

STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL
SUMMARIES AND ENACTED LAWS

VOLUME 2



Summaries of All Bills and Adopted Amendments and All Laws Enacted or Finally
Passed During the First Regular Session of the 124th Maine Legislature

First Regular Session convened Wednesday, December 3, 2008
First Regular Session adjourned Sine Die Saturday, June 13, 2009

Senate Legislative Days.....57
House Legislative Days.....57
Bills Considered.....1496

THE MAINE LEGISLATIVE COUNCIL

HOUSE MEMBERS

REP. HANNAH M. PINGREE, CHAIR
REP. JOHN F. PIOTTI
REP. SETH A. BERRY
REP. JOSHUA A. TARDY
REP. PHILIP A. CURTIS

SENATE MEMBERS

SENATOR ELIZABETH H. MITCHELL, VICE-CHAIR
SENATOR PHILIP L. BARTLETT II
SENATOR LISA T. MARRACHE
SENATOR KEVIN L. RAYE
SENATOR JONATHAN T. E. COURTNEY

JULY 2009

STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL
SUMMARIES AND ENACTED LAWS

VOLUME 2



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

The Office of Policy and Legal Analysis

Patrick T. Norton, Director
13 State House Station
Room 215, Cross Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

The Office of Fiscal and Program Review

Grant T. Pennoyer, Director
5 State House Station
Room 226, State House
Augusta, Maine 04333-0005
Telephone: (207) 287-1635
Fax: (207) 287-6469

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

STATE OF MAINE

124TH LEGISLATURE

FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill 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 bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<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; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill 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>UNSIGNED</i>	<i>Bill held by Governor</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 124th Legislature is September 12, 2009. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

TABLE OF CONTENTS

VOLUME 1

<u>Committee Name</u>	<u>Page</u>
Joint Standing Committee on Agriculture, Conservation and Forestry	1
Joint Standing Committee on Appropriations and Financial Affairs	43
Joint Standing Committee on Business, Research and Economic Development.....	69
Joint Standing Committee on Criminal Justice and Public Safety	130
Joint Standing Committee on Education and Cultural Affairs.....	195
Joint Select Committee on Maine's Energy Future	270
Joint Standing Committee on Health and Human Services	286
Joint Standing Committee on Insurance and Financial Services	375
Joint Standing Committee on Inland Fisheries and Wildlife	427
Appendix A: Session statistics	
Appendix B: Cumulative index by LD number	
Appendix C: Cumulative index by law type and chapter number	

VOLUME 2

<u>Committee Name</u>	<u>Page</u>
Joint Standing Committee on Judiciary	466
Joint Standing Committee on Labor	530
Joint Standing Committee on Legal and Veterans' Affairs	570
Joint Standing Committee on Marine Resources	640
Joint Standing Committee on Natural Resources.....	660
Joint Standing Committee on State and Local Government	712
Joint Standing Committee on Taxation.....	753
Joint Standing Committee on Transportation.....	809
Joint Standing Committee on Utilities and Energy.....	869
Appendix A: Session statistics	
Appendix B: Cumulative index by LD number	
Appendix C: Cumulative index by law type and chapter number	

STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the First Regular Session of the 124th Maine Legislature coming from the

JOINT STANDING COMMITTEE ON JUDICIARY

July 2009

MEMBERS:

SEN. LAWRENCE BLISS, CHAIR
SEN. BARRY J. HOBBS
SEN. DAVID R. HASTINGS III

REP. CHARLES R. PRIEST, CHAIR
REP. MARK E. BRYANT
REP. CYNTHIA A. DILL
REP. RICHARD C. CLEARY
REP. DAWN HILL
REP. CHARLES B. KRUGER
REP. SARA R. STEVENS
REP. JOAN M. NASS
REP. MICHAEL G. BEAULIEU
REP. JARROD S. CROCKETT
REP. WAYNE T. MITCHELL

STAFF:

MARGARET J. REINSCH, SENIOR ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

Joint Standing Committee on Judiciary

**LD 22 Resolve, To Establish a Study Commission To Develop Legislation
Designed To Prevent Domestic Violence and Abuse**

ONTP

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

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

This resolve proposes to establish a study commission that would:

1. Review the various state and federal laws governing the confidentiality of personal information, including but not limited to laws governing the privacy of health records and financial information; and
2. Propose measures that strike an appropriate balance between an individual's interest in preserving privacy and the community's interest in preventing domestic violence.

See LD 324.

LD 23 An Act To Amend the Laws Governing Powers of Attorney

ONTP

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

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

This bill proposes to enact measures that would serve to revive or extend the duration of a power of attorney in instances in which the subject of the power of attorney is impaired.

LD 24 An Act To Prevent Domestic Violence and Abuse

ONTP

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

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

The purpose of this bill is to aid communities in the prevention of domestic violence. This bill proposes to enact measures designed to authorize the limited release of certain confidential information, including but not limited to health records and financial records, to law enforcement personnel in order to prevent domestic violence.

See LD 324.

