-AM	S-222

This resolve requires the Maine Developmental Disabilities Council to convene a stakeholder group to establish a working plan to provide public guardianship for adults with cognitive disabilities. The council is required to identify the necessary statutory changes and steps to implement a permanent guardianship program operated by an independent entity and make recommendations by January 15, 2012 to the Joint Standing Committee on Health and Human Services, which is authorized to submit a bill implementing the program.

Committee Amendment "A" (S-222)

Joint Standing Committee on Health and Human Services

This amendment adds to the findings of the stakeholder group the fiscal implications of any necessary statutory changes.

Enacted Law Summary

Resolve 2011, chapter 80 requires the Maine Developmental Disabilities Council to convene a stakeholder group to establish a working plan to provide public guardianship for adults with cognitive disabilities. The council is required to identify the necessary statutory changes and steps to implement a permanent guardianship program operated by an independent entity and to make findings on the fiscal implications of any necessary statutory changes and to make recommendations by January 15, 2012 to the Joint Standing Committee on Health and Human Services, which is authorized to submit a bill implementing the program.

LD 1263 An Act To Establish One State Psychiatric Hospital

ONTP

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

This bill combines the two state mental health institutes, now referred to as the state psychiatric hospital, to be licensed and operated as one hospital under state law and federal accreditation standards. The bill clarifies that there is one superintendent for the one hospital, but that two campuses continue to be operated at the Riverview Psychiatric Center and at the Dorothea Dix Psychiatric Center. With the establishment of one hospital with two campuses, the commissioner has the authority to assign the hospital's employees to work at either campus, depending upon the hospital's need for staffing as it varies from time to time between the two campuses. This bill also corrects cross-references.

LD 1270 Resolve, To Convene a Task Force To Study Staffing Ratios and Issues for Nursing Homes and Residential Care Facilities

ONTP

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

This resolve directs the Commissioner of Health and Human Services to convene a task force to review the development of new criteria to be used in establishing revised staffing ratios for nursing homes and residential care facilities in the State, specifically reviewing the option of a new category of care workers qualified and certified to provide certain staffing services in both types of facilities. The commissioner is required to report the findings of the task force along with any recommended legislation to the Joint Standing Committee on Health and Human Services.

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LD 1271 An Act To Require Use of the Electronic Death Registration System

PUBLIC 371

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCORMICK	OTP-AM	H-621 STRANG BURGESS S-157

This bill requires that, beginning January 1, 2012, death certificates filed by funeral directors or certain other persons must be filed using the electronic death registration system maintained by the State Registrar of Vital Statistics.

Committee Amendment "A" (S-157)

This amendment changes the date by which death certificates filed by funeral directors or certain other persons must be filed using the electronic death registration system maintained by the State Registrar of Vital Statistics from January 1, 2012 to July 1, 2012.

House Amendment "A" To Committee Amendment "A" (H-621)

This amendment provides that an electronic death registration system may be used, but is not required to be used, to file a certificate of death.

Enacted Law Summary

Public Law 2011, chapter 371 provides that, beginning July 1, 2012, death certificates filed by funeral directors or certain other persons may be filed using the electronic death registration system maintained by the State Registrar of Vital Statistics.

LD 1281 Resolve, To Ensure Cost-effective Services for Persons Needing Neuropsychological Testing

RESOLVE 110

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOSSEL CRAVEN	OTP-AM	H-624

This resolve directs the Department of Health and Human Services to amend its Chapter 101: MaineCare Benefits Manual to permit neuropsychological testing assistants, also known as psychometricians, to administer and score neuropsychological and psychological tests of MaineCare patients under the supervision of a licensed psychologist.

Committee Amendment "A" (H-624)

This amendment incorporates a fiscal note.

Enacted Law Summary

Resolve 2011, chapter 110 directs the Department of Health and Human Services to amend its Chapter 101: MaineCare Benefits Manual to permit neuropsychological testing assistants, also known as psychometricians, to administer and score neuropsychological and psychological tests of MaineCare patients under the supervision of a licensed psychologist.

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LD 1290 Resolve, To Promote Prevention Practices in Oral Health Care

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVES CRAVEN	OTP-AM	H-411

This resolve requires the Department of Health and Human Services to develop and maintain a program to promote oral health and dental disease prevention activities and to gather and aggregate data regarding oral health programs in this State.

Committee Amendment "A" (H-411)

This amendment adds to the resolve the requirement that the oral health promotion program be undertaken within existing resources of the Department of Health and Human Services.

**LD 1294 An Act To Impose a 90-day Residency Requirement in Order To
Receive State Assistance**

ONTP

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

This bill establishes a 90-day residency requirement for applicants for the MaineCare program, the statewide food supplement program, the TANF program and municipal general assistance.

**LD 1296 An Act To Amend the Maine Medical Use of Marijuana Act To Protect
Patient Privacy**

PUBLIC 407

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON TRAHAN	OTP-AM	H-615

This bill amends the Maine Medical Use of Marijuana Act to protect patient privacy. The bill provides for expanded access and optional registration under the Act. The bill does the following.

1. It allows a physician to determine whether a condition requires the use of medical marijuana.
2. It amends the definition of "enclosed, locked facility."
3. It defines "mature marijuana plant."
4. It clarifies the definition of "qualifying patient" and removes the requirement of registration for certain authorized conduct of the patient.

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5. It creates a definition for "primary caregiver."
6. It allows patients who cultivate their own marijuana to possess, beyond 6 mature marijuana plants, other marijuana plants in various stages of cultivation or processing.
7. It allows a primary caregiver to possess, beyond 6 mature marijuana plants for each of 5 qualifying patients of the caregiver, other marijuana plants in various stages of cultivation or processing.
8. It requires the use of an enclosed, locked facility only if marijuana is grown for three or more qualifying patients.
9. It allows a primary caregiver to sell excess marijuana to a marijuana dispensary and for dispensaries to contract out marijuana cultivation.
10. It removes the requirement that a patient who cultivates marijuana plants keep the plants in an enclosed, locked facility.
11. It removes the registration requirements for a hospice provider or nursing facility named as a patient's primary caregiver.
12. It removes the registration requirements for visiting qualifying patients.
13. It clarifies that a person may not be subject to arrest or prosecution for engaging in conduct authorized by the Maine Medical Use of Marijuana Act.
14. It prohibits a law enforcement officer, law enforcement department, state agency or employee of the State from seizing or possessing marijuana in the lawful possession of a qualifying patient, primary caregiver or dispensary.
15. It allows a business owner to prohibit smoking medical marijuana on the business's premises.
16. It allows a sliding scale registration fee based upon a patient's status as a veteran of the Armed Forces of the United States.
17. It removes the registration requirement that the Commissioner of Health and Human Services approve the registration application.
18. It removes the requirement that registration cards contain an applicant's address and date of birth.
19. It clarifies that possession of a written certification from a physician prescribing use of medical marijuana cannot be used as evidence of unlawful conduct or be the basis for a search of the patient.
20. It requires that the records of a patient no longer registered as a medical marijuana user be purged and requires that the patient be notified of the purge of information.
21. It removes the requirement of listing the nature of the debilitating conditions of registered patients in the annual report of the registration process by the Department of Health and Human Services to the Legislature.
22. It clarifies that registration is voluntary and failure to register does not affect the authorized conduct for a qualifying patient or primary caregiver.
23. It allows for a civil penalty for a person making a fraudulent representation relating to the possession or medical use of marijuana under the Maine Medical Use of Marijuana Act.

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24. It allows a marijuana dispensary to obtain and possess up to 5 ounces of marijuana for each patient of the dispensary.
25. It removes the registration requirement of listing the name, address and date of birth for each principal officer, board member and employee of a marijuana dispensary or issuing registration cards to those individuals.
26. It provides for immunity for marijuana dispensaries and their principal officers, board members and employees.
27. It prohibits a political subdivision of the State from enacting any law or ordinance concerning use of medical marijuana other than reasonable rules concerning the locations of marijuana dispensaries.
28. It requires the Department of Health and Human Services to amend rules to retain at least eight marijuana dispensaries throughout the State.
29. It requires a written certification by a physician recommending use of medical marijuana to be written on tamper-resistant paper.
30. It allows a primary caregiver to assist a qualifying patient in the preparation of marijuana.
31. It exempts from the definition of "food establishment" a primary caregiver who prepares medical marijuana for use by a qualifying patient who is a family or household member of the primary caregiver.
32. It requires a designation of a primary caregiver from a qualifying patient to be in a written document signed and dated by the qualifying patient.
33. It requires a physician to advise a patient of the risks and benefits of the use of medical marijuana and that the patient may benefit from the use of medical marijuana prior to issuing a certification prescribing the use of medical marijuana.
34. It allows a patient to grow marijuana for personal use and designate a primary caregiver or registered dispensary.
35. It allows a court to permit the use of medical marijuana while imposing conditions of a criminal sentence, bail, probation, continuance or other dispositional order.
36. It includes dispensing in conduct allowed by a registered dispensary.
37. It requires a registered dispensary to display its certificate issued by the Department of Health and Human Services in a publicly visible location in the dispensary.
38. It clarifies that physicians are protected for conduct authorized by the Maine Medical Use of Marijuana Act.
39. It requires a qualifying patient or primary caregiver to provide, upon request by a law enforcement officer, official proof of identification and the original copy of the physician's certification or qualifying patient's designation of primary caregiver.
40. It requires the Department of Health and Human Services to maintain a log of requests to view registration information, including the name and agency of the requestor, and allows a person whose information is subject to an information request to copy or receive copies of portions of the log relating to that request.

Committee Amendment "A" (H-615)

This amendment replaces the bill, but retains most of the substantive provisions of the bill. It retains provisions of

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the bill that allow qualifying patients to use marijuana for medical purposes, removes provisions of the bill that increase the amount of marijuana a medical marijuana patient may possess, adds provisions requiring treating physicians to consult with other physicians before providing written certification for the medical use of marijuana for minors who are qualifying patients and adds a requirement that the Department of Health and Human Services expunge from the records of the medical marijuana registry information on a registered patient's diagnosis and information on qualifying patients who request to be removed from the registry.

Enacted Law Summary

Public Law 2011, chapter 407 allows qualifying patients to use marijuana for medical purposes, removes from the law the requirement that treating physicians to consult with other physicians before providing written certification for the medical use of marijuana for minors who are qualifying patients and adds a requirement that the Department of Health and Human Services expunge from the records of the medical marijuana registry information on a registered patient's diagnosis and information on qualifying patients who request to be removed from the registry. The law makes registration with DHHS optional for patients and for caregivers who care only for family and household members. The law adds specific language on an affirmative defense and on forfeiture of marijuana in excess of amounts allowed by the law on medical use of marijuana.

LD 1303 An Act To Increase the Fee Paid to a Funeral Home To Transport a Body at the Request of the State Medical Examiner PUBLIC 445

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM	H-239 S-358 ROSEN R

This bill increases the fee paid to a funeral establishment to transport a body to Augusta at the request of the Department of the Attorney General, Office of Chief Medical Examiner.

Committee Amendment "A" (H-239)

This amendment adds an appropriations and allocations section to the bill.

Senate Amendment "A" To Committee Amendment "A" (S-358)

This amendment adds an effective date of July 1, 2012 and removes the fiscal year 2011-12 General Fund appropriation of \$26,250.

Enacted Law Summary

Public Law 2011, chapter 445 increases the fee paid to a funeral establishment to transport a body to Augusta at the request of the Department of the Attorney General, Office of Chief Medical Examiner, beginning July 1, 2012.

LD 1331 An Act To Increase Health Care Quality through the Promotion of Health Information Exchange and the Protection of Patient Privacy PUBLIC 347

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOSEL	OTP-AM	H-458

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This bill amends the law regarding health information exchanges to specify when and under what circumstances information may be shared between a health care practitioner or health care facility and a health information exchange. The health information exchange must provide the ability for the client or individual to opt out. The bill specifies when information may be disclosed even if a client or individual has opted out. The bill prohibits a provider or health insurer from refusing to provide medical assistance or insurance coverage based on the individual's decision to participate or not participate in a health information exchange. The bill prohibits reference to the participation or nonparticipation of a health care practitioner or health care facility in a health information exchange from being used as evidence in negligence or other civil action.

Committee Amendment "A" (H-458)

This amendment specifies that a health information exchange is a state-designated statewide health information exchange. It also changes the definition of "health care facility" from the definition used in the laws regarding certificate of need to a general definition that includes all facilities licensed under the Maine Revised Statutes, Title 22, including a home health care provider and hospice program and also pharmacies licensed pursuant to Title 32.

Enacted Law Summary

Public Law 2011, chapter 347 amends the law regarding health information exchanges to specify when and under what circumstances information may be shared between a health care practitioner or health care facility and a health information exchange. The state-designated statewide health information exchange must provide the ability for the client or individual to opt out. The law specifies when information may be disclosed even if a client or individual has opted out. The law prohibits a provider or health insurer from refusing to provide medical assistance or insurance coverage based on the individual's decision to participate or not participate in the state-designated statewide health information exchange. The law prohibits reference to the participation or nonparticipation of a health care practitioner or health care facility in the state-designated statewide health information exchange from being used as evidence in negligence or other civil action.

LD 1334 An Act To Require the Department of Health and Human Services To License Families To Provide Care for Children in Foster Care

PUBLIC 187

Sponsor(s)

CRAVEN

Committee Report

OTP

Amendments Adopted

This bill requires the Department of Health and Human Services to issue a license to a resource family whether the family provides a foster child with foster care, kinship care, adoption or permanency guardianship as long as the family meets the requirements and standards for adoption of children in foster care. Current law does not allow the department to license a preadoptive home. The bill gives the department that authority and puts the department in compliance with Title IV-E of the United States Social Security Act.

Enacted Law Summary

Public Law 2011, chapter 187 requires the Department of Health and Human Services to issue a license to a resource family whether the family provides a foster child with foster care, kinship care, adoption or permanency guardianship as long as the family meets the requirements and standards for adoption of children in foster care. The law gives the department the authority to license a preadoptive home and puts the department in compliance with Title IV-E of the United States Social Security Act.

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LD 1337 An Act To Ensure Patient Privacy and Control with Regard to Health Information Exchanges

PUBLIC 373

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ	OTP-AM	S-261

This bill provides for the control and use of patient information available through a health information exchange. The bill requires a health information exchange to obtain the consent of a patient prior to collecting, storing or disclosing that patient's health care information and prohibits a health care practitioner from accessing that information without prior authorization, which may be waived by the patient in an emergency. The bill requires certain information about a health information exchange to be provided to a patient, including how to access the patient's records and other information regarding those records either electronically or through other means; a health information exchange is prohibited from charging the patient a fee for accessing those records. The bill establishes a protocol for notification if a breach of the health information exchange system occurs and patient information is illegally accessed. A patient may not be denied health care treatment, insurance coverage or insurance payment or reimbursement based on the failure of the patient or the health care practitioner to participate in a health information exchange system. Evidence of participation or nonparticipation in a health information exchange system may not be used as evidence in a professional negligence action against a health care practitioner. The bill exempts from the freedom of access laws information regarding a patient retained by a health information exchange.

Committee Amendment "A" (S-261)

This amendment replaces the bill and removes the language in the bill that requires a patient to opt in to the state-designated statewide health information exchange and instead makes it easier for patients to opt out of the exchange. The amendment retains provisions of the bill that prohibit a health care practitioner or health insurer from refusing to provide medical assistance or insurance coverage based on a patient's decision to participate or not to participate in a health information exchange. As in the bill, the amendment also prohibits reference to the participation or nonparticipation of a health care practitioner or health care facility in a health information exchange from being used as evidence in actions for negligence or other civil actions. The health information exchange is required to establish a secure website accessible to a patient that must allow the patient to determine who accessed the patient's records and must include a method to decline participation in the exchange. The amendment also requires the health information exchange to meet or exceed all federal laws related to privacy, security and breach notification regarding personally identifiable protected health information.

Enacted Law Summary

Public Law 2011, chapter 373 makes a number of changes to health information exchanges.

1. It makes it easier for a patient to opt out of the state-designated statewide health information exchange.
2. The law prohibits a health care practitioner or health insurer from refusing to provide medical assistance or insurance coverage based on a patient's decision to participate or not to participate in a state-designated statewide health information exchange.
3. It prohibits reference to the participation or nonparticipation of a health care practitioner or health care facility in the state-designated statewide health information exchange from being used as evidence in actions for negligence or other civil actions.
4. The state-designated statewide health information exchange is required to establish a secure website accessible to a patient that must allow the patient to determine who accessed the patient's records and must include a method to

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decline participation in the exchange.

5. It requires the state-designated statewide health information exchange to meet or exceed all federal laws related to privacy, security and breach notification regarding personally identifiable protected health information.

6. It exempts from the freedom of access laws information regarding a patient retained by the state-designated statewide health information exchange.

LD 1361 Resolve, To Ensure Patient Safety in the Use of Certain Imaging Equipment

**MAJORITY
(ONTP) REPORT**

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

This resolve requires the Advisory Committee on Radiation and the Board of Dental Examiners to review the licensing, required operator training and continuing education requirements and state oversight of cone beam computed tomography scanners, as used in dental offices. This review must include an assessment of whether current rules and practices relating to these scanners are sufficient to protect the public, including both child and adult patients. This resolve requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention, Division of Environmental Health, Radiation Control Program to collect demographic information from dentists about minor patients who receive a scan from October 1, 2011 to January 1, 2012 and report this information to the committee and the board. The committee and the board shall report their findings, including any recommended legislation, to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Labor, Commerce, Research and Economic Development no later than February 1, 2012. The Joint Standing Committee on Health and Human Services or the Joint Standing Committee on Labor, Commerce, Research and Economic Development may submit a bill to the Second Regular Session of the 125th Legislature on the subject matter of the report of the committee and the board.

Committee Amendment "A" (H-416)

This amendment is the minority report of the committee. The amendment requires the report on cone beam computed tomography scanner use with children to include the ages of the children. The amendment also adds an appropriations and allocations section.

LD 1364 An Act To Improve the Quality and Reduce the Cost of Health Care

Carried Over

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

This bill directs the Department of Health and Human Services to coordinate the purchase of prescription drugs for MaineCare members through certain organizations eligible for prescription drug discounts under the federal Public Health Service Act, referred to as "340B covered entities," in order for the MaineCare program to negotiate the lowest possible prices and avoid retail markup beginning January 1, 2012. The bill provides a mechanism to calculate savings from establishing the 340B program and distribute the savings among 340B covered entities. The bill provides for routine technical rulemaking as required to implement the provisions of the bill.

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This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1370 An Act To Amend the Laws Governing General Assistance Programs ONTP

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

This bill seeks to make several changes to the laws governing the administration of the general assistance programs.

1. It clarifies the calculation for determining the pro rata share of the assistance to be provided to eligible household members and requires that the lump sum income proration calculation be based only on actual household need, and not on the greater of the need or 150% of federal poverty level, as is currently required.
2. It increases general assistance program ineligibility from 120 days to 180 days for fraud or a work requirement violation.
3. It amends the provisions governing the use of potential resources to include private assistance programs, such as unemployment insurance benefits, and allows refunds provided under the Maine Residents Property Tax Program, also known as the Circuitbreaker Program, to count as income in the calculation of general assistance program eligibility.
4. It directs the Department of Health and Human Services to develop a plan to provide municipalities with electronic access to the State's automated client eligibility system for determining general assistance program applicant eligibility. Electronic access must be provided to municipalities no later than December 31, 2012.

LD 1393 An Act To Require Estimates of Patient Costs in Any Plan of Care prior to Treatment ONTP

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

This bill requires a health care provider to provide to a person recommended for a health care procedure or course of treatment a cost estimate of the procedure or treatment, the provider's reasons for the procedure or treatment, other options and their costs and the amount of the cost that will be paid for by the person's insurer. This bill also requires a health care provider to provide a cost estimate to a referring provider on a recommended procedure or course of treatment for a referred patient.

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LD 1394 An Act To Impose Penalties for Certain Transfers of Assets at Less Than Fair Market Value by Individuals Receiving Long-term Care Services ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS ROSEN R	ONTP	

This bill requires the Department of Health and Human Services to impose an asset transfer penalty, with a lookback period of 60 months, on a person seeking to qualify for MaineCare funding and support of any long-term care services, and who has made a transfer or other disposal of assets at less than fair market value. See related provision in biennial budget, Public Law 2011, chapter 380, Part MM.

LD 1406 An Act Regarding the Scope of Services That May Be Provided by Pharmacies Owned by Hospitals MINORITY (ONTP) REPORT

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

This bill provides that a pharmacy that is owned by and located in a hospital may dispense prescription drugs to a person who is a patient in that hospital and to a person who is receiving health care services in a nursing facility or a long-term care facility that is affiliated with that hospital. It clarifies that the definition of "pharmacy" in the Maine Pharmacy Act does not include a hospital pharmacy.

Committee Amendment "A" (S-161)

This amendment, which is the majority report of the committee, clarifies language regarding the scope of services of a hospital pharmacy by allowing the pharmacy to dispense prescription drugs to active and retired hospital employees and hospital staff members and to their dependents and making technical changes. The amendment removes from the bill mention of long-term care facilities and affiliates of a hospital.

LD 1407 An Act To Establish the Maine Wild Mushroom Harvesting Certification Program PUBLIC 412

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM	S-306

This bill provides a mechanism for persons who harvest, broker and sell wild mushrooms to obtain appropriate certification in safe identification and handling of wild harvested mushrooms. This bill establishes a mechanism for the Department of Health and Human Services to certify duly qualified individuals as trained in the field of wild mushroom harvesting. The bill requires the Commissioner of Health and Human Services to decide whether to certify individuals based upon the recommendations of the Maine Wild Mushroom Harvesting Advisory Committee, which is created in the bill and whose members include representatives from the Department of Health and Human

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Services, the Department of Agriculture, Food and Rural Resources, a statewide mycological association, a statewide restaurant association, a northern New England poison control center and the University of Maine and of the wild mushroom foragers and brokers community and the retail food industry, including a food wholesaler and a food preparer. The Department of Health and Human Services is required to provide staff assistance to the advisory committee and establish a fund to defray the costs of training, examining and certifying wild mushroom harvesters.

Committee Amendment "B" (S-306)

This amendment amends the bill by requiring the Governor to appoint one representative of wild mushroom foragers and one representative of wild mushroom brokers to the Maine Wild Mushroom Harvesting Advisory Committee. The bill requires the Governor to appoint two representatives of the wild mushroom foragers and brokers community. The amendment also clarifies that certain members of the committee are appointed by the Governor. The amendment reduces the fee to a maximum of \$20 and allows it to be imposed no more than once every five years. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 412 provides a mechanism for persons who harvest, broker and sell wild mushrooms to obtain appropriate certification in safe identification and handling of wild harvested mushrooms. The law establishes a mechanism for the Department of Health and Human Services to certify duly qualified individuals as trained in the field of wild mushroom harvesting. The law requires the Commissioner of Health and Human Services to decide whether to certify individuals based upon the recommendations of the Maine Wild Mushroom Harvesting Advisory Committee, whose members include representatives from the Department of Health and Human Services, the Department of Agriculture, Food and Rural Resources, a statewide mycological association, a statewide restaurant association, a northern New England poison control center and the University of Maine and of the wild mushroom foragers and brokers community and the retail food industry, including a food wholesaler and a food preparer. The Department of Health and Human Services is required to provide staff assistance to the advisory committee and establish a fund to defray the costs of training, examining and certifying wild mushroom harvesters. The law provides a maximum fee of \$20, once every five years.

LD 1429 An Act To Amend the Laws Governing Prescription Monitoring Information

PUBLIC 218

Sponsor(s)

MARTIN J

Committee Report

OTP

Amendments Adopted

This bill allows the Department of Health and Human Services, Office of Substance Abuse to share prescription monitoring information with another state if the state has provisions consistent with prescription monitoring information provisions in Maine law and the office enters into a prescription monitoring information sharing agreement with the other state.

Enacted Law Summary

Public Law 2011, chapter 218 allows the Department of Health and Human Services, Office of Substance Abuse to share prescription monitoring information with another state if the state has provisions consistent with prescription monitoring information provisions in Maine law and the office enters into a prescription monitoring information sharing agreement with the other state.

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LD 1431 An Act To Establish Standards for the Administration of General Assistance Programs ONTP

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

This bill establishes standards for municipal administration of a general assistance program. It requires the Department of Health and Human Services to certify that a municipality is qualified to administer a general assistance program based on the standards and applicable law. If the department determines that a municipality has improperly administered its general assistance program, the department shall establish a corrective action plan for that municipality. If a municipality is not certified to administer a general assistance program or, if certified, has not administered the program in accordance with law and has failed to meet the requirements of a corrective action plan, the department shall administer the program in that municipality itself or contract with another municipality or nonprofit organization to administer the program in that municipality, with the decertified municipality remaining liable for the cost of the program.

LD 1435 An Act To Adopt the Interstate Prescription Monitoring Program Compact PUBLIC 217

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

This bill enacts the interstate prescription monitoring program compact. The compact is designed to provide a mechanism for state prescription monitoring programs to securely share prescription data to improve public health and safety.

Enacted Law Summary

Public Law 2011, chapter 217 enacts the interstate prescription monitoring program compact. The compact is designed to provide a mechanism for state prescription monitoring programs to securely share prescription data to improve public health and safety.

LD 1461 Resolve, To Implement the Recommendations of the Report on Services for Elders and Other Adults Who Need Long-term Home-based and Community-based Care RESOLVE 71

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM	S-165

This resolve directs the Commissioner of Health and Human Services to implement the recommendations included in the report submitted to the 124th Legislature entitled "Services for Elders and Other Adults Who Need Long-Term Home- and Community-Based Care" to make systemic changes to Maine's long-term home-based and

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community-based care.

Committee Amendment "A" (S-165)

This amendment adds to the resolve by requiring the Department of Health and Human Services to adopt the Lean Implementation Plan effective July 1, 2012, within the limits of existing resources. It corrects a reference to the section of the resolve that requires adoption of the Lean Implementation Plan.

Enacted Law Summary

Resolve 2011, chapter 71 directs the Commissioner of Health and Human Services to implement the recommendations included in the report submitted to the 124th Legislature entitled "Services for Elders and Other Adults Who Need Long-Term Home- and Community-Based Care" to make systemic changes to Maine's long-term home-based and community-based care. The resolve requires the Department of Health and Human Services to adopt the Lean Implementation Plan effective July 1, 2012, within the limits of existing resources.

LD 1467 Resolve, To Evaluate the All-payor Claims Database System for the State

RESOLVE 109

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN CRAVEN	OTP-AM	H-655

This bill requires the Maine Health Data Processing Center to update its all-payor and all-setting health care database system. The bill also requires that an independent manager of the database be established. The bill also requires that standards for reporting from the database be updated with input from stakeholders and that assessments to payors and providers submitting data be reduced accordingly. It also requires that user licenses be established. The bill establishes the Health Information Database Advisory Group to advise the Maine Health Data Processing Center and the Maine Health Data Organization.

Committee Amendment "A" (H-655)

This amendment replaces the bill with a resolve that creates a working group to review and make recommendations on the availability of and access to health care data and to examine the all-payor claims database systems. The working group consists of 17 members, all invited to participate by the Commissioner of Health and Human Services. The working group is required to obtain outside nonstate funding to support staffing and administrative costs. The Department of Health and Human Services is required to submit a report to the Joint Standing Committee on Health and Human Services by January 31, 2012.

Enacted Law Summary

Resolve 2011, chapter 109 creates a working group to review and make recommendations on the availability of and access to health care data and to examine the all-payor claims database systems. The working group consists of 17 members, all invited to participate by the Commissioner of Health and Human Services. The working group is required to obtain outside nonstate funding to support staffing and administrative costs. The Department of Health and Human Services is required to submit a report to the Joint Standing Committee on Health and Human Services by January 31, 2012.

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LD 1485 An Act To Promote Transparency in the Medicaid Reimbursement Process

PUBLIC 323

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOSEL	OTP-AM	H-349

This bill requires the Department of Health and Human Services, office of MaineCare services to establish a 60-day written comment period on any proposed change to the state maximum allowable cost list if the change results in a reduction in payment to pharmacies. The office of MaineCare services is required to prepare an annual report that summarizes the number of drugs affected by such changes and the percentage change in payment for those drugs that resulted from changes to the list during the calendar year and submit that report annually by December 31st to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The Department of Health and Human Services, office of MaineCare services is required to amend its rules to implement the provisions of this bill.

Committee Amendment "A" (H-349)

This amendment shortens the written comment period on proposed changes to the state maximum allowable cost list that will result in reductions in payments to pharmacies from 60 days, as in the bill, to 17 days. It changes the provision of the bill that prohibits such a change from taking effect until 90 days after the Department of Health and Human Services has completed its response to written comments to provide that such a change may not take effect for at least 30 days and not until 30 days after the department has completed its response.

Enacted Law Summary

Public Law 2011, chapter 323 requires the Department of Health and Human Services, office of MaineCare services to establish a 17-day written comment period on any proposed change to the state maximum allowable cost list if the change results in a reduction in payment to pharmacies. The office of MaineCare services is required to prepare an annual report that summarizes the number of drugs affected by such changes and the percentage change in payment for those drugs that resulted from changes to the list during the calendar year and submit that report annually by December 31st to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The Department of Health and Human Services, office of MaineCare services is required to amend its rules to implement the provisions of this bill.

LD 1486 An Act To Amend the Laws Concerning the Child Care Advisory Council and the Maine Children's Growth Council

PUBLIC 388

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STUCKEY ALFOND	OTP	H-593 STRANG BURGESS

This bill makes changes to the quorum rules, staffing and reporting duties of the Maine Children's Growth Council and makes changes to the membership of and requirements regarding notice and conduct of and attendance at meetings of the Child Care Advisory Council.

House Amendment "A" (H-593)

This amendment changes the proposed new representative of unionized family child care providers on the Child

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Care Advisory Council to a representative of home-based child care providers appointed by the Governor.

Enacted Law Summary

Public Law 2011, chapter 388 makes changes to the quorum rules, staffing and reporting duties of the Maine Children's Growth Council and makes changes to the membership of and requirements regarding notice and conduct of and attendance at meetings of the Child Care Advisory Council. The law adds to the Child Care Advisory Council a representative of home-based child care providers appointed by the Governor.

LD 1487 An Act To Assist Maine Pharmacies

ONTP

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

This bill establishes the Prescription Drug Practices Act. It requires all pharmacy benefits managers operating in the State to acquire a certificate of authority to be issued by the Department of Professional and Financial Regulation, Bureau of Insurance. It establishes compliance and disclosure requirements for pharmacy benefits managers and prohibits certain practices by pharmacy benefits managers.

LD 1490 An Act To Amend the Laws Regarding Custody of the Remains of Deceased Persons

PUBLIC 387

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN RECTOR	OTP-AM	H-596

This bill establishes an order of priority for the custody and control of the remains of a deceased person. If a person has been charged with murder or the type of manslaughter in which the person intentionally or knowingly causes the death of another, that person forfeits the right to custody and control of the remains of a deceased person. Upon the dismissal of the charges or acquittal of the person, the person resumes the position of priority granted under the law. The bill authorizes certain actions by funeral directors, cemeteries and crematories, including sheltering the remains during the pendency of a dispute over custody and control, and provides certain protections to funeral directors, cemeteries and crematories.

Committee Amendment "A" (H-596)

This amendment makes technical changes to the bill by including practitioners of funeral service and changes "funeral service agreement" to "statement of funeral goods and services." The amendment removes reference to a person who refuses to take financial responsibility and adds authorization for a funeral director or practitioner of funeral services to act in the case of abandonment of the remains of a deceased person or a dead body.

Enacted Law Summary

Public Law 2011, chapter 387 establishes an order of priority for the custody and control of the remains of a deceased person. If a person has been charged with murder or the type of manslaughter in which the person intentionally or knowingly causes the death of another, that person forfeits the right to custody and control of the remains of a deceased person. Upon the dismissal of the charges or acquittal of the person, the person resumes the position of priority granted under the law. The law authorizes certain actions by funeral directors and practitioner of

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funeral service, cemeteries and crematories, including sheltering the remains during the pendency of a dispute over custody and control, and provides certain protections to funeral directors, cemeteries and crematories. The law authorizes a funeral director or practitioner of funeral services to act in the case of abandonment of the remains of a deceased person or a dead body.

LD 1501 Resolve, To Reduce Opioid Overprescription, Overuse and Abuse

RESOLVE 81

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK CRAVEN	OTP-AM	H-542

This bill establishes protocols for the health care provider community to follow in prescribing opioid drugs for chronic noncancer pain. It includes provisions on physical examinations, health records, periodic review of patient health and consultations with and referrals to pain management specialists. It requires the Department of Health and Human Services to review and evaluate the efficacy of comprehensive pain management, including physical therapy and cognitive behavioral therapy, and report back to the Joint Standing Committee on Health and Human Services no later than December 7, 2011.

Committee Amendment "A" (H-542)

The amendment replaces the bill with a resolve establishing a work group to be convened by the Substance Abuse Services Commission to review and make recommendations on treatment for chronic noncancer-related pain to the Joint Standing Committee on Health and Human Services not later than December 1, 2011.

Enacted Law Summary

Resolve 2011, chapter 81 establishes a work group, to be convened by the Substance Abuse Services Commission, to review and make recommendations on treatment for chronic noncancer-related pain to the Joint Standing Committee on Health and Human Services not later than December 1, 2011.

**LD 1504 Resolve, To Ensure a Strong Start for Maine's Infants and Toddlers by
Extending the Reach of High-quality Home Visitation**

RESOLVE 77

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY RAYE	OTP-AM	H-348

This resolve directs the Department of Health and Human Services to develop a plan for the full use of federal, private and special revenue funds for home visitation programs or services, with an emphasis on serving infants who are at risk due to physical, emotional, developmental or environmental factors, and to report to the Joint Standing Committee on Health and Human Services. The committee may report out a bill in 2012 on the department's progress in ensuring improved health outcomes, reduced costs to taxpayers and enhanced future productivity through these efforts.

Committee Amendment "A" (H-348)

This amendment changes references to "at-risk infants and toddlers" and "at-risk families" to "vulnerable families in at-risk communities."

Enacted Law Summary

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Resolve 2011, chapter 77 directs the Department of Health and Human Services to develop a plan for the full use of federal, private and special revenue funds for home visitation programs or services, with an emphasis on serving infants who are in families in at-risk communities due to physical, emotional, developmental or environmental factors, and to report to the Joint Standing Committee on Health and Human Services. The resolve authorizes the committee to report out a bill in 2012 on the department's progress in ensuring improved health outcomes, reduced costs to taxpayers and enhanced future productivity through these efforts.