Joint Standing Committee on Judiciary

LD 25 An Act To Protect Child Victims of Sexual Abuse

ONTP

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

This bill amends the law concerning the admissibility of out-of-court statements by certain victims of sexual assault in criminal prosecutions. This bill allows the admission of statements made by the victim to another person when the statements are not considered testimonial. The bill allows the person to whom the statement was made to repeat the statement in testimony in open court if the statement was made in circumstances having sufficient guarantees of trustworthiness, and the person testifying can be confronted and cross-examined as required under the Constitution of Maine or the United States Constitution. This bill applies to statements made by a victim who has a developmental disability as well as to children under 16 years of age. Whether the circumstances have sufficient guarantees of trustworthiness is determined by the facts of each case.

LD 135 An Act To Increase Mileage Reimbursement for Jurors

ONTP

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

This bill increases the mileage paid a juror from 15 cents a mile to 32 cents a mile for each day of required attendance at sessions of court.

LD 162 An Act To Clarify Child Abuse and Neglect Information Disclosure

PUBLIC 38

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

The Maine Revised Statutes, Title 22, section 4008-A sets forth the limits of disclosure of information in the investigation of abuse and neglect of children and in the confidentiality of records pertaining to child abuse and neglect. The federal Department of Health and Human Services, Administration for Children and Families has informed the State that corrections are needed in this section of the statutes to be in compliance with the federal Adoption and Safe Families Act of 1997, the Child Abuse Prevention and Treatment Act and the Social Security Act. The bill removes the word "visitor" and clarifies the persons eligible to receive information, namely guardians ad litem and attorneys. The bill revises language to clarify the responsibility of the department to make public disclosure of the findings in situations where there has been a child fatality or near fatality as long as the disclosure does not jeopardize a criminal investigation or proceeding.

Enacted Law Summary

Public Law 2009, chapter 38 amends the child protection confidentiality statutes to comply with the federal

Joint Standing Committee on Judiciary

Adoption and Safe Families Act of 1997, the Child Abuse Prevention and Treatment Act and the Social Security Act. It clarifies the persons eligible to receive information, namely guardians ad litem and attorneys. Chapter 38 revises language to clarify the responsibility of the department to make public disclosure of the findings in situations where there has been a child fatality or near fatality as long as the disclosure does not jeopardize a criminal investigation or proceeding.

LD 291 An Act To Exempt Breast-feeding Mothers from Jury Duty ONTP

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

This bill allows a mother who is breast-feeding to request a deferral from jury duty as long as she is breast-feeding and does not require the mother to appear in court if the request is made in writing.

LD 300 An Act To Increase Child Support Collection by Expanding the New Hire Reporting Requirements PUBLIC 198

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	S-117

The purpose of this bill is to increase child support collection by expanding the new hire reporting requirements to include the reporting of independent contractors by any employer who is already required to report new hires.

Committee Amendment "A" (S-117)

This amendment revises the bill to apply to independent contractors when the payments to the independent contractor are anticipated to equal or exceed \$2,500 in a year. The bill had a lower threshold of \$600.

This amendment exempts direct sellers as defined in the federal Internal Revenue Code from the definition of "independent contractor."

Enacted Law Summary

Public Law 2009, chapter 198 requires the reporting of independent contractors in the new hire reporting system when the payments to the independent contractor are anticipated to equal or exceed \$2,500 in a year. Direct sellers are exempted from the definition of "independent contractor."

LD 301 An Act To Require Home Sellers To Disclose Energy Usage Data LEAVE TO WITHDRAW

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

Joint Standing Committee on Judiciary

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

This bill would require that a home seller provide to a prospective home buyer a listing of typical utility and energy use for that home, including but not limited to electricity use and home heating and hot water heating energy sources and their use.

LD 324 An Act To Allow Limited Information Sharing in Domestic Violence Cases

PUBLIC 181

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL SIMPSON	OTP-AM	H-213

The purpose of this bill is to allow law enforcement agencies to share investigative reports with family violence projects and other providers of services to victims. This bill amends the criminal history record information laws to provide an exception to the prohibition on the dissemination of intelligence and investigative information consistent with the existing law concerning the dissemination of nonconviction information.

Committee Amendment "A" (H-213)

This amendment allows a criminal justice agency to share intelligence and investigative information with an advocate for victims of family or domestic violence pursuant to an agreement between the advocate and the criminal justice agency. The agreement must contain, at a minimum, specific requirements governing the use and dissemination of the information. This amendment creates a Class E crime for the intentional dissemination of a report or record containing intelligence and investigative information in violation of the section.

Enacted Law Summary

Public Law 2009, chapter 181 allows a criminal justice agency to share intelligence and investigative information with an advocate for victims of family or domestic violence pursuant to an agreement between the advocate and the criminal justice agency. The agreement must contain, at a minimum, specific requirements governing the use and dissemination of the information. Chapter 181 creates a Class E crime for the intentional dissemination of a report or record containing intelligence and investigative information in violation of the section.

LD 326 An Act To Allow the Request for and Granting of Permanent Protection from Abuse Orders

ONTP

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

This bill allows a person to request a permanent protection from abuse order from the court and allows the court to issue such an order.