LD 1511 An Act To Impose a Lifetime Maximum on the Receipt of Welfare Benefits INDEF PP

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

This bill reforms the welfare system in Maine by:

1. Limiting the total time a person may receive Temporary Assistance for Needy Families, or TANF, assistance to a lifetime maximum of 60 months as an adult, except for emergency situations; and
2. Limiting the total time a person may receive municipal general assistance to a lifetime maximum of 24 months, except in limited circumstances.

The changes take effect January 1, 2012. See related provisions in Public Law 2011, chapter 380, Part PP.

LD 1520 An Act To Improve MaineCare and Promote Employment MAJORITY (ONTP) REPORT

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

The bill allows people who have received Medicaid for their children for the past 3 months whose income exceeds limits pursuant to Title 22, section 3174-G, subsection 1, paragraph E-1 to purchase coverage for up to 18 months at premiums not to exceed those under the Katie Beckett program and limits contributions toward administrative costs to the maximum amount allowed under the federal Consolidated Omnibus Budget Reconciliation Act of 1985. The bill makes working disabled persons with unearned income that is equal to or below 150 percent of the nonfarm income official poverty line and with a combined total earned and unearned income that does not exceed 250 percent of the nonfarm income official poverty line eligible for Medicaid. It makes adults who are 19 or 20 years of age when the household income is equal to or below 200 percent of the nonfarm income official poverty line eligible for Medicaid.

Committee Amendment "A" (S-303)

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

Joint Standing Committee on Health and Human Services

**LD 1537 An Act To Amend Licensing and Certification Laws Administered by
the Department of Health and Human Services**

PUBLIC 257

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS CRAVEN	OTP-AM	H-359

This bill requires the Department of Health and Human Services to classify a finding, after an investigation of a complaint of abuse, neglect or misappropriation of property of a client, patient or resident against an unlicensed assistive person, as an unsubstantiated finding or as either an indicated or substantiated finding based on the level of abuse, neglect or misappropriation found by the department.

An unsubstantiated or indicated finding is not listed as a notation on the Maine Registry of Certified Nursing Assistants and Direct Care Workers, whereas complaints that are substantiated are listed as notations on the registry. The department is required to establish criteria by rule to determine the level of abuse, neglect or misappropriation that warrants a finding that the complaint is indicated or substantiated.

The bill clarifies that current hospital, convalescent home and nursing home licensing renewal fees are calculated by taking the amount of the renewal fee per bed multiplied by the number of beds in the facility and multiplying that product by the number of years included in the term of the renewed license.

This bill updates the laws concerning the licensing of end-stage renal disease facilities. It changes the frequency of end-stage renal disease facility surveys from every year to every 24 months.

Committee Amendment "A" (H-359)

This amendment adds the phrase "or other services" to the duties of unlicensed assistive persons and direct care workers. The bill proposes to change the minimum survey requirement for licensure of a renal dialysis unit from 12 to 24 months. The amendment sets the time period within which a survey must have occurred at 36 months.

Enacted Law Summary

Resolve 2011, chapter 257 requires the Department of Health and Human Services to classify a finding, after an investigation of a complaint of abuse, neglect or misappropriation of property of a client, patient or resident against an unlicensed assistive person, as an unsubstantiated finding or as either an indicated or substantiated finding based on the level of abuse, neglect or misappropriation found by the department.

An unsubstantiated or indicated finding is not listed as a notation on the Maine Registry of Certified Nursing Assistants and Direct Care Workers, whereas complaints that are substantiated are listed as notations on the registry.

The department is required to establish criteria by rule to determine the level of abuse, neglect or misappropriation that warrants a finding that the complaint is indicated or substantiated.

The law clarifies that current hospital, convalescent home and nursing home licensing renewal fees are calculated by taking the amount of the renewal fee per bed multiplied by the number of beds in the facility and multiplying that product by the number of years included in the term of the renewed license.

This law updates the laws concerning the licensing of end-stage renal disease facilities and changes the minimum survey requirement for licensure of a renal dialysis unit from 12 to 24 months. It changes the frequency of end-stage renal disease facility surveys from every year to every 36 months.

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LD 1548 An Act To Update and Improve Maine's Laws Pertaining to the Rights of Persons with Intellectual Disabilities

PUBLIC 186

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

This bill amends the laws regarding the rights of persons with intellectual disabilities. It provides a legal mechanism for Maine courts to limit a person's rights if the person is found not competent to stand trial or not guilty by reason of mental incapacity. It permits the Department of Health and Human Services to adopt routine technical rules that clarify when a guardian may limit, waive or restrict a person's rights and basic protections. It permits persons receiving services to organize residential councils to enhance communication between providers and residents. It clarifies the use of the terms "restraint" and "seclusion."

The bill also directs the Department of Health and Human Services and the Maine Developmental Disabilities Council, with the participation of the Disability Rights Center and the assistance of the Revisor of Statutes, to review the Maine Revised Statutes and identify the sections that use the terms "mental retardation" and "mentally retarded" and report recommendations for changes, including proposed legislation, to the Joint Standing Committee on Health and Human Services. The bill authorizes the committee to submit legislation to the Second Regular Session of the 125th Legislature based on these recommendations.

Enacted Law Summary

Public Law 2011, chapter 186 amends the laws regarding the rights of persons with intellectual disabilities. It provides a legal mechanism for Maine courts to limit a person's rights if the person is found not competent to stand trial or not guilty by reason of mental incapacity. It permits the Department of Health and Human Services to adopt routine technical rules that clarify when a guardian may limit, waive or restrict a person's rights and basic protections. It permits persons receiving services to organize residential councils to enhance communication between providers and residents. It clarifies the use of the terms "restraint" and "seclusion."

The law also directs the Department of Health and Human Services and the Maine Developmental Disabilities Council, with the participation of the Disability Rights Center and the assistance of the Revisor of Statutes, to review the Maine Revised Statutes and identify the sections that use the terms "mental retardation" and "mentally retarded" and report recommendations for changes, including proposed legislation, to the Joint Standing Committee on Health and Human Services. The law authorizes the committee to submit legislation to the Second Regular Session of the 125th Legislature based on these recommendations.

LD 1558 Resolve, To Study Allocations of the Fund for a Healthy Maine

RESOLVE 112

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ OTP MIN	H-417 S-336 COURTNEY

This resolve implements one recommendation for legislative action found in the report on Fund for a Healthy Maine programs submitted by the Office of Program Evaluation and Government Accountability in October 2009. The original allocations from the fund to various health efforts were established more than 10 years ago and have

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remained relatively consistent. This resolve establishes a commission tasked with reviewing whether allocations of the fund are properly aligned with the State's current public and preventive health priorities, strategies and goals and recommending adjustments to allocations as necessary.

Committee Amendment "A" (H-417)

This amendment is the majority report of the committee. It changes the membership of the resolve's Commission To Study Allocations of the Fund for a Healthy Maine. It makes a minor clarification in the section on the duties of the commission and requires state agencies to provide information and data to the commission.

Senate Amendment "A" To Committee Amendment "A" (S-336)

This amendment transfers \$6,960 from the Office of Program Evaluation and Government Accountability to fund the costs of the study to be done by the Commission To Study Allocations of the Fund for a Healthy Maine.

Enacted Law Summary

Resolve 2011, chapter 112 implements one recommendation for legislative action found in the report on the Fund for a Healthy Maine programs submitted by the Office of Program Evaluation and Government Accountability in October 2009. The original allocations from the fund to various health efforts were established more than 10 years ago and have remained relatively consistent. This resolve establishes a commission tasked with reviewing whether allocations of the fund are properly aligned with the State's current public and preventive health priorities, strategies and goals and recommending adjustments to allocations as necessary. The resolve requires state agencies to provide information and data to the commission and transfers \$6,960 from the Office of Program Evaluation and Government Accountability to fund the costs of the study.

LD 1581 Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 50: Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded, a Major Substantive Rule of the DHHS

**RESOLVE 97
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve provides for legislative review of portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 50: Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded, a major substantive rule of the Department of Health and Human Services.

Enacted Law Summary

Resolve 2011, chapter 97 provides for legislative review of portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 50: Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded, a major substantive rule of the Department of Health and Human Services.

Resolve 2011, chapter 97 was passed as an emergency measure effective June 21, 2011.

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LD 1585 Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, Appendix D: Principles of Reimbursement for Child Care Facilities, a Major Substantive Rule of the Department of Health and Human Services

**RESOLVE 98
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, Appendix D: Principles of Reimbursement for Child Care Facilities, a major substantive rule of the Department of Health and Human Services.

Enacted Law Summary

Resolve 2011, chapter 98 provides for legislative review of portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, Appendix D: Principles of Reimbursement for Child Care Facilities, a major substantive rule of the Department of Health and Human Services.

Resolve 2011, chapter 98 was passed as an emergency measure effective June 21, 2011.

LD 1586 Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Section 40, Chapters II and III: Home Health Services, a Major Substantive Rule of the Department of Health and Human Services

**RESOLVE 100
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-628

This resolve provides for legislative review of portions of Chapter 101, MaineCare Benefits Manual, Section 40, Chapters II and III: Home Health Services, a major substantive rule of the Department of Health and Human Services.

Committee Amendment "A" (H-628)

This amendment approves the provisionally adopted rules as long as they are amended regarding documentation of the face-to-face encounter and to correct references to persons who receive in-home psychotropic medications.

Enacted Law Summary

Resolve 2011, chapter 100 provides for legislative review of portions of Chapter 101, MaineCare Benefits Manual, Section 40, Chapters II and III: Home Health Services, a major substantive rule of the Department of Health and Human Services. The resolve approves the provisionally adopted rules as long as they are amended regarding documentation of the face-to-face encounter and to correct references to persons who receive in-home psychotropic medications.

Resolve 2011, chapter 100 was passed as an emergency measure, effective June 22, 2011.

Joint Standing Committee on Health and Human Services

SUBJECT INDEX

Aging and Long-term Care

Enacted

LD 65	Resolve, To Establish a Working Group of Stakeholders To Review the Current and Future Dementia Training Needs of Long-term Care Providers	RESOLVE 28 EMERGENCY
LD 683	An Act To Enhance Long-term Care Services for Maine Citizens	PUBLIC 422
LD 739	Resolve, To Amend the Rules Concerning Long-term Care Services To Better Support Family Caregivers	RESOLVE 95
LD 859	Resolve, To Convene a Task Force To Study Cost-effective Ways of Dealing with an Increased Population of Those Affected by Alzheimer's Disease	RESOLVE 58
LD 873	An Act To Promote the Establishment of an Adult Day Health Care Program for Veterans in Lewiston	PUBLIC 444
LD 1461	Resolve, To Implement the Recommendations of the Report on Services for Elders and Other Adults Who Need Long-term Home-based and Community-based Care	RESOLVE 71

Not Enacted

LD 499	An Act To Protect Persons in Residential Care Who Are under Limited Guardianship	ONTP
LD 1106	An Act To Lower the Cost of Health Care through Improved Energy Efficiency	ONTP
LD 1270	Resolve, To Convene a Task Force To Study Staffing Ratios and Issues for Nursing Homes and Residential Care Facilities	ONTP

Certificate of Need/Capital Investment Fund

Enacted

LD 360	An Act To Amend the Maine Certificate of Need Act of 2002	PUBLIC 424
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Not Enacted

LD 582	An Act To Amend the Maine Certificate of Need Act of 2002	ONTP
LD 825	An Act To Amend the Maine Certificate of Need Act of 2002 for Nursing Facility Projects To Provide Alternative Means To Satisfy MaineCare Neutrality	INDEF PP

LD 388	An Act To Allow a Personal Representative To Obtain a Copy of a Death Certificate and To Direct the Department of Health and Human Services To Amend Its Rules Governing Vital Records Fees	ONTP
LD 1181	An Act To Increase Access to Vital Records	ONTP

Developmental Disabilities

Enacted

LD 28	Resolve, To Improve Access to Employment Opportunities for Persons with Intellectual Disabilities and Autistic Disorders	RESOLVE 49 EMERGENCY
LD 376	Resolve, To Complete the Timely and Appropriate Redesign of Shared Living Services for Adults with Intellectual Disabilities and Autism	RESOLVE 30 EMERGENCY
LD 1252	Resolve, To Develop a Plan To Improve Public Guardianship Services to Adults with Cognitive Disabilities	RESOLVE 80
LD 1548	An Act To Update and Improve Maine's Laws Pertaining to the Rights of Persons with Intellectual Disabilities	PUBLIC 186

Not Enacted

LD 1115	An Act To Clarify the Responsibilities of the Maine Developmental Services Oversight and Advisory Board	Carried Over
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Disabilities

Enacted

LD 1196	An Act To Clarify Assistance for Persons with Acquired Brain Injury	PUBLIC 293
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Not Enacted

LD 560	Resolve, To Increase the Effectiveness of Accessibility Requirements for Persons with Disabilities	ONTP
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Health

Enacted

LD 724	Resolve, To Create an Evidence-based Study and Comprehensive Plan for HIV and AIDS Services in Maine	RESOLVE 55
LD 967	Resolve, To Study the Cost of Providing Behavioral Health Care and Substance Abuse Services	RESOLVE 107

Health Care

Enacted

LD 1159	An Act To Amend the Identification Requirements under the Maine Medical Use of Marijuana Act	PUBLIC 383
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LD 1212	An Act To Improve Hospital Reporting of MRSA and Clostridium difficile Data	PUBLIC 316
LD 1296	An Act To Amend the Maine Medical Use of Marijuana Act To Protect Patient Privacy	PUBLIC 407
<u>Not Enacted</u>		
LD 157	An Act To Encourage Access to Health Care in Maine	INDEF PP
LD 267	An Act To Strengthen the Laws on Methicillin-resistant Staphylococcus Aureus and To Improve Health Care	MAJORITY (ONTP) REPORT
LD 596	An Act To Allow Medical Records To Contain an Option Regarding HIV Status Disclosure	MAJORITY (ONTP) REPORT
LD 646	An Act To Ensure the Safety of Children in the MaineCare Program Who Are Prescribed Antipsychotic Medications	Carried Over
LD 920	An Act To Ensure the Availability of Preventive Health Care Services for Children	ONTP
LD 1029	Resolve, To Reduce Health Care Costs through Interstate Collaboration	ONTP
LD 1131	An Act To Require Public Disclosure of Health Care Prices	ONTP
LD 1224	An Act To Fund the Screening and Early Detection Elements of the Statewide Cancer Plan	DIED ON ADJOURNMENT
LD 1361	Resolve, To Ensure Patient Safety in the Use of Certain Imaging Equipment	MAJORITY (ONTP) REPORT
LD 1364	An Act To Improve the Quality and Reduce the Cost of Health Care	Carried Over
LD 1393	An Act To Require Estimates of Patient Costs in Any Plan of Care prior to Treatment	ONTP

Health Care Workforce

Enacted

LD 1023	An Act To Authorize the Board of Licensure of Podiatric Medicine and the State Board of Veterinary Medicine To Establish a Podiatrist Health Program and a Veterinarian Health Program	PUBLIC 190
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Not Enacted

LD 1160	Resolve, To Promote Education Regarding Parkinson's Disease among Health Care and Emergency Personnel	MAJORITY (ONTP) REPORT
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Health Information and Data

Enacted

LD 572	An Act To Amend the Laws Governing the Maine Health Data Organization Relating to Retail Pharmacies	PUBLIC 233
LD 654	An Act To Amend the Occupational Disease Reporting Laws	PUBLIC 337
LD 1331	An Act To Increase Health Care Quality through the Promotion of Health Information Exchange and the Protection of Patient Privacy	PUBLIC 347
LD 1337	An Act To Ensure Patient Privacy and Control with Regard to Health Information Exchanges	PUBLIC 373
LD 1467	Resolve, To Evaluate the All-payor Claims Database System for the State	RESOLVE 109

Health Planning

Enacted

LD 581	An Act To Repeal the Laws Governing the Capital Investment Fund	PUBLIC 213
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Not Enacted

LD 757	An Act To Add a Member to the Advisory Council on Health Systems Development	INDEF PP
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Hospitals

Enacted

LD 472	An Act To Enhance the Security of Hospital Patients, Visitors and Employees	PUBLIC 254
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Not Enacted

LD 29	An Act To Limit Salaries of Hospital Administrators	ONTP
LD 303	An Act To Improve Hospital Transparency	ONTP
LD 466	An Act To Require Hospitals To Adopt Employee Illness and Injury Prevention Programs and To Provide Lift Teams and To Require Reduced Workers' Compensation Insurance Rates for those Hospitals	ONTP
LD 636	An Act To Ensure Proper Health Information Management	MAJORITY (ONTP) REPORT
LD 747	An Act To Require Hospital Credit Reporting That Is Fair to Consumers	ONTP
LD 806	An Act To Provide Public Access to Price Lists of Hospitals and Ambulatory Surgical Facilities	Carried Over

LD 831	Resolve, To Protect the State from Accumulating Future Hospital Debt	DIED ON ADJOURNMENT
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LD 1406	An Act Regarding the Scope of Services That May Be Provided by Pharmacies Owned by Hospitals	MINORITY (ONTP) REPORT
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Lead Poisoning

Enacted

LD 300	An Act To Increase the Availability of Lead Testing for Children	PUBLIC 183
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Licensing

Enacted

LD 424	An Act To Revise the Laws Governing the Licensure of Public Water System Operators	PUBLIC 45
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LD 703	An Act To Amend the Laws Governing Licensure Compliance Methods for Camping Areas, Recreational Camps, Youth Camps and Eating Establishments	PUBLIC 375
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LD 759	An Act To Increase Efficiency and Effectiveness in the Licensing of Certain Health and Human Services Providers	PUBLIC 145
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LD 869	An Act To Clarify the State's Authority under Public Health Laws for Municipal Inspections of Establishments	PUBLIC 295
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LD 1177	An Act To Make Minor Changes to Municipal Health Inspection Activities	PUBLIC 193
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LD 1334	An Act To Require the Department of Health and Human Services To License Families To Provide Care for Children in Foster Care	PUBLIC 187
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LD 1537	An Act To Amend Licensing and Certification Laws Administered by the Department of Health and Human Services	PUBLIC 257
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Not Enacted

LD 248	An Act To Provide for a Temporary License To Operate Certain Eating and Lodging Establishments	LEAVE TO WITHDRAW
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LD 674	An Act To Authorize the Department of Health and Human Services To Administratively Suspend or Revoke Facility Licenses	ONTP
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Medicaid/MaineCare

Enacted

LD 70	An Act To Include Independent Practice Dental Hygienists in MaineCare	PUBLIC 457
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LD 346	An Act Regarding Pharmacy Reimbursement in MaineCare	PUBLIC 458
LD 443	An Act To Require Prompt MaineCare Decisions on Care for Children with Life-threatening Conditions	PUBLIC 35
LD 743	Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual Chapter III, Section 21: Allowances for Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services	RESOLVE 78 EMERGENCY
LD 790	Resolve, To Foster Energy Efficiency Improvements and Other Needed Renovations at Residential Care Facilities Funded by MaineCare	RESOLVE 106 EMERGENCY
LD 933	Resolve, Requiring the Department of Health and Human Services To Conduct a Review of Medicaid "Any Willing Provider" Requirements	RESOLVE 61
LD 1281	Resolve, To Ensure Cost-effective Services for Persons Needing Neuropsychological Testing	RESOLVE 110
LD 1485	An Act To Promote Transparency in the Medicaid Reimbursement Process	PUBLIC 323
LD 1581	Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 50: Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded, a Major Substantive Rule of the DHHS	RESOLVE 97 EMERGENCY
LD 1585	Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, Appendix D: Principles of Reimbursement for Child Care Facilities, a Major Substantive Rule of the Department of Health and Human Services	RESOLVE 98 EMERGENCY
LD 1586	Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Section 40, Chapters II and III: Home Health Services, a Major Substantive Rule of the Department of Health and Human Services	RESOLVE 100 EMERGENCY
<u>Not Enacted</u>		
LD 150	An Act To Require Drug Testing for Medicaid Recipients with Prescriptions for Scheduled Drugs	ONTP
LD 353	An Act Regarding Agencies Contracted by the Department of Health and Human Services To Provide Regulatory Oversight and Billing Services	ONTP
LD 452	An Act To Provide MaineCare Reimbursement for Pastoral Counselors	ONTP
LD 475	An Act Regarding Private Health Insurance Purchased by the State for Recipients of MaineCare	ONTP
LD 605	An Act To Require Random Drug Testing for MaineCare Recipients	ONTP

LD 612	An Act To Provide Reimbursement for Medication Therapy Management Services	Carried Over
LD 678	Resolve, To Improve Health Outcomes for MaineCare Members in Managed Care	ONTP
LD 962	An Act To Amend the Medicaid Income Requirements To Promote Agricultural Labor	ONTP
LD 1114	An Act To Improve Preventive Dental Health Care and Reduce Future Avoidable Costs	Carried Over
LD 1394	An Act To Impose Penalties for Certain Transfers of Assets at Less Than Fair Market Value by Individuals Receiving Long-term Care Services	ONTP
LD 1520	An Act To Improve MaineCare and Promote Employment	MAJORITY (ONTP) REPORT

Mental Health

Not Enacted

LD 531	An Act To Specify Qualifications for the Director of the Office of Adult Mental Health Services within the Department of Health and Human Services	VETO SUSTAINED
LD 897	An Act To Amend the Application Process for the Progressive Treatment Program	Carried Over
LD 918	An Act To Reduce the Cost of Mental Health Services in Maine	ONTP
LD 1195	Resolve, To Create Equitable Reimbursement for Mental Health Providers	ONTP
LD 1263	An Act To Establish One State Psychiatric Hospital	ONTP

Oral Health/Dental Care

Enacted

LD 1105	Resolve, To Study Oral Health Care in Maine and Make Recommendations Regarding How To Address Maine's Oral Health Care Needs	RESOLVE 92
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Not Enacted

LD 146	An Act To Prohibit the Use of Mercury Amalgams in Dental Procedures for Children, Pregnant Women and Nursing Mothers	ONTP
LD 390	Resolve, To Implement Certain Recommendations of the Governor's Task Force on Expanding Access to Oral Health Care for Maine People	DIED ON ADJOURNMENT
LD 1122	An Act To Increase Dental Benefits and Oral Health Care	ONTP

LD 1290 **Resolve, To Promote Prevention Practices in Oral Health Care** VETO SUSTAINED

Prescription Drugs

Enacted

LD 332 **Resolve, Regarding Legislative Review of Portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program, a Major Substantive Rule of the Department of Health and Human Services** **RESOLVE 96 EMERGENCY**

LD 719 **An Act To Make Certain Prescription Drug Disclosure Laws Consistent with Federal Law** **PUBLIC 461**

LD 1116 **An Act To Restore Market-based Competition for Pharmacy Benefits Management Services** **PUBLIC 443**

LD 1429 **An Act To Amend the Laws Governing Prescription Monitoring Information** **PUBLIC 218**

LD 1435 **An Act To Adopt the Interstate Prescription Monitoring Program Compact** **PUBLIC 217**

LD 1501 **Resolve, To Reduce Opioid Overprescription, Overuse and Abuse** **RESOLVE 81**

Not Enacted

LD 774 **An Act To Allow Access to Pseudoephedrine by Prescription Only** **ONTP**

LD 887 **An Act To Include Medicinal Marijuana Patients in the Controlled Substances Prescription Monitoring Program** **MAJORITY (ONTP) REPORT**

LD 1166 **An Act To Improve Electronic Prescribing** **ONTP**

LD 1487 **An Act To Assist Maine Pharmacies** **ONTP**

Public Assistance

Not Enacted

LD 75 **Resolve, Directing the Department of Health and Human Services To Amend Its Rules Governing Electronic Benefits Transfer Cards** **ONTP**

LD 193 **An Act To Require an Applicant for State Assistance To Show Proof of Legal Residence in the United States and Proof of Residency for at Least the Previous 90 Days in This State** **ONTP**

LD 539 **An Act To Build Accountability into the General Assistance Laws** **ONTP**

LD 735 **An Act To Allow the Use of Electronic Benefits Transfer Funds at Farmers' Markets** **MAJORITY (ONTP) REPORT**

LD 1001	An Act To Assist Persons Who May Be Eligible for Social Security Disability Assistance	DIED ON ADJOURNMENT
LD 1039	Resolve, To Create a Working Group To Make Recommendations To Improve the Efficiency, Accountability and Proper Administration of Municipal General Assistance Programs	DIED ON ADJOURNMENT
LD 1294	An Act To Impose a 90-day Residency Requirement in Order To Receive State Assistance	ONTP
LD 1370	An Act To Amend the Laws Governing General Assistance Programs	ONTP
LD 1431	An Act To Establish Standards for the Administration of General Assistance Programs	ONTP
LD 1511	An Act To Impose a Lifetime Maximum on the Receipt of Welfare Benefits	INDEF PP

Public Health

Enacted

LD 121	An Act To Amend the Laws Regarding Public Health Infrastructure	PUBLIC 306
LD 286	An Act To Allow the Operation of Crematoriums at Oak Grove Cemetery and the Kelley Family Cemetery	P & S 10 EMERGENCY
LD 435	An Act To Improve the Rate of Organ and Tissue Donation by Establishing the Organ Donation Advisory Council	PUBLIC 168 EMERGENCY
LD 702	An Act To Prevent HIV Transmission from a Pregnant Mother to a Child	PUBLIC 229
LD 1073	Resolve, To Encourage the Use of Defibrillators in Health Clubs and Gyms	RESOLVE 50
LD 1407	An Act To Establish the Maine Wild Mushroom Harvesting Certification Program	PUBLIC 412
LD 1490	An Act To Amend the Laws Regarding Custody of the Remains of Deceased Persons	PUBLIC 387
LD 1558	Resolve, To Study Allocations of the Fund for a Healthy Maine	RESOLVE 112

Not Enacted

LD 492	An Act To Ensure That Children's Products Are Free of Cadmium	INDEF PP
LD 547	Resolve, Directing the Maine Center for Disease Control and Prevention To Conduct a Review of Wood Smoke Laws	VETO SUSTAINED
LD 586	An Act To Include the Record of Emergency Data Form as an Acceptable Instrument for the Disposition of Remains of a Service Member	ONTP

LD 694	An Act To Encourage Transparency in Disclosing the Ingredients in Vaccinations for Children to Parents and Guardians	MAJORITY (ONTP) REPORT
LD 936	An Act To Conform Maine Menu Labeling Laws to Federal Standards	Carried Over
LD 941	An Act To Prohibit Mandatory Immunizations	MAJORITY (ONTP) REPORT

Tobacco Sale and Use

Enacted

LD 216	Resolve, Regarding MaineCare Tobacco Treatment and Smoking Cessation Benefits	RESOLVE 24
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Not Enacted

LD 589	An Act To Increase the Legal Age To Purchase, Use or Sell Tobacco Products	MAJORITY (ONTP) REPORT
LD 1119	An Act To Amend the Laws Governing the Sale of Certain Tobacco Products	MAJORITY (ONTP) REPORT
LD 1230	An Act To Prohibit Smoking in Private Clubs Except in Separate Enclosed Areas	MAJORITY (ONTP) REPORT

STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON INSURANCE AND
FINANCIAL SERVICES**

July 2011

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SEN. LOIS A. SNOWE-MELLO
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REP. WESLEY E. RICHARDSON, CHAIR
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Joint Standing Committee on Insurance and Financial Services

LD 14 **Resolve, Regarding Legislative Review of the Final Repeal of Chapter 270: Adjustment of Volume Fees, a Major Substantive Rule of the Department of Professional and Financial Regulation** **RESOLVE 5
EMERGENCY**

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

This resolve provides for legislative review of the repeal of Chapter 270: Adjustment of Volume Fees, a major substantive rule of the Department of Professional and Financial Regulation.

Enacted Law Summary

Resolve 2011, chapter 5 authorizes final repeal of Rule Chapter 270: Adjustment of Volume Fees, a major substantive rule of the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection.

Resolve 2011, chapter 5 was finally passed as an emergency measure effective March 24, 2011.

LD 15 **Resolve, Regarding Legislative Review of Chapter 285: Adjustment of Non-bank Mortgage Lending Fees, a Major Substantive Rule of the Department of Professional and Financial Regulation** **RESOLVE 4
EMERGENCY**

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

This resolve provides for legislative review of Chapter 285: Adjustment of Non-bank Mortgage Lending Fees, a major substantive rule of the Department of Professional and Financial Regulation.

Enacted Law Summary

Resolve 2011, chapter 4 authorizes final adoption of Rule Chapter 285: Adjustment of Non-bank Mortgage Lending Fees, a major substantive rule of the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection.

Resolve 2011, chapter 4 was finally passed as an emergency measure effective March 21, 2011.

LD 53 **An Act To Extend Fair Trade Practice to Automobile Rentals Provided When Insured Automobiles Are Damaged** **ONTP**

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

This bill establishes that insurers providing rental vehicle reimbursement coverage may not require an insured to use or not use a particular rental vehicle company or rental vehicle company location. It also establishes

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disclosure requirements when insurers process a claim or write motor vehicle insurance.

**LD 57 Resolve, To Update the Study Regarding the Feasibility of Establishing
a Single-payor Health Care System**

**MAJORITY
(ONTP) REPORT**

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

This resolve requires the Legislature to hire a consultant to update "Feasibility Study of a Single-payor Health Plan Model for the State of Maine," originally completed in 2002.

Committee Amendment "A" (H-47)

This amendment is the minority report of the committee and replaces the resolve. The amendment requires the Legislature to hire a consultant to update the "Feasibility Study of a Single-payor Health Plan Model for the State of Maine," originally completed in 2002. The amendment also requires that the updated study include an analysis of the impact of the federal Patient Protection and Affordable Care Act on state legislation to establish a single-payor health care system and of the costs and impact of using a single-payor health plan design similar to the design proposed for the State of Vermont. The amendment also provides funding for the updated study through a federal grant awarded to the State rather than the General Fund.

Committee Amendment "A" was not adopted.

LD 60 An Act To Extend Coverage under the State's Mini-COBRA Law

**MAJORITY
(ONTP) REPORT**

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

Under existing federal and state law, employees who are laid off are eligible to continue health coverage under their employers' group health insurance plans at their own expense. The federal Consolidated Omnibus Budget Reconciliation Act of 1985, known as COBRA, contains provisions that apply to employers with 20 or more employees and generally allows coverage to continue for up to 18 months. Current state law, which applies to employers with fewer than 20 employees, allows the employee to continue coverage for up to 12 months. This bill extends the availability of coverage up to 36 months for those eligible under state law and, to the extent possible, for those eligible under federal law. The bill also provides a special enrollment period for those employees who have exhausted coverage under existing law but who would otherwise be eligible to continue coverage for an additional period.

Committee Amendment "A" (H-48)

This amendment is the minority report of the committee and replaces the bill. Current state law, which applies to employers with fewer than 20 employees, allows the employee to continue coverage at their own expense for up to 12 months. This amendment extends the availability of coverage from 12 months to 18 months for those employees eligible under state law. The amendment also removes the requirement that those employees who are permanently

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laid off must be eligible for federal premium assistance in order to continue coverage. The requirements of the amendment that extend availability of coverage apply to any member or employee who, on or after the effective date of the law, loses employment or has group coverage pursuant to an election of continuation of coverage pursuant to the provisions of the Maine Revised Statutes, Title 24-A, section 2809-A, subsection 11.

Committee Amendment "A" was not adopted.

LD 125 An Act To Raise the Required Minimum Limits for Motor Vehicle Insurance ONTP

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

This bill raises the required minimum limits for motor vehicle insurance.

LD 226 An Act To Allow Maine Citizens To Buy Health Insurance across State Lines ONTP

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

This bill permits insurers authorized to transact individual or group health insurance in any state to offer their individual and group health plans for sale in this State if certain requirements of Maine law are met, including minimum capital and surplus and reserve requirements, disclosure and reporting requirements and grievance procedures. It also permits Maine health insurers to offer individual health plans of out-of-state parent or subsidiary health insurers if similar requirements are met. If out-of-state health plans are offered for sale in this State, the bill requires that prospective enrollees be provided adequate disclosure in a format approved by the Superintendent of Insurance of how the plans differ from Maine health plans. This bill also requires a person to sign a waiver if the insurance policy does not have the same coverage as Maine. The bill includes an effective date of January 1, 2012.

While LD 226 was voted "Ought Not to Pass", a related substantive provision permitting insurers authorized to transact individual health insurance in Connecticut, Massachusetts, New Hampshire or Rhode Island to offer health plans in Maine under certain conditions was included in LD 1333, An Act to Modify Rating Practices for Individual and Small Group Health Plans and to Encourage Value-based Purchasing of Health Care Services. See LD 1333, which was enacted as Public Law 2011, chapter 90.

LD 279 An Act To Amend Indemnification Notification Laws PUBLIC 38

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

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This bill repeals the provision in the Maine Insurance Code requiring annual notice by an insurer to indemnitors of the existence of an indemnity agreement.

Enacted Law Summary

Public Law 2011, chapter 38 repeals the provision in the Maine Insurance Code requiring annual notice by an insurer to indemnitors of the existence of an indemnity agreement.

LD 290 An Act To Amend the Maine Secure and Fair Enforcement for Mortgage Licensing Act of 2009

PUBLIC 289

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORISSETTE MASON	OTP-AM	H-427

This bill amends the Maine Secure and Fair Enforcement for Mortgage Licensing Act of 2009, to exempt individuals who do not offer or originate more than five loans in any one calendar year from having to be licensed. The bill makes the change retroactive to January 1, 2011.

Committee Amendment "A" (H-427)

This amendment strikes the provision in the bill that exempts individuals who do not offer or originate more than five loans in any one calendar year from having to be licensed under the Maine Secure and Fair Enforcement for Mortgage Licensing Act of 2009. The amendment amends the Maine Secure and Fair Enforcement for Mortgage Licensing Act of 2009 to add an exemption for a de minimis number of transactions per year not to exceed the limit set forth in regulations adopted by the United States Department of Housing and Urban Development. The amendment defines "credit sale" to clarify that credit extended by a property owner to the buyer when the property is sold is not subject to licensing. The amendment also clarifies that the enforceability of mortgage loans is not affected by a good faith failure to comply with the terms of the Act. The amendment retains the bill's retroactive date of January 1, 2011.

Enacted Law Summary

Public Law 2011, chapter 289 amends the Maine Secure and Fair Enforcement for Mortgage Licensing Act of 2009 to add an exemption from licensing for those individuals engaging in a de minimis number of residential mortgage loan transactions per year not to exceed the limit set forth in regulations adopted by the United States Department of Housing and Urban Development. The law defines "credit sale" to clarify that credit extended by a property owner to the buyer when the property is sold is not subject to licensing. The law also clarifies that the enforceability of mortgage loans is not affected by a good faith failure to comply with the terms of the Maine Secure and Fair Enforcement for Mortgage Licensing Act of 2009.

Public Law 2011, chapter 289 applies retroactively to January 1, 2011.