Joint Standing Committee on Judiciary

**LD 365 An Act To Amend the Laws Governing MaineCare Estate Recovery
Undertaken by the Department of Health and Human Services**

PUBLIC 150

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-120

This bill provides that the homestead allowance established in the Maine Revised Statutes, Title 18-A, section 2-401 is the sole exemption available for a decedent's homestead. It also provides that only personal property included in the decedent's estate that is exempt under Title 14, section 4422, is not liable for payment of debts of the decedent or claims against the decedent's estate. This bill amends the definition of "estate" for the purposes of recovery by the Department of Health and Human Services for MaineCare expenditures. This bill establishes April 1, 2006 as the date on which certain transfers are made fully subject to the reach of estate recovery activities.

Committee Amendment "A" (S-120)

This amendment deletes the proposed changes to the definition of "estate" for the purposes of recovery by the Department of Health and Human Services for MaineCare expenditures and instead specifies that joint tenancies in real property are not included in the decedent's estate for these purposes.

Enacted Law Summary

Public Law 2009, chapter 150 provides that the homestead allowance established in the Maine Revised Statutes, Title 18-A, section 2-401 is the sole exemption available for a decedent's homestead. It also provides that only personal property included in the decedent's estate that is exempt under Title 14, section 4422 is not liable for payment of debts of the decedent or claims against the decedent's estate. It also specifies that the definition of "estate" for the purposes of recovery by the Department of Health and Human Services for MaineCare expenditures does not include joint tenancies in real property.

**LD 372 An Act To Authorize the Administration of Epinephrine Autoinjectors
and Asthma Inhalers in Emergencies**

**ACCEPTED ONTP
REPORT**

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

This bill immunizes governmental entities from liability for claims for administering to an individual an emergency medication by or through an epinephrine autoinjector or asthma inhaler.

LD 375 An Act To Clarify the Amount of a Contract for Small Claim Purposes

ONTP

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

Joint Standing Committee on Judiciary

This bill clarifies that in a small claims actions, notwithstanding the total amount of a debt or contract, the amount considered for jurisdictional purposes is only the debt or damage claimed.

See LD 443.

LD 376 An Act To Remove Domestic Court Cases from the Probate Court

ONTP

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

The purpose of this bill is to ensure the District Court has exclusive jurisdiction over family law actions. It clarifies that the jurisdiction of the District Court with regard to family matters is original and not concurrent with either the Superior Court or the Probate Court. It amends the general jurisdiction language of the Maine Revised Statutes, Title 19-A to provide that the District Court has exclusive jurisdiction over all court actions listed in Title 19-A unless expressly provided otherwise. This bill deletes the jurisdiction of the Probate Court over actions concerning a spouse's or parent's obligation to support the spouse or child. It also eliminates the jurisdiction of the Probate Court over parental rights and responsibilities for parents that are not married to each other.

LD 391 An Act To Amend the Law Concerning Adverse Possession

PUBLIC 255

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

The purpose of this bill is to remove ambiguity in the laws governing adverse possession. The bill specifies that, if a person takes possession of land by mistake with respect to the location of the true boundary line, the mistaken belief does not defeat a claim of adverse possession.

Enacted Law Summary

Public Law 2009, chapter 255 specifies that, if a person takes possession of land by mistake with respect to the location of the true boundary line, the mistaken belief does not defeat a claim of adverse possession. Chapter 255 is intended to codify *Dombkowski v. Ferland*, 2006 ME 24.

LD 394 An Act To Protect Nonprofit Organizations from Embezzlement

ONTP

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

This bill amends the Maine Nonprofit Corporation Act to require two authorized signatures on every check issued by a public benefit corporation. The signers may not be related. Checks that do not meet this requirement are void.

Joint Standing Committee on Judiciary

LD 399 Resolve, To Establish a Working Group To Increase Child Support Collections

RESOLVE 60

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	S-121

This bill requires persons licensed as slot machine operators and persons licensed to conduct pari-mutuel wagering at off-track betting facilities or commercial tracks to offset gambling winnings for the purpose of collecting child support debts prior to disbursing winnings to a child support obligor.

Committee Amendment "A" (S-121)

This amendment changes the bill into a resolve. It requires the Department of Health and Human Services, Office of Integrated Access and Support, Division of Support Enforcement and Recovery to convene a working group to develop a process to collect child support debts through a gambling payment intercept. The division must submit a report including the working group's recommendations by January 15, 2010. The Joint Standing Committee on Judiciary may submit legislation based on the report.

Enacted Law Summary

Resolve 2009, chapter 60 requires the Department of Health and Human Services, Office of Integrated Access and Support, Division of Support Enforcement and Recovery to convene a working group to develop a process to collect child support debts through a gambling payment intercept. The division must submit a report including the working group's recommendations by January 15, 2010. The Joint Standing Committee on Judiciary may submit legislation based on the report.

LD 426 An Act To Allow Stepparents To Take Certain Actions with Respect to Their Stepchildren

ONTP

<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 establish a simple process by which a stepparent can be authorized to:

1. Make decisions about education for the stepchild;
2. Make decisions regarding medical care for the stepchild;
3. Request and receive medical and school records; and
4. Attend school parent-teacher meetings and pupil evaluation team meetings.

Joint Standing Committee on Judiciary

LD 427 An Act To Require School Bus Drivers and School Bus Attendants To Report Suspected Child Abuse

PUBLIC 41

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

This bill requires school bus drivers and school bus attendants to report, or cause a report to be made, to the Department of Health and Human Services if they suspect child abuse or neglect has occurred or is likely to occur.

Enacted Law Summary

Public Law 2009, chapter 41 requires school bus drivers and school bus attendants to report, or cause a report to be made, to the Department of Health and Human Services if they suspect child abuse or neglect has occurred or is likely to occur.

LD 428 An Act To Amend the Laws Concerning Wrongful Death

PUBLIC 180

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL BLISS	OTP-AM	H-212

This bill amends the intestate succession and wills laws concerning wrongful death by increasing the amount of punitive damages that may be awarded from \$75,000 to \$250,000. The bill also clarifies that claims for pecuniary losses are not lost by the death of either party.

Committee Amendment "A" (H-212)

This amendment ensures that the two-year statute of limitations applies to all wrongful death actions, not just those actions for punitive damages as implied in the bill. This amendment includes the increase of the cap on punitive damages from \$75,000 to \$250,000. This amendment deletes section 2 of the bill, which specified that claims for pecuniary losses are not lost by the death of either party.

Enacted Law Summary

Public Law 2009, chapter 180 increases the cap on punitive damages in wrongful death actions from \$75,000 to \$250,000.

LD 443 An Act To Increase the Jurisdictional Limit for Small Claims

PUBLIC 428

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEARY BRANNIGAN	OTP-AM	H-335

Joint Standing Committee on Judiciary

This bill increases the jurisdictional limit for small claims damages from \$4,500 to \$10,000 and increases the filing fee for small claims actions for damages over \$4,500 to \$120.

Committee Amendment "A" (H-335)

This amendment reduces the increase in the jurisdictional limit for small claims actions to \$6,000, which is comparable with the rate of inflation since 1997. This amendment incorporates the concept included in Legislative Document 375, which is to allow a person to use small claims court to collect a claim on a debt or contract as long as the amount claimed is within the jurisdictional limits for small claims, even if the actual debt or contract has a higher value. The judgment on the amount claimed, however, is a final judgment with regard to the total debt or contract. This amendment does not prohibit a person who purchases debt from using small claims court to collect the debts, but it does require the plaintiff in such cases to file a statement with the complaint that lists the name and address of the original creditor. This amendment provides that the Legislature's intent is to increase access to justice and not to reduce revenue from filing fees. This amendment includes a recommendation to the Supreme Judicial Court that it review filing fees and revise them appropriately. This amendment adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2009, chapter 428 increases the jurisdictional limit for small claims actions to \$6,000, which is comparable with the rate of inflation since 1997. Chapter 428 allows a person to use small claims court to collect a claim on a debt or contract as long as the amount claimed is within the jurisdictional limits for small claims, even if the actual debt or contract has a higher value. The judgment on the amount claimed, however, is a final judgment with regard to the total debt or contract. A person who purchases debt may use small claims court to collect the debts, but the plaintiff must file a statement with the complaint that lists the name and address of the original creditor. Chapter 428 states that the Legislature's intent is to increase access to justice and not to reduce revenue from filing fees; it includes a recommendation to the Supreme Judicial Court that it review filing fees and revise them appropriately.

LD 444 An Act To Allow a Verdict in a Criminal Trial To Be Considered a De Minimis Infraction

ONTP

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

This bill changes the requirements of allowing a court to dismiss a criminal offense based upon de minimis conduct by limiting the consideration to a Class D or Class E crime and by allowing a jury to also consider the de minimis conduct.

LD 445 An Act To Improve Tribal-State Relations

Carried Over

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST BLISS		H-516

This bill expressly provides that the law authorizing public agencies to enter interlocal agreements includes the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of

Joint Standing Committee on Judiciary

Micmacs or any of their political subdivisions.

Committee Amendment "A" (H-516)

This amendment replaces the bill. It provides for a seat for a representative of the Houlton Band of Maliseet Indians in the House of Representatives by directing the process for informing the Legislature of the name and residence of the elected representative. It also establishes compensation at the same level as being proposed for the Passamaquoddy Representative and the Penobscot Representative in LD 1428 (State and Local Government Committee). The changes take effect in time for the convening of the 125th Legislature in December 2010. The amendment also adds an appropriations and allocations section.

LD 445 was recommitted to the Judiciary Committee and carried over pursuant to Joint Order, H.P. 1053.

This amendment deletes the appropriations and allocations section.

LD 455 An Act Regarding Parents' Rights

ONTP

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

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

It proposes to amend the law to prevent discrimination against parents with mental illness.

LD 461 An Act To Adopt Amendments to the Uniform Interstate Family Support Act

PUBLIC 95

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

This bill amends, repeals and enacts new sections of the Uniform Interstate Family Support Act in accordance with the most recent amendments approved by the National Conference of Commissioners on Uniform State Laws during its meeting in July 2008.