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LD 295 An Act To Require Insurance Companies To Disclose the Option To ONTP
Purchase Higher Amounts of Coverage for Automobile Liability
Insurance

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

Under existing law, a motor vehicle insurance policy must provide uninsured vehicle coverage at a level at least equal to the amount in the policy for liability for bodily injury or death unless the policyholder expressly rejects that amount in favor of a lower amount, which may not be less than the minimum statutory requirement for liability coverage under the Maine Revised Statutes, Title 29-A, section 1605. This bill maintains that provision, but requires an insurer or licensed producer holding an appointment from that insurer to disclose to policyholders the option for purchase of uninsured vehicle coverage at a higher level up to \$2,000,000.

LD 313 An Act To Permit Insured Persons To Designate a 3rd Party To Receive PUBLIC 123
Notice of Cancellation of Medicare Supplement Policies and To Restrict
the Cancellation of Certain Insurance Policies for Nonpayment of
Premium Due to Cognitive Impairment or Functional Incapacity

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS	OTP-AM MAJ ONTP MIN	S-71

This bill permits insured persons 65 years of age or older to designate a third party to also receive notice of cancellation of health insurance, Medicare supplement, life insurance and long-term care insurance policies.

Committee Amendment "A" (S-71)

This amendment is the majority report of the committee and replaces the bill. The amendment extends the right for an insured person to designate a third party to receive notice of cancellation of Medicare supplement insurance policies. The amendment also provides the ability to reinstate life, health and Medicare supplement insurance policies to reduce the danger that a policyholder who suffers from cognitive impairment or functional incapacity will lose coverage for nonpayment of premium due to that cognitive impairment or functional incapacity. The amendment removes provisions in the bill relating to long-term care insurance as the notice of cancellation provisions and provisions restricting cancellation due to cognitive impairment or functional incapacity are already required by rule. The provisions in the amendment related to life, health and Medicare supplement insurance are consistent with the restrictions on cancellation due to cognitive impairment or functional incapacity already in place with respect to long-term care insurance. The provisions in the amendment apply to all insurance policies, contracts and certificates issued or renewed on or after January 1, 2012.

Enacted Law Summary

Public Law 2011, chapter 123 extends the right for an insured person to designate a third party to receive notice of cancellation to Medicare supplement insurance policies. The law also provides the ability to reinstate life, health and Medicare supplement insurance policies after cancellation to reduce the danger that a policyholder who suffers from cognitive impairment or functional incapacity will lose coverage for nonpayment of premium due to that cognitive impairment or functional incapacity. The restrictions on cancellation provisions in the law related to life,

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health and Medicare supplement insurance are consistent with the restrictions on cancellation due to cognitive impairment or functional incapacity already in place with respect to long-term care insurance.

The provisions in Public Law 2011, chapter 123 apply to all life, health and Medicare supplement insurance policies, contracts and certificates issued or renewed on or after January 1, 2012.

LD 327 An Act To Permit Lenders To Exclude Government Insurance Fees ONTP
When Determining whether a Loan Is a High-rate, High-fee Loan

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

This bill permits lenders to exclude points and fees assessed by federal or state government agencies for insurance when calculating the thresholds used to determine whether or not a loan is a high-rate, high-fee loan.

While LD 327 was voted "Ought Not to Pass", a related substantive provision making changes to the definition of excluded points and fees when calculating the thresholds used to determine whether or not a loan is a high-rate, high-fee loan was included in LD 1338, An Act to Amend the Maine Consumer Credit Code to Conform with Federal Law. See LD 1338, which was enacted as Public Law 2011, chapter 427.

LD 334 An Act To Promote Further Stability within the Workers' PUBLIC 105
Compensation System by Extending the Number of Terms That May Be EMERGENCY
Served on the Maine Employers' Mutual Insurance Company Board of
Directors

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON W	OTP-AM	H-102

This bill increases the number of consecutive full terms from three to four that an individual may serve on the Maine Employers' Mutual Insurance Company board of directors, except for the president and chief executive officer.

Committee Amendment "A" (H-102)

The amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2011, chapter 105 increases the number of consecutive full terms from three to four that an individual may serve on the Maine Employers' Mutual Insurance Company board of directors, except for the president and chief executive officer.

Public Law 2011, chapter 105 was enacted as an emergency measure effective May 3, 2011.

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LD 355 An Act To Apply the Federal Truth in Lending Act in Maine

ONTP

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

This bill ensures that, if Maine's exemption under the federal Truth in Lending Act is revoked, Maine law will continue to require that mortgage lenders regulated by the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection comply with the federal Truth in Lending Act. The bill requires creditors and loan brokers to comply with the federal Consumer Credit Protection Act and its implementing regulation pursuant to the federal Truth in Lending Act, Regulation Z.

While LD 355 was voted "Ought Not to Pass", a related bill was enacted to address Maine's conformity with the federal Truth in Lending Act. See LD 1338, which was enacted as Public Law 2011, chapter 427.

LD 364 Resolve, Directing Updated Review and Evaluation of Maine's Mental Health Parity Law

ONTP

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

This resolve directs the Department of Professional and Financial Regulation, Bureau of Insurance to review and evaluate the mental health parity law in the same manner as is required for a proposal for a mandated health benefit.

LD 368 An Act To Require Full Disclosure by Insurance Carriers Using Credit Ratings

**MAJORITY
(ONTP) REPORT**

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

This bill requires an insurer that obtains credit information on a consumer to provide the consumer with notice of the consumer's credit score and identify the impact of that score on rates and coverage as part of the policy issued to the consumer.

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LD 401 An Act To Enhance Penalties To Protect Senior Investors

PUBLIC 37

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ	OTP-AM	S-16

This bill enacts measures that empower the Securities Administrator and the Maine courts to enhance the penalties for violations of the Maine Uniform Security Act that affect citizens 65 years of age or older.

Committee Amendment "A" (S-16)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2011, chapter 37 enacts measures that empower the Securities Administrator and the Maine courts to enhance the penalties for violations of the Maine Uniform Security Act that affect citizens 65 years of age or older.

LD 402 An Act To Improve Credit Reporting Regarding Consumers without a Credit History

ONTP

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

This bill prohibits a user of a consumer report from assigning a consumer a low credit score solely on the basis of a consumer's having no credit history if the consumer can demonstrate the ability to meet that consumer's financial obligations without borrowing on credit.

LD 410 An Act To Repeal the Provisions in the Insurance Laws Governing Guaranteed Issue and Community Rating

ONTP

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

This bill repeals the laws governing guaranteed issue and community rating for individual health insurance. The bill also repeals the laws governing community rating in the small group health insurance market. The bill applies to all individual and small group health insurance policies, certificates and contracts issued or renewed on or after January 1, 2012.

While LD 410 was voted "Ought Not to Pass", related substantive provisions amending the laws governing guaranteed issue and community rating were included in LD 1333, An Act to Modify Rating Practices for Individual and Small Group Health Plans and to Encourage Value-based Purchasing of Health Care Services. See LD 1333, which was enacted as Public Law 2011, chapter 90.

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LD 440 An Act To Allow Employees of the Maine School of Science and Mathematics to Join the State's Group Health Plan

**PUBLIC 67
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AYOTTE SHERMAN	OTP-AM	H-83

This bill makes employees of the Maine School of Science and Mathematics eligible for the State's group health plan.

Committee Amendment "A" (H-83)

This amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2011, chapter 67 makes employees of the Maine School of Science and Mathematics eligible for the State's group health plan.

Public Law 2011, chapter 67 was enacted as an emergency measure effective May 9, 2011.

LD 455 Resolve, Directing the Superintendent of Insurance To Form a Compact with Other State Commissioners of Insurance on the Purchase of Insurance out of State

ONTP

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

This resolve directs the Superintendent of Insurance to meet with the commissioners of insurance of the State of Connecticut, the Commonwealth of Massachusetts, the State of New Hampshire, the State of Rhode Island and the State of Vermont to develop a plan to form an interstate compact regarding the purchase of insurance from other states. The commissioner is required to report by January 12, 2012 to the Joint Standing Committee on Insurance and Financial Services, which may submit legislation to the Second Regular Session of the 125th Legislature.

While LD 455 was voted "Ought Not to Pass", a related substantive provision permitting insurers authorized to transact individual health insurance in Connecticut, Massachusetts, New Hampshire or Rhode Island to offer health plans in Maine under certain conditions was included in LD 1333, An Act to Modify Rating Practices for Individual and Small Group Health Plans and to Encourage Value-based Purchasing of Health Care Services. See LD 1333, which was enacted as Public Law 2011, chapter 90.

Joint Standing Committee on Insurance and Financial Services

LD 473 An Act To Enable Maine Residents To Purchase Health Insurance over State Lines ONTP

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

This bill permits insurers authorized to transact individual or group health insurance in any state to offer their individual and group health plans for sale in this State if certain requirements of Maine law are met, including minimum capital and surplus and reserve requirements, disclosure and reporting requirements and grievance procedures. It also permits Maine health insurers to offer individual and group health plans of out-of-state parent or subsidiary health insurers if similar requirements are met. If out-of-state health plans are offered for sale in this State, the bill requires that prospective enrollees be provided adequate disclosure in a format approved by the Superintendent of Insurance of how the plans differ from Maine health plans. This bill also requires a person purchasing such insurance to sign a waiver acknowledging that the insurance policy does not necessarily fully adhere to Maine law. The bill includes an effective date of January 1, 2012.

While LD 473 was voted "Ought Not to Pass", a related substantive provision permitting insurers authorized to transact individual health insurance in Connecticut, Massachusetts, New Hampshire or Rhode Island to offer health plans in Maine under certain conditions was included in LD 1333, An Act to Modify Rating Practices for Individual and Small Group Health Plans and to Encourage Value-based Purchasing of Health Care Services. See LD 1333, which was enacted as Public Law 2011, chapter 90.

LD 496 An Act To Amend the Laws Governing Financial Incentives and Geographic Accessibility of Services Covered by Health Insurance Providers ONTP

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

This bill removes provisions in current law prohibiting health insurance carriers from applying benefit differentials based on travel and repeals the provision authorizing pilot projects that are exempt from geographic access requirements. In its place, the bill requires health insurance carriers to offer a health plan with financial provisions to encourage use of designated providers that is exempt from geographic access requirements established in current law and in rules adopted by the Department of Professional and Financial Regulation, Bureau of Insurance.

While LD 496 was voted "Ought Not to Pass", a related substantive provision amending the access requirements established in current law and in rules adopted by the Department of Professional and Financial Regulation, Bureau of Insurance was included in LD 1333, An Act to Modify Rating Practices for Individual and Small Group Health Plans and to Encourage Value-based Purchasing of Health Care Services. See LD 1333, which was enacted as Public Law 2011, chapter 90.

Joint Standing Committee on Insurance and Financial Services

LD 517 An Act Regarding Prescription Drug Step Therapy and Prior Authorization ONTP

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

This bill limits the ability of a health coverage carrier to require prescription drug formulary alternatives and prior authorization in certain circumstances beginning January 1, 2012.

LD 519 Resolve, Directing the Bureau of Insurance To Study Legislators' Health Insurance Benefits Compared to the Health Insurance Benefits of Other Part-time and Seasonal Workers in the State ONTP

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

This bill directs the Department of Professional and Financial Regulation, Bureau of Insurance to study the health insurance premium, cost, cost-sharing and benefits provided to Legislators and compare them to the premium, cost, cost-sharing and benefits available to other part-time and seasonal workers in the State, and to provide a report to the Joint Standing Committee on Insurance and Financial Services by December 1, 2011.

LD 527 An Act To Bring Maine's Minimum Financial Responsibility Laws Pertaining to Rental Vehicles into Conformity with Privately Owned Vehicles PUBLIC 78

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

This bill changes the minimum amount of insurance required for a rental vehicle from \$350,000 to the same as required for privately owned vehicles.

Enacted Law Summary

Public Law 2011, chapter 78 changes the minimum amount of insurance required for a rental vehicle from \$350,000 to the same as required for privately owned vehicles. Under the law, the minimum amount of liability insurance required for a rental vehicle will be \$25,000 for damage to property; \$50,000 for injury or death of one person; \$100,000 for injury or death of more than one person in one accident; and \$2,000 for medical payments.

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**LD 540 An Act To Implement the Insurance Payment Reform
Recommendations of the Advisory Council on Health Systems
Development**

PUBLIC 270

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAHAM BRANNIGAN	OTP-AM	H-428

This bill implements the recommendations of the Advisory Council on Health Systems Development relating to insurance payment reform. The bill adopts principles for payment reform strategies developed by the Advisory Council on Health Systems Development and requires that these principles be used to evaluate pilot project proposals. The bill authorizes the Superintendent of Insurance to permit health insurance carriers to implement payment reform pilot projects beginning January 1, 2012. The bill requires the Superintendent of Insurance to consider the recommendation of the Advisory Council on Health Systems Development before approving a pilot project.

The bill also authorizes the Department of Health and Human Services to conduct a four-year demonstration project for payment reform to achieve cost savings within the MaineCare program beginning July 1, 2012.

Committee Amendment "A" (H-428)

This amendment does the following.

1. It requires the rule-making process to be completed by December 1, 2011 and that copies of the adopted rule be submitted to the Joint Standing Committee on Insurance and Financial Services.
2. It delays the authority to approve any pilot project from January 1, 2012 to March 1, 2012.
3. It narrows the scope of permissible pilot projects to projects between a health insurance carrier and an accountable care organization formed by providers.
4. It requires that the Department of Professional and Financial Regulation, Bureau of Insurance conduct an analysis of the costs and benefits of any approved pilot project and report those findings to the Legislature.
5. It clarifies that the pilot project provision may not be construed to require carriers to obtain prior approval from the Bureau of Insurance to engage in activities already expressly permitted.
6. It removes provisions in the bill related to the duties of the Advisory Council on Health Systems Development, which was repealed by Public Law 2011, chapter 90.

Enacted Law Summary

Public Law 2011, chapter 270 authorizes the Superintendent of Insurance to permit health insurance carriers to implement payment reform strategies through accountable care organizations as a pilot project beginning March 1, 2012. Before approving a pilot project, the law requires the Superintendent of Insurance to consider whether the proposed pilot is consistent with the principles for payment reform developed by the former Advisory Council on Health Systems Development.

Public Law 2011, chapter 270 also authorizes the Department of Health and Human Services to conduct a four-year demonstration project for payment reform to achieve cost savings within the MaineCare program beginning July 1, 2012.

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LD 544 An Act To Eliminate Duplication of Paint Disclosure and Radon Requirements

PUBLIC 96

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

The bill eliminates the duplication of state and federal lead-based paint disclosure requirements and amends the law requiring radon testing of residential buildings to exempt buildings used exclusively for short-term or seasonal rentals of less than 100 days.

Committee Amendment "A" (H-82)

This amendment is the minority report of the committee. The amendment removes the provision of the bill that exempts buildings used exclusively for short-term or seasonal rentals of less than 100 days from the law requiring radon testing of residential buildings by landlords.

Committee Amendment "A" was not adopted.

House Amendment "A" (H-96)

This amendment limits the exemption from radon testing created in the bill for certain residential buildings to those residential buildings used exclusively for rental under a nonrenewable short-term lease of 100 days or less during the period between May 1st and October 31st. The effect of this amendment is that those buildings leased from November 1st to April 30th, even if under a short-term lease, will continue to be required to be tested for radon.

House Amendment "A" was not adopted.

Enacted Law Summary

Public Law 2011, chapter 96 eliminates the duplication of state and federal lead-based paint disclosure requirements and amends the law requiring radon testing of residential buildings to exempt buildings used exclusively for short-term or seasonal rentals of less than 100 days.

LD 567 An Act To Prevent Insurer Limits on Certain Dental Fees

ONTP

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

This bill prevents insurers from limiting dental fees that are not covered by the insurer or the portion of a dental fee that exceeds the amount covered.

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**LD 642 An Act To Require Insurance Companies To Reissue Qualifying
Long-term Care Partnership Policies**

PUBLIC 198

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOSEL	OTP-AM MAJ OTP-AM MIN	H-209

This bill requires insurers to reissue long-term care insurance policies that qualify for the Long-term Care Partnership Program pursuant to the Maine Revised Statutes, Title 22, section 3174-GG upon a request from a policyholder to exchange a long-term care insurance policy issued prior to July 1, 2009. An insurer may not impose additional underwriting requirements or place the insured in a less favorable rating plan or classification.

Committee Amendment "A" (H-209)

This amendment is the majority report of the committee and replaces the bill. The amendment requires an insurer that actively markets long-term care insurance policies that qualify for the Long-term Care Partnership Program pursuant to the Maine Revised Statutes, Title 22, section 3174-GG to provide notice to an individual or employer that purchased a tax-qualified long-term care insurance policy on or after July 1, 2004 but before the date the insurer began actively marketing partnership policies that the individual or employer may be eligible to participate in the Long-term Care Partnership Program. The amendment also requires the insurer to identify whether a policy meets the requirements of the Long-term Care Partnership Program. If a policy meets the requirements, an insurer is required to notify the policyholder and amend the policy's effective date to reflect partnership status. If a policy does not meet all of the requirements, an insurer is required to offer an exchange of the policy and apply its underwriting and rating standards.

The amendment also permits a policyholder of a tax-qualified policy purchased prior to July 1, 2004 to request that an insurer review the policy to determine whether the policy meets the requirements of the Long-term Care Partnership Program. If a policyholder makes a request more than 12 months after the effective date of the provision, the insurer is not obligated to review the policy.

Committee Amendment "B" (H-210)

This amendment is the minority report of the committee and replaces the bill. The amendment requires an insurer that actively markets long-term care insurance policies that qualify for the Long-term Care Partnership Program pursuant to the Maine Revised Statutes, Title 22, section 3174-GG to provide notice to an individual or employer that purchased a tax-qualified long-term care insurance policy on or after July 1, 2004 but before the date the insurer began actively marketing partnership policies that the individual or employer may be eligible to participate in the Long-term Care Partnership Program. The amendment also requires the insurer to identify whether a policy meets the requirements of the Long-term Care Partnership Program. If a policy meets the requirements, an insurer is required to notify the policyholder and amend the policy's effective date to reflect partnership status. If a policy does not meet all of the requirements, an insurer is required to offer an exchange of the policy and apply its underwriting and rating standards.

Committee Amendment "B" was not adopted.

Enacted Law Summary

Public Law 2011, chapter 198 requires an insurer that actively markets long-term care insurance policies that qualify for the Long-term Care Partnership Program pursuant to the Maine Revised Statutes, Title 22, section 3174-GG to provide notice to an individual or employer that purchased a tax-qualified long-term care insurance policy on or after July 1, 2004 but before the date the insurer began actively marketing partnership policies that the individual or employer may be eligible to participate in the Long-term Care Partnership Program. The law also requires the

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insurer to identify whether a policy meets the requirements of the Long-term Care Partnership Program. If a policy meets the requirements, an insurer is required to notify the policyholder and amend the policy's effective date to reflect partnership status. If a policy does not meet all of the requirements, an insurer is required to offer an exchange of the policy and apply its underwriting and rating standards.

Public Law 2011, chapter 198 also permits a policyholder of a tax-qualified policy purchased prior to July 1, 2004 to request that an insurer review the policy to determine whether the policy meets the requirements of the Long-term Care Partnership Program. If a policyholder makes a request more than 12 months after the effective date of the provision, the insurer is not obligated to review the policy.

LD 645 *Resolve, To Replace Maine's Health Insurance System with the Type of System Used in New Hampshire* ONTP

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

This resolve requires the Department of Professional and Financial Regulation, Bureau of Insurance to compare current state law regulating individual and group health insurance with New Hampshire law and develop proposed legislation to conform state law to New Hampshire law. The resolve requires the Bureau of Insurance to submit a report, along with proposed legislation, to the Joint Standing Committee on Insurance and Financial Services no later than January 15, 2012. The resolve authorizes the Joint Standing Committee on Insurance and Financial Services to report out a bill to the Second Regular Session of the 125th Legislature.

LD 660 *An Act To Clarify the Responsibilities of Pharmacy Benefits Managers and Preferred Provider Organizations* ONTP

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

This bill provides that requirements governing the relationships between pharmacy providers and insurance carriers also apply to pharmacy benefits managers and preferred provider organizations that administer pharmacy services.

LD 672 *An Act To Provide Reasonable Uninsured Motorist Coverage* ONTP

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

Under current law, the amount of uninsured vehicle coverage for motor vehicle insurance policies not subject to the Maine Automobile Insurance Cancellation Control Act may not be less than the minimum limits for bodily injury liability insurance provided for under the Maine Revised Statutes, Title 29-A, section 1605. This bill requires that the amount of uninsured motor vehicle coverage for such policies be equal to the amount of coverage for liability for bodily injury or death in the policy offered or sold to the purchaser.

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LD 712 An Act To Expand Access to Clinical Trials

ONTP

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

This bill amends the Maine Insurance Code to include those with medical conditions for whom an approved clinical trial is available. It requires health insurance coverage of clinical trials by pharmaceutical manufacturers. It also clarifies that the law covers all phases of clinical trials, including translational trials as well as Phase I, Phase II and Phase III trials.

LD 720 An Act To Mandate Insurance Coverage for Infertility Treatment

ONTP

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

This bill requires that health insurance policies include coverage for the treatment of infertility if the covered individual is married; the covered individual's infertility is not the result of a sexually transmitted disease; and the number of embryos implanted does not exceed the number set forth in standards adopted by the American Society of Reproductive Medicine or a successor organization. Under the bill, an insurance policy that provides infertility treatment coverage may require a 50% or lower copayment by the insured. The bill applies to all policies in effect on or after January 1, 2012.

LD 731 An Act To Terminate the Authorization of the Maine Self-Insurance Guarantee Association To Serve as a Statistical Advisory Organization for Self-insurers

PUBLIC 83

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

This bill repeals the authorization of the Maine Self-Insurance Guarantee Association to serve as the statistical advisory organization for self-insurers.

Enacted Law Summary

Public Law 2011, chapter 83 repeals the authorization of the Maine Self-Insurance Guarantee Association to serve as the statistical advisory organization for self-insurers.

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LD 768 An Act To Amend the Laws Relating to Group Trusts Established by Group Self-insurers of Workers' Compensation Benefits

PUBLIC 98

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BECK SULLIVAN	OTP-AM	H-103

This bill provides that if a member of a group self-insurer for workers' compensation benefits terminates membership in the group, that member is entitled to share in the release of surplus funds from the trust established by the group self-insurer if funding by that member to the 95% confidence level occurs within one year. The bill clarifies that while a trust is responsible for payment of a departing member's liabilities, the trust is not required to set aside additional trust assets for that exposure.

Committee Amendment "A" (H-103)

This amendment clarifies that while a trust is responsible for payment of a departing member's liabilities, the trust is not required to set aside additional trust assets for that exposure. The amendment requires that, if the Superintendent of Insurance finds there is a material risk to the trust's ability to satisfy its liabilities and obligations due to the failure of one or more departing members to fund their proportionate share of exposure or to the failure of the group trust to enforce the funding requirement, the superintendent shall consider any unfunded amount when approving a determination of a group trust's surplus or deficit.

Enacted Law Summary

Public Law 2011, chapter 98 clarifies the responsibility of a workers' compensation group self-insurance trust for payment of a departing member's liabilities. The law makes it clear that a trust is responsible for payment of a departing member's liabilities, but provides that the trust is not required to set aside additional trust assets for that exposure. The law requires that, if the Superintendent of Insurance finds there is a material risk to the trust's ability to satisfy its liabilities and obligations due to the failure of one or more departing members to fund their proportionate share of exposure or to the failure of the group trust to enforce the funding requirement, the superintendent shall consider any unfunded amount when approving a determination of a group trust's surplus or deficit.

LD 783 An Act To Amend the Laws Governing Captive Insurance Companies

ONTP

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

This bill amends the chapter of the Maine Insurance Code governing captive insurance companies to make clear that in the event of any conflict between the provisions of other state insurance laws and the provisions of the laws governing captive insurance companies, the provisions of the captive insurance company laws control. The bill places a cap on the unimpaired paid-in capital and surplus of an association captive insurance company and provides that rules adopted by the Superintendent of Insurance to implement the laws governing captive insurance companies are major substantive rules.

While LD 783 was voted "Ought Not to Pass", a related substantive provision relating to captive insurance companies was included in LD 1333, An Act to Modify Rating Practices for Individual and Small Group Health

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Plans and to Encourage Value-based Purchasing of Health Care Services. See LD 1333, which was enacted as Public Law 2011, chapter 90.

LD 794 An Act To Provide Fair Value for Insured Items ONTP

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

This bill requires an insurer to provide coverage for 85% of the total value of the contents of a home insured under a homeowner's insurance policy if the insured opts not to or is unable to provide an inventory of any lost or damaged items of property to enable the insurer to determine the actual cash value of the lost contents.

LD 844 An Act To Provide Affordable Health Insurance for Municipal and School Employees through Competition ONTP

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

This bill removes the waiver of competitive bidding available to school boards for health insurance. It requires that school boards purchase health insurance for employees through competitive bidding, including in school units in which municipal and school insurance is purchased as a package by municipal government. The bill requires that insurers, nonprofit hospital and medical service organizations and health maintenance organizations provide a school administrative unit with information concerning the unit's own experience rating and claims history as a member covered under a group policy or contract at the unit's request or at the request of any municipality in the unit.

The bill also makes members of the Maine Municipal Association and members of the Maine Education Association eligible to participate in the group health plan for state employees and makes employees of school administrative units and municipalities eligible to participate in the plan if their school boards or municipalities elect to participate in the plan.

While LD 844 was voted "Ought Not to Pass", two related bills were enacted that included provisions to require that insurers, nonprofit hospital and medical service organizations and health maintenance organizations provide a school administrative unit with information concerning the unit's own experience rating and claims history as a member covered under a group policy or contract at the unit's request and to make members of the Maine Municipal Association and members of the Maine Education Association eligible to participate in the group health plan for state employees. See LD 619, which was considered by the Joint Standing Committee on Education and Cultural Affairs and enacted as Public Law 2011, chapter 438 and LD 1326, which was enacted as Public Law 2011, chapter 395.

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LD 857 Resolve, To Study the Feasibility of Consolidating Health Plan Coverage for State Employees with Other Public Employees DIED ON ADJOURNMENT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM MAJ ONTP MIN	S-258

This bill includes teachers under the state group health plan.

Committee Amendment "A" (S-258)

This amendment is the majority report of the committee and replaces the bill with a resolve requiring the State Employee Health Commission to convene a working group to study the feasibility of consolidating health plan coverage for state employees and retirees with health plan coverage for other public employees and retirees. The amendment also adds an appropriation section to provide the funds for the actuarial analysis and other costs of the study.

LD 857 was enacted in the House and placed on the Special Appropriations Table in the Senate. The bill died upon adjournment in the Senate based on the "Ought Not to Pass" recommendation of the Joint Standing Committee on Appropriations and Financial Affairs.

LD 858 An Act To Amend the Law Related to Multiple-employer Welfare Arrangements ONTP

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

This bill repeals application of small group insurance laws to multiple-employer welfare arrangements.

LD 867 An Act To Amend the Laws Governing Insurance as They Relate to Civil Penalties Imposed for Violations of Those Laws ONTP

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

This bill amends the laws governing insurance in relation to the assessment of civil penalties based upon multiple violations of these laws. It sets caps on the civil penalties that the Superior Court may assess in an action brought by the Attorney General. It also sets caps on the civil penalties that the Superintendent of Insurance may assess following an adjudicatory hearing except in cases in which the Department of Professional and Financial Regulation, Bureau of Insurance proves by clear and convincing evidence that the violations were intentional and with the intent to defraud consumers and that consumers in fact sustained material loss or damage.

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LD 881 An Act To Amend Certain Insurance Provisions Relating to Variable Annuity Death Benefits and Multiple Employer Trusts

PUBLIC 163

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON W	OTP-AM	H-158 S-101 WHITTEMORE

This bill amends Maine's minimum variable annuity death benefit law, which currently requires a return of premium, to provide that the premium returned should be reduced by amounts that the insurance company has already distributed to the policy owners as, for example, in the form of cash withdrawals, loans or qualified transfers. The bill allows life insurance to be provided to trust groups without requiring that employers agree to serve as settlors of the trust. This change will permit the creation of trust groups adopted by two or more employers instead of limiting the law to trusts established by employers. This change makes Maine law consistent with the national standards represented by the National Association of Insurance Commissioners model.

Committee Amendment "A" (H-158)

This amendment clarifies that a variable annuity death benefit payment must equal the greater of the premiums, reduced by any adjusted withdrawals from the policy already distributed to the policy owner, and the value of the contract, instead of the sum of the premiums, less withdrawals, and the value of the contract, as the bill proposes.

Senate Amendment "A" To Committee Amendment "A" (S-101)

This amendment clarifies the language of Committee Amendment "A" that a variable annuity death benefit equals either the value of the contract at the time of death or the sum of the premiums less adjusted withdrawals from the policy, whichever is greater.

Enacted Law Summary

Public Law 2011, chapter 163 amends Maine's minimum variable annuity death benefit law, which currently requires a return of premium, to provide that the premium returned should be reduced by amounts that the insurance company has already distributed to the policy owners as, for example, in the form of cash withdrawals, loans or qualified transfers.

Public Law 2011, chapter 163 also allows life insurance to be provided to trust groups without requiring that employers agree to serve as settlors of the trust. This change will permit the creation of trust groups adopted by two or more employers instead of limiting the law to trusts established by employers.

LD 882 An Act To Limit Health Care Mandates

Carried Over

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

This bill prohibits carriers from offering a health plan in this State on or after January 1, 2014 that exceeds the minimum essential benefits package determined in accordance with federal law. The bill also requires the Department of Professional and Financial Regulation, Bureau of Insurance to evaluate the minimum essential

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benefits package to be determined by the Secretary of the United States Department of Health and Human Services in comparison to existing mandated health insurance benefits required by state law. The bill directs the bureau to determine which mandated benefits are not included in the federal minimum essential benefits package and develop proposed legislation to eliminate those mandated benefits in state law. The bureau must submit its report within three months of the adoption of the minimum essential benefits package. The bill authorizes the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters to report out a bill based on the report to the First Regular Session of the 126th Legislature.

LD 882 was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

LD 891 An Act To Amend the Maine Consumer Credit Code Regarding Interest Charged on Deferred Payments PUBLIC 87

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

Under the Maine Consumer Credit Code, interest and costs are allowed to accrue in connection with a deferred first periodic payment only if the payment is deferred for no more than 90 days. This bill changes the limitation to 120 days.

Enacted Law Summary

Under the Maine Consumer Credit Code, interest and costs are allowed to accrue in connection with a deferred first periodic payment only if the payment is deferred for no more than 90 days. Public Law 2011, chapter 87 changes the limitation to 120 days.

LD 892 An Act To Establish an Insurance Fraud Division within the Department of Professional and Financial Regulation, Bureau of Insurance ACCEPTED REPORT A (ONTP)

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

This bill establishes the Insurance Fraud Division within the Department of Professional and Financial Regulation, Bureau of Insurance. The bill requires insurers with knowledge or suspicion of fraudulent insurance acts to report those activities to the Superintendent of Insurance. The bill provides for the confidentiality of records relating to insurance fraud investigations in a manner similar to the provision of confidentiality under current state law for investigative and intelligence information in the possession of other law enforcement entities. The bill does permit the Insurance Fraud Division to share investigatory information with certain national and international agencies. The bill also extends the immunity provision in current law to certain communications between insurers with respect to fraudulent insurance acts.

Committee Amendment "A" (S-211)

This amendment replaces the bill. The amendment proposes substantially what the bill proposes but enacts a

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separate chapter that establishes the Insurance Fraud Division within the Department of Professional and Financial Regulation, Bureau of Insurance. The amendment requires insurers with knowledge or suspicion of fraudulent insurance acts to report those activities to the Insurance Fraud Division. The amendment provides for the confidentiality of records relating to insurance fraud investigations in a manner similar to the provision of confidentiality under current state law for investigative and intelligence information in the possession of other law enforcement entities. The amendment permits the Insurance Fraud Division to share investigatory information with certain state, municipal, national and international agencies. The amendment clarifies that the Insurance Fraud Division may be funded by an assessment on insurers. The amendment also adds an appropriations and allocations section to provide funds for the administration of the Insurance Fraud Division.

Committee Amendment "A" was not adopted.

LD 899 An Act To Disclose Insurance Policy Options to Senior Citizens ONTP

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

This bill requires every insurer, insurance agent or insurance broker when selling, offering or renewing any insurance policy, plan, contract, certificate or benefit to a person 65 years of age or older to inform the person of any comparable government-offered or government-sponsored policy, plan, contract, certificate or benefit for which the person may qualify, such as Medicare.

LD 934 An Act To Reform the Dirigo Health Program ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to reform the Dirigo Health Program established under the Maine Revised Statutes, Title 24-A, chapter 87.

LD 950 An Act To Exempt Health Care Sharing Ministries from Insurance Requirements PUBLIC 192

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU	OTP-AM MAJ ONTP MIN	S-77

This bill exempts a health care sharing ministry from the definition of "health insurance" under the Maine Insurance Code.

Committee Amendment "A" (S-77)

The bill defines "health care sharing ministry" and exempts these ministries from regulation as insurers under the

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Maine Insurance Code. This amendment adds two additional requirements to that definition, requiring the health care sharing ministry to have been in existence since December 31, 1999 and requiring the health care sharing ministry to be audited annually by an independent certified public accountant and to make that annual audit available to the public upon request.

Enacted Law Summary

Public Law 2011, chapter 192 defines "health care sharing ministry" and exempts these ministries from regulation as insurers under the Maine Insurance Code.

LD 960 An Act To Ensure Payment to Tow Truck Operators for Towing from ONTP **Accidents**

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

This bill requires a liability insurance policy under the motor vehicle financial responsibility laws to cover charges for towing a motor vehicle from the accident scene when towing is authorized or requested by a law enforcement officer or emergency medical services provider who is present at the accident scene.

LD 1010 An Act To Require an Insurance Company To Notify a Landlord When ONTP **a Tenant Changes or Cancels a Residential Property Insurance** **Contract**

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

This bill requires a landlord that is listed on a tenant's residential property insurance policy to be notified of any change to or the cancellation of that policy.

LD 1012 An Act To Require a Mortgagee To Provide the Original Release of PUBLIC 146 **Mortgage to the Mortgagor after the Release Is Recorded**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON W	OTP-AM	H-202

This bill requires that, within 30 days after recording a release of a mortgage, the mortgagee must send the release by certified mail, return receipt requested, to the mortgagor's address as listed in the mortgage or to an address specified by the mortgagor for this purpose. A mortgagee who fails to provide the release to the mortgagor in the manner specified is liable to an aggrieved party for damages equal to exemplary damages of \$500.

Committee Amendment "A" (H-202)

This amendment requires that the mortgagee must send the release of mortgage within 30 days after receipt of the

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release from the registry of deeds rather than within 30 days of recording the release in the registry of deeds. The amendment also requires that the release be sent by first class mail to the mortgagor rather than by certified mail.

Enacted Law Summary

Public Law 2011, chapter 146 requires that, within 30 days after receipt of the release from the registry of deeds, the mortgagee must send the release by first class mail to the mortgagor's address as listed in the mortgage or to an address specified by the mortgagor for this purpose. A mortgagee who fails to provide the release to the mortgagor in the manner specified is liable to an aggrieved party for damages equal to exemplary damages of \$500.

LD 1030 An Act To Reduce Costs for Small Businesses Carried Over

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to establish subsidies, tax credits and other initiatives designed to lower the employer and employee costs of health insurance provided through small business owners to their employees. The bill would dedicate fees currently assessed on health insurers for funding affordable health care coverage to eligible small employers to fund the subsidies, tax credits and other initiatives proposed in the bill.

LD 1030 was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

LD 1089 An Act To Require That Homeowner's Insurance Covers Rental Equipment ONTP

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

This bill removes the exclusion of coverage under property insurance policies applicable to loss or damage to personal property used for commercial or industrial enterprises if the personal property is rental equipment.

LD 1162 An Act To Allow Members of Professional Associations To Purchase Health Insurance across State Lines ONTP

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

This bill enhances the availability of association group health plans issued in another state by removing the current restrictions on coverage.

While LD 1162 was voted "Ought Not to Pass", a related substantive provision permitting insurers authorized to

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transact individual health insurance in Connecticut, Massachusetts, New Hampshire or Rhode Island to offer health plans in Maine under certain conditions was included in LD 1333, An Act to Modify Rating Practices for Individual and Small Group Health Plans and to Encourage Value-based Purchasing of Health Care Services. See LD 1333, which was enacted as Public Law 2011, chapter 90.

LD 1175 An Act To Allow a Homeowner To Insure a Residence for Less than ONTP
Actual Cash Value

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

This bill allows a homeowner to insure the primary residence of the homeowner for an alternative insured value, which is no more than the actual cash value of the residence. It requires the execution of a rider that meets the requirements of the Superintendent of Insurance within the Department of Professional and Financial Regulation to indicate the homeowner's choice of insuring at the alternative insured value. It requires the superintendent to adopt routine technical rules to establish the approved form for the alternative insured value rider.

LD 1179 An Act To Require Advance Review and Approval of Certain Small Carried Over
Group Health Insurance Rate Increases and To Implement the
Requirements of the Federal Patient Protection and Affordable Care
Act

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

Part A of the bill makes the rate review process for small group health insurance rates the same as the process for individual health insurance. Part A requires that, if a filing proposes an increase in rates in a small group health plan, the Superintendent of Insurance shall hold a hearing on the proposed rate increase at the request of the Attorney General. Part A makes it clear that in any hearings the burden of proving proposed rates are not excessive, inadequate or unfairly discriminatory is on the insurer. Part A also repeals the optional rate review process that permits small group health insurers that meet a minimum 78% medical loss ratio to file rates with the Department of Professional and Financial Regulations, Bureau of Insurance for informational purposes.

Part B of the bill amends the Maine Insurance Code to conform to the requirements of the federal Patient Protection and Affordable Care Act, Public Law 111-148. Part B also authorizes the Superintendent of Insurance to amend rules for consistency with the requirements of the federal law and any regulations adopted pursuant to that law.

LD 1179 was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

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This bill prohibits the inclusion of so-called "most favored nation" clauses in the participation agreements between health insurance carriers and health care service providers.

Although LD 1222 was not enacted, a related bill, LD 1583, An Act to Provide Oversight in Certain Negotiations, was considered by the Legislature. See LD 1583.

LD 1229 An Act To Require Health Insurance Coverage for Hearing Aids for Adults ONTP

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

This bill requires health insurance coverage of hearing aids for persons over 18 years of age.

LD 1233 An Act To Prohibit Enforcement by a Federal or State Official of the Federal Patient Protection and Affordable Care Act MAJORITY (ONTP) REPORT

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

This bill expresses the findings of the Legislature that the federal Patient Protection and Affordable Care Act, signed into law by President Barack Obama on March 23, 2010, is in violation of the United States Constitution, Amendment X and, as such, is considered null and void in Maine. This bill prohibits a federal or state official, agent or employee from enforcing the federal Patient Protection and Affordable Care Act, or any other statute, law, rule, regulation or order made in connection with that Act. Violation by a federal official is a Class C crime, punishable by up to five years in prison and a fine of up to \$5,000. Violation by a state official is a Class D crime, punishable by less than one year in jail and a fine of up to \$2,000. The bill also allows a civil cause of action.

Committee Amendment "A" (H-432)

This amendment is the minority report of the committee. The amendment adds an appropriations and allocations section to the bill to provide funds for the Correctional Impact Reserve program to support an anticipated increase in correctional costs.

Committee Amendment "A" was not adopted.

LD 1239 An Act To Further Expand Access to Oral Health Care by Requiring Insurance Coverage for Services Performed by Denturists ONTP

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

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This bill requires dental insurers and health insurers and health maintenance organizations that include coverage for dental services in their policies and contracts to provide coverage for dental services performed by a dentist if those services would be covered under the policy or contract and those services are within the lawful scope of practice of the dentist. The bill applies to all individual and group policies and contracts issued or renewed on or after January 1, 2012.

LD 1243 Resolve, To Direct the Bureau of Consumer Credit Protection To RESOLVE 34
Recommend Changes to Credit Reporting Laws Concerning Paid Debts

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

This resolve directs the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection to review the credit reporting debt collection laws specifically concerning debtors whose credit reports do not correctly reflect the payment of debt. The bureau is directed to submit its findings, recommendations and suggested legislation to the Joint Standing Committee on Insurance and Financial Services, which is authorized to submit a bill to the Second Regular Session of the 125th Legislature.

Enacted Law Summary

Resolve 2011, chapter 34 directs the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection to review the credit reporting debt collection laws specifically concerning debtors whose credit reports do not correctly reflect the payment of debt. The bureau is directed to submit its findings, recommendations and suggested legislation to the Joint Standing Committee on Insurance and Financial Services, which is authorized to submit a bill to the Second Regular Session of the 125th Legislature.

LD 1251 An Act To Prevent Credit Card Company Unfair Trade Practices ONTP

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

This bill prohibits electronic payment systems from imposing certain restrictions on merchants relating to the acceptance of credit cards, charge cards, debit cards or other stored-value cards as payment for goods and services.

LD 1279 An Act Relating to Qualified Financial Contracts by Domestic Insurers PUBLIC 107

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON W	OTP	H-128 RICHARDSON W

This bill conforms the chapter in the Maine Insurance Code regarding delinquent insurers to Section 711 of the National Association of Insurance Commissioners Insurer Receivership Model Act regarding netting of qualified

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financial contracts by insurers who have been placed in rehabilitation or liquidation. This bill also adds two related definitions from the model act to that chapter.

House Amendment "A" (H-128)

This amendment corrects one cross-reference and adds another.

Enacted Law Summary

Public Law 2011, chapter 107 conforms the chapter in the Maine Insurance Code regarding delinquent insurers to Section 711 of the National Association of Insurance Commissioners Insurer Receivership Model Act regarding netting of qualified financial contracts by insurers who have been placed in rehabilitation or liquidation.

LD 1301 An Act To Amend the Laws Governing Security Deposits of Workers' Compensation Self-insurers PUBLIC 180

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

This bill specifies that an employer that is a self-insurer of workers' compensation benefits may deposit cash, satisfying securities, irrevocable standby letters of credit issued by qualified financial institutions or a surety bond with the Superintendent of Insurance, rather than the Workers' Compensation Board as in current law, in partial fulfillment of the requirements for self-insurers. It also allows the Superintendent of Insurance to maintain possession of irrevocable standby letters of credit issued by qualified financial institutions and surety bonds.

Enacted Law Summary

Public Law 2011, chapter 180 specifies that an employer that is a self-insurer of workers' compensation benefits may deposit cash, satisfying securities, irrevocable standby letters of credit issued by qualified financial institutions or a surety bond with the Superintendent of Insurance, rather than the Workers' Compensation Board as in current law, in partial fulfillment of the requirements for self-insurers. The law also allows the Superintendent of Insurance to maintain possession of irrevocable standby letters of credit issued by qualified financial institutions and surety bonds.

LD 1326 An Act To Allow School Administrative Units To Seek Less Expensive Health Insurance Alternatives PUBLIC 395

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SARTY WHITTEMORE	OTP-AM MAJ OTP-AM MIN	H-429

This bill allows school administrative units to offer group self-insurance health and dental programs and to enter into cooperative agreements with other school administrative units or municipalities to provide such programs.

The bill provides that school administrative units may arrange for and offer a choice of optional health or dental insurance plans to employees and their families that may vary in benefits provided and costs.

The bill also requires insurers, health maintenance organizations and nonprofit hospital or medical service organizations to provide information concerning a school administrative unit's own experience and claims history as

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a member covered under a group policy or contract to that school administrative unit at that unit's own request and to a municipality that is part of the school administrative unit if the municipality so requests.

Committee Amendment "A" (H-429)

This amendment is the majority report of the committee. The amendment clarifies that any group self-insurance program for health benefits established by a school administrative unit with other school administrative units or municipalities through an interlocal agreement must be approved as a multiple-employer welfare arrangement pursuant to the Maine Revised Statutes, Title 24-A, chapter 81. The amendment also removes provisions of the bill relating to the release of loss information and replaces them with a provision that allows an individual school administrative unit to request from its insurer loss information on its employees pursuant to the Maine Insurance Code as part of the competitive bidding process in procuring health insurance for the unit's employees and requires the insurer to release that loss information.

Committee Amendment "B" (H-430)

This amendment is the minority report of the committee and replaces the bill. The amendment allows an individual school administrative unit to request from its insurer loss information related to all employees and retirees and their dependents covered under the insurer's policy issued to school administrative units on a statewide basis.

Committee Amendment "B" was not adopted.

Enacted Law Summary

Public Law 2011, chapter 395 allows school administrative units to offer group self-insurance health and dental programs and to enter into cooperative agreements with other school administrative units or municipalities to provide such programs. The law provides that school administrative units may arrange for and offer a choice of optional health or dental insurance plans to employees and their families that may vary in benefits provided and costs.

Public Law 2011, chapter 395 also allows an individual school administrative unit to request from its insurer loss information on its employees pursuant to the Maine Insurance Code as part of the competitive bidding process in procuring health insurance for the unit's employees and requires the insurer to release that loss information.

LD 1333 An Act To Modify Rating Practices for Individual and Small Group PUBLIC 90
Health Plans and To Encourage Value-based Purchasing of Health Care
Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON W	OTP-AM MAJ ONTP MIN	H-186 S-96 DIAMOND S-99 SCHNEIDER

This bill gradually modifies the community rating provisions for individual and small group health plans. It expands in three increments the rating bands from the current ratio of 1.5:1 to 3:1 by January 1, 2014.

The bill allows health insurance carriers to provide financial incentives to members for health care services except for emergency care services. The bill maintains the requirement that health plans must provide reasonable access to services for all members. It allows plans to provide financial incentives to members to reward providers for quality and efficiency. A carrier must submit annual data to the Superintendent of Insurance showing the impact of such financial incentives on premiums paid by enrollees, payments made to providers, quality of care received and access

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to health care services by individuals enrolled in health plans.

Committee Amendment "A" (H-186)

This amendment is the majority report of the committee and replaces the bill.

Part A makes the following changes to the community rating laws for individual and small group health insurance:

1. It changes the maximum rate differential for individual health plans on the basis of age from 1.5:1 to 5:1. The changes in rating for individual health plans are phased in over a period of four years;
2. It changes the maximum rate differential for small group health plans on the basis of age from 1.5:1 to 5:1. The changes in rating for small group health plans are phased in over a period of four years;
3. It authorizes a maximum rate differential on the basis of smoking status from 1.5:1; and
4. It allows rating on the basis of geographic area outside of the rating bands for age.

Part B modifies the laws relating to guaranteed issuance in the individual health insurance market to permit carriers to reinsure coverage offered to certain individuals identified using a health statement. Carriers are prohibited from using health status for any other purpose. Part B also creates the Maine Guaranteed Access Reinsurance Association. The purpose of the association is to provide reinsurance to spread the cost of certain individuals among all health insurers. The amendment funds the guaranteed access reinsurance through an assessment on insurers.

Part C permits insurers authorized to transact individual health insurance in Connecticut, Massachusetts, New Hampshire or Rhode Island to offer their individual health plans for sale in this State if certain requirements of Maine law are met, including minimum capital and surplus and reserve requirements, disclosure and reporting requirements and grievance procedures. If out-of-state health plans are offered for sale in this State, the amendment requires that prospective enrollees be provided adequate disclosure in a format approved by the Superintendent of Insurance of how the plans differ from Maine health plans. Part C also permits domestic insurers or licensed health maintenance organizations to offer individual health plans of a parent or corporate affiliate licensed to transact individual health insurance in Connecticut, Massachusetts, New Hampshire or Rhode Island if similar requirements are met. It also permits domestic insurers and licensed health maintenance organizations to offer plans equivalent to any plans offered by a regional insurer. Individual health insurance policies, contracts and certificates may not be offered for sale in this State pursuant to these provisions before January 1, 2014.

Part D adopts the definition of medical loss ratio in federal law and the minimum medical loss ratio requirements of federal law. Part D also allows individual health insurance rates to be filed for informational purposes without prior approval by the Department of Professional and Financial Regulation, Bureau of Insurance if the insurer maintains a minimum 80% medical loss ratio.

Part E repeals the State Health Plan and the Advisory Council on Health Systems Development.

Part F repeals the geographic access standards. Part F repeals the authorization for the Superintendent of Insurance to establish standardized individual health plans by rule. Part F also permits insurers offering group health insurance to notify affected policyholders of a rate increase electronically as well as by mail. Part F clarifies that preauthorizations are not benefit modifications requiring prior approval of the Bureau of Insurance and authorizes health maintenance organizations to offer deductibles in excess of \$1,000. Part F also clarifies that participation in the individual market is voluntary by removing the requirement that health maintenance organizations offering group coverage also offer individual coverage.

Part G authorizes the renewal of short-term health insurance policies for a period not to exceed 24 months instead of the current 12 months.

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Part H provides a tax credit to employers of 20 or fewer employees for the expense of developing, instituting and maintaining wellness programs for their employees in the amount of \$100 per employee, up to a maximum of \$2,000. A wellness program includes programs for behavior modification, such as smoking cessation programs, equipping and maintaining an exercise facility and providing incentive awards to employees who exercise regularly.

Part I amends the chapter of the Maine Insurance Code governing captive insurance companies. The amendment clarifies that, in the event of any conflict between the provisions of other state insurance laws and the provisions of the laws governing captive insurance companies, the provisions of the captive insurance company laws control, except that a captive insurance company insuring health risks may not provide individual health insurance and, if it insures health risks of employers, a captive insurance company must comply with the same requirements of community rating, guaranteed issuance and renewal and mandated benefit laws applicable to small group health insurers. Part I permits an association captive insurance company to require its members to be jointly and severally liable for its health insurance obligations and to meet financial obligations and wellness criteria established in a plan of operation and provides solvency standards applicable to such captives. The amendment would require the Superintendent of Insurance to issue a license to an association captive insuring health risks for an association captive insurance company that requires its members to be jointly and severally liable and has an aggregate net worth of more than \$100,000,000 and meets the requirements of the captive insurance law. Part I also specifies that rules related to captive insurance companies are major substantive rules.

Part J corrects cross-references and deletes references in statute to the Governor's Office of Health Policy and Finance, originally established in 2003 by executive order.

Part K adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-191)

This amendment makes the following changes to Committee Amendment "A."

1. It changes the maximum rate differential for individual health plans on the basis of age and geographic area from 1.5:1 to 3:1 effective January 1, 2014. The committee amendment expands the rating bands to 5:1 over a period of four years.
2. It changes the maximum rate differential for small group health plans on the basis of age, geographic area and occupation and industry from 1.5:1 to 3:1 effective January 1, 2014.
3. It includes rating on the basis of geographic area inside of the rating bands for age instead of allowing rating outside of the bands.

The changes made to community rating by this amendment take effect only if the health insurance exchange established by the federal Patient Protection and Affordable Care Act is fully operational and subsidies are available.

The amendment specifies that three of the members of the Board of Directors of the Maine Guaranteed Access Reinsurance Association must represent consumer advocacy organizations in the field of health policy and reduces the insurer members from five to four. The amendment also requires the Superintendent of Insurance to determine the assessment amount paid by insurers to fund the association after an actuarial study through rules adopted no later than January 1, 2012. The amendment designates the rules as major substantive.

The amendment removes Part E of the committee amendment, which repeals the State Health Plan and the Advisory Council on Health Systems Development.

The amendment also changes cross-references to reflect the changes made by this amendment to Committee Amendment "A."

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House Amendment "A" to Committee Amendment "A" was not adopted.

Senate Amendment "C" To Committee Amendment "A" (S-83)

Committee Amendment "A" repeals the requirement that standards adopted by rule ensure geographical and transportation access to health care providers. This amendment eliminates the repeal.

Senate Amendment "C" to Committee Amendment "A" was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-81)

This amendment restores the State Health Plan and the Advisory Council on Health Systems Development, which are being repealed in Committee Amendment "A," and corrects cross-references to reflect these changes.

Senate Amendment "A" to Committee Amendment "A" was not adopted.

Senate Amendment "D" To Committee Amendment "A" (S-84)

This amendment eliminates authorization for the Maine Guaranteed Access Reinsurance Association to impose a health assessment on insurers and eliminates the authorization for the association to borrow funds.

Senate Amendment "D" to Committee Amendment "A" was not adopted.

Senate Amendment "G" To Committee Amendment "A" (S-92)

Committee Amendment "A" changes the laws governing community rating for individual and small group health insurance as they relate to age, smoking status and geographic area. This amendment eliminates the changes relating to geographic area, thus including rating on the basis of geographic area inside of the rating bands for age instead of allowing rating outside of the bands.

Senate Amendment "G" to Committee Amendment "A" was not adopted.

Senate Amendment "E" To Committee Amendment "A" (S-85)

This amendment permits insurers and health maintenance organizations authorized to transact individual health insurance in Vermont to offer their individual health plans for sale in this State if certain requirements of Maine law are met. It also permits domestic insurers and licensed health maintenance organizations to offer individual health plans of a parent or corporate affiliate licensed to transact individual health insurance in Vermont if similar requirements are met.

Senate Amendment "E" to Committee Amendment "A" was not adopted.

Senate Amendment "B" To Committee Amendment "A" (S-82)

This amendment makes the following changes to Committee Amendment "A."

1. It changes the maximum rate differential for individual health plans on the basis of age and geographic area from 1.5:1 to 3:1 effective January 1, 2014. The committee amendment expands the rating bands to 5:1 over a period of four years.
2. It changes the maximum rate differential for small group health plans on the basis of age, geographic area and occupation and industry from 1.5:1 to 3:1 effective January 1, 2014.
3. It includes rating on the basis of geographic area inside of the rating bands for age instead of allowing rating outside of the bands.

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The changes made to community rating by this amendment take effect only if the health insurance exchange established by the federal Patient Protection and Affordable Care Act is fully operational and subsidies are available.

The amendment specifies that three of the members of the Board of Directors of the Maine Guaranteed Access Reinsurance Association must represent consumer advocacy organizations in the field of health policy and reduces the insurer members from five to four. The amendment also requires the Superintendent of Insurance to determine the assessment amount paid by insurers to fund the association after an actuarial study through rules adopted no later than January 1, 2012. The amendment designates the rules as major substantive.

The amendment removes Part E of the committee amendment, which repeals the State Health Plan and the Advisory Council on Health Systems Development.

The amendment also changes cross-references to reflect the changes made by this amendment to Committee Amendment "A."

Senate Amendment "B" to Committee Amendment "A" was not adopted.

Senate Amendment "F" To Committee Amendment "A" (S-91)

This amendment incorporates the substance of Senate Amendment "B" to Committee Amendment "A" (S-82), which makes the following changes to Committee Amendment "A."

1. It changes the maximum rate differential for individual health plans on the basis of age and geographic area from 1.5:1 to 3:1 effective January 1, 2014. The committee amendment expands the rating bands to 5:1 over a period of four years.
2. It changes the maximum rate differential for small group health plans on the basis of age, geographic area and occupation and industry from 1.5:1 to 3:1 effective January 1, 2014.
3. It includes rating on the basis of geographic area inside of the rating bands for age instead of allowing rating outside of the bands. The changes made to community rating by this amendment take effect only if the health insurance exchange established by the federal Patient Protection and Affordable Care Act is fully operational and subsidies are available.
4. It specifies that three of the members of the Board of Directors of the Maine Guaranteed Access Reinsurance Association must represent consumer advocacy organizations in the field of health policy and reduces the insurer members from five to four. The amendment also requires the Superintendent of Insurance to determine the assessment amount paid by insurers to fund the association after an actuarial study through rules adopted no later than January 1, 2012. The amendment designates the rules as major substantive.
5. It removes Part E of the committee amendment, which repeals the State Health Plan and the Advisory Council on Health Systems Development.
6. It changes cross-references to reflect the changes made by this amendment to Committee Amendment "A." This amendment also removes those sections in Part F of the committee amendment that repeal geographic access standards.

Senate Amendment "F" to Committee Amendment "A" was not adopted.

Senate Amendment "H" To Committee Amendment "A" (S-96)

This amendment makes changes to Committee Amendment "A" as follows.

1. The amendment restricts rating in the individual and small group market on the basis of geographic area using

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language previously enacted to a rating factor of 1.5 instead of allowing rating on the basis of geographic area outside of the age rating band.

2. The amendment clarifies that the expansion of the rating bands in the individual and small group market to four to one and five to one is allowed to the extent permitted by the federal Patient Protection and Affordable Care Act.
3. The amendment clarifies that carriers offering managed care plans may provide incentives to members to use designated providers based on cost or quality, but may not require members to use designated providers of health care services.
4. The amendment makes technical changes and corrections.

Senate Amendment "I" To Committee Amendment "A" (S-99)

This amendment caps the additional assessment to cover net losses by the reinsurance pool at \$2 per month per covered person enrolled in medical insurance.

Senate Amendment "J" To Committee Amendment "A" (S-100)

This amendment specifies that a member may not be required to travel more than 60 miles for specialty care or 30 miles for primary care.

Senate Amendment "J" to Committee Amendment "A" was not adopted.

House Amendment "F" To Committee Amendment "A" (H-235)

The amendment incorporates the substance of Senate Amendment "H" to Committee Amendment "A" (S-96), except that this amendment retains current law pertaining to geographic access standards.

House Amendment "F" to Committee Amendment "A" was not adopted.

House Amendment "D" To Committee Amendment "A" (H-232)

Committee Amendment "A" creates the Maine Guaranteed Access Reinsurance Association, which is authorized to assess each insurer an amount not to exceed \$4 per month per enrollee, and an unspecified additional amount to cover net losses. This amendment eliminates the association's authority to impose the health assessment. In addition, this amendment eliminates the authorization for the association to borrow funds.

House Amendment "D" to Committee Amendment "A" was not adopted.

House Amendment "B" To Committee Amendment "A" (H-230)

This amendment makes the following changes to Committee Amendment "A."

1. It specifies that three of the members of the Board of Directors of the Maine Guaranteed Access Reinsurance Association must represent consumer advocacy organizations in the field of health policy and reduces the insurer members from five to four.
2. It removes Part E of the committee amendment, which repeals the State Health Plan and the Advisory Council on Health Systems Development.
3. It also changes cross-references to reflect the changes made by this amendment to Committee Amendment "A."

House Amendment "B" to Committee Amendment "A" was not adopted.

House Amendment "C" To Committee Amendment "A" (H-231)

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This amendment specifies that three of the members of the Board of Directors of the Maine Guaranteed Access Reinsurance Association must represent consumer advocacy organizations in the field of health policy and reduces the insurer members from five to four.

House Amendment "C" to Committee Amendment "A" was not adopted.

House Amendment "G" To Committee Amendment "A" (H-236)

Committee Amendment "A" changes the laws governing community rating for individual and small group health insurance as they relate to age, smoking status and geographic area. This amendment eliminates the changes relating to geographic area, thus including rating on the basis of geographic area inside of the rating bands for age instead of allowing rating outside of the bands. This amendment further restricts rating on the basis of geographic area within the bands to a factor of 1.5.

House Amendment "G" to Committee Amendment "A" was not adopted.

House Amendment "E" To Committee Amendment "A" (H-234)

This amendment permits insurers and health maintenance organizations authorized to transact individual health insurance in Vermont to offer their individual health plans for sale in this State if certain requirements of Maine law are met. It also permits domestic insurers and licensed health maintenance organizations to offer individual health plans of a parent or corporate affiliate licensed to transact individual health insurance in Vermont if similar requirements are met.

House Amendment "E" to Committee Amendment "A" was not adopted.

House Amendment "H" To Committee Amendment "A" (H-240)

This amendment makes the following changes to Committee Amendment "A."

It includes rating on the basis of geographic area inside of the rating bands for age instead of allowing rating outside of the bands and limits rating on the basis of geographic area to a rating factor of 1.5.

The amendment specifies that three of the members of the Board of Directors of the Maine Guaranteed Access Reinsurance Association must represent consumer advocacy organizations in the field of health policy and reduces the insurer members from five to four. The amendment also requires the Superintendent of Insurance to determine the assessment amount paid by insurers to fund the association after an actuarial study through rules adopted no later than January 1, 2012. The amendment designates the rules as major substantive.

The amendment requires the Maine Guaranteed Access Reinsurance Association to provide subsidies for individuals to mitigate the impact of premium increases resulting from an expansion of the rating bands based on age and geographic area until subsidies are made available through the federal Affordable Care Act on or after January 1, 2014.

The amendment removes Part E of the committee amendment, which repeals the State Health Plan and the Advisory Council on Health Systems Development.

The amendment also changes cross-references to reflect the changes made by this amendment to Committee Amendment "A."

House Amendment "H" to Committee Amendment "A" was not adopted.

Enacted Law Summary

Part A of Public Law 2011, chapter 90 makes the following changes to the community rating laws for

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individual health plans beginning July 1, 2012 and for small group health plans beginning October 1, 2011.

1. It changes the maximum rate differential for individual health plans on the basis of age from 1.5:1 to 5:1. The changes in rating for individual health plans are phased-in over a period of four years. On July 1, 2012, the rating band expands from 1.5:1 to 3:1. To the extent permitted by the federal Affordable Care Act, the rating bands expand to 4:1 on January 1, 2014 and to 5:1 on January 1, 2015.
2. It changes the maximum rate differential for small group health plans on the basis of age and occupation or industry from 1.5:1 to 5:1. The changes in rating for small group health plans are phased-in over a period of five years. The rating band expands from 1.5:1 to 2:1 on October 1, 2011; from 2:1 to 2.5:1 on January 1, 2013; and from 2.5:1 to 3:1 on January 1, 2014. To the extent permitted by the federal Affordable Care Act, the rating bands expand to four to one on January 1, 2015 and to five to one on January 1, 2016.
3. It authorizes a maximum rate differential on the basis of smoking status, or tobacco use, from 1.5:1 for both individual and small group health plans.
4. It allows rating on the basis of geographic area outside of the rating bands for age for both individual and small group health plans, but prohibits carriers from using a rating factor for geographic area that exceeds 1.5.
5. It allows carriers to close their book of business and establish a separate community rate for individuals and small groups applying for coverage after the expanded rating bands take effect.

Part B modifies the laws relating to guaranteed issuance in the individual health insurance market to permit carriers to reinsure coverage under individual health plans. The law maintains the guaranteed issuance requirement for individual health plans. Part B creates the Maine Guaranteed Access Reinsurance Association for the purpose of providing reinsurance to spread the cost of certain individuals among all health insurers. The Maine Guaranteed Access Reinsurance Association is a nonprofit legal entity governed by an 11-member board of directors. For individual health plans issued on or after July 1, 2012, carriers may evaluate the health status of an individual only for the purposes of designating that individual for reinsurance using a health statement developed by the Maine Guaranteed Access Reinsurance Association. Carriers are required to pay premiums to the association for those individuals designated for reinsurance. Under the law, the association must reimburse carriers for claims of a person designated for reinsurance once the claims for that person exceed \$7,500 in a calendar year. The association is required to reimburse the carrier for 90% of the next \$25,000 in claims and for 100% of the claims that exceed \$32,500 in a calendar year. In addition to the premiums paid for reinsurance by carriers offering individual health plans, the association is funded through an assessment paid by all insurers that have issued or administered medical insurance in the State within the previous 12 months or are actively marketing or administering medical insurance in the State. The association shall assess insurers in an amount not to exceed \$4 per month per covered person enrolled in medical insurance, except that an insurer may not be assessed on policies or contracts covering federal or state employees. The law authorizes the association to charge an additional assessment to cover net losses of the association but limits that additional assessment to no more than \$2 per month per covered person. Part B of the law also authorizes an insurer that sold individual health plans to covered persons between December 1, 1993 and July 1, 2012 to seek reimbursement for claims paid on a calendar year basis after July 1, 2012 for those covered persons if the insurer is able to determine through the use of a health statement or claims history that the person would have been designated by the insurer for reinsurance.

Part C permits insurers and health maintenance organizations authorized to transact individual health insurance in Connecticut, Massachusetts, New Hampshire or Rhode Island to offer their individual health plans for sale in this State if certain requirements of State law are met, including minimum capital and surplus and reserve requirements, disclosure and reporting requirements and grievance procedures. Prior to offering health plans

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for sale in this State, the law requires insurers to obtain a certification from the Superintendent of Insurance that the insurer or health maintenance organization meets these requirements. If regional health plans are offered for sale in this State, the law requires that prospective enrollees be provided adequate disclosure in a format approved by the Superintendent of Insurance of how the plans differ from Maine health plans. Part C also permits domestic insurers or licensed health maintenance organizations to offer individual health plans of a parent or corporate affiliate licensed to transact individual health insurance in Connecticut, Massachusetts, New Hampshire or Rhode Island if similar requirements are met. It also permits domestic insurers and licensed health maintenance organizations to offer plans equivalent to any plans offered by a regional insurer. Individual health insurance policies, contracts and certificates may not be offered for sale in this State by a regional insurer before January 1, 2014.

Part D adopts the definition of medical loss ratio in federal law and the minimum medical loss ratio requirements of federal law. Under the law, the minimum medical loss ratio for the large group market is 85% and the minimum medical loss ratio is 80% for the small group and individual market, except that the loss ratio in the individual market may be lower pursuant to a waiver from the federal Department of Health and Human Services in accordance with the federal Affordable Care Act. The law requires carriers to provide rebates in the large group, small group and individual market to the extent required by the federal Affordable Care Act if the carrier's medical loss ratio is less than the minimum medical loss ratio for that market. Part D also allows individual health insurance rates to be filed for informational purposes without prior approval by the Bureau of Insurance if the insurer meets the minimum 80% medical loss ratio standard unless rate review is required pursuant to the federal Affordable Care Act.

Part E repeals the State Health Plan and the Advisory Council on Health Systems Development. Part E also deletes all references in statute to the Governor's Office of Health Policy and Finance, originally established in 2003 by executive order.

Part F repeals the requirement that carriers provide reasonable access to health care services through its health plans in accordance with rules adopted by the Bureau of Insurance that establish geographic access standards. In its place, the law requires carriers offering managed care plans to provide its members reasonable access to health care services. The law allows carriers to provide incentives to members to use designated providers of health care services, but prohibits carriers from requiring members to use designated providers. The law repeals the provisions in current law allowing carriers and multiple-employer welfare arrangements to seek approval for a pilot program that would be exempt from the geographic access standards. Part F repeals the authorization for the Superintendent of Insurance to establish standardized individual health plans by rule. Part F also permits insurers offering group health insurance to notify affected policyholders of a rate increase electronically as well as by mail. Part F clarifies that pre-authorizations are not benefit modifications requiring prior approval of the Bureau of Insurance and authorizes health maintenance organizations to offer deductibles in excess of \$1000.

Part G authorizes the issuance and renewal of short-term health insurance policies for a combined term not to exceed 24 months.

Part H provides a tax credit to employers of 20 or fewer employees for the expense of developing, instituting and maintaining wellness programs for their employees in the amount of \$100 per employee, up to a maximum of \$2,000. A wellness program includes programs for behavior modification, such as smoking cessation programs, equipping and maintaining an exercise facility and providing incentive awards to employees who exercise regularly. The tax credit applies to tax years beginning on or after January 1, 2014.

Part I amends the chapter of the Maine Insurance Code governing captive insurance companies. The law clarifies that, in the event of any conflict between the provisions of other state insurance laws and the provisions

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of the laws governing captive insurance companies, the provisions of the captive insurance company laws control, except that a captive insurance company insuring health risks may not provide individual health insurance and, if it insures health risks of employers, a captive insurance company must comply with the same requirements of community rating, guaranteed issuance and renewal and mandated benefit laws applicable to small group health insurers. Part I permits an association captive insurance company to require its members to be jointly and severally liable for its health insurance obligations and to meet financial obligations and wellness criteria established in a plan of operation and provides solvency standards applicable to such captives. The law requires the Superintendent to issue a license to an association captive insuring health risks for an association captive insurance company that requires its members to be jointly and severally liable and has an aggregate net worth of more than \$100,000,000 and meets the requirements of the captive insurance law. Part I also designates that rules related to captive insurance companies are major substantive rules.

Part J corrects cross-references in the statutes as a result of the repeal of the State Health Plan, Advisory Council on Health Systems Development and the Governor’s Office of Health Policy and Finance.

LD 1338 An Act To Amend the Maine Consumer Credit Code To Conform with Federal Law

PUBLIC 427

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE	OTP-AM	S-311

This bill incorporates consumer protections found in federal law and regulation, including restrictions on credit card lending found in the federal Credit Card Accountability Responsibility and Disclosure Act of 2009 and the implementing provisions of federal Regulation Z, 12 Code of Federal Regulations, Section 226.1 et seq., adopted by reference in Truth-in-Lending; Maine's Regulation Z-2. It also amends the Maine Consumer Credit Code's truth-in-lending provisions based on authority granted by the federal Dodd-Frank Wall Street Reform and Consumer Protection Act. The bill amends sections of the Maine Consumer Credit Code relating to the registration of loan officers, since those provisions have been supplanted by new statutes governing the licensing of mortgage loan originators.

Committee Amendment "A" (S-311)

This amendment does the following.