Enacted Law Summary

Public Law 2009, c. 95 amends, repeals and enacts new sections of the Uniform Interstate Family Support Act in accordance with the most recent amendments approved by the National Conference of Commissioners on Uniform State Laws during its meeting in July 2008. In addition to numerous technical changes, chapter 95:

1. Enacts a section that specifies what provisions of the Uniform Interstate Family Support Act apply to a resident of a foreign country and a foreign support proceeding;
2. Enacts a provision that specifies that, notwithstanding the restrictions on modification stated elsewhere in the Uniform Interstate Family Support Act, a tribunal of this State retains jurisdiction to modify an order issued by a tribunal of this State if one party resides in another state and the other party resides in a foreign country;

Joint Standing Committee on Judiciary

3. Enacts a section that specifies how a foreign support order not subject to the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance may be modified in this State; and
4. Enacts a new subchapter on support proceedings subject to the Convention that specifies how a foreign support order subject to the Convention may be enforced or modified in this State.

**LD 466 An Act To Amend the Limited Liability Company Laws Concerning
Management Standards**

PUBLIC 164

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS	OTP-AM	S-118

This bill amends the Maine Limited Liability Company Act.

1. It repeals language that requires that, after dissolution of a limited liability company but before filing a certificate of cancellation, the articles of organization must be amended to reflect information about persons winding up the company's affairs and that requires such persons to file articles of amendment.

2. It provides that if the articles of organization provide that management vests in one or more managers, a member of a limited liability company who is not also a manager owes no duties to the company or to other members solely by reason of being a member.

Committee Amendment "A" (S-118)

This amendment clarifies that even if the articles of organization were not amended before the certificate of cancellation was filed under the Maine Revised Statutes, Title 31, section 623, former subsection 5, the certificate is still effective. This amendment clarifies that the limited liability company member who is not a manager does not owe any duties under the section of law that spells out the duties of the limited liability company and the other members. This amendment also amends the provisions concerning the winding up of a limited liability company to specify that the failure to comply with the former listing requirement does not affect the rights, duties, powers or authority of persons winding up the affairs of the limited liability company.

Enacted Law Summary

Public Law 2009, chapter 164 amends the Maine Limited Liability Company Act concerning dissolution and the winding up of the company's affairs. It also provides that if the articles of organization provide that management vests in one or more managers, a member of a limited liability company who is not also a manager owes no duties to the company or to other members solely by reason of being a member.

LD 477 An Act To Fund State Drug Prosecutors

ONTP

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

This bill transfers funding for six Assistant Attorney General positions and one Secretary Associate Legal position from the Federal Expenditures Fund to the General Fund.

Joint Standing Committee on Judiciary

**LD 484 An Act To Rescind the Statute of Limitations on the Ability To File a
Civil Suit in Cases Dealing with Unlawful Sexual Contact**

ONTP

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

This bill removes the statute of limitations for a civil action based upon the complaint of unlawful sexual contact.

LD 487 An Act To Increase Judicial Salaries

ONTP

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

This bill, submitted by the Judicial Compensation Commission as part of its December 2008 report to the Legislature, increases judicial salaries to levels that would have been achieved if the recommendations made in the commission's 1996 report had been fully implemented.

LD 488 An Act To Address an Inequity in the Judicial Retirement System

PUBLIC 254

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-174

Public Law 2007, chapter 449 amended the judicial retirement laws to include in the calculation of retirement benefits the cost-of-living adjustments that were not paid to judges during fiscal years 2003-04 and 2004-05. It applied only to judges who retired on or after the effective date of chapter 449, which was September 20, 2007. Five justices or judges worked during the two-year period in which COLAs were withheld, but retired before September 20, 2007. This bill amends the judicial retirement laws to provide that for any judge who served during the two fiscal years in which the COLAs were not paid, the earnable compensation for retirement benefit calculation purposes includes the COLAs that would have been paid.

Committee Amendment "A" (S-174)

This amendment requires that the judges and justices who may benefit from revision of the application of the imputed salary, as provided in Public Law 2007, chapter 449, must pay all costs to the retirement program associated with including that salary in order to receive the increased benefits.

Enacted Law Summary

A previously enacted law (PL 2007, c. 449) amended the judicial retirement laws to include in the calculation of retirement benefits the cost-of-living adjustments that were not paid to judges during fiscal years 2003-04 and 2004-05. It applied only to judges who retired on or after the effective date of chapter 449, which was September

Joint Standing Committee on Judiciary

20, 2007. Five justices or judges worked during the two-year period in which COLAs were withheld, but retired before September 20, 2007. Public law 2009, chapter 254 amends the judicial retirement laws to provide that for any judge who served during the two fiscal years in which the COLAs were not paid, the earnable compensation for retirement benefit calculation purposes includes the COLAs that would have been paid.

LD 491 An Act To Reform Maine's Judicial System

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.

This bill proposes to:

1. Ensure that claims of due process violations by state court judges be heard in federal courts of law;
2. Direct the Attorney General to initiate a class action lawsuit against judges, and allow citizens of the State with claims of violations of constitutional rights by state court judges to join the class action lawsuit;
3. Establish a procedure to provide redress to persons with complaints against Legislators and government employees;
4. Eliminate the prelitigation screening panel requirement for medical malpractice claims; and
5. Repeal state laws regulating the practice of law.

**LD 502 An Act To Require Additional Information in the Annual Reports of
Nonprofit Corporations**

ONTP

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

This bill adds to the content requirements of the annual report that nonprofit corporations must file with the Secretary of State:

1. The salaries paid to the president, treasurer, registered agent, secretary or clerk and directors; and
2. A summary of annual gross revenues and gross expenses.

Joint Standing Committee on Judiciary

LD 508 **An Act To Amend the Laws Relating to Corporations, Limited Liability Companies and Limited Liability Partnerships**

PUBLIC 56

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

This bill makes several changes to the laws governing corporations, limited liability companies and limited liability partnerships.

Enacted Law Summary

Public Law 2009, chapter 56 makes the following changes to the laws governing corporations, limited liability companies and limited liability partnerships.

1. It amends the definition of "noncommercial clerk" in the newly enacted Model Registered Agents Act to clarify that the clerk cannot be a domestic or foreign entity
2. It amends the Model Registered Agents Act to require that approval of the interest holders or governors of a domestic corporation is required when appointing a clerk of the corporation.
3. It amends the language for corporations created under special acts of the Legislature to comply with the filing requirements and fees for corporations filed under the Maine Revised Statutes, Title 13-C.
4. It amends and enacts provisions under Title 13, chapter 81 in regards to naming or changing a contact person for a corporation, obtaining a certificate of existence or certificate of fact from the Secretary of State and determining name availability.
5. It amends the language under Title 13, chapter 85 for cooperative corporations to make consistent a signature requirement.
6. It repeals provisions in Title 13-C relating to acceptance of appointment by the clerk or registered agent of the corporation.
7. It changes provisions in the Maine Insurance Code to bring these provisions in line with the duty of the Secretary of State for corporations governed by Title 13-C.
8. It amends the provisions for dissolving a limited liability company to cap the delayed effective date to not be more than 90 days after filing the certificate of dissolution.
9. It amends the provisions for dissolving a limited liability partnership to cap the delayed effective date to not be more than 90 days after filing the certificate of dissolution.
10. It repeals a duplicative provision in Title 31, chapter 17, for partnerships to convert to another type of business entity.
11. It corrects cross-references and updates a provision regarding when the incorporation of an insurer is effective.

Joint Standing Committee on Judiciary

**LD 527 An Act To Require a Referee of a Land Dispute To Render a Decision
within One Year**

PUBLIC 166

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO GOOLEY	OTP-AM	H-191

This bill requires that a referee appointed by the court to hear a dispute involving real property must report the referee's decision within one year of appointment.

Committee Amendment "A" (H-191)

This amendment allows the reporting period to be extended if good cause is shown.

Enacted Law Summary

Public Law 2009, chapter 166 requires that a referee appointed by the court to hear a dispute involving real property must report the referee's decision within one year of appointment, although the one-year period may be extended if good cause is shown.

**LD 528 An Act To Prohibit a Person Whose Parental Rights Have Been
Terminated from Gaining Custody of a Grandchild**

ONTP

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

This bill amends the parental rights and responsibilities laws to ensure that a court does not award parental rights and responsibilities to a grandparent whose parental rights to any child have been terminated. It also prohibits the court from awarding rights of contact to a grandparent whose parental rights to any child have been terminated. This bill also amends the Probate Code to provide that appointment of a person as the guardian of that person's grandchild is not in the best interest of the child if the person's parental rights with respect to any child have been terminated and that such an appointment may not be made.

LD 529 An Act To Create a Traffic Court

Carried Over

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

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

This bill proposes to move the violations bureau from the District Court to the office of the Secretary of State.

This bill was carried over pursuant to Joint Order, H.P. 1053.

Joint Standing Committee on Judiciary

LD 546 **An Act To Ensure Access to Public Information**

PUBLIC 165

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	S-119

This bill amends the laws governing the Office of Information Technology to provide that the office must provide access to public records that exist in electronic format if the records requested are created, collected or used by an agency or agencies for which the office provides services. The bill requires the Chief Information Officer to adopt routine technical rules to carry out this change in law.

Committee Amendment "A" (S-119)

This amendment replaces the bill. It adds a new section to the law governing the Office of Information Technology to clarify that an agency that collects or uses data or information is responsible for responding to requests for the data or information and that the office is responsible for assisting the agency in searching for and identifying the data and information stored within the office. The office must also assist in retrieving and compiling the data and information to help the agency respond to the request.

Enacted Law Summary

Public Law 2009, chapter 165 adds a new section to the law governing the Office of Information Technology to clarify that an agency that collects or uses data or information is responsible for responding to requests for the data or information and that the office is responsible for assisting the agency in searching for and identifying the data and information stored within the office. The office must also assist in retrieving and compiling the data and information to help the agency respond to the request.

LD 580 **An Act Concerning the Automatic Dissolution of Certain Marriages**

**PUBLIC 96
EMERGENCY**

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

This bill repeals the Maine Revised Statutes, Title 19-A, section 751, subsection 2, which provides that a marriage is void and dissolved without legal process when there is a final entry of a criminal judgment sentencing either spouse to a term of life imprisonment.