The amendment replaces Part A of the bill. The amendment repeals Article 8 of the Maine Consumer Credit Code and enacts Article 8-A, which requires creditors to comply with federal truth-in-lending laws and regulations. The amendment also retains provisions in current state law that provide more protection for consumers than federal law and makes those provisions applicable only to nondepository lenders. The retained provisions are not applicable to state-chartered financial institutions and credit unions and the Maine State Housing Authority.

The amendment adds to Part B of the bill a definition of "mortgage loan originator" and permits adjustments in the licensing process for nonbank supervised lenders and loan brokers to allow regulators to continue to adopt the nationwide mortgage licensing system program for those entities.

The amendment adds Part C to the bill to require the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection to facilitate meetings and other communications among interested parties to evaluate and determine the ways in which the State's foreclosure prevention outreach and housing counseling program may be streamlined and made more efficient.

The amendment also adds Part D to the bill to correct cross-references.

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Enacted Law Summary

Public Law 2011, chapter 427 repeals Article 8 of the Maine Consumer Credit Code and enacts Article 8-A, which requires creditors to comply with federal truth-in-lending laws and regulations. The law retains provisions in current state law that provide more protection for consumers than federal law and makes those provisions applicable only to nondepository lenders. The retained provisions are not applicable to state-chartered financial institutions and credit unions and the Maine State Housing Authority.

Public Law 2011, chapter 427 amends the Maine Consumer Credit Code relating to the registration of loan officers, since those provisions have been supplanted by new statutes governing the licensing of mortgage loan originators, and permits adjustments in the licensing process for nonbank supervised lenders and loan brokers to allow regulators to continue to adopt the nationwide mortgage licensing system program for those entities.

Public Law 2011, chapter 427 also requires the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection to facilitate meetings and other communications among interested parties to evaluate and determine the ways in which the State's foreclosure prevention outreach and housing counseling program may be streamlined and made more efficient.

**LD 1352 An Act To Implement the Requirements of the Federal Nonadmitted
and Reinsurance Reform Act of 2010**

**PUBLIC 331
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON W	OTP-AM	H-543

This bill amends surplus lines eligibility standards and nonadmitted insurance premium tax laws to conform to the requirements of the federal Nonadmitted and Reinsurance Reform Act of 2010. It authorizes the State Tax Assessor to enter into a multistate agreement as directed by federal law; transfers the administration of self-procured insurance premium taxes from the Department of Professional and Financial Regulation, Bureau of Insurance to the Department of Administrative and Financial Services, Maine Revenue Services; and makes conforming technical changes to other provisions of the surplus lines insurance and premium tax laws.

Committee Amendment "A" (H-543)

The amendment clarifies provisions in the bill by adopting explicit language from federal law rather than incorporating the federal law through cross-reference. The amendment clarifies that, in accordance with the federal Nonadmitted and Reinsurance Reform Act of 2010, Maine's surplus lines law pertains to those transactions when Maine is the home state of the applicant or the insured. The amendment clarifies that diligent search requirements generally required before coverage can be placed in the nonadmitted market do not apply to commercial purchasers defined as exempt from those requirements under federal law. The amendment adds definitions of several terms used within the surplus lines law. The amendment clarifies how United States insurers and non-United States insurers may become eligible surplus lines insurers.

The amendment also requires that the Department of Administrative and Financial Services, Maine Revenue Services consult with the Department of Professional and Financial Regulation, Bureau of Insurance and complete a fiscal analysis of the impact on the State's gross receipt of premium tax before entering into any multistate agreement with respect to the reporting, allocation and collection of surplus lines premium taxes on multistate risks. The amendment also requires that Maine Revenue Services consult with representatives of surplus lines insurers, admitted insurers and surplus lines producers when making a determination that entering into a multistate agreement is in the State's financial best interest and consistent with the federal Nonadmitted and Reinsurance Reform Act of 2010.

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**LD 1397 An Act To Establish a Single-payor Health Care System To Be Effective
in 2017**

**MAJORITY
(ONTP) REPORT**

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

This bill establishes a universal access health care system that offers a choice of coverage through organized delivery systems or through a managed care system operated by the Maine Health Care Agency. The system becomes effective January 1, 2017 and is contingent on the approval of a waiver from the United States Department of Health and Human Services in accordance with the federal Patient Protection and Affordable Care Act.

1. Part A of the bill does the following.

It establishes the Maine Health Care Plan to provide security through high-quality, affordable health care for the people of the State. The plan will become effective and binding on the State upon the approval of a waiver from the United States Department of Health and Human Services. All residents and nonresidents who maintain significant contact with the State are eligible for covered health care services through the Maine Health Care Plan. The plan is funded by the Maine Health Care Trust Fund, a dedicated fund receiving payments from employers, individuals and plan members. The Maine Health Care Plan must conform to the minimum essential benefits required under federal law, but may require additional benefits within existing resources. Health care services under the Maine Health Care Plan are provided by participating providers in organized delivery systems and through the open plan, which is available to all providers. The plan is supplemental to other health care programs that may be available to plan members, such as Medicare, Medicaid, the federal Civilian Health and Medical Program of the Uniformed Services, the federal Indian Health Care Improvement Act and workers' compensation.

It establishes the Maine Health Care Agency to administer and oversee the Maine Health Care Plan, to act under the direction of the Maine Health Care Council and to administer and oversee the Maine Health Care Trust Fund. The Maine Health Care Council is the decision-making and directing council for the agency and is composed of three full-time appointees.

It directs the Maine Health Care Agency to establish programs to ensure quality, affordability, efficiency of care and health planning. The agency health planning program includes the establishment of global budgets for health care expenditures for the State and for institutions and hospitals. The health planning program also encompasses the certificate of need responsibilities of the agency pursuant to the Maine Revised Statutes, Title 22, chapter 103-A and the health planning responsibilities pursuant to Title 2, chapter 5.

It contains a directive to the State Controller to advance \$600,000 to the Maine Health Care Trust Fund on the effective date, January 1, 2017. This amount must be repaid by the Maine Health Care Agency by June 30, 2018.

2. Part B of the bill establishes the Maine Health Care Plan Transition Advisory Committee. Composed of 20 members, appointed by the Governor, President of the Senate and Speaker of the House of Representatives and subject to confirmation by the Legislature, the committee is charged with holding public hearings, soliciting public comments and advising the Maine Health Care Agency on the transition from the current health care system to the Maine Health Care Plan. Members of the committee serve without compensation but may be reimbursed for their expenses. The committee is directed to report to the Governor and to the Legislature every six months beginning July 1, 2017. The committee completes its work when the Maine Health Care Plan becomes effective.

3. Part C of the bill establishes the salaries of the members of the Maine Health Care Council and the executive

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director of the Maine Health Care Agency.

- 4. Part D of the bill prohibits the sale on the commercial market of health insurance policies and contracts that duplicate the coverage provided by the Maine Health Care Plan. It allows the sale of health care policies and contracts that do not duplicate and are supplemental to the coverage of the Maine Health Care Plan.
 - 5. Part E of the bill directs the Maine Health Care Agency to ensure employment retraining for administrative workers employed by insurers and providers who are displaced by the transition to the Maine Health Care Plan. It directs the Maine Health Care Agency to study the delivery and financing of long-term care services to plan members. Consultation is required with the Maine Health Care Plan Transition Advisory Committee, representatives of consumers and potential consumers of long-term care services and representatives of providers of long-term care services, employers, employees and the public. A report by the committee to the Legislature is due January 1, 2018.
- The Maine Health Care Agency is directed to study the provision of health care services under the MaineCare, Medicaid and Medicare programs, waivers, coordination of benefit delivery and compensation, reorganization of State Government necessary to accomplish the objectives of the Maine Health Care Agency and legislation needed to carry out the purposes of the bill. The agency is directed to apply for all waivers required to coordinate the benefits of the Maine Health Care Plan and the Medicaid and Medicare programs. A report by the agency is due to the Legislature by March 1, 2017.
- 6. Part F of the bill requires the Maine Health Care Agency to submit a request for a state waiver pursuant to federal law no later than March 1, 2017.
 - 7. Part G clarifies that throughout the Maine Revised Statutes, the words "payer" and "payor" have the same meaning.
 - 8. Part H establishes a 9% premium assessment on a resident's or eligible nonresident's federal adjusted gross income and dedicates that revenue to the Maine Health Care Trust Fund, except that those persons with federal adjusted gross incomes at or under 300% of the federal poverty level pay progressively lower premium assessments. Part H also defines a process for premium adjustment requests by the agency in order to operate in a fiscally responsible manner.

Committee Amendment "A" (H-431)

This amendment is the minority report. The amendment replaces the bill and changes it into a resolve. The amendment establishes the Maine Single-payor Health Care Plan Advisory Committee to advise the Legislature on the design and implementation of a single-payor health care plan in the State that is in compliance with the federal Patient Protection and Affordable Care Act.

Committee Amendment "A" was not adopted.

LD 1436 An Act To Reform Maine's Health Insurance Laws

ONTP

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

Part A of this bill makes the following changes to the community rating laws for individual and small group health insurance:

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1. It changes the maximum rate differential for individual health plans on the basis of age, health status and geographic area from 1.5:1 to 4:1; and
2. It changes the maximum rate differential for small group health plans on the basis of age, health status, occupation or industry and geographic area from 1.5:1 to 4:1.

Part B of the bill amends the laws relating to guaranteed issuance and renewal.

Part B also creates the Maine High-risk Reinsurance Pool Association. The purpose of the association is to provide reinsurance to spread the cost of high-risk individuals and small groups among all health insurers. The bill funds the high-risk reinsurance pool through an assessment on insurers.

While LD 1436 was voted "Ought Not to Pass", related substantive provisions making changes to the laws governing guaranteed issuance and renewal and community rating and establishing a reinsurance mechanism for individual health plans were included in LD 1333, An Act to Modify Rating Practices for Individual and Small Group Health Plans and to Encourage Value-based Purchasing of Health Care Services. See LD 1333, which was enacted as Public Law 2011, chapter 90.

LD 1452 An Act To Create the Maine Street Economic Development Bank ONTP

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

This bill establishes the Maine Street Economic Development Bank effective July 1, 2013 except that the bank may not make, purchase, guarantee, modify or hold loans until the bank has adequate capital of at least \$20,000,000. It specifies the purposes of the bank, establishes a board of directors and creates an advisory committee. It allows the bank to accept deposits of public funds, to make, purchase, guarantee, modify or hold certain loans and to serve as a custodian bank. It directs the Treasurer of State to deposit money into the bank in an amount the Treasurer of State determines is necessary to allow the bank to fulfill its duties. Excess income of the bank is deposited in the Maine Budget Stabilization Fund.

The bill provides for a quarterly examination by the Department of Professional and Financial Services, Bureau of Financial Institutions and an audit by the State Auditor every two years.

The bill directs the Treasurer of State and the Commissioner of Administrative and Financial Services to consult with the Attorney General and report to the Joint Standing Committee on Appropriations and Financial Affairs by January 15, 2012 with recommendations to fully implement the bank. It authorizes the Joint Standing Committee on Appropriations and Financial Affairs to report out a bill to the Second Regular Session of the 125th Legislature.

LD 1464 An Act To Establish Standards for Portable Electronic Device Insurance PUBLIC 297

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

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This bill establishes portable electronic device insurance as a limited line of insurance and regulates its provision.

Committee Amendment "A" (S-212)

This amendment is the majority report of the committee and does the following.

1. It provides an exemption from required licensure as an insurance producer for persons who sell or offer portable electronic device insurance. The bill requires all employees or authorized representatives of a vendor to be licensed.
2. It adds definitions of "limited lines license" and "location" and makes clarifying changes to other definitions in the bill.
3. It clarifies that training for employees and representatives of a vendor selling or offering portable electronic device insurance may be conducted in electronic form and, if conducted in electronic form, the supervising entity shall implement a supplemental education program.
4. It removes the specific penalties imposed in the bill and authorizes the superintendent to impose penalties in accordance with current law. It also clarifies the authority of the superintendent to suspend the authority of a vendor to transact portable electronic device insurance for a violation.
5. It reduces the amount of time of the notice period after which an insurer may terminate or change the conditions of a policy of portable electronic device insurance from 60 days to 30 days.

Enacted Law Summary

Public Law 2011, chapter 297 establishes portable electronic device insurance as a limited line of insurance required to be licensed under the Maine Insurance Code and regulates the sale and marketing of portable electronic device insurance in this State.

LD 1497 An Act To Comply with the Health Insurance Exchange Provision of the Carried Over Patient Protection and Affordable Care Act

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

This bill establishes the Maine Health Benefit Exchange pursuant to the federal Patient Protection and Affordable Care Act. The exchange is established as authorized by federal law to facilitate the purchase of health care coverage by individuals and small businesses. The bill requires coverage to be available through the exchange no later than January 1, 2014. The bill authorizes the use of an assessment or user fee on health insurance carriers to support the operations of the exchange.

LD 1497 was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

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LD 1498 An Act To Phase Out Dirigo Health and Establish the Maine Health Benefit Exchange for Small Businesses and Individuals

Carried Over

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

This bill repeals Dirigo Health effective January 1, 2014 and, in its place, establishes the Maine Health Benefit Exchange. The exchange is established as authorized by federal law to facilitate the purchase of health care coverage by individuals and small businesses. The bill requires coverage to be available through the exchange no later than January 1, 2014. Coverage of individuals and small businesses under the current Dirigo Health program will end on January 1, 2014 as coverage will transition to the exchange. The bill retains the Maine Quality Forum established within the Dirigo Health program and transfers its oversight to the exchange. The bill requires health insurance carriers and third-party administrators to pay an access payment on paid claims to support the operations of the exchange.

The bill makes changes to the Maine Insurance Code to preserve the authority of the Superintendent of Insurance to enforce the federal Patient Protection and Affordable Care Act. The bill also clarifies that the Superintendent of Insurance has oversight over health insurance plans offered through the Maine Health Benefit Exchange.

The bill also requires the Department of Professional and Financial Regulation, Bureau of Insurance to evaluate the minimum essential benefits package to be determined by the Secretary of the United States Department of Health and Human Services in comparison to existing mandated health insurance benefits required by state law. The bill directs the Bureau of Insurance to determine the projected cost impact of maintaining mandated benefits not included in the essential benefits package in qualified health plans made available through the exchange. The bureau must submit its report within three months of the adoption of the minimum essential benefits package.

LD 1498 was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

LD 1507 An Act Regarding Service Contracts

PUBLIC 345

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING PLOWMAN	OTP-AM	H-544

This bill creates a statutory framework within which service contracts are defined and regulated by the Superintendent of Insurance. It provides that service contracts are not insurance and are not subject to the insurance laws. It includes consumer protections and eliminates unnecessary administration.

Committee Amendment "A" (H-544)

This amendment replaces the bill. The amendment creates a statutory framework within which service contracts are defined and regulated by the Superintendent of Insurance within the Maine Revised Statutes, Title 24-A. The bill allocates the statutory provisions to Title 10. The amendment provides that service contracts are not insurance and are not subject to the insurance laws, but prohibits the sale of service contracts in the State unless a service contract provider or administrator registers with the Superintendent of Insurance and meets the requirements set forth in the

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amendment. The amendment prohibits unfair or deceptive acts and practices in connection with the marketing, sale, offering for sale, issuance, making, proposing to make or administration or solicitation of a service contract and clarifies the enforcement authority of the Superintendent of Insurance with regard to violations. The amendment also makes changes to conform to the provisions of the National Association of Insurance Commissioners Service Contracts Model Act.

Enacted Law Summary

Public Law 2011, chapter 345 creates a statutory framework within which service contracts are defined and regulated by the Superintendent of Insurance within the Maine Revised Statutes, Title 24-A. The law provides that service contracts are not insurance and are not subject to the insurance laws, but prohibits the sale of service contracts in the State unless a service contract provider or administrator registers with the Superintendent of Insurance and meets certain statutory requirements. The law prohibits unfair or deceptive acts and practices in connection with the marketing, sale, offering for sale, issuance, making, proposing to make or administration or solicitation of a service contract and clarifies the enforcement authority of the Superintendent of Insurance with regard to violations. The law also makes changes to conform to the provisions of the National Association of Insurance Commissioners Service Contracts Model Act.

LD 1551 An Act To Clarify and Update the Laws Related to Health Insurance, Insurance Producer Licensing and Surplus Lines Insurance

PUBLIC 238

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

This bill makes the following changes to the laws governing insurance.

It provides protection to enrollees from balance billing by participating providers in all managed care plans.

It clarifies that a policy meeting both the definition of a group health policy and the description of a blanket policy is a group policy.

It clarifies that rates for blanket health policies must be filed for informational purposes.

It clarifies that short-term health insurance policies are not subject to guaranteed issue, guaranteed renewal or community rating.

It amends the definition of "federally creditable coverage" to eliminate a syntax problem that created an ambiguity.

It amends the guaranteed renewability laws to clarify that when a carrier ceases offering an individual or small group product, policyholders, and in some cases certificate holders, are offered the opportunity to purchase any other product the carrier offers to that market.

It corrects a cross-reference.

It eliminates the independent producer authority for resident and nonresident insurance producers.

Enacted Law Summary

Public Law 2011, chapter 238 makes the following changes to the laws related to health insurance.

1. It clarifies that enrollees may not be subject to balance billing by participating providers in all managed care

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plans offered by health insurers.

- 2. It clarifies that a policy meeting both the definition of a group health policy and the description of a blanket policy is a group health policy and clarifies that rates for blanket health policies must be filed for informational purposes.
- 3. It clarifies that short-term health insurance policies are not subject to guaranteed issue, guaranteed renewal or community rating provisions.
- 4. It amends the definition of "federally creditable coverage" to eliminate a syntax problem that created an ambiguity.
- 5. It amends the guaranteed renewability laws to clarify that when a carrier ceases offering an individual or small group product, policyholders, and in some cases certificate holders, are offered the opportunity to purchase any other product the carrier offers to that market.
- 6. It corrects a cross-reference.

Public Law 2011, chapter 238 also eliminates the independent producer authority for resident and nonresident insurance producers.

LD 1554 An Act To Implement the Requirements of the Federal Patient Protection and Affordable Care Act

PUBLIC 364

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON W	OTP-AM	H-545

This bill amends the state health insurance laws to incorporate changes to implement the requirements of the federal Patient Protection and Affordable Care Act adopted in 2010.

Committee Amendment "A" (H-545)

This amendment replaces the bill and does the following.

- 1. It retains provisions in the bill that amend the health insurance laws to incorporate changes to implement the requirements of the federal Patient Protection and Affordable Care Act.
- 2. It removes the provisions in the bill that are inconsistent with changes made in Public Law 2011, chapter 90 related to rating for individual and small group health plans.
- 3. It removes the provisions in the bill that define "Affordable Care Act" and conform state law to federal law relating to minimum medical loss ratios as these provisions are included in Public Law 2011, chapter 90.
- 4. It makes technical changes and adds cross-references.
- 5. It requires the Department of Professional and Financial Regulation, Bureau of Insurance to submit its proposed transitional reinsurance program and risk adjustment program and information related to the federal risk corridors program to the Legislature for review no later than January 1, 2013.

Enacted Law Summary

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Public Law 2011, chapter 364 amends the health insurance laws to incorporate changes to implement the requirements of the federal Patient Protection and Affordable Care Act.

**LD 1555 An Act To Eliminate the Waiting Period before Insurance Adjusters
May Offer Adjustment Services ONTP**

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

This bill repeals the provision of law that prohibits an insurance adjuster from soliciting or offering adjustment services to a person for at least 36 hours after an accident or occurrence for which that person may have a claim.

LD 1580 An Act To Further Improve Maine's Health Insurance Law INDEF PP

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

This bill amends "An Act To Modify Rating Practices for Individual and Small Group Health Plans and To Encourage Value-based Purchasing of Health Care Services" to remove the exemption from assessment imposed on Legislators and their dependents, thus requiring insurers to pay the \$4 per month per person assessment for policies insuring Legislators and their dependents. The bill provides that insurers shall directly bill Legislators for the costs of the assessment.

While LD 1580 was indefinitely postponed, a related bill, LD 1587, An Act to Further Improve Maine's Health Insurance Laws, was introduced as a replacement. See LD 1587, which was enacted as Public Law 2011, chapter 452.

**LD 1582 Resolve, Creating the Advisory Committee on Maine's Health Insurance
Exchange RESOLVE 105
EMERGENCY**

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

This resolve is reported out pursuant to joint order by the Joint Standing Committee on Insurance and Financial Services. The resolve creates the Advisory Committee on Maine's Health Insurance Exchange. The charge of the advisory committee is to make recommendations to the Legislature and to the Governor on courses of action to ensure federal funding for the creation of a health insurance exchange and to provide draft enabling legislation for the creation of a health insurance exchange.

Enacted Law Summary

Resolve 2011, chapter 105 creates the Advisory Committee on Maine's Health Insurance Exchange. The charge

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of the advisory committee is to make recommendations to the Legislature and to the Governor on courses of action to ensure federal funding for the creation of a health insurance exchange and to provide draft enabling legislation for the creation of a health insurance exchange no later than September 1, 2011.

Resolve 2011, chapter 105 was enacted as an emergency measure effective July 6, 2011.

LD 1583 An Act To Provide Oversight in Certain Negotiations

PUBLIC 451

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON W	OTP-AM	H-662

This bill prohibits the inclusion of so-called "most favored nation" clauses in the participation agreements between health insurance carriers and health care service providers and authorizes the Superintendent of Insurance to waive this restriction upon finding that the inclusion of such a clause will not be anticompetitive. This bill also prohibits carriers from discriminating against providers for opposing requests for such waivers.

Committee Amendment "A" (H-662)

This amendment replaces the bill. Like the bill, the amendment prohibits the inclusion of so-called "most favored nation" clauses in the participation agreements between health insurance carriers and health care service providers and authorizes the Superintendent of Insurance to waive this restriction upon finding that the inclusion of such a clause will not be anticompetitive. This amendment also prohibits carriers and providers from taking discriminatory or retaliatory actions for filing or opposing requests for such waivers. This amendment clarifies that an applicant for a waiver may request a hearing and further clarifies that a decision of the superintendent may be appealed whether a hearing is held or not. The amendment also clarifies the factors that may be considered by the superintendent in determining whether the inclusion of a "most favored nation" clause is anticompetitive. The amendment also narrows the scope of the public records exception included in the bill. The amendment makes the bill apply to contracts executed or renewed on or after January 1, 2012.

Enacted Law Summary

Public Law 2011, chapter 451 prohibits the inclusion of so-called "most favored nation" clauses in the participation agreements between health insurance carriers and health care service providers, but also authorizes the Superintendent of Insurance to waive this restriction upon finding that the inclusion of such a clause in a participation agreement will not be anticompetitive. The law also prohibits carriers and providers from taking discriminatory or retaliatory actions for filing or opposing requests for such waivers. The law clarifies that an applicant for a waiver may request a hearing and further clarifies that a decision of the superintendent may be appealed whether a hearing is held or not. The law also specifies the factors that may be considered by the superintendent in determining whether the inclusion of a "most favored nation" clause in a participation agreement is anticompetitive.

Public Law 2011, chapter 451 applies to contracts executed or renewed on or after January 1, 2012.

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LD 1587 An Act To Provide Further Improvements to Maine's Health Insurance

PUBLIC 452

Law

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

LD 1587 was introduced as a replacement to LD 1580 without reference to committee. The bill amends the law regarding rating practices for individual and small group health plans to remove the exemption from assessment for Legislators and their dependents, thus requiring insurers to pay an assessment for administrative costs of up to \$4 per month per person for policies insuring Legislators and their dependents and potential assessments of up to \$2 per month to cover any net loss. The amendment provides that Legislators shall pay for the amount of assessments and requires the assessments to be collected through payroll deduction.

Enacted Law Summary

Public Law 2011, chapter 452 amends Public Law 2011, chapter 90, "An Act To Modify Rating Practices for Individual and Small Group Health Plans and To Encourage Value-based Purchasing of Health Care Services" to remove the exemption from assessment imposed on Legislators and their dependents, thus requiring insurers to pay the \$4 per month per person assessment for policies insuring Legislators and their dependents and potential assessments of up to \$2 per month to cover any net loss. The law provides that Legislators shall pay the amount of the assessment and requires the assessments to be collected through payroll deduction.

Joint Standing Committee on Insurance and Financial Services

SUBJECT INDEX

Banking and Credit Unions

Not Enacted

LD 1452 **An Act To Create the Maine Street Economic Development Bank** **ONTP**

Consumer Credit

Enacted

LD 891 **An Act To Amend the Maine Consumer Credit Code Regarding Interest Charged on Deferred Payments** **PUBLIC 87**

LD 1243 **Resolve, To Direct the Bureau of Consumer Credit Protection To Recommend Changes to Credit Reporting Laws Concerning Paid Debts** **RESOLVE 34**

LD 1338 **An Act To Amend the Maine Consumer Credit Code To Conform with Federal Law** **PUBLIC 427**

Not Enacted

LD 355 **An Act To Apply the Federal Truth in Lending Act in Maine** **ONTP**

LD 402 **An Act To Improve Credit Reporting Regarding Consumers without a Credit History** **ONTP**

LD 1251 **An Act To Prevent Credit Card Company Unfair Trade Practices** **ONTP**

Dirigo Health

Not Enacted

LD 934 **An Act To Reform the Dirigo Health Program** **ONTP**

Insurance, Health

Enacted

LD 540 **An Act To Implement the Insurance Payment Reform Recommendations of the Advisory Council on Health Systems Development** **PUBLIC 270**

LD 1326 **An Act To Allow School Administrative Units To Seek Less Expensive Health Insurance Alternatives** **PUBLIC 395**

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LD 1551	An Act To Clarify and Update the Laws Related to Health Insurance, Insurance Producer Licensing and Surplus Lines Insurance	PUBLIC 238
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LD 1583	An Act To Provide Oversight in Certain Negotiations	PUBLIC 451
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LD 60	An Act To Extend Coverage under the State's Mini-COBRA Law	MAJORITY (ONTP) REPORT
LD 226	An Act To Allow Maine Citizens To Buy Health Insurance across State Lines	ONTP
LD 364	Resolve, Directing Updated Review and Evaluation of Maine's Mental Health Parity Law	ONTP
LD 410	An Act To Repeal the Provisions in the Insurance Laws Governing Guaranteed Issue and Community Rating	ONTP
LD 455	Resolve, Directing the Superintendent of Insurance To Form a Compact with Other State Commissioners of Insurance on the Purchase of Insurance out of State	ONTP
LD 473	An Act To Enable Maine Residents To Purchase Health Insurance over State Lines	ONTP
LD 496	An Act To Amend the Laws Governing Financial Incentives and Geographic Accessibility of Services Covered by Health Insurance Providers	ONTP
LD 517	An Act Regarding Prescription Drug Step Therapy and Prior Authorization	ONTP
LD 519	Resolve, Directing the Bureau of Insurance To Study Legislators' Health Insurance Benefits Compared to the Health Insurance Benefits of Other Part-time and Seasonal Workers in the State	ONTP
LD 567	An Act To Prevent Insurer Limits on Certain Dental Fees	ONTP
LD 645	Resolve, To Replace Maine's Health Insurance System with the Type of System Used in New Hampshire	ONTP

LD 660	An Act To Clarify the Responsibilities of Pharmacy Benefits Managers and Preferred Provider Organizations	ONTP
LD 712	An Act To Expand Access to Clinical Trials	ONTP
LD 720	An Act To Mandate Insurance Coverage for Infertility Treatment	ONTP
LD 783	An Act To Amend the Laws Governing Captive Insurance Companies	ONTP
LD 844	An Act To Provide Affordable Health Insurance for Municipal and School Employees through Competition	ONTP
LD 858	An Act To Amend the Law Related to Multiple-employer Welfare Arrangements	ONTP
LD 882	An Act To Limit Health Care Mandates	Carried Over
LD 1030	An Act To Reduce Costs for Small Businesses	Carried Over
LD 1162	An Act To Allow Members of Professional Associations To Purchase Health Insurance across State Lines	ONTP
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LD 1229	An Act To Require Health Insurance Coverage for Hearing Aids for Adults	ONTP
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LD 1397	An Act To Establish a Single-payor Health Care System To Be Effective in 2017	MAJORITY (ONTP) REPORT
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LD 1497	An Act To Comply with the Health Insurance Exchange Provision of the Patient Protection and Affordable Care Act	Carried Over
LD 1498	An Act To Phase Out Dirigo Health and Establish the Maine Health Benefit Exchange for Small Businesses and Individuals	Carried Over

LD 1580 **An Act To Further Improve Maine's Health Insurance Law** INDEF PP

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Enacted

LD 527 **An Act To Bring Maine's Minimum Financial Responsibility Laws Pertaining to Rental Vehicles into Conformity with Privately Owned Vehicles** PUBLIC 78

Not Enacted

LD 53 **An Act To Extend Fair Trade Practice to Automobile Rentals Provided When Insured Automobiles Are Damaged** ONTP

LD 125 **An Act To Raise the Required Minimum Limits for Motor Vehicle Insurance** ONTP

LD 295 **An Act To Require Insurance Companies To Disclose the Option To Purchase Higher Amounts of Coverage for Automobile Liability Insurance** ONTP

LD 672 **An Act To Provide Reasonable Uninsured Motorist Coverage** ONTP

LD 960 **An Act To Ensure Payment to Tow Truck Operators for Towing from Accidents** ONTP

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Enacted

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LD 1352 **An Act To Implement the Requirements of the Federal Nonadmitted and Reinsurance Reform Act of 2010** PUBLIC 331
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LD 1464 **An Act To Establish Standards for Portable Electronic Device Insurance** PUBLIC 297

LD 1507 **An Act Regarding Service Contracts** **PUBLIC 345**

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LD 368 **An Act To Require Full Disclosure by Insurance Carriers Using
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(ONTP) REPORT**

LD 794 **An Act To Provide Fair Value for Insured Items** **ONTP**

LD 867 **An Act To Amend the Laws Governing Insurance as They Relate
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LD 892 **An Act To Establish an Insurance Fraud Division within the
Department of Professional and Financial Regulation, Bureau of
Insurance** **ACCEPTED
REPORT A
(ONTP)**

LD 899 **An Act To Disclose Insurance Policy Options to Senior Citizens** **ONTP**

LD 1010 **An Act To Require an Insurance Company To Notify a Landlord
When a Tenant Changes or Cancels a Residential Property
Insurance Contract** **ONTP**

LD 1089 **An Act To Require That Homeowner's Insurance Covers Rental
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LD 1175 **An Act To Allow a Homeowner To Insure a Residence for Less
than Actual Cash Value** **ONTP**

LD 1233 **An Act To Prohibit Enforcement by a Federal or State Official of
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LD 1354 **An Act To Require a Person To Carry Liability Insurance on a
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LD 1555 **An Act To Eliminate the Waiting Period before Insurance
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Enacted

LD 334 **An Act To Promote Further Stability within the Workers'
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LD 731 **An Act To Terminate the Authorization of the Maine
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LD 768 **An Act To Amend the Laws Relating to Group Trusts
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Enacted

LD 14 **Resolve, Regarding Legislative Review of the Final Repeal of
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Rule of the Department of Professional and Financial Regulation** **RESOLVE 5
EMERGENCY**

LD 15 **Resolve, Regarding Legislative Review of Chapter 285:
Adjustment of Non-bank Mortgage Lending Fees, a Major
Substantive Rule of the Department of Professional and Financial
Regulation** **RESOLVE 4
EMERGENCY**

LD 290 **An Act To Amend the Maine Secure and Fair Enforcement for
Mortgage Licensing Act of 2009** **PUBLIC 289**

LD 1012 **An Act To Require a Mortgagee To Provide the Original Release
of Mortgage to the Mortgagor after the Release Is Recorded** **PUBLIC 146**

Not Enacted

LD 327 **An Act To Permit Lenders To Exclude Government Insurance
Fees When Determining whether a Loan Is a High-rate, High-fee
Loan** **ONTP**

LD 1357 **An Act To Exempt Certain Mortgage Loan Originators from
Licensing** **ONTP**

Real Estate Practices

Enacted

LD 544 **An Act To Eliminate Duplication of Paint Disclosure and Radon
Requirements** **PUBLIC 96**

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Enacted

LD 401 **An Act To Enhance Penalties To Protect Senior Investors** **PUBLIC 37**

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Enacted

LD 440 **An Act To Allow Employees of the Maine School of Science and
Mathematics to Join the State's Group Health Plan** **PUBLIC 67
EMERGENCY**

Not Enacted

LD 857 **Resolve, To Study the Feasibility of Consolidating Health Plan
Coverage for State Employees with Other Public Employees** **DIED ON
ADJOURNMENT**

STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON INLAND FISHERIES
AND WILDLIFE**

July 2011

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Joint Standing Committee on Inland Fisheries and Wildlife

LD 38 An Act To Allow Holders of Junior Hunting Licenses To Take Antlerless Deer ONTP

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

This bill allows a junior hunter to lawfully take an antlerless deer during the open season on deer and directs the Department of Inland Fisheries and Wildlife to designate which wildlife management districts are open to the taking of antlerless deer by a junior hunter.

LD 56 An Act To Allow the Owner of Waterfront Property To Fish That Body of Water without a Fishing License ONTP

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

This bill allows the owner of waterfront property on a great pond to fish that great pond without a fishing license and the owner of waterfront property on a river or stream to fish that river or stream from that person's property without a fishing license.

LD 78 An Act To Allow Antlerless Deer Permits To Be Transferred to Family Members ONTP

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

This bill allows a person who holds a valid antlerless deer permit to transfer that permit to an immediate family member who holds a valid hunting license.

LD 94 An Act Regarding the Moose Lottery ONTP

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

This bill modifies the point system for the moose hunting permit lottery to improve a person's chances in the lottery the longer that person has not been awarded a moose permit.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 101 An Act To Institute a Snaring Program for Coyotes ONTP

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

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

It proposes to institute a snaring program for coyotes.

**LD 107 An Act To Allow Trapping in Northern Maine without the Written LEAVE TO
Consent of the Landowner WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL MARTIN T	LV/WD	

Current law requires a trapper to obtain written permission from the landowner or occupant of certain property before setting traps on that person's property. This bill limits that requirement to portions of the State situated south of Route 2 west of Bangor and south of Route 9 east of Bangor.

LD 108 An Act To Amend the Fees for Infant Lifetime Licenses PUBLIC 268

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL TRAHAN	OTP-AM	H-391

This bill changes the license fee for an infant lifetime hunting license for nonresidents to \$150 from \$450.

Committee Amendment "A" (H-391)

This amendment replaces the bill. The bill proposes to reduce the fee for an infant lifetime hunting license for a nonresident from \$450 to \$150, which is the same fee as for a resident. This amendment reduces the fees on all infant lifetime licenses for nonresidents by approximately 55% between December 1, 2011 and March 1, 2015. It also requires the Commissioner of Inland Fisheries and Wildlife to report on the fiscal impact of reducing the fees for the nonresident infant lifetime licenses by January 5, 2015 to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.