Enacted Law Summary

Public Law 2009, chapter 96 repeals the Maine Revised Statutes, Title 19-A, section 751, subsection 2, which provides that a marriage is void and dissolved without legal process when there is a final entry of a criminal judgment sentencing either spouse to a term of life imprisonment.

Public Law 2009, chapter 96 was enacted as an emergency measure effective May 8, 2009.

Joint Standing Committee on Judiciary

**LD 581 An Act To Allow Law Enforcement Officers To Obtain a Personal
Recognizance Bond in Certain Cases**

PUBLIC 205

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEARY	OTP-AM	H-239

This bill amends the civil order of arrest law by allowing a sheriff to release a debtor upon the debtor's personal recognizance and increases the costs of the arrest order from \$25 to \$50 and the mileage rate from 22¢ to 42¢ per mile.

Committee Amendment "A" (H-239)

This amendment deletes the proposed increase in the fee for issuing and serving civil orders of arrest, and for civil arrest and custody under arrest, paid to sheriffs and their deputies.

Enacted Law Summary

Public Law 2009, chapter 205 amends the civil order of arrest law by allowing a sheriff to release a debtor upon the debtor's personal recognizance and increases the mileage rate paid for serving the arrest warrant from 22¢ to 42¢ per mile.

**LD 582 An Act To Amend the Statute of Limitations for Actions against the
Estate of a Decedent**

PUBLIC 368

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL SIMPSON	OTP-AM	H-458

This bill allows a claim for personal injuries against the estate of a decedent within the statute of limitations for that claim if the claimant did not have actual notice of the death of the decedent. Any recovery is limited to applicable insurance.

Committee Amendment "A" (H-458)

This amendment replaces section 3 of the bill to clarify the process for bringing a personal injury claim against a decedent. It allows the commencement of probate proceedings in relation to a claim for personal injuries against a decedent within six years after the cause of action accrues if the claimant did not have actual notice of the death of the decedent. Any recovery in respect to proceedings commenced beyond three years after the decedent's death is limited to applicable insurance.

Enacted Law Summary

Public Law 2009, chapter 368 allows the commencement of probate proceedings in relation to a claim for personal injuries against a decedent within six years after the cause of action accrues if the claimant did not have actual notice of the death of the decedent. This is consistent with the statute of limitations for personal injury actions. The fact that the Maine Revised Statutes, Title 14, section 853 could apply to toll the statute of limitations in a particular action does not extend the time to commence probate, appointment or testacy proceedings beyond six years after the cause of action accrues. Any recovery in respect to proceedings commenced beyond three years after the decedent's death is limited to applicable insurance.

Joint Standing Committee on Judiciary

**LD 614 An Act To Improve Child Support Collection Procedures by Changing
the Process of Modifying a Support Order**

PUBLIC 158

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-105

This bill strikes language that prohibits enforcement activities concerning past due child support payments once a noncustodial parent has filed a motion to amend ongoing payments.

Committee Amendment "A" (S-105)

This amendment repeals two provisions concerning the notice to the child support obligor who owes child support arrearages before a professional, recreational or driver's license is revoked. Eliminating these provisions is consistent with the bill's elimination of the automatic stay of enforcement actions when a motion to modify current child support is filed.

Enacted Law Summary

Public Law 2009, chapter 158 deletes language that prohibits enforcement activities - suspension and revocation of professional, recreational and driver's licenses - concerning past due child support payments once a noncustodial parent has filed a motion to amend ongoing payments.

**LD 615 An Act To Strengthen Landowner Rights in Certain Eminent Domain
Situations**

ONTP

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

This bill modifies the law governing the exercise of eminent domain by public utilities. Under current law, an owner can apply to the county commissioners to settle the amount of damages paid by the utility to the owner. Under this bill, the owner is provided the option of having an independent appraiser, approved by the owner and paid for by the utility, establish the amount of damages. The amount determined under this process is required to include the effect of the taking on the value of surrounding land of the owner not taken by the utility.

**LD 640 An Act To Ensure Public Access to Records Relating to Public
Contracts for Personal Services**

PUBLIC 221

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY MCCORMICK	OTP-AM	H-292

This bill provides that records of personal services work performed by private contractors pursuant to a contract with the State are open to the public to the same extent as records relating to work performed directly by the State.

Joint Standing Committee on Judiciary

Committee Amendment "A" (H-292)

This amendment clarifies that proprietary information of the contractor is not public. "Proprietary information" is defined as information that is a trade secret or commercial or financial information, the disclosure of which would impair the competitive position of the contractor and would make available information not otherwise publicly available.

The public access provision applies to contracts, contract extensions and contract amendments executed on or after October 1, 2009.

LD 640, as amended, was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

Enacted Law Summary

Public Law 2009, chapter 221 provides that records of personal services work performed by private contractors are open to the public to the same extent as records relating to work performed directly by the State, although proprietary information of the contractor is not public. "Proprietary information" is defined as information that is a trade secret or commercial or financial information, the disclosure of which would impair the competitive position of the contractor and would make available information not otherwise publicly available. Information relating to wages and benefits of the employees performing the personal services work under the contract and information concerning employee and contract oversight and accountability procedures and systems are not considered proprietary information and must be treated as a public record. The public access provision applies to contracts, contract extensions and contract amendments executed on or after October 1, 2009.