Enacted Law Summary

Public Law 20011, chapter 268 reduces the fee for an infant lifetime hunting license for a nonresident from \$450 to \$150, which is the same fee as for a resident. It also reduces the fees on all infant lifetime licenses for nonresidents by approximately 55% between December 1, 2011 and March 1, 2015. Public Law 2011, chapter 268 requires the Commissioner of Inland Fisheries and Wildlife to report on the fiscal impact of reducing the fees for the nonresident

Joint Standing Committee on Inland Fisheries and Wildlife

infant lifetime licenses by January 5, 2015 to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.

LD 112 An Act To Discourage Illegal Dumping in the State

PUBLIC 208

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHAW DIAMOND	OTP-AM	H-97 S-113 MARTIN T

This bill allows a court to order the surrender of any license, permit, certification or registration issued by any department or agency of the State held by a person who violates the Maine Litter Control Act.

Committee Amendment "A" (H-97)

This amendment replaces the bill and does the following.

1. It increases the fine for subsequent offenses of illegally disposing of 15 pounds or less or 27 cubic feet or less of litter from a minimum of \$200 to \$500 and the maximum from \$500 to \$1,000.
2. It amends the fine structure for subsequent offenses of illegally disposing of 15 pounds or more or 27 cubic feet or more of litter by increasing the minimum fine to \$2,000.
3. It provides that the court shall require a person who illegally dumps more than 15 pounds or more than 27 cubic feet of litter to pay a party sustaining damages treble the actual damages or \$200, whichever amount is greater, plus the injured party's court costs and attorney's fees.
4. It provides that the court shall require a person who illegally dumps more than 15 pounds or more than 27 cubic feet of litter to perform not less than 100 hours of public service relating to the removal of litter.
5. It provides that the court, when practical, shall require a person who illegally dumps more than 15 pounds or more than 27 cubic feet of litter to remove the litter.
6. It provides that in the case of a person who illegally dumps more than 15 pounds or more than 27 cubic feet of litter, the court shall suspend that person's motor vehicle operator's license and certain licenses, permits and registrations issued by the Department of Inland Fisheries and Wildlife. The court may also suspend any license, permit, registration or certification issued by a state agency or municipality to the person. It exempts a professional license, permit, registration or certification required for that person to operate or establish a business or necessary for the person's primary source of employment unless the items dumped were related to the person's profession or occupation.
7. It provides that the Department of Inland Fisheries and Wildlife's Landowners and Sportsmen Relations Advisory Board shall establish a program to work with courts to identify public service opportunities for violators of litter control laws that could improve landowner and sportsman relations.

Senate Amendment "B" To Committee Amendment "A" (S-113)

This amendment changes the suspension of a motor vehicle operator's license for illegal dumping as specified in Committee Amendment "A" from a mandatory penalty to an optional penalty. It also clarifies that a motor vehicle operator's license may not be suspended by the court if it is necessary for the person's primary source of

Joint Standing Committee on Inland Fisheries and Wildlife

employment unless the dumping was related to the person's operator's license.

Enacted Law Summary

Public Law 2011, chapter 208 does the following:

1. It increases the fine for subsequent offenses of illegally disposing of 15 pounds or less or 27 cubic feet or less of litter from a minimum of \$200 to \$500 and the maximum from \$500 to \$1,000;
2. It amends the fine structure for subsequent offenses of illegally disposing of 15 pounds or more or 27 cubic feet or more of litter by increasing the minimum fine to \$2,000;
3. It provides that the court shall require a person who illegally dumps more than 15 pounds or more than 27 cubic feet of litter to pay a party sustaining damages treble the actual damages or \$200, whichever amount is greater, plus the injured party's court costs and attorney's fees;
4. It provides that the court shall require a person who illegally dumps more than 15 pounds or more than 27 cubic feet of litter to perform not less than 100 hours of public service relating to the removal of litter;
5. It provides that the court, when practical, shall require a person who illegally dumps more than 15 pounds or more than 27 cubic feet of litter to remove the litter;
6. It provides that in the case of a person who illegally dumps more than 15 pounds or more than 27 cubic feet of litter, the court may suspend that person's motor vehicle operator's license for a period of not less than 30 days or more than one year and requires the court to suspend certain licenses, permits and registrations issued by the Department of Inland Fisheries and Wildlife. The court may also suspend any license, permit, registration or certification issued by a state agency or municipality to the person. It exempts a motor vehicle operator's license, professional license, permit, registration or certification required for that person to operate or establish a business or necessary for the person's primary source of employment unless the items dumped were related to the person's profession or occupation; and
7. It provides that the Department of Inland Fisheries and Wildlife's Landowners and Sportsmen Relations Advisory Board shall establish a program to work with courts to identify public service opportunities for violators of litter control laws that could improve landowner and sportsman relations.

LD 133 An Act To Extend Native American Hunting Rights

ONTP

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

Under current law, a member of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs over 10 years of age may obtain a free lifetime hunting, trapping and fishing license that includes all permits, stamps and other permission needed to hunt, trap and fish. Holders of such a license are subject to the same laws as other holders of hunting, trapping or fishing licenses with respect to trespassing on the land of others. This bill permits a member of any other federally recognized tribe who is a resident of this State to receive the same license.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 134 An Act To Protect Native Landlocked Salmon Fisheries from Invasive Fish Species

PUBLIC 24

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS THOMAS	OTP-AM	H-33

This bill prohibits the construction of a fishway or fish bypass structure at the dam on the outlet of Sebec Lake in the Town of Sebec and at the dam on the Sebec River in the Town of Milo that would allow the upstream passage of an invasive fish species known to be present downstream in the Piscataquis River or Penobscot River drainage.

Committee Amendment "A" (H-33)

This amendment gives the provisions of section 2 of the bill priority over other contrary provisions of law.

Enacted Law Summary

Public Law 2011, chapter 24 prohibits the construction of a fishway or fish bypass structure at the dam on the outlet of Sebec Lake in the Town of Sebec and at the dam on the Sebec River in the Town of Milo that would allow the upstream passage of an invasive fish species known to be present downstream in the Piscataquis River or Penobscot River drainage.

LD 137 An Act To Allow the Use of Crossbows during the Archery Season

**MAJORITY
(ONTP) REPORT**

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

This bill allows the use of crossbows during the regular archery season.

Committee Amendment "A" (H-34)

This amendment is the minority report and replaces the bill. It authorizes the use of crossbows during the expanded archery season on deer for 2 years. It also directs the Commissioner of Inland Fisheries and Wildlife to report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters on the impact of allowing the use of crossbows during the expanded archery season on deer by January 15, 2013.

LD 151 Resolve, To Direct the Department of Inland Fisheries and Wildlife To Add One or More Moose Hunting Seasons in Wildlife Management District No. 8

**MAJORITY
(ONTP) REPORT**

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

Joint Standing Committee on Inland Fisheries and Wildlife

This resolve directs the Commissioner of Inland Fisheries and Wildlife to amend the rules for Wildlife Management District No. 8 to add one or more 6-day moose hunting seasons to the one 6-day season already established by rule.

LD 161 An Act To Enhance Hunting for Maine Residents over 70 Years of Age

**MAJORITY
(ONTP) REPORT**

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

This bill allows a resident of the State over 70 years of age to receive a special antlerless deer permit.

LD 163 An Act To Auction Off Moose Permits to Hunting Lodges

ONTP

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

This bill directs the Commissioner of Inland Fisheries and Wildlife to auction off 250 moose hunting permits each year to owners of hunting lodges. The 250 moose hunting permits to be auctioned off to outfitters are in addition to those moose hunting permits allotted under the regular lottery system.

LD 173 Resolve, To Allow the Possession of an Unlimited Number of Game Birds

ONTP

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

This resolve directs the Department of Inland Fisheries and Wildlife to amend its rules governing hunting and trapping to allow the possession of an unlimited number of game birds.

LD 175 An Act To Create a Short-term All-terrain Vehicle Registration System

PUBLIC 116

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

This bill creates a short-term registration system for all-terrain vehicles for nonresidents similar to the short-term registration system established for snowmobiles.

Joint Standing Committee on Inland Fisheries and Wildlife

Committee Amendment "A" (H-195)

This amendment removes the emergency preamble and emergency clause and the proposed distribution of the registration fees. It makes the Act effective May 1, 2012.

Enacted Law Summary

Public Law 2011, chapter 116 creates a 7-day registration for all-terrain vehicles for nonresidents starting on May 1, 2012 for a fee of \$53.

LD 200 An Act To Provide Complimentary Any-Deer Permits to Persons 70 Years of Age and Older ONTP

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

This bill allows residents 70 years of age or older to receive a complimentary antlerless deer permit.

LD 211 An Act To Improve the Water Quality of Hall Pond in Paris ONTP

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

This bill prohibits the operation of all motorboats, snowmobiles, ATVs and personal watercraft on Hall Pond in the Town of Paris.

LD 212 An Act To Clarify and Amend Laws Pertaining to Licenses Issued by the Department of Inland Fisheries and Wildlife ONTP

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

This bill corrects an inconsistency in the fishing license laws resulting from recent fee increases. It clarifies the reporting requirements for agents in order to avoid delinquencies with seasonal agents, and it improves the privacy of Department of Inland Fisheries and Wildlife customers. This bill also allows a person who is eligible for a senior lifetime hunting and fishing license to obtain it at any time in the calendar year that person turns 70 years of age and makes it clear it includes all stamps, permits and other related permissions.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 213 An Act To Provide Funding for the Fish Stocking Program

Carried Over

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

This bill provides a General Fund appropriation of \$500,000 for fiscal years 2011-12 and 2012-13 for the purchase of fish for the Department of Inland Fisheries and Wildlife's fish stocking program.

Committee Amendment "A" (S-110)

This amendment incorporates a fiscal note.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 223 An Act To Require Written Permission for Recreational Access to Cropland, Pastureland and Orchards

ONTP

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

This bill provides that a person engaging in a recreational activity regulated under the inland fisheries and wildlife laws may not conduct that activity on privately owned cropland or pastureland or in a privately owned orchard without the written permission of the landowner or lessee.

LD 251 Resolve, To Establish the Wilderness Rescue Task Force

RESOLVE 15

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP-AM	H-32

This bill establishes the Wilderness Rescue Fund in the Department of Inland Fisheries and Wildlife for the purpose of establishing first aid equipment stations in areas where first aid equipment may not be readily available for search and rescue operations by the department.

Committee Amendment "A" (H-32)

This amendment replaces the bill with a resolve that directs the Department of Inland Fisheries and Wildlife to create the Wilderness Rescue Task Force to study the necessity and feasibility of establishing first aid stations and helicopter landing areas in remote locations where access and first aid supplies may not be readily available to search and rescue personnel. The amendment requires the department to report the task force's findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by February 1, 2012.

Enacted Law Summary

Joint Standing Committee on Inland Fisheries and Wildlife

Resolve 2011, chapter 15 directs the Department of Inland Fisheries and Wildlife to create the Wilderness Rescue Task Force to study the necessity and feasibility of establishing first aid stations and helicopter landing areas in remote locations where access and first aid supplies may not be readily available to search and rescue personnel. It also requires the department to report the task force's findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by February 1, 2012.

**LD 254 An Act To Amend the Standards by Which Law Enforcement Officers PUBLIC 248
May Stop an All-terrain Vehicle Operating on Private Property**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SARTY DIAMOND	OTP-AM MAJ ONTP MIN	H-160

Current law provides that a game warden may stop an all-terrain vehicle to ascertain whether a violation of the law has occurred if the game warden has a reasonable and articulable suspicion to believe that a violation of the law has taken place or is taking place. This bill allows a game warden to stop an all-terrain vehicle without a reasonable and articulable suspicion to believe a violation of the law has occurred, which was the standard in law prior to 2009.

Committee Amendment "A" (H-160)

This amendment retains the provisions of the bill and clarifies existing law that authorizes all law enforcement officers, not just game wardens, to enforce the provisions of the Maine Revised Statutes, Title 12, Part 13. It does not expand or otherwise restrict the current authority of game wardens or other law enforcement officers.

Enacted Law Summary

Public Law 2011, chapter 248 authorizes a law enforcement officer to stop an all-terrain vehicle without a reasonable and articulable suspicion to believe a violation of the law has occurred.

LD 270 An Act To Reserve a Number of Moose Permits for the Tribes of Maine ONTP

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

This bill requires the Commissioner of Inland Fisheries and Wildlife to reserve 225 moose hunting permits for the Indian tribes of the State, 200 for the 4 federally recognized Indian tribes and 25 for the Wesget Sipu Tribe.

**LD 271 Resolve, To Direct the Department of Inland Fisheries and Wildlife To RESOLVE 20
Prepare a Deer Winter Feeding Strategy**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM	S-15

Joint Standing Committee on Inland Fisheries and Wildlife

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

This bill proposes to amend current law to establish standards pertaining to the feeding of deer, specifically where deer may be fed and whether the proximity to roads is a factor.

Committee Amendment "A" (S-15)

This amendment replaces the bill with a resolve directing the Department of Inland Fisheries and Wildlife to prepare a comprehensive deer winter feeding strategy and to report to the Joint Standing Committee on Inland Fisheries and Wildlife by January 5, 2012.

Enacted Law Summary

Resolve 2011, chapter 20 directs the Department of Inland Fisheries and Wildlife to prepare a comprehensive deer winter feeding strategy and to report to the Joint Standing Committee on Inland Fisheries and Wildlife by January 5, 2012.

LD 274 An Act To Increase the Moose Permit Allocations for Zones 2 and 3 Carried Over

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

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

It proposes to increase the moose permit allocations in zones 2 and 3 and to change the dates of the moose hunt.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 284 An Act To Prohibit Water-ski Courses on Small Ponds MAJORITY (ONTP) REPORT

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

This bill provides that a person may not operate a watercraft for water skiing on a course on a body of water that has less than 100 continuous acres of open water that is not subject to headway speed restrictions.

LD 289 An Act To Amend the Laws Governing Municipal Recreational Vehicle Registration Agent Fees ONTP

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

Joint Standing Committee on Inland Fisheries and Wildlife

This bill increases the watercraft, snowmobile and ATV registration service fees that may be assessed, collected and retained by municipalities from \$1 to \$3 and from \$2 to \$4 for the issuance of new registrations.

LD 291 An Act Regarding the Moose Lottery and Moose Management

PUBLIC 370

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS THIBODEAU	OTP-AM MAJ OTP-AM MIN	H-598

This bill changes the amount of time a moose hunting permit holder must wait to be eligible for another moose hunting permit from 2 years to 3 years.

Committee Amendment "A" (H-598)

This amendment replaces the bill and does the following:

1. It limits the number of chances a resident may purchase for the moose hunting permit lottery to one and reduces the number of moose hunting permit lottery chances contained in a super pack license from 6 to one;
2. It modifies the point system for the moose hunting permit lottery to improve a person's chances in the lottery the longer that person has stayed in the lottery and has not received a moose hunting permit;
3. As does the bill, it changes the amount of time a moose hunting permit holder must wait to be eligible for another moose hunting permit from 2 years to 3 years;
4. It provides that a person that is ineligible to obtain a moose hunting permit because that person has received a permit within the last 2 years may continue to buy additional chances for the moose hunting permit lottery over that period of ineligibility for the corresponding application fee;
5. It allows a person to indicate on the moose hunting permit application that that person does not want to receive a moose permit for that year but wants to continue to accrue chances in the moose hunting permit lottery;
6. It establishes the Moose Research and Management Fund and moves a provision of existing law regarding funding for moose research to the section of law that establishes the fund;
7. It increases the moose hunting permit fee for nonresidents and aliens from \$484 to \$585 and directs that \$100 from each of these permits be deposited in the Moose Research and Management Fund;
8. It allows an applicant for a moose hunting permit to change that person's subpermittee or alternate subpermittee after the applicant has received a moose hunting permit. Current law requires an applicant for a moose hunting permit to designate that person's subpermittee and alternate subpermittee at the time of the application;
9. It prohibits the sale of the moose hunting permit subpermittee or alternate subpermittee designation and makes a violation of that prohibition a Class E crime; and
10. It adds an appropriations and allocations section.

Committee Amendment "B" (H-599)

This amendment is the minority report and replaces the bill. It does the following:

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1. It limits the number of chances a resident may purchase for the moose hunting permit lottery to one and reduces the number of moose hunting permit lottery chances contained in a super pack license from 6 to one;
2. It modifies the point system for the moose hunting permit lottery to improve a person's chances in the lottery the longer that person has stayed in the lottery and has not received a moose hunting permit;
3. It removes the 2-year wait period for a person who received a moose hunting permit;
4. It allows a person to indicate on the moose hunting permit application that that person does not want to receive a moose permit for that year but wants to continue to accrue chances in the moose hunting permit lottery;
5. It allows an applicant for a moose hunting permit to change that person's subpermittee or alternate subpermittee after the applicant has received a moose hunting permit. Current law requires an applicant for a moose hunting permit to designate that person's subpermittee and alternate subpermittee at the time of the application; and
6. It prohibits the sale of the moose hunting permit subpermittee or alternate subpermittee designation and makes a violation of that prohibition a Class E crime.

Enacted Law Summary

Public Law 2011, chapter 370 does the following:

1. It limits the number of chances a resident may purchase for the moose hunting permit lottery to one and reduces the number of moose hunting permit lottery chances contained in a super pack license from 6 to one;
2. It modifies the point system for the moose hunting permit lottery to improve a person's chances in the lottery the longer that person has stayed in the lottery and has not received a moose hunting permit;
3. It changes the amount of time a moose hunting permit holder must wait to be eligible for another moose hunting permit from 2 years to 3 years;
4. It provides that a person that is ineligible to obtain a moose hunting permit because that person has received a permit within the last 2 years may continue to buy additional chances for the moose hunting permit lottery over that period of ineligibility for the corresponding application fee;
5. It allows a person to indicate on the moose hunting permit application that that person does not want to receive a moose permit for that year but wants to continue to accrue chances in the moose hunting permit lottery;
6. It establishes the Moose Research and Management Fund and moves a provision of existing law regarding funding for moose research to the section of law that establishes the fund;
7. It increases the moose hunting permit fee for nonresidents and aliens from \$484 to \$585 and directs that \$100 from each of these permits be deposited in the Moose Research and Management Fund;
8. It allows an applicant for a moose hunting permit to change that person's subpermittee or alternate subpermittee after the applicant has received a moose hunting permit. Current law requires an applicant for a moose hunting permit to designate that person's subpermittee and alternate subpermittee at the time of the application; and
9. It prohibits the sale of the moose hunting permit subpermittee or alternate subpermittee designation and makes a violation of that prohibition a Class E crime.

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LD 292 An Act To Prohibit Placing the Carcass of a Dead Animal on a Frozen Body of Water for the Purpose of Baiting Coyotes ONTP

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

This bill prohibits a person from placing the carcass of a dead animal on the ice of a brook, great pond or river for purposes of coyote hunting.

LD 293 An Act To Waive Snowmobile Registration Requirements for Canadians Riding on Maine Trails MAJORITY (ONTP) REPORT

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

This bill provides that a snowmobile registered in a Canadian province may be operated without a Maine registration on state-funded snowmobile trails as long as the snowmobile is insured in Canada and the rider belongs to a snowmobile club located in Maine.

Committee Amendment "A" (H-486)

This amendment replaces the bill and is the minority report of the committee. It directs the Commissioner of Inland Fisheries and Wildlife to work with Canadian authorities to establish reciprocity for the operation of snowmobiles and to report to the Joint Standing Committee on Inland Fisheries and Wildlife by January 5, 2012.

LD 294 An Act To Allow Persons 70 Years of Age or Older Expanded Crossbow Privileges PUBLIC 61

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAFTS MASON	OTP-AM A ONTP B OTP-AM C	H-54

This bill allows a person 70 years of age or older to hunt wild birds and wild animals with a crossbow during the open seasons for hunting with bow and arrow and allows that person to hunt moose with a crossbow.

Committee Amendment "A" (H-54)

This amendment provides that until January 1, 2015 a person 70 years of age or older may hunt wild birds and wild animals with a crossbow during the open seasons for hunting with bow and arrow. It also allows a person 70 years of age or older to hunt moose with a crossbow.

Committee Amendment "B" (H-55)

This amendment is the minority report of the committee. It provides that until January 1, 2013 a person 70 years of

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age or older may hunt wild birds and wild animals with a crossbow during the open seasons for hunting with bow and arrow and to hunt moose with a crossbow.

Enacted Law Summary

Public law 2011, chapter 61 provides that until January 1, 2015 a person 70 years of age or older may hunt wild birds and wild animals with a crossbow during the open seasons for hunting with bow and arrow. It also allows a person 70 years of age or older to hunt moose with a crossbow.

LD 302 **An Act To Allow an Angler To Gift a Freshwater Fish to a Person Who Is Not Licensed To Fish** **PUBLIC 57**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE JACKSON	OTP-AM	H-69

This bill provides that a person who is not licensed to fish may possess a fish given to that person as long as the gift fish was lawfully caught and is plainly labeled with the name of the person who gave the fish and the year the fish was caught by that person.

Committee Amendment "A" (H-69)

This amendment limits the possession of a gift fish to a person's domicile.

Enacted Law Summary

Public Law 2011, chapter 57 allows a person who is not licensed to fish to possess fish in that person's place of domicile that were given to that person as long as the gift fish was lawfully caught and is plainly labeled with the name of the person who gave the fish and the year the fish was caught by that person.

LD 356 **An Act To Prohibit the Use of Certain Motorboats on Lily Pond in Deer Isle** **ONTP**

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

This bill prohibits the use of a motorboat powered by an internal combustion engine on Lily Pond in Deer Isle.

LD 372 **An Act To Reduce Deer Predation** **Carried Over**

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

Joint Standing Committee on Inland Fisheries and Wildlife

This bill provides a General Fund appropriation of \$100,000 for fiscal years 2011-12 and 2012-13 to control predation of deer on private and public lands.

Committee Amendment "A" (H-311)

This amendment incorporates a fiscal note.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 378	An Act To Allow the Transfer of Commercial Whitewater Rafting Trips under Extenuating Conditions	PUBLIC 68 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE SCHNEIDER	OTP-AM MAJ ONTP MIN	H-75

This bill allows the swap of a whitewater rafting allocation between the West Branch Penobscot River, the Kennebec River and the Dead River whenever high-water or low-water conditions prevent whitewater rafting on any of the 3 rivers.

Committee Amendment "A" (H-75)

This amendment provides that the Commissioner of Inland Fisheries and Wildlife under extenuating circumstances may allow the emergency transfer of a commercial whitewater rafting trip from a rapidly flowing river to another rapidly flowing river as long as sufficient water is available in the river to which the commercial whitewater rafting trip is to be transferred. It also directs the department to report annually to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters regarding the implementation of the emergency transfer of commercial whitewater rafting trips.

Enacted Law Summary

Public Law 2011, chapter 68 provides that the Commissioner of Inland Fisheries and Wildlife under extenuating circumstances may allow the emergency transfer of a commercial whitewater rafting trip from a rapidly flowing river to another rapidly flowing river as long as sufficient water is available in the river to which the commercial whitewater rafting trip is to be transferred. It also directs the department to report annually to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters regarding the implementation of the emergency transfer of commercial whitewater rafting trips.

Public Law 2011, chapter 68 was enacted as an emergency measure effective May 9, 2011.

LD 413	An Act To Clarify Standards by Which Recreational Vehicles May Be Stopped	ONTP
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	ONTP	

This bill permits a game warden to stop and question operators of recreational vehicles only when there is reasonable and articulable suspicion to believe that a violation of the law has occurred or is occurring.

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LD 445 Resolve, Directing the Department of Inland Fisheries and Wildlife To RESOLVE 36
Study Scents Used in Hunting Deer and Renderings Used in Deer Feed

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

This resolve directs the Department of Inland Fisheries and Wildlife to study the sale of deer scent lures containing cervid urine and the sale of deer feed containing animal renderings and the implications that the sale and use of these products have for the spread of chronic wasting disease. The department is required to report its findings, including any suggested legislation, to the Joint Standing Committee on Inland Fisheries and Wildlife no later than December 7, 2011.

Enacted Law Summary

Resolve 2011, chapter 36 directs the Department of Inland Fisheries and Wildlife to study the sale of deer scent lures containing cervid urine and the sale of deer feed containing animal renderings and the implications that the sale and use of these products have for the spread of chronic wasting disease. The department is required to report its findings, including any suggested legislation, to the Joint Standing Committee on Inland Fisheries and Wildlife no later than December 7, 2011.

LD 450 An Act To Auction Off Moose Permits to Maine Guides ONTP

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

This bill directs the Commissioner of Inland Fisheries and Wildlife to issue 300 moose hunting permits each year to licensed Maine guides. The 300 moose hunting permits for licensed Maine guides are in addition to those moose hunting permits allotted under the regular lottery system. The bill limits the number of moose hunting permits a licensed Maine guide can receive in one year to 2 and allows that licensed Maine guide to sell those moose hunting permits at sportsman shows. The bill establishes a fee structure and provides that money raised from those fees must be used to support biologists conducting moose-related research in the State.

LD 458 An Act To Allow Certain Residents over 70 Years of Age To Obtain a ONTP
Complimentary Antlerless Deer Permit

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

This bill allows a resident of the State who is over 70 years of age and who has been a resident in the State for 25 years to receive a complimentary antlerless deer permit for life.

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LD 468 An Act To Amend the Laws Governing Bear Hunting

PUBLIC 309

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOOD	OTP-AM MAJ ONTP MIN	H-443

This bill amends the bear hunting and trapping laws as follows:

1. It shifts the open season for hunting bears with dogs back one week to reduce the overlap with the open season on hunting bears without dogs;
2. It prohibits a person from establishing a bait site on another person's land without first having the written permission of the landowner;
3. It provides that a person may not train dogs on bear within 7 days of the starting date of the open hunting season on bear. Current law allows a person to train dogs on bear through the first day of open season on bear; and
4. It increases the bag limit on bear to 2 bears by allowing a person to kill one bear during the open hunting season on bear and another by trapping.

Committee Amendment "A" (H-443)

This amendment removes language from the bill regarding the hunting season on bears using dogs and establishing bait sites on another person's land without written permission. The written permission to place bait was addressed in LD 559. It also changes the day before the open bear season a person can train dogs on bear from the 8th day to the 4th day.

Enacted Law Summary

Public Law 2011, chapter 309 changes the bear hunting and trapping laws as follows:

1. It provides that a resident may train dogs on bear to the 4th day preceding the open hunting season on bear. Current law allows a person to train dogs on bear through the first day of open season on bear; and
2. It increases the bag limit on bear to 2 bears by allowing a person to kill one bear during the open hunting season on bear and another by trapping.

**LD 487 An Act To Facilitate the Restoration of Hunting and Fishing Licenses
That Have Been Suspended**

ONTP

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

This bill directs the Commissioner of Inland Fisheries and Wildlife to establish an ongoing advisory committee for the purpose of developing a protocol for the restoration of suspended hunting and fishing licenses and to review and provide advice on matters relating to the restoration of suspended hunting or fishing licenses.

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LD 488 An Act To Allow Nonresidents To Hunt on the First Day of the Firearm Season on Deer MAJORITY (ONTP) REPORT

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

This bill allows nonresidents to hunt on the first day of the firearm season on deer.

Committee Amendment "A" (H-264)

This amendment is the minority report. It limits the nonresidents who may hunt on the first day of the firearm season on deer to those nonresidents who own land in the State and keep that land open to the public for hunting.

LD 522 An Act To Provide Free Hunting, Fishing and Trapping Licenses To Wartime Veterans Who Are at Least 80 Years of Age MAJORITY (ONTP) REPORT

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

This bill provides for free hunting, fishing and trapping licenses to a resident who is a wartime veteran and 80 years of age or older.

LD 556 An Act Concerning the Lake and River Protection Fund PUBLIC 74

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS	OTP-AM	H-99

This bill adds language concerning nuisance species to the law concerning the Lake and River Protection Fund in the Maine Revised Statutes, Title 12 to be consistent with similar laws in Title 38.

The bill establishes a fund for moose management and research, funded by the issuance of extra moose hunting permits, and authorizes the Commissioner of Inland Fisheries and Wildlife to issue additional permits for this fund.

Committee Amendment "A" (H-99)

This amendment removes those provisions of the bill regarding the proposed Moose Research Fund.

Enacted Law Summary

Public Law 2011, chapter 74 adds language concerning nuisance species to the law concerning the Lake and River Protection Fund in the Maine Revised Statutes, Title 12 to be consistent with similar laws in Title 38.

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LD 559 An Act To Protect Owners of Private Property against Trespass

**PUBLIC 432
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN	OTP-AM MAJ ONTP MIN	H-312

This bill requires that a hunter get written permission when baiting, night hunting coyotes and hunting bears, coyotes or bobcats with dogs. It also provides another way to conspicuously mark land where permission is required for access.

Committee Amendment "A" (H-312)

This amendment replaces the bill and:

1. Adds an emergency preamble and clause;
2. Provides that a person may not place or hunt over bait without the oral or written permission of the landowner or the landowner's agent;
3. Provides that a person may not hunt bear, coyote or bobcat with a dog unless the dog has a collar that legibly provides the name, telephone number and address of the owner of that dog;
4. Prohibits the use of a dog to hunt a coyote during the period from 30 minutes after sunset to 30 minutes before sunrise;
5. Limits the number of dogs a person or persons may use to hunt coyotes or bobcats to 6 dogs; and
6. Adds another method of posting private property to the current method of horizontal silver paint stripes by allowing a vertical paint mark with the color and type of paint determined by the Department of Conservation, Bureau of Forestry. The amendment repeals the current silver paint marking provisions September 12, 2012.

Enacted Law Summary

Public Law 2011, chapter 432 does the following:

1. Provides that a person may not place or hunt over bait without the oral or written permission of the landowner or the landowner's agent;
2. Provides that a person may not hunt bear, coyote or bobcat with a dog unless the dog has a collar that legibly provides the name, telephone number and address of the owner of that dog;
3. Prohibits the use of a dog to hunt a coyote during the period from 30 minutes after sunset to 30 minutes before sunrise;
4. Limits the number of dogs a person or persons may use to hunt coyotes or bobcats to 6 dogs; and
5. Adds another method of posting private property to the current method of horizontal silver paint stripes by allowing a vertical paint mark with the color and type of paint determined by the Department of Conservation, Bureau of Forestry. Public Law 20011, chapter repeals the current silver paint marking provisions on

Joint Standing Committee on Inland Fisheries and Wildlife

September 12, 2012.

Public Law 2011, chapter 432 was enacted as an emergency measure effective July 6, 2011.

LD 626 An Act To Allow Nonresidents Who Work in Maine To Purchase ONTP
Hunting and Fishing Licenses at Resident Rates

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

This bill allows a person who does not live in the State but who works in the State and who pays income tax to the State to pay the resident rate for hunting and general fishing licenses.

LD 634 An Act To Allow a Person To Designate Information Submitted for a PUBLIC 185
Hunting or Fishing License as Confidential

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

This bill directs the Commissioner of Inland Fisheries and Wildlife to allow an applicant for a hunting or fishing license to indicate that the applicant's e-mail address is confidential.

Enacted Law Summary

Public Law 2011, chapter 185 directs the Commissioner of Inland Fisheries and Wildlife to allow an applicant for a hunting or fishing license to indicate that the applicant's e-mail address is confidential.

LD 637 Resolve, To Increase the Amount Tagging Agents Receive for Tagging Carried Over
Game

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

This resolve directs the Commissioner of Inland Fisheries and Wildlife to amend the Department of Inland Fisheries and Wildlife's rules regarding the tagging of game to ensure that tagging agents receive an additional \$1.00 from each registration fee they collect for tagging game.

Committee Amendment "A" (H-105)

This amendment replaces the resolve. It amends the law governing the registration fees for tagging game by increasing the amount tagging agents may retain for each registration fee they collect from \$1 to \$2.

This resolve was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

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LD 640 An Act To Encourage Coyote Management

**MAJORITY
(ONTP) REPORT**

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

This bill allows a complimentary antlerless deer permit to any hunter who has killed 10 coyotes within one year.

Committee Amendment "A" (H-221)

This amendment is the minority report. It provides a complimentary hunting license, instead of the complimentary antlerless deer permit as proposed in the bill, to a resident who kills 10 coyotes in one year.

**LD 641 An Act To Allow a Portion of Snowmobile Registration Fees To Be Used
for the Repair of Trail-grooming Equipment**

PUBLIC 129

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

This bill allows a portion of snowmobile registration fees to be used for the repair of trail-grooming equipment used by entities that have snowmobile trail grooming contracts with the Department of Conservation, Bureau of Parks and Lands. The bill also corrects a conflict created by Public Law 2009, chapter 213, Part OO, section 20, which removed the nonresident 10-consecutive-day registration, and Public Law 2009, chapter 226, section 1, which maintained the nonresident 10-consecutive-day registration. The bill corrects that conflict by removing the nonresident 10-consecutive-day registration.

Enacted Law Summary

Public Law 2011, chapter 129 allows a portion of snowmobile registration fees to be used for the repair of trail-grooming equipment used by entities that have snowmobile trail grooming contracts with the Department of Conservation, Bureau of Parks and Lands. It also corrects a conflict created by Public Law 2009, chapter 213, Part OO, section 20, which removed the nonresident 10-consecutive-day registration, and Public Law 2009, chapter 226, section 1, which maintained the nonresident 10-consecutive-day registration. Public law 2011, chapter 129 corrects that conflict by removing the nonresident 10-consecutive-day registration.

LD 650 An Act To Create an Apprentice Trapper License

PUBLIC 51

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SARTY JACKSON	OTP-AM	H-70

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This bill creates an apprentice trapper license. An apprentice trapper license allows a person who has never held a trapping license to go trapping with an experienced trapper for up to one year without having to take a trapper education course. The holder of an apprentice trapper license must, while trapping, be under the direct supervision of an experienced trapper at all times. An apprentice trapper license allows a person to trap for all species that may be legally trapped, except black bear. The fee for an apprentice trapper license is the same as for a regular trapping license.

Committee Amendment "A" (H-70)

This amendment clarifies that an apprentice trapper must be in visual and voice contact with a supervisor without the aid of any devices.

Enacted Law Summary

Public law 2011, chapter 51 creates an apprentice trapper license. The apprentice trapper license allows a person who has never held a trapping license to go trapping with an experienced trapper for up to one year without having to take a trapper education course. The holder of an apprentice trapper license must, while trapping, be under the direct supervision of an experienced trapper at all times. An apprentice trapper license allows a person to trap for all species that may be legally trapped, except black bear. The fee for an apprentice trapper license is the same as for a regular trapping license.

LD 653 An Act To Ban the Use of Personal Watercraft on Allen Pond in the Town of Greene

**MAJORITY
(ONTP) REPORT**

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

This bill bans the use of personal watercraft on Allen Pond in the Town of Greene.

LD 682 An Act To Establish the Moose Biologist Fund To Support a Moose Biologist Position

ONTP

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

This bill establishes the Moose Biologist Fund to fund a moose biologist position within the Department of Inland Fisheries and Wildlife. Moose hunting permit application fees are increased by \$1 and that amount is dedicated to the Moose Biologist Fund.

Joint Standing Committee on Inland Fisheries and Wildlife

**LD 692 An Act To Reduce Nonresident Hunting and Fishing License Fees and ONTP
To Add Archery Hunting to Combination Licenses**

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

This bill:

1. Provides that a nonresident who owns real property in the State may purchase hunting or fishing licenses for the same fee as a resident;
2. Adds archery hunting to the hunting and fishing combination license; and
3. Reduces nonresident hunting and fishing license fees by approximately 25%.

**LD 709 An Act To Adjust the Rules Governing Subpermittees on Moose ONTP
Hunting Permits**

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

This bill allows a permittee to designate up to 2 subpermittees to join the permittee on different days during the permitted moose hunting season.

LD 749 An Act To Allow Sunday Hunting in Northern Maine ONTP

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

This bill requires the Commissioner of Inland Fisheries and Wildlife to authorize hunting deer on Sunday in the northern part of the State during the open season on deer. It sets the fee for a Sunday hunting permit at \$25 and requires the commissioner to adopt rules to implement a Sunday hunting permit system.

Joint Standing Committee on Inland Fisheries and Wildlife

**LD 792 Resolve, Establishing a Task Force To Examine the Decline in the
Number of Nonresident Hunters**

RESOLVE 51

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN	OTP-AM	S-76

This resolve authorizes the Department of Inland Fisheries and Wildlife to examine the decline in the number of nonresident hunters by establishing a task force consisting of guides and outfitters, tourism officials, a person from each tourism region, a marketing director from the department and a nonresident sportsman and a report to the Joint Standing Committee on Inland Fisheries and Wildlife by December 1, 2011.

Committee Amendment "A" (S-76)

The bill required that an unspecified number of guides and outfitters be invited to participate in the task force. This amendment specifies that an organization identified by the Department of Inland Fisheries and Wildlife is invited to select 3 guides and 3 outfitters for the task force. It clarifies that the Department of Economic and Community Development shall select one representative from the Maine Tourism Commission, and it adds the Director of the Office of Tourism to the membership of the task force. This amendment also adds to the duties of the task force the examination of national trends regarding nonresident hunters over the last 5 years.

Enacted Law Summary

Resolve 2011, chapter 51 authorizes the Department of Inland Fisheries and Wildlife to examine the decline in the number of nonresident hunters and the national trends regarding nonresident hunters over the past 5 years by establishing a task force consisting of guides and outfitters, tourism officials, a person from each tourism region, a marketing director from the department and a nonresident sportsman. It also requires the Department of Inland Fisheries and Wildlife to report its findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by December 1, 2011.

**LD 810 An Act To Allow Hunting on Sunday in Certain Wildlife Management
Districts**

ONTP

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

This bill allows hunting on Sundays in wildlife management districts 1, 2, 3, 4, 5, 6, 8, 9, 10, 11 and 14 for any species during the open season on that species.

**LD 833 An Act To Restrict Permits Available to the Holder of a Super Pack
License**

PUBLIC 252

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT SAVIELLO	OTP-AM	H-345

Joint Standing Committee on Inland Fisheries and Wildlife

Current law allows a super pack license holder to receive an antlerless deer permit and to have an opportunity to enter an antlerless deer permit lottery pursuant to the Maine Revised Statutes, Title 12, section 11152. This bill removes the provision that gives a person holding a super pack license the opportunity to enter an antlerless deer permit lottery thus limiting the number of antlerless deer permits a person holding a super pack license may have to one.

Committee Amendment "A" (H-345)

This amendment replaces the bill. It provides that the holder of a super pack license who receives an antlerless deer permit pursuant to that license is not eligible to obtain a permit in the regular antlerless deer permit lottery. It also delays the effective date of the legislation until January 1, 2012.

Enacted Law Summary

Current law allows a super pack license holder to receive an antlerless deer permit and to have an opportunity to enter an antlerless deer permit lottery pursuant to the Maine Revised Statutes, Title 12, section 11152. Public Law 2011, chapter 252 provides that the holder of a super pack license who receives an antlerless deer permit pursuant to that license is not eligible to obtain a permit in the regular antlerless deer permit lottery. This law becomes effective on January 1, 2012.

LD 884 An Act To Change the Moose Lottery To Increase the Chances for Resident Hunters ONTP

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

This bill requires the Department of Inland Fisheries and Wildlife to adopt rules to allow resident applicants to the moose lottery to receive additional points for each year they fail to receive a permit until they receive a permit.

LD 906 An Act To Allow Sunday Hunting for Small Game and Wild Birds ONTP

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

This bill provides for Sunday hunting of small game and wild birds.

LD 910 An Act To Allow Hunting on Sunday for Landowners MAJORITY (ONTP) REPORT

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

Joint Standing Committee on Inland Fisheries and Wildlife

This bill allows the Department of Inland Fisheries and Wildlife to authorize private landowners to hunt on Sunday on their own land if they own 20 or more acres and the land is open to hunting by the public. A landowner must register with the Department of Inland Fisheries and Wildlife. The department shall adopt rules to implement a Sunday hunting permit system. The fee for a Sunday hunting permit may not exceed \$25.

Committee Amendment "A" (H-587)

This amendment is the minority report of the committee. Instead of allowing Sunday hunting for landowners on their own land for deer only, the amendment allows the Commissioner of Inland Fisheries and Wildlife to establish rules to permit Sunday hunting for such landowners for any species during the open season for that species.

LD 913 Resolve, To Consolidate the State's Boat Launch Programs ONTP

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

This resolve directs the Department of Conservation and the Department of Inland Fisheries and Wildlife to combine their boat launch programs into one program under the Department of Conservation.

LD 927 An Act To Change the Coyote Night Hunting Law PUBLIC 216

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON D	ONTP MAJ OTP-AM MIN	H-246 H-290 SARTY

This bill provides for the night hunting of coyotes throughout the year.

Committee Amendment "A" (H-246)

This amendment is the minority report. It extends the current night hunting season on coyotes from December 16th to one week before the regular firearm hunting season on deer established under the Maine Revised Statutes, Title 12, section 11401. The bill would have allowed night hunting year-round.

House Amendment "A" To Committee Amendment "A" (H-290)

This amendment removes language from Committee Amendment "A" that allows night hunting for coyotes to the week before the open firearm season on deer. This amendment also authorizes the Commissioner of Inland Fisheries and Wildlife to appoint agents to hunt for coyotes at night using artificial illumination during the period of time when hunting for coyotes at night is currently prohibited. It directs the commissioner to develop policies to notify the affected public and affected law enforcement officers about any night hunting operations.

Enacted Law Summary

Public Law 2011, chapter 216 authorizes the Commissioner of Inland Fisheries and Wildlife to appoint agents to hunt for coyotes at night using artificial illumination during the period of time when hunting for coyotes at night is currently prohibited. It also directs the commissioner to develop policies to notify the affected public and affected

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law enforcement officers about any night hunting operations.

LD 993 An Act To Provide Limited Reciprocity for Nonresidents Operating Snowmobiles in This State

PUBLIC 437

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE	OTP-AM MAJ ONTP MIN	H-364 H-426 DAVIS

This bill allows a nonresident who is a resident of the State of New Hampshire and who has registered a snowmobile in New Hampshire to operate that snowmobile in this State. This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

Committee Amendment "A" (H-364)

This amendment replaces the bill. It provides that the Commissioner of Inland Fisheries and Wildlife may establish a 3-day period, including 2 weekend days, in which a nonresident may snowmobile in this State without being registered in this State if the nonresident's state of residency allows a snowmobile registered in Maine to operate in that state for an equivalent or greater period of time without being registered.

House Amendment "A" To Committee Amendment "A" (H-426)

This amendment adds a provision that repeals the reciprocity provisions in the bill on October 1, 2013.

Enacted Law Summary

Public Law 2011, chapter 437 provides that the Commissioner of Inland Fisheries and Wildlife may establish a 3-day period, including 2 weekend days, in which a nonresident may snowmobile in this State without being registered in this State if the nonresident's state of residency allows a snowmobile registered in Maine to operate in that state for an equivalent or greater period of time without being registered. The reciprocity provision of this law is repealed on October 1, 2013.

LD 996 An Act To Amend the Law Relating to Training Dogs during Bear Hunting Season

**ACCEPTED
ONTP REPORT**

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

This bill removes the provision of law that prohibits the training of dogs on bear in those portions of Washington County and Hancock County that are situated south of Route 9.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 1019 An Act To Make Changes to the Allocation of Revenue from Watercraft Registration ONTP

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

This bill requires that the money collected from the increase in fees pursuant to Public Law 2009, chapter 213, Part OO, sections 14 and 15 for certificates for watercraft must be credited evenly between the Department of Inland Fisheries and Wildlife and the Department of Marine Resources.

LD 1020 An Act To Allow a Spring Bear Hunting Season ONTP

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

This bill establishes a spring season on hunting bear from the 3rd Monday in May to the 4th Saturday in June.

LD 1058 Resolve, To Create a Mitigation Fund for Damage Caused by Unauthorized All-terrain Vehicle Use on Private Land MAJORITY (ONTP) REPORT

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

This resolve requires the Department of Conservation and the Department of Inland Fisheries and Wildlife to jointly develop recommendations to establish and fund a mitigation fund for damage caused by unauthorized all-terrain vehicle use on private land. The recommendations, along with any necessary implementing legislation, must be submitted to the Joint Standing Committee on Inland Fisheries and Wildlife by January 1, 2012.

Committee Amendment "A" (H-523)

This amendment is the minority report. It replaces the resolve and provides that a person convicted of a violation of an ATV-related prohibition must be assessed a surcharge that is 10% of the fine assessed as a result of that violation in addition to the fine. It also creates the All-terrain Vehicle Mitigation Fund to help private landowners mitigate damage caused to their property by ATV use. Revenue generated by the 10% surcharge for violations of an ATV-related law must be deposited into the fund.

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LD 1072 An Act To Establish a Coyote Bounty Permit

**DIED IN
CONCURRENCE**

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

This bill establishes a coyote bounty permit. It establishes registration stations, tags and a bounty of \$10 for each coyote registered.

Committee Amendment "A" (H-248)

This amendment incorporates a fiscal note.

LD 1080 An Act To Ban the Use of Traps and Dogs in Bear Hunting

ONTP

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

This bill prohibits the use of a dog to hunt or pursue bear and the use or setting of a trap to hunt or capture bear except under certain circumstances. The use of a dog or a trap is permitted for certain scientific purposes or if undertaken by state or federal employees to kill or capture a specific animal that threatens livestock, domestic animals, threatened or endangered wildlife, property or public safety.

LD 1084 An Act To Amend Certain Provisions of Maine Fish and Wildlife Laws

**PUBLIC 253
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN T	OTP-AM MAJ OTP-AM MIN	S-245

This bill does the following:

1. It changes the name of the Department of Inland Fisheries and Wildlife, Division of Licensing, Registration and Engineering to the Division of Licensing and Registration and enacts a new Division of Engineering;
2. It broadens the law that provided for increased fines in Washington County for hunting or possessing antlerless deer to cover any wildlife management district where antlerless deer permits have not been issued due to decreased deer populations;
3. It prohibits leaving an ice fishing shack on a landowner's shorefront without permission and allows that landowner to remove the shack after April 1st;

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4. It broadens to residents of other states the Commissioner of Inland Fisheries and Wildlife's authority to revoke, suspend or refuse to issue a license to a person who has killed, wounded or recklessly endangered the safety of another human being while hunting;
5. It no longer requires that whenever a license or permit to hunt is in the form of a stamp, the licensee has to affix the stamp on the license and sign it;
6. It clarifies that a person may not obtain or possess a license or permit through fraud, misstatement or misrepresentation;
7. It clarifies that a person who is 70 years of age and holds a valid senior lifetime license at any time during the calendar year that the person turns 70 years of age is entitled to all hunting permits and licenses;
8. It modifies the current tree stand laws to include all types of stands that people use for hunting, such as freestanding tripods, rather than just stands that are attached to trees;
9. It enables the enforcement of the laws regarding the placement of bear bait. Currently a person can claim that the person did not place the bait and therefore is not in violation of any laws;
10. It requires persons operating ATVs who are required to have completed a training course to provide proof of having completed that course upon request by a law enforcement officer;
11. It changes the laws regarding submitting to chemical tests when involved in an accident while hunting or on a recreational vehicle to mirror similar laws in the Maine Revised Statutes, Title 29-A;
12. It includes currency in the items that must be forfeited by violators of fish and wildlife laws;
13. The Atlantic State Marine Fisheries Commission is reducing the alewife harvest along the entire eastern seaboard. This bill establishes a daily bag limit of 25 alewives; this change keeps the limit consistent with the department rules;
14. It reduces the fee a nonresident must pay to exchange a 15-day nonresident fishing license for an annual license to the difference between the 15-day license and the annual license and \$2 to the clerk or issuing agent;
15. It authorizes the commissioner to allow nonresidents to trap beaver in designated wildlife management districts where a higher harvest is necessary;
16. It clarifies that reptiles cannot be taken for commercial purposes;
17. It prohibits baiting moose;
18. It clarifies that a person who holds a 2nd spring wild turkey permit may take only one turkey per day; and
19. It changes the term "rabbits" to "snowshoe hare" in the provisions regarding the training of dogs on game.

Committee Amendment "A" (S-245)

This amendment, which is the majority report does the following:

1. It makes the newly established Division of Engineering equal in organizational level to the other divisions and bureaus within the Department of Inland Fisheries and Wildlife;
2. It clarifies that currency used in the violation of a fish and wildlife law is contraband and subject to seizure by

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law enforcement;

3. It clarifies that a portable blind used on the ground that remains in the physical possession of the hunter is not considered a portable observation stand for purposes of landowner permission;
4. It amends the section of the bill regarding a person who holds a valid senior lifetime license and turns 70 years of age to remove the word "entitled" and provides that all hunting licenses and permits are included in the lifetime license at that time;
5. It clarifies that the Commissioner of Inland Fisheries and Wildlife may bring a complaint in the District Court seeking to revoke or suspend the current hunting license or the privilege to obtain a hunting license of a person who the commissioner has reason to believe has killed, wounded or recklessly endangered the safety of another person while hunting regardless of where the incident took place;
6. It provides that a person must obtain a permit from the commissioner to harvest nonmarine invertebrates for commercial purposes;
7. It makes changes to the membership of the Advisory Board for the Licensing of Taxidermists;
8. It adds 2 dams to the list of dams at which fishing in or from the fishway is prohibited and provides a definition of an operational fishway;
9. It allows the cage-type trap for trapping bears and removes the statutory requirements for marking bear traps;
10. It requires that records retained by smelt or baitfish dealers be open for inspection by the Commissioner of Inland Fisheries and Wildlife;
11. It establishes 13 more state-owned wildlife management areas; and
12. It authorizes the Commissioner of Inland Fisheries and Wildlife to issue additional moose hunting permits for the 2011 moose hunting season.

Committee Amendment "B" (S-246)

This amendment is the minority report and includes the provisions of Committee Amendment "A" but also allows a person to hunt wild turkeys between sunrise and sunset.

Enacted Law Summary

Public Law 2011, chapter 253 does the following:

1. It changes the name of the Department of Inland Fisheries and Wildlife, Division of Licensing, Registration and Engineering to the Division of Licensing and Registration and enacts a new Division of Engineering;
2. It broadens the law that provided for increased fines in Washington County for hunting or possessing antlerless deer to cover any wildlife management district where antlerless deer permits have not been issued due to decreased deer populations;
3. It prohibits leaving an ice fishing shack on a landowner's shorefront without permission and allows that landowner to remove the shack after April 1st;
4. It broadens to residents of other states the Commissioner of Inland Fisheries and Wildlife's authority to

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revoke, suspend or refuse to issue a license to a person who has killed, wounded or recklessly endangered the safety of another human being while hunting;

5. It no longer requires that whenever a license or permit to hunt is in the form of a stamp, the licensee has to affix the stamp on the license and sign it;

6. It clarifies that a person may not obtain or possess a license or permit through fraud, misstatement or misrepresentation;

7. It clarifies that a person who is 70 years of age and holds a valid senior lifetime license at any time during the calendar year the person turns 70 years of age that license contains all hunting permits and licenses;

8. It modifies the current tree stand laws to include all types of stands that people use for hunting, such as freestanding tripods, rather than just stands that are attached to trees but does not include a portable blind used on the ground that remains in the physical possession of the hunter;

9. It enables the enforcement of the laws regarding the placement of bear bait. Currently a person can claim that the person did not place the bait and therefore is not in violation of any laws;

10. It requires persons operating ATVs who are required to have completed a training course to provide proof of having completed that course upon request by a law enforcement officer;

11. It changes the laws regarding submitting to chemical tests when involved in an accident while hunting or on a recreational vehicle to mirror similar laws in the Maine Revised Statutes, Title 29-A;

12. It provides that currency used in the violation of a fish and game law is contraband and is subject to seizure by law enforcement;

13. The Atlantic State Marine Fisheries Commission is reducing the alewife harvest along the entire eastern seaboard. This bill establishes a daily bag limit of 25 alewives; this change keeps the limit consistent with the department rules;

14. It reduces the fee a nonresident must pay to exchange a 15-day nonresident fishing license for an annual license to the difference between the 15-day license and the annual license and \$2 to the clerk or issuing agent;

15. It authorizes the Commissioner of Inland Fisheries and Wildlife to allow nonresidents to trap beaver in designated wildlife management districts where a higher harvest is necessary;

16. It clarifies that reptiles cannot be taken for commercial purposes and that a person must obtain a permit from the commissioner to harvest nonmarine invertebrates for commercial purposes;

17. It prohibits baiting moose;

18. It clarifies that a person who holds a 2nd spring wild turkey permit may take only one turkey per day;

19. It changes the term "rabbits" to "snowshoe hare" in the provisions regarding the training of dogs on

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game;

20. It makes changes to the membership of the Advisory Board for the Licensing of Taxidermists;

21. It adds 2 dams to the list of dams at which fishing in or from the fishway is prohibited and provides a definition of an operational fishway;

22. It allows the cage-type trap for trapping bears and removes the statutory requirements for marking bear traps;

23. It requires that records retained by smelt or baitfish dealers be open for inspection by the Commissioner of Inland Fisheries and Wildlife;

24. It establishes 13 more state-owned wildlife management areas; and

25. It authorizes the Commissioner of Inland Fisheries and Wildlife to issue additional moose hunting permits for the 2011 moose hunting season.

Public Law 2011, chapter 253 was enacted as an emergency measure effective June 8, 2011.

LD 1113 An Act To Encourage Fishing for Individuals with Disabilities

**PUBLIC 355
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS WOODBURY	OTP-AM	H-382 H-505 STRANG BURGESS

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

This bill proposes to allow the caregiver of an individual entitled to a free fishing license because of a disability, when that disability limits that individual's ability to fish independently, to assist that individual's fishing without being required to obtain a fishing license.

Committee Amendment "A" (H-382)

This amendment replaces the bill and does the following:

1. It adds an emergency preamble and emergency clause to the bill; and
2. It provides that the Commissioner of Inland Fisheries and Wildlife may allow a person to accompany and assist a blind resident, a paraplegic resident, a resident disabled veteran, a person with an acquired brain injury, a patient or inmate residing in a state institution or a person with a developmental disability who has a complimentary fishing license to fish without obtaining a separate fishing license.

House Amendment "A" To Committee Amendment "A" (H-505)

Under Committee Amendment "A," a person with mental retardation, as defined, is included in the list of persons who may receive a complimentary fishing license and have a person's assistance while fishing. This amendment revises the definition to provide a complimentary fishing license to a person with a developmental disability.

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**LD 1209 An Act Regarding Stops of All-terrain Vehicles and Snowmobiles by
Law Enforcement Officers**

**MAJORITY
(ONTP) REPORT**

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

Current law requires a game warden or other law enforcement officer to have a reasonable and articulable suspicion to stop an all-terrain vehicle or ATV; no such restriction is placed on game wardens or law enforcement officers stopping snowmobiles.

This bill maintains that reasonable and articulable suspicion requirement for a game warden or law enforcement officer stopping an ATV being operated on a trail in the Maine Trails System and also applies it to snowmobiles being operated on a trail in the Maine Trails System. For an ATV that is more than 20 feet from one of those trails or a snowmobile that is not on one of those trails, no reasonable suspicion is required to stop and examine the ATV or snowmobile or its operator.

Committee Amendment "A" (H-247)

This amendment is the minority report. It amends the bill by providing that once an ATV or snowmobile leaves the Maine Trails System, the ATV or snowmobile may be stopped by law enforcement for any reason.

**LD 1242 An Act To Restore the Deer Herd in Certain Wildlife Management
Districts in Maine**

Carried Over

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

This bill does the following:

1. It establishes a deer management advisory committee to inform the Commissioner of Inland Fisheries and Wildlife about how to more aggressively manage the State's deer population;
2. It establishes the Maine Deer Management Fund for the purpose of funding deer management efforts in the State;
3. It creates a \$10 deer stamp and prohibits a person from hunting deer in the State without a deer stamp;
4. It creates a deer management license plate and directs \$20 from each deer management license plate to be deposited into the Maine Deer Management Fund;
5. It creates a Maine deer management voluntary checkoff so that taxpayers can voluntarily support deer management efforts; and
6. It requires revenue received from the deer stamp and the deer management checkoff to be deposited in the Maine Deer Management Fund.

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This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1246 Resolve, Concerning Access to the Eastern Road in Scarborough

RESOLVE 57

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-111

This resolve requires the Department of Inland Fisheries and Wildlife to grant easements to Anthony Attardo and Anthony Attardo, Jr. through and across Eastern Road in the Town of Scarborough. Anthony Attardo and Anthony Attardo, Jr. shall grant to the Department of Inland Fisheries and Wildlife an easement across their land situated on the easterly side of the Black Point Road. The department shall deliver the deeds to the Attardos no later than November 1, 2011.

Committee Amendment "A" (S-111)

This amendment incorporates a fiscal note.

Enacted Law Summary

Resolve 2011, chapter 57 requires the Department of Inland Fisheries and Wildlife to grant easements to Anthony Attardo and Anthony Attardo, Jr. through and across Eastern Road in the Town of Scarborough. It also provides that Anthony Attardo and Anthony Attardo, Jr. shall grant to the Department of Inland Fisheries and Wildlife an easement across their land situated on the easterly side of the Black Point Road. Resolve 2011, chapter 57 requires the department to deliver the deeds to the Attardos no later than November 1, 2011.

**LD 1327 Resolve, To Study the Organization of the Fisheries Management
Activities of the Department of Inland Fisheries and Wildlife and Make
Recommendations To Improve Efficiency and Effectiveness**

Carried Over

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

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

This resolve proposes to study the organization and operations of the Department of Inland Fisheries and Wildlife with respect to the management of the inland fisheries resources in the public waters of the State to identify and recommend changes that will improve the efficiency and effectiveness of those activities.

This resolve was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

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LD 1329 Resolve, To Study the Condition of the Landlocked Salmon in Maine and Make Recommendations To Improve Their Health ONTP

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

This resolve directs the Department of Inland Fisheries and Wildlife to convene a stakeholder group to study the condition of the landlocked salmon and make recommendations to improve their health and increase their weight and size and report the stakeholder group's findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by December 7, 2011.

LD 1375 An Act To Require a Boating Safety Course for New Boat Registrants MAJORITY (ONTP) REPORT

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

This bill requires boating safety education for noncommercial motorboat users who cannot show proof of a motorboat registration in the last 3 years, either from the State or a jurisdiction outside of the State.

Committee Amendment "A" (H-551)

This amendment is the minority report. It makes the motorboat safety education requirement effective January 1, 2014 and makes the requirement apply only to those born after December 31, 2000. It removes the temporary boating safety certificate from the bill and adds licensed Maine guides to those exempt from taking a boating safety course. It also removes the provision that would allow for the establishment of fees to cover the cost of administering the courses.

LD 1408 An Act To Amend Water Quality Standards for Fish Hatcheries Carried Over

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

Current law requires a nutrient management plan for a fish hatchery to address storage, management and use of fish waste from the hatchery with the goal of improving water quality. This bill requires the plan to have the goal of maintaining water quality.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

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LD 1456 An Act Regarding the Right of Native Americans To Be Issued Hunting, Trapping and Fishing Licenses

**PUBLIC 327
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
Soctomah RAYE	OTP-AM	H-392

This bill ensures that certain hunting, trapping and fishing licenses without charge or fee are available only to certified members of a federally recognized nation, band or tribe in the State.

Committee Amendment "A" (H-392)

This amendment adds an emergency preamble and emergency clause and clarifies that the Commissioner of Inland Fisheries and Wildlife may issue the complimentary licenses to hunt, fish and trap only to members of Maine's 4 federally recognized tribes.

Enacted Law Summary

Public Law 2011, chapter 327 provides that the Commissioner of Inland Fisheries and Wildlife may issue the complimentary licenses to hunt, fish and trap only to members of Maine's 4 federally recognized tribes.

Public Law 2011, chapter 327 was enacted as an emergency measure effective June 14, 2011.

LD 1509 An Act To Enhance Enforcement of Fish and Game Laws By Authorizing Maine To Enter into an Interstate Wildlife Violator Compact

PUBLIC 220

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

This bill provides the authority for the Department of Inland Fisheries and Wildlife to participate in an interstate wildlife violator compact, an agreement between member states designed to maximize the efficiency and effectiveness of conservation law enforcement personnel and information, and to provide for the fair and impartial treatment of wildlife violators within the member states. It also authorizes adoption of rules to implement provisions of the compact.

Enacted Law Summary

Public Law 2011, chapter 220 provides the authority for the Department of Inland Fisheries and Wildlife to participate in an interstate wildlife violator compact, an agreement between member states designed to maximize the efficiency and effectiveness of conservation law enforcement personnel and information, and to provide for the fair and impartial treatment of wildlife violators within the member states. It also authorizes adoption of rules to implement provisions of the compact.

Joint Standing Committee on Inland Fisheries and Wildlife

**LD 1569 An Act To Restore the White-tailed Deer Population and Improve
Maine's Wildlife Economy and Heritage**

PUBLIC 381

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

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

This bill proposes to enact measures designed to restore the white-tailed deer population and improve the State's wildlife economy and heritage. These measures may include, but are not limited to:

1. Directing the Department of Inland Fisheries and Wildlife to notify the custodian of any state-owned property when a deer wintering area is identified on that property and requiring the custodian of the property to ensure that the property is managed with protection of the deer wintering area as the first priority;
2. Directing the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife to review existing restrictions on the amount of wood ash that may be recycled into fertilizer and soil amendments in order to make it easier to obtain and use wood ash for deer food plots; and
3. Amending the laws governing the Land for Maine's Future program to:
 - A. Require that, in its evaluation of potential projects, the Land for Maine's Future Board give priority to the protection of deer wintering areas;
 - B. With respect to fee acquisitions that are purchased with Land for Maine's Future funds, require state agencies with whom the Land for Maine's Future Board partners to give deer wintering area management special priority; and
 - C. Require that the Department of Conservation and the Department of Inland Fisheries and Wildlife develop projects that protect deer wintering areas and submit those projects for funding to the Land for Maine's Future Board.

Committee Amendment "A" (S-256)

This amendment replaces the bill and does the following:

1. It makes the conservation and protection of deer wintering areas a priority for acquisitions funded by the Land for Maine's Future Fund;
2. It requires the Department of Inland Fisheries and Wildlife to establish 5-year benchmarks for managing the deer population in each wildlife management district and report annually to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters with updates on meeting each 5-year benchmark;
3. It provides that prior to final negotiations and legislative and administrative review for the sale of designated lands or an interest in designated lands that contain deer wintering habitat, the Commissioner of Inland Fisheries and Wildlife or the Commissioner of Conservation must notify the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters about the intent to make such a sale;

Joint Standing Committee on Inland Fisheries and Wildlife

4. It establishes a Predator Control and Deer Habitat Fund to fund predator control and to enhance deer habitat. It directs the Commissioner of Inland Fisheries and Wildlife to provide checkoff options on its online licensing system to allow a person to make donations to the fund;
5. It directs the Department of Inland Fisheries and Wildlife to secure revenue to enhance the department's efforts in protecting and expanding Maine's deer population;
6. It directs the Department of Inland Fisheries and Wildlife, in cooperation with the Department of Conservation, to develop and implement a plan for all state-owned lands to control predation on deer and a plan to protect, manage and enhance deer wintering areas;
7. It directs the Department of Inland Fisheries and Wildlife to develop plans to restructure and increase the budget of the Division of Public Information and Education and to create an ongoing relationship with the State's deer hunters using surveys, newsletters and its publicly accessible website to keep hunters current and involved in the implementation of the department's Maine Game Plan for Deer;
8. It directs the Department of Inland Fisheries and Wildlife to expand its Maine Game Plan for Deer to the entire State;
9. It directs the Department of Inland Fisheries and Wildlife to develop and implement a program to control predation on deer; and
10. It directs the Department of Inland Fisheries and Wildlife to report to the Joint Standing Committee on Inland Fisheries and Wildlife regarding the department's efforts and progress made to meet the goals of controlling predation on deer as required by the amendment by February 1, 2012.

The amendment also establishes a reporting date of February 1, 2012 for the Department of Inland Fisheries and Wildlife to report to the Joint Standing Committee on Inland Fisheries and Wildlife concerning several provisions of the amendment.

Enacted Law Summary

Public law 2011, chapter 381 does the following:

1. It makes the conservation and protection of deer wintering areas a priority for acquisitions funded by the Land for Maine's Future Fund;
2. It requires the Department of Inland Fisheries and Wildlife to establish 5-year benchmarks for managing the deer population in each wildlife management district and report annually to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters with updates on meeting each 5-year benchmark;
3. It provides that prior to final negotiations and legislative and administrative review for the sale of designated lands or an interest in designated lands that contain deer wintering habitat, the Commissioner of Inland Fisheries and Wildlife or the Commissioner of Conservation must notify the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters about the intent to make such a sale;
4. It establishes a Predator Control and Deer Habitat Fund to fund predator control and to enhance deer habitat. It directs the Commissioner of Inland Fisheries and Wildlife to provide checkoff options on its online licensing system to allow a person to make donations to the fund;

Joint Standing Committee on Inland Fisheries and Wildlife

5. It directs the Department of Inland Fisheries and Wildlife to secure revenue to enhance the department's efforts in protecting and expanding Maine's deer population;
6. It directs the Department of Inland Fisheries and Wildlife, in cooperation with the Department of Conservation, to develop and implement a plan for all state-owned lands to control predation on deer and a plan to protect, manage and enhance deer wintering areas;
7. It directs the Department of Inland Fisheries and Wildlife to develop plans to restructure and increase the budget of the Division of Public Information and Education and to create an ongoing relationship with the State's deer hunters using surveys, newsletters and its publicly accessible website to keep hunters current and involved in the implementation of the department's Maine Game Plan for Deer;
8. It directs the Department of Inland Fisheries and Wildlife to expand its Maine Game Plan for Deer to the entire State;
9. It directs the Department of Inland Fisheries and Wildlife to develop and implement a program to control predation on deer; and
10. It directs the Department of Inland Fisheries and Wildlife to report to the Joint Standing Committee on Inland Fisheries and Wildlife regarding the department's efforts and progress made to meet the goals of controlling predation on deer as required by this law by February 1, 2012.

Public law 2011, chapter 381 also establishes a reporting date of February 1, 2012 for the Department of Inland Fisheries and Wildlife to report to the Joint Standing Committee on Inland Fisheries and Wildlife concerning several provisions of this law.

Joint Standing Committee on Inland Fisheries and Wildlife

SUBJECT INDEX

Agents

Not Enacted

LD 289	An Act To Amend the Laws Governing Municipal Recreational Vehicle Registration Agent Fees	ONTP
LD 637	Resolve, To Increase the Amount Tagging Agents Receive for Tagging Game	Carried Over

All-terrain Vehicles

Enacted

LD 175	An Act To Create a Short-term All-terrain Vehicle Registration System	PUBLIC 116
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Not Enacted

LD 1058	Resolve, To Create a Mitigation Fund for Damage Caused by Unauthorized All-terrain Vehicle Use on Private Land	MAJORITY (ONTP) REPORT
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Authority to Stop Recreational Vehicles

Enacted

LD 254	An Act To Amend the Standards by Which Law Enforcement Officers May Stop an All-terrain Vehicle Operating on Private Property	PUBLIC 248
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Not Enacted

LD 413	An Act To Clarify Standards by Which Recreational Vehicles May Be Stopped	ONTP
LD 1209	An Act Regarding Stops of All-terrain Vehicles and Snowmobiles by Law Enforcement Officers	MAJORITY (ONTP) REPORT

Bear

Enacted

LD 468	An Act To Amend the Laws Governing Bear Hunting	PUBLIC 309
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Not Enacted

LD 1020	An Act To Allow a Spring Bear Hunting Season	ONTP
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LD 1080 **An Act To Ban the Use of Traps and Dogs in Bear Hunting** ONTP

Complimentary and Reduced Fee Licenses

Not Enacted

LD 458 **An Act To Allow Certain Residents over 70 Years of Age To Obtain a Complimentary Antlerless Deer Permit** ONTP

LD 522 **An Act To Provide Free Hunting, Fishing and Trapping Licenses To Wartime Veterans Who Are at Least 80 Years of Age** MAJORITY (ONTP) REPORT

LD 692 **An Act To Reduce Nonresident Hunting and Fishing License Fees and To Add Archery Hunting to Combination Licenses** ONTP

Coyote Control

Enacted

LD 927 **An Act To Change the Coyote Night Hunting Law** PUBLIC 216

Not Enacted

LD 101 **An Act To Institute a Snaring Program for Coyotes** ONTP

LD 292 **An Act To Prohibit Placing the Carcass of a Dead Animal on a Frozen Body of Water for the Purpose of Baiting Coyotes** ONTP

LD 372 **An Act To Reduce Deer Predation** Carried Over

LD 640 **An Act To Encourage Coyote Management** MAJORITY (ONTP) REPORT

LD 1072 **An Act To Establish a Coyote Bounty Permit** DIED IN CONCURRENCE

Crossbow

Enacted

LD 294 **An Act To Allow Persons 70 Years of Age or Older Expanded Crossbow Privileges** PUBLIC 61

Not Enacted

LD 137 **An Act To Allow the Use of Crossbows during the Archery Season** MAJORITY (ONTP) REPORT

Deer

Enacted

LD 1569 **An Act To Restore the White-tailed Deer Population and Improve
Maine's Wildlife Economy and Heritage** **PUBLIC 381**

Not Enacted

LD 38 **An Act To Allow Holders of Junior Hunting Licenses To Take
Antlerless Deer** **ONTP**

LD 78 **An Act To Allow Antlerless Deer Permits To Be Transferred to
Family Members** **ONTP**

LD 161 **An Act To Enhance Hunting for Maine Residents over 70 Years
of Age** **MAJORITY
(ONTP) REPORT**

LD 200 **An Act To Provide Complimentary Any-Deer Permits to Persons
70 Years of Age and Older** **ONTP**

LD 488 **An Act To Allow Nonresidents To Hunt on the First Day of the
Firearm Season on Deer** **MAJORITY
(ONTP) REPORT**

LD 1208 **An Act To Allow Early Deer Hunting for Senior Hunters** **MAJORITY
(ONTP) REPORT**

LD 1242 **An Act To Restore the Deer Herd in Certain Wildlife
Management Districts in Maine** **Carried Over**

Department of Inland Fisheries and Wildlife

Enacted

LD 251 **Resolve, To Establish the Wilderness Rescue Task Force** **RESOLVE 15**

LD 271 **Resolve, To Direct the Department of Inland Fisheries and
Wildlife To Prepare a Deer Winter Feeding Strategy** **RESOLVE 20**

LD 445 **Resolve, Directing the Department of Inland Fisheries and
Wildlife To Study Scents Used in Hunting Deer and Renderings
Used in Deer Feed** **RESOLVE 36**

LD 792 **Resolve, Establishing a Task Force To Examine the Decline in the
Number of Nonresident Hunters** **RESOLVE 51**

LD 1246 **Resolve, Concerning Access to the Eastern Road in Scarborough** **RESOLVE 57**

LD 1509 **An Act To Enhance Enforcement of Fish and Game Laws By
Authorizing Maine To Enter into an Interstate Wildlife Violator
Compact** **PUBLIC 220**

Not Enacted

LD 487 **An Act To Facilitate the Restoration of Hunting and Fishing
Licenses That Have Been Suspended** **ONTP**

LD 682 **An Act To Establish the Moose Biologist Fund To Support a
Moose Biologist Position** **ONTP**

LD 913	Resolve, To Consolidate the State's Boat Launch Programs	ONTP
LD 1327	Resolve, To Study the Organization of the Fisheries Management Activities of the Department of Inland Fisheries and Wildlife and Make Recommendations To Improve Efficiency and Effectiveness	Carried Over
LD 1329	Resolve, To Study the Condition of the Landlocked Salmon in Maine and Make Recommendations To Improve Their Health	ONTP
LD 1408	An Act To Amend Water Quality Standards for Fish Hatcheries	Carried Over

Dogs and Dog Training

Not Enacted

LD 996	An Act To Amend the Law Relating to Training Dogs during Bear Hunting Season	ACCEPTED ONTP REPORT
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Fish and Fishing

Enacted

LD 134	An Act To Protect Native Landlocked Salmon Fisheries from Invasive Fish Species	PUBLIC 24
LD 302	An Act To Allow an Angler To Gift a Freshwater Fish to a Person Who Is Not Licensed To Fish	PUBLIC 57
LD 1113	An Act To Encourage Fishing for Individuals with Disabilities	PUBLIC 355 EMERGENCY

Not Enacted

LD 56	An Act To Allow the Owner of Waterfront Property To Fish That Body of Water without a Fishing License	ONTP
LD 213	An Act To Provide Funding for the Fish Stocking Program	Carried Over

Hunting

Not Enacted

LD 173	Resolve, To Allow the Possession of an Unlimited Number of Game Birds	ONTP
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Illegal Dumping

Enacted

LD 112	An Act To Discourage Illegal Dumping in the State	PUBLIC 208
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Landowners

Enacted

LD 559 **An Act To Protect Owners of Private Property against Trespass** **PUBLIC 432
EMERGENCY**

Not Enacted

LD 223 **An Act To Require Written Permission for Recreational Access to
Cropland, Pastureland and Orchards** **ONTP**

LD 1121 **An Act To Provide for Incentives and Reparations to
Landowners in Connection with All-terrain Vehicle Access** **ONTP**

Licenses and Permits

Enacted

LD 108 **An Act To Amend the Fees for Infant Lifetime Licenses** **PUBLIC 268**

LD 634 **An Act To Allow a Person To Designate Information Submitted
for a Hunting or Fishing License as Confidential** **PUBLIC 185**

LD 833 **An Act To Restrict Permits Available to the Holder of a Super
Pack License** **PUBLIC 252**

Not Enacted

LD 626 **An Act To Allow Nonresidents Who Work in Maine To Purchase
Hunting and Fishing Licenses at Resident Rates** **ONTP**

Maine Tribes

Enacted

LD 1456 **An Act Regarding the Right of Native Americans To Be Issued
Hunting, Trapping and Fishing Licenses** **PUBLIC 327
EMERGENCY**

Not Enacted

LD 133 **An Act To Extend Native American Hunting Rights** **ONTP**

LD 270 **An Act To Reserve a Number of Moose Permits for the Tribes of
Maine** **ONTP**

Moose

Enacted

LD 291 **An Act Regarding the Moose Lottery and Moose Management** **PUBLIC 370**

Not Enacted

LD 94 **An Act Regarding the Moose Lottery** **ONTP**

LD 151	Resolve, To Direct the Department of Inland Fisheries and Wildlife To Add One or More Moose Hunting Seasons in Wildlife Management District No. 8	MAJORITY (ONTP) REPORT
LD 163	An Act To Auction Off Moose Permits to Hunting Lodges	ONTP
LD 274	An Act To Increase the Moose Permit Allocations for Zones 2 and 3	Carried Over
LD 450	An Act To Auction Off Moose Permits to Maine Guides	ONTP
LD 709	An Act To Adjust the Rules Governing Subpermittees on Moose Hunting Permits	ONTP
LD 884	An Act To Change the Moose Lottery To Increase the Chances for Resident Hunters	ONTP

Omnibus

Enacted

LD 1084	An Act To Amend Certain Provisions of Maine Fish and Wildlife Laws	PUBLIC 253 EMERGENCY
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Not Enacted

LD 212	An Act To Clarify and Amend Laws Pertaining to Licenses Issued by the Department of Inland Fisheries and Wildlife	ONTP
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Snowmobiles

Enacted

LD 641	An Act To Allow a Portion of Snowmobile Registration Fees To Be Used for the Repair of Trail-grooming Equipment	PUBLIC 129
LD 993	An Act To Provide Limited Reciprocity for Nonresidents Operating Snowmobiles in This State	PUBLIC 437

Not Enacted

LD 293	An Act To Waive Snowmobile Registration Requirements for Canadians Riding on Maine Trails	MAJORITY (ONTP) REPORT
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Sunday Hunting

Not Enacted

LD 749	An Act To Allow Sunday Hunting in Northern Maine	ONTP
LD 810	An Act To Allow Hunting on Sunday in Certain Wildlife Management Districts	ONTP
LD 906	An Act To Allow Sunday Hunting for Small Game and Wild Birds	ONTP

LD 910 **An Act To Allow Hunting on Sunday for Landowners** **MAJORITY
(ONTP) REPORT**

Surface Water Use Prohibitions

Not Enacted

LD 211 **An Act To Improve the Water Quality of Hall Pond in Paris** **ONTP**

LD 284 **An Act To Prohibit Water-ski Courses on Small Ponds** **MAJORITY
(ONTP) REPORT**

LD 356 **An Act To Prohibit the Use of Certain Motorboats on Lily Pond
in Deer Isle** **ONTP**

LD 653 **An Act To Ban the Use of Personal Watercraft on Allen Pond in
the Town of Greene** **MAJORITY
(ONTP) REPORT**

Trapping

Enacted

LD 650 **An Act To Create an Apprentice Trapper License** **PUBLIC 51**

Not Enacted

LD 107 **An Act To Allow Trapping in Northern Maine without the
Written Consent of the Landowner** **LEAVE TO
WITHDRAW**

Watercraft

Enacted

LD 556 **An Act Concerning the Lake and River Protection Fund** **PUBLIC 74**

Not Enacted

LD 1019 **An Act To Make Changes to the Allocation of Revenue from
Watercraft Registration** **ONTP**

LD 1375 **An Act To Require a Boating Safety Course for New Boat
Registrants** **MAJORITY
(ONTP) REPORT**

Whitewater Rafting

Enacted

LD 378 **An Act To Allow the Transfer of Commercial Whitewater
Rafting Trips under Extenuating Conditions** **PUBLIC 68
EMERGENCY**

APPENDIX A

SESSION STATISTICS

OVERALL AND

BY INDIVIDUAL COMMITTEE

**125th LEGISLATURE
FIRST REGULAR SESSION**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee		
<i>Bills referred and voted out</i>	1442	90.8%
<u><i>Bills Carried Over to next session</i></u>	130	8.2%
Total Bills referred	1572 *	99.0%
B. Bills reported out by law or joint order and not referred back to committee	1	0.1%
C. Bills introduced without reference	12	0.8%
D. <u>Bills referred, but not reported out</u>	3	
Total Bills and Orders considered by Legislature	1588	100.0%
E. Orders and Resolutions Referred to Committee		
<i>Joint Study Orders</i>	1	
<i>Joint Resolutions referred and voted out</i>	0	
<i>Orders and Resolutions Carried Over to next session</i>	4	0.3%
Total Orders and Resolutions Referred	5	0.3%
II. BILLS AND PAPERS REPORTED OUT OF COMMITTEES	<u>Number</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports		
<i>Ought to Pass</i>	94	6.5%
<i>Ought to Pass as Amended</i>	425	29.4%
<i>Leave to Withdraw</i>	24	1.7%
<u><i>Ought Not to Pass</i></u>	<u>561</u>	<u>38.9%</u>
Total unanimous reports	1104	76.5%
B. Divided committee reports		
<i>Two-way reports</i>	332	23.0%
<i>Three-way reports</i>	8	0.6%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>
Total divided reports	340	23.5%
Total Committee reports	1444	91.5%
III. CONFIRMATION HEARINGS	38	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of All Bills/Rules</u>
A. Bills and Papers enacted or finally passed		
<i>Joint Study Orders</i>	1	0.0%
<i>Public laws</i>	464	29.2%
<i>Private and Special Laws</i>	18	1.1%
<i>Resolves</i>	113	7.1%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>
Total Enacted or Finally Passed	596	37.5%
B. Resolves to authorize major substantive rules		
Rules authorized without legislative changes	11	64.7%
Rules authorized with legislative changes	6	35.3%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>
Total number of rules reviewed	17	100.0%
C. Bills Reviewed by Judiciary Committee for Public Records Exceptions	18	100.0%
D. Bills vetoed or held by Governor		
<i>Vetoed over-ridden</i>	0	0.0%
<i>Vetoed sustained</i>	12	0.8%
<u><i>Held by the Governor</i></u>	<u>6</u>	<u>0.4%</u>
Total	18	1.1%

* Total bills referred does not include LDs 48 and 788 which were referred to a committee, but not reported out and LD 492 which was voted by HHS Committee to be rereferred to the ENR Committee and then was indefinitely postponed by the House and Senate.

**JOINT STANDING COMMITTEE ON
AGRICULTURE, CONSERVATION AND FORESTRY**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	54	94.7%	3.4%
<i>Bills Carried Over to next session</i>	3	5.3%	0.2%
Total Bills referred	57	100.0%	3.6%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	57	100.0%	3.6%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	0	0.0%	0.0%
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	2	3.7%	0.1%
<i>Ought to Pass as Amended</i>	21	38.9%	1.5%
<i>Leave to Withdraw</i>	2	3.7%	0.1%
<i>Ought Not to Pass</i>	21	38.9%	1.5%
Total unanimous reports	46	85.2%	3.2%
B. Divided committee reports			
<i>Two-way reports</i>	8	14.8%	0.6%
<i>Three-way reports</i>	0	0.0%	0.0%
<i>Four-way reports</i>	0	0.0%	0.0%
Total divided reports	8	14.8%	0.6%
Total committee reports	54	94.7%	3.7%
III. CONFIRMATION HEARINGS	5	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	14	24.6%	0.9%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	12	21.1%	0.8%
<i>Constitutional Resolutions</i>	0	0.0%	0.0%
Total Enacted or Finally Passed	26	45.6%	1.6%
B. Major substantive rules			
<i>Authorized without legislative changes</i>	1	100.0%	5.9%
<i>Authorized with legislative changes</i>	0	0.0%	0.0%
<i>Not authorized by the Legislature</i>	0	0.0%	0.0%
Total number of rules reviewed	1	100.0%	5.9%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i>Held by the Governor</i>	0	0.0%	0.0%
Total	0	0.0%	0.0%

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

**JOINT STANDING COMMITTEE ON
APPROPRIATIONS AND FINANCIAL AFFAIRS**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	17	36.2%	1.1%
<i><u>Bills Carried Over to next session</u></i>	<u>30</u>	<u>63.8%</u>	<u>1.9%</u>
Total Bills referred	47	100.0%	3.0%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	47	100.0%	3.0%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	1	5.9%	0.1%
<i>Ought to Pass as Amended</i>	6	35.3%	0.4%
<i>Leave to Withdraw</i>	2	11.8%	0.1%
<i><u>Ought Not to Pass</u></i>	<u>8</u>	<u>47.1%</u>	<u>0.6%</u>
Total unanimous reports	17	100.0%	1.2%
B. Divided committee reports			
<i>Two-way reports</i>	0	0.0%	0.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	0	0.0%	0.0%
Total committee reports	17	36.2%	1.2%
III. CONFIRMATION HEARINGS	1	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	5	10.6%	0.3%
<i>Private and Special Laws</i>	1	2.1%	0.1%
<i>Resolves</i>	1	2.1%	0.1%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	7	14.9%	0.4%
B. Resolves to authorize major substantive rules			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

**JOINT STANDING COMMITTEE ON
CRIMINAL JUSTICE AND PUBLIC SAFETY**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	107	95.5%	6.7%
<u><i>Bills Carried Over to next session</i></u>	<u>5</u>	<u>4.5%</u>	<u>0.3%</u>
Total Bills referred	112	100.0%	7.1%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	112	100.0%	7.1%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	5	4.7%	0.3%
<i>Ought to Pass as Amended</i>	34	31.8%	2.4%
<i>Leave to Withdraw</i>	2	1.9%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>38</u>	<u>35.5%</u>	<u>2.6%</u>
Total unanimous reports	79	73.8%	5.5%
B. Divided committee reports			
<i>Two-way reports</i>	27	25.2%	1.9%
<i>Three-way reports</i>	1	0.9%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	28	26.2%	1.9%
Total committee reports	107	95.5%	7.4%
III. CONFIRMATION HEARINGS	4	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	44	39.3%	2.8%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	0.9%	0.1%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	45	40.2%	2.8%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	1	0.9%	0.1%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	1	0.9%	0.1%

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

**JOINT STANDING COMMITTEE ON
EDUCATION AND CULTURAL AFFAIRS**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	129	92.8%	8.1%
<i>Bills Carried Over to next session</i>	<u>10</u>	<u>7.2%</u>	<u>0.6%</u>
Total Bills referred	139	100.0%	8.8%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	139	100.0%	8.8%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	10	7.8%	0.7%
<i>Ought to Pass as Amended</i>	34	26.4%	2.4%
<i>Leave to Withdraw</i>	1	0.8%	0.1%
<i>Ought Not to Pass</i>	<u>44</u>	<u>34.1%</u>	<u>3.0%</u>
Total unanimous reports	89	69.0%	6.2%
B. Divided committee reports			
<i>Two-way reports</i>	38	29.5%	2.6%
<i>Three-way reports</i>	2	1.6%	0.1%
<i>Four-way reports</i>	0	0.0%	0.0%
Total divided reports	40	31.0%	2.8%
Total committee reports	129	92.8%	8.9%
III. CONFIRMATION HEARINGS	6	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	37	26.6%	2.3%
<i>Private and Special Laws</i>	3	2.2%	0.2%
<i>Resolves</i>	15	10.8%	0.9%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	55	39.6%	3.5%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	1	50.0%	5.9%
Rules authorized with legislative changes	1	50.0%	5.9%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	2	100.0%	11.8%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	3	2.2%	0.2%
<i>Held by the Governor</i>	<u>1</u>	<u>0.7%</u>	<u>0.1%</u>
Total	4	2.9%	0.3%

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.
Prepared by the Office of Policy and Legal Analysis
125th Legislature, First Regular Session

**JOINT STANDING COMMITTEE ON
ENVIRONMENT AND NATURAL RESOURCES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	75	92.6%	4.7%
<i><u>Bills Carried Over to next session</u></i>	<u>6</u>	<u>7.4%</u>	<u>0.4%</u>
Total Bills referred	81	100.0%	5.1%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	81	100.0%	5.1%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
		% of this Committee's Reports	% of All Committee Reports
II. COMMITTEE REPORTS	<u>Number</u>		
A. Unanimous committee reports			
<i>Ought to Pass</i>	3	4.0%	0.2%
<i>Ought to Pass as Amended</i>	18	24.0%	1.2%
<i>Leave to Withdraw</i>	1	1.3%	0.1%
<i><u>Ought Not to Pass</u></i>	<u>32</u>	<u>42.7%</u>	<u>2.2%</u>
Total unanimous reports	54	72.0%	3.7%
B. Divided committee reports			
<i>Two-way reports</i>	21	28.0%	1.5%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	21	28.0%	1.5%
Total committee reports	75	92.6%	5.2%
III. CONFIRMATION HEARINGS	1	N/A	N/A
		% of Comm Bills/Papers	% of All Bills/Papers
IV. FINAL DISPOSITION	<u>Number</u>		
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	24	29.6%	1.5%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	9	11.1%	0.6%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	33	40.7%	2.1%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	2	66.7%	11.8%
Rules authorized with legislative changes	1	33.3%	5.9%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	3	100.0%	17.6%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

**JOINT STANDING COMMITTEE ON
ENERGY AND UTILITIES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	90	97.8%	5.7%
<i>Bills Carried Over to next session</i>	<u>2</u>	<u>2.2%</u>	<u>0.1%</u>
Total Bills referred	92	100.0%	5.8%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	92	100.0%	5.8%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
		% of this Committee's Reports	% of All Committee Reports
II. COMMITTEE REPORTS	<u>Number</u>		
A. Unanimous committee reports			
<i>Ought to Pass</i>	5	5.6%	0.3%
<i>Ought to Pass as Amended</i>	36	40.4%	2.5%
<i>Leave to Withdraw</i>	2	2.2%	0.1%
<i>Ought Not to Pass</i>	<u>37</u>	<u>41.6%</u>	<u>2.6%</u>
Total unanimous reports	80	89.9%	5.5%
B. Divided committee reports			
<i>Two-way reports</i>	9	10.1%	0.6%
<i>Three-way reports</i>	0	0.0%	0.0%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	9	10.1%	0.6%
Total committee reports	89 *	96.7%	6.2%
III. CONFIRMATION HEARINGS	1	N/A	N/A
		% of Comm Bills/Papers	% of All Bills/Papers
IV. FINAL DISPOSITION	<u>Number</u>		
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	28	30.4%	1.8%
<i>Private and Special Laws</i>	6	6.5%	0.4%
<i>Resolves</i>	9	9.8%	0.6%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	43	46.7%	2.7%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	2	100.0%	11.8%
<i>Rules not authorized by the Legislature</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	2	100.0%	11.8%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i>Held by the Governor</i>	<u>1</u>	<u>1.1%</u>	<u>0.1%</u>
Total	1	1.1%	0.1%

* Total committee reports does not include LD 48 which was removed from committee without a vote pursuant to JT, Rule 309.

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

**JOINT STANDING COMMITTEE ON
HEALTH AND HUMAN SERVICES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	138	94.5%	8.7%
<u><i>Bills Carried Over to next session</i></u>	<u>8</u>	<u>5.5%</u>	<u>0.5%</u>
Total Bills referred	146	100.0%	9.2%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	146	100.0%	9.2%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	1	100.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	1	100.0%	0.0%
		% of this Committee's Reports	% of All Committee Reports
II. COMMITTEE REPORTS	<u>Number</u>		
A. Unanimous committee reports			
<i>Ought to Pass</i>	12	8.7%	0.8%
<i>Ought to Pass as Amended</i>	51	37.0%	3.5%
<i>Leave to Withdraw</i>	1	0.7%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>43</u>	<u>31.2%</u>	<u>3.0%</u>
Total unanimous reports	107	77.5%	7.4%
B. Divided committee reports			
<i>Two-way reports</i>	31	22.5%	2.1%
<i>Three-way reports</i>	0	0.0%	0.0%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	31	22.5%	2.1%
Total committee reports	138[*]	93.9%	9.6%
III. CONFIRMATION HEARINGS	1	N/A	N/A
		% of Comm Bills/Papers	% of All Bills/Papers
IV. FINAL DISPOSITION	<u>Number</u>		
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	1	100.0%	0.0%
<i>Public laws</i>	42	28.8%	2.6%
<i>Private and Special Laws</i>	1	0.7%	0.1%
<i>Resolves</i>	25	17.1%	1.6%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	69	47.3%	4.3%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	4	66.7%	23.5%
Rules authorized with legislative changes	2	33.3%	11.8%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	6	100.0%	35.3%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	3	2.1%	0.2%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	3	2.1%	0.2%

^{*} Total committee reports does not include LD 492 which was voted by HHS Committee to be rereferred to the ENR Committee and then was indefinitely postponed by the House and Senate.

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

JOINT STANDING COMMITTEE ON INSURANCE AND FINANCIAL SERVICES

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	81	93.1%	5.1%
<u><i>Bills Carried Over to next session</i></u>	<u>5</u>	<u>5.7%</u>	<u>0.3%</u>
Total Bills referred	86	98.9%	5.4%
B. Bills reported out by law or joint order and not referred back to committee	1	1.1%	0.1%
Total Bills considered by Committee	87	100.0%	5.5%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	9	11.0%	0.6%
<i>Ought to Pass as Amended</i>	16	19.5%	1.1%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>43</u>	<u>52.4%</u>	<u>3.0%</u>
Total unanimous reports	68	82.9%	4.7%
B. Divided committee reports			
<i>Two-way reports</i>	14	17.1%	1.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	14	17.1%	1.0%
Total committee reports	82	94.3%	5.7%
III. CONFIRMATION HEARINGS	2	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	27	31.0%	1.7%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	3	3.4%	0.2%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	30	34.5%	1.9%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	2	100.0%	11.8%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	2	100.0%	11.8%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	1	1.1%	0.1%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	1	1.1%	0.1%

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

JOINT STANDING COMMITTEE ON INLAND FISHERIES AND WILDLIFE

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	79	91.9%	5.0%
<i><u>Bills Carried Over to next session</u></i>	<u>7</u>	<u>8.1%</u>	<u>0.4%</u>
Total Bills referred	86	100.0%	5.4%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	86	100.0%	5.4%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
		% of this Committee's Reports	% of All Committee Reports
II. COMMITTEE REPORTS	<u>Number</u>		
A. Unanimous committee reports			
<i>Ought to Pass</i>	4	5.1%	0.3%
<i>Ought to Pass as Amended</i>	15	19.0%	1.0%
<i>Leave to Withdraw</i>	1	1.3%	0.1%
<i><u>Ought Not to Pass</u></i>	<u>34</u>	<u>43.0%</u>	<u>2.4%</u>
Total unanimous reports	54	68.4%	3.7%
B. Divided committee reports			
<i>Two-way reports</i>	24	30.4%	1.7%
<i>Three-way reports</i>	1	1.3%	0.1%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	25	31.6%	1.7%
Total committee reports	79	91.9%	5.5%
III. CONFIRMATION HEARINGS	5	N/A	N/A
		% of Comm Bills/Papers	% of All Bills/Papers
IV. FINAL DISPOSITION	<u>Number</u>		
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	23	26.7%	1.4%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	5	5.8%	0.3%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	28	32.6%	1.8%
B. Resolves to authorize major substantive rules			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

**JOINT STANDING COMMITTEE ON
JUDICIARY**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	102	91.9%	6.4%
<i><u>Bills Carried Over to next session</u></i>	<u>9</u>	<u>8.1%</u>	<u>0.6%</u>
Total Bills referred	111	100.0%	7.0%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	111	100.0%	7.0%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	11	10.8%	0.8%
<i>Ought to Pass as Amended</i>	33	32.4%	2.3%
<i>Leave to Withdraw</i>	1	1.0%	0.1%
<i><u>Ought Not to Pass</u></i>	<u>33</u>	<u>32.4%</u>	<u>2.3%</u>
Total unanimous reports	78	76.5%	5.4%
B. Divided committee reports			
<i>Two-way reports</i>	24	23.5%	1.7%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	24	23.5%	1.7%
Total committee reports	102	91.9%	7.1%
III. CONFIRMATION HEARINGS	1	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	45	40.5%	2.8%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	3	2.7%	0.2%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	48	43.2%	3.0%
B. Resolves to authorize major substantive rules			
<i>Rules authorized without legislative changes</i>	1	100.0%	5.9%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	1	100.0%	5.9%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	1	0.9%	0.1%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	1	0.9%	0.1%

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.
Prepared by the Office of Policy and Legal Analysis
125th Legislature, First Regular Session

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

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	106	89.8%	6.7%
<u><i>Bills Carried Over to next session</i></u>	<u>12</u>	<u>10.2%</u>	<u>0.8%</u>
Total Bills referred	118	100.0%	7.4%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	118	100.0%	7.4%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	10	9.5%	0.7%
<i>Ought to Pass as Amended</i>	32	30.5%	2.2%
<i>Leave to Withdraw</i>	3	2.9%	0.2%
<u><i>Ought Not to Pass</i></u>	<u>41</u>	<u>39.0%</u>	<u>2.8%</u>
Total unanimous reports	86	81.9%	6.0%
B. Divided committee reports			
<i>Two-way reports</i>	18	17.1%	1.2%
<i>Three-way reports</i>	1	1.0%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	19	18.1%	1.3%
Total committee reports	105 *	89.0%	7.3%
III. CONFIRMATION HEARINGS	6	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	40	33.9%	2.5%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	8	6.8%	0.5%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	48	40.7%	3.0%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoes over-ridden</i>	0	0.0%	0.0%
<i>Vetoes sustained</i>	2	1.7%	0.1%
<u><i>Held by the Governor</i></u>	<u>1</u>	<u>0.8%</u>	<u>0.1%</u>
Total	3	2.5%	0.2%

* Total committee reports does not include LD 788 which was removed from committee without a vote under Jt. Rule. 309.

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

**JOINT STANDING COMMITTEE ON
MARINE RESOURCES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	27	96.4%	1.7%
<i><u>Bills Carried Over to next session</u></i>	<u>1</u>	<u>3.6%</u>	<u>0.1%</u>
Total Bills referred	28	100.0%	1.8%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	28	100.0%	1.8%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
		% of this Committee's Reports	% of All Committee Reports
II. COMMITTEE REPORTS	<u>Number</u>		
A. Unanimous committee reports			
<i>Ought to Pass</i>	1	3.7%	0.1%
<i>Ought to Pass as Amended</i>	11	40.7%	0.8%
<i>Leave to Withdraw</i>	1	3.7%	0.1%
<i><u>Ought Not to Pass</u></i>	<u>10</u>	<u>37.0%</u>	<u>0.7%</u>
Total unanimous reports	23	85.2%	1.6%
B. Divided committee reports			
<i>Two-way reports</i>	4	14.8%	0.3%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	4	14.8%	0.3%
Total committee reports	27	96.4%	1.9%
III. CONFIRMATION HEARINGS	1	N/A	N/A
		% of Comm Bills/Papers	% of All Bills/Papers
IV. FINAL DISPOSITION	<u>Number</u>		
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	12	42.9%	0.8%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	3.6%	0.1%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	13	46.4%	0.8%
B. Resolves to authorize major substantive rules			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

**JOINT SELECT COMMITTEE ON
REGULATORY FAIRNESS AND REFORM**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	3	100.0%	0.2%
<i>Bills Carried Over to next session</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Bills referred	3	100.0%	0.2%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	3	100.0%	0.2%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	1	33.3%	0.1%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	<u>2</u>	<u>66.7%</u>	<u>0.1%</u>
Total unanimous reports	3	100.0%	0.2%
B. Divided committee reports			
<i>Two-way reports</i>	0	0.0%	0.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	0	0.0%	0.0%
Total committee reports	3	100.0%	0.2%
III. CONFIRMATION HEARINGS	0	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	1	33.3%	0.1%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	1	33.3%	0.1%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<i>Rules not authorized by the Legislature</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i>Held by the Governor</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

**JOINT SELECT COMMITTEE ON
RULES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	0	0.0%	0.0%
<i><u>Bills Carried Over to next session</u></i>	<u>1</u>	<u>100.0%</u>	<u>0.1%</u>
Total Bills referred	1	100.0%	0.1%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	1	100.0%	0.1%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>4</u>	<u>100.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	4	100.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	0	0.0%	0.0%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total unanimous reports	0	0.0%	0.0%
B. Divided committee reports			
<i>Two-way reports</i>	0	0.0%	0.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	0	0.0%	0.0%
Total committee reports	0	0.0%	0.0%
III. CONFIRMATION HEARINGS	0	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	0	0.0%	0.0%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	0	0.0%	0.0%
B. Resolves to authorize major substantive rules			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

**JOINT STANDING COMMITTEE ON
STATE AND LOCAL GOVERNMENT**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	92	95.8%	5.8%
<i>Bills Carried Over to next session</i>	<u>4</u>	<u>4.2%</u>	<u>0.3%</u>
Total Bills referred	96	100.0%	6.0%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	96	100.0%	6.0%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	4	4.3%	0.3%
<i>Ought to Pass as Amended</i>	26	28.3%	1.8%
<i>Leave to Withdraw</i>	2	2.2%	0.1%
<i>Ought Not to Pass</i>	<u>33</u>	<u>35.9%</u>	<u>2.3%</u>
Total unanimous reports	65	70.7%	4.5%
B. Divided committee reports			
<i>Two-way reports</i>	27	29.3%	1.9%
<i>Three-way reports</i>	0	0.0%	0.0%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	27	29.3%	1.9%
Total committee reports	92	95.8%	6.4%
III. CONFIRMATION HEARINGS	0	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	21	21.9%	1.3%
<i>Private and Special Laws</i>	3	3.1%	0.2%
<i>Resolves</i>	6	6.3%	0.4%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	30	31.3%	1.9%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-riden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i>Held by the Governor</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

**JOINT STANDING COMMITTEE ON
TAXATION**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	138	92.0%	8.7%
<i>Bills Carried Over to next session</i>	<u>12</u>	<u>8.0%</u>	<u>0.8%</u>
Total Bills referred	150	100.0%	9.4%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	150	100.0%	9.4%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
		% of this Committee's Reports	% of All Committee Reports
II. COMMITTEE REPORTS	<u>Number</u>		
A. Unanimous committee reports			
<i>Ought to Pass</i>	5	3.6%	0.3%
<i>Ought to Pass as Amended</i>	23	16.7%	1.6%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	<u>63</u>	<u>45.7%</u>	<u>4.4%</u>
Total unanimous reports	91	65.9%	6.3%
B. Divided committee reports			
<i>Two-way reports</i>	46	33.3%	3.2%
<i>Three-way reports</i>	1	0.7%	0.1%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	47	34.1%	3.3%
Total committee reports	138	92.0%	9.6%
III. CONFIRMATION HEARINGS	0	N/A	N/A
		% of Comm Bills/Papers	% of All Bills/Papers
IV. FINAL DISPOSITION	<u>Number</u>		
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	23	15.3%	1.4%
<i>Private and Special Laws</i>	2	1.3%	0.1%
<i>Resolves</i>	2	1.3%	0.1%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	27	18.0%	1.7%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<i>Rules not authorized by the Legislature</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i>Held by the Governor</i>	<u>2</u>	<u>1.3%</u>	<u>0.1%</u>
Total	2	1.3%	0.1%

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

**JOINT STANDING COMMITTEE ON
TRANSPORTATION**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	112	95.7%	7.1%
<i><u>Bills Carried Over to next session</u></i>	<u>5</u>	<u>4.3%</u>	<u>0.3%</u>
Total Bills referred	117	100.0%	7.4%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	117	100.0%	7.4%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
II. COMMITTEE REPORTS			
A. Unanimous committee reports			
<i>Ought to Pass</i>	10	8.9%	0.7%
<i>Ought to Pass as Amended</i>	31	27.7%	2.1%
<i>Leave to Withdraw</i>	2	1.8%	0.1%
<i><u>Ought Not to Pass</u></i>	<u>53</u>	<u>47.3%</u>	<u>3.7%</u>
Total unanimous reports	96	85.7%	6.6%
B. Divided committee reports			
<i>Two-way reports</i>	16	14.3%	1.1%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	16	14.3%	1.1%
Total committee reports	112	95.7%	7.8%
III. CONFIRMATION HEARINGS	2	N/A	N/A
	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
IV. FINAL DISPOSITION			
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	34	29.1%	2.1%
<i>Private and Special Laws</i>	2	1.7%	0.1%
<i>Resolves</i>	7	6.0%	0.4%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	43	36.8%	2.7%
B. Resolves to authorize major substantive rules			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

**JOINT STANDING COMMITTEE ON
VETERANS' AND LEGAL AFFAIRS**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	95	90.5%	6.0%
<u><i>Bills Carried Over to next session</i></u>	<u>10</u>	<u>9.5%</u>	<u>0.6%</u>
Total Bills referred	105	100.0%	6.6%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	105	100.0%	6.6%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over from previous session</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	2	2.1%	0.1%
<i>Ought to Pass as Amended</i>	37	38.9%	2.6%
<i>Leave to Withdraw</i>	3	3.2%	0.2%
<u><i>Ought Not to Pass</i></u>	<u>26</u>	<u>27.4%</u>	<u>1.8%</u>
Total unanimous reports	68	71.6%	4.7%
B. Divided committee reports			
<i>Two-way reports</i>	25	26.3%	1.7%
<i>Three-way reports</i>	2	2.1%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	27	28.4%	1.9%
Total committee reports	95	90.5%	6.6%
III. CONFIRMATION HEARINGS	2	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	42	40.0%	2.6%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	6	5.7%	0.4%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	48	45.7%	3.0%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	1	1.0%	0.1%
<u><i>Held by the Governor</i></u>	<u>1</u>	<u>1.0%</u>	<u>0.1%</u>
Total	2	1.9%	0.1%

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

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