LD 642 An Act To Protect Parental Relationships during and after Divorce

ONTP

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

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

This bill seeks to provide that when a parent's relationship with a minor child of that parent is negatively affected by a court order either during or after a proceeding for divorce and the court has not made a finding of unfitness with respect to that parent, that parent must immediately be given an opportunity to repair the relationship with the child in keeping with the best interests of the child.

LD 643 An Act To Authorize a Court To Appoint a Parenting Coordinator To Assist in Domestic Relations Actions

PUBLIC 345

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAYES	OTP-AM	H-459

Joint Standing Committee on Judiciary

This bill authorizes a court to appoint a parenting coordinator to oversee and resolve disputes that arise between parents in interpreting and implementing the final court order in a divorce judgment or a parental rights and responsibilities judgment.

Committee Amendment "A" (H-459)

This amendment makes the following changes in the bill that establishes the court's authority to appoint parenting coordinators.

1. It clarifies that parenting coordinators may be selected from the guardian ad litem roster maintained by the District Court. It allows the court to establish additional requirements for parenting coordinators, but does not require that such additional qualifications be established.
2. It clarifies that no state funds may be used to pay the fees for a parenting coordinator.
3. It provides an automatic repeal date of January 1, 2014.
4. It allows the Supreme Judicial Court to enter into an agreement with a professional organization of guardians ad litem to establish a process to deal with comments and complaints about parenting coordinators.
5. It requires the Supreme Judicial Court to report annually to the joint standing committee of the Legislature having jurisdiction over judiciary matters regarding parenting coordinators. The committee may report out legislation based on the report to the 124th and 125th Legislatures.

Enacted Law Summary

Public Law 2009, chapter 345 authorizes a court to appoint a parenting coordinator to oversee and resolve disputes that arise between parents in interpreting and implementing the final court order in a divorce judgment or a parental rights and responsibilities judgment. A parenting coordinator may be appointed when the appointment is in the best interest of the child or children involved, and when the parents have demonstrated a pattern of persistent inability or unwillingness to make parenting decisions on their own, comply with parenting agreements and orders, reduce their child-related conflicts or protect their child from the effects of that conflict. An individual serving as a parenting coordinator acts as the court's agent and has quasi-judicial immunity for acts performed within the scope of the duties of the parenting coordinator as set forth in the court's order. The new provisions do not limit the court's authority to appoint a person to assist the parties in implementing specifically identified issues as set forth in the terms of the court's judgment even though the person is not qualified as a parenting coordinator. The parties must consent to the appointment, the appointment must be in the best interest of the child and the court must consider any domestic abuse between the parties before making the appointment. The Supreme Judicial Court may enter into an agreement with a professional organization of guardians ad litem to establish a process to deal with comments and complaints about parenting coordinators. The parenting coordinator law contains an automatic repeal date of January 1, 2014.

Public Law 2009, chapter 345 directs the Supreme Judicial Court to report annually to the joint standing committee of the Legislature having jurisdiction over judiciary matters regarding parenting coordinators. The committee may report out legislation based on the report to the 124th and 125th Legislatures.

Joint Standing Committee on Judiciary

**LD 657 An Act To Allow the Award of Court Costs or Attorney's Fees in
Protection from Harassment Actions**

PUBLIC 263

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEARY	OTP-AM	H-336

This bill authorizes the court to award court costs or reasonable attorney's fees to the defendant in protection from harassment actions if the complaint is dismissed.

Committee Amendment "A" (H-336)

This amendment provides that, in a protection from harassment action, if a judgment is entered against the plaintiff and the court finds that the plaintiff's complaint is frivolous, the court has discretion to award reasonable attorney's fees and court costs to the defendant, to be paid by the plaintiff.

Enacted Law Summary

Public Law 2009, chapter 263 provides that, in a protection from harassment action, if a judgment is entered against the plaintiff and the court finds that the plaintiff's complaint is frivolous, the court has discretion to award reasonable attorney's fees and court costs to the defendant, to be paid by the plaintiff.

**LD 679 An Act To Allow a Court To Award Attorney's Fees in Successful
Freedom of Access Appeals**

PUBLIC 423

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	OTP-AM	S-135

This bill allows a court to award a party that brings a successful appeal in a case involving the laws governing freedom of access reasonable attorney's fees and expenses incurred in connection with the appeal.

Committee Amendment "A" (S-135)

This amendment replaces the bill. It gives the court discretion to award reasonable attorney's fees and litigation costs to a person who appeals the refusal to inspect or copy a public record or appeals action taken illegally in an executive session if the court determines that the person substantially prevailed in the appeal and that the refusal or the illegal action was committed in bad faith.

Attorney's fees and litigation costs may not be awarded to or against a federally recognized Indian tribe.

Attorney's fees and litigation costs may be awarded in actions filed on or after January 1, 2010.

Enacted Law Summary

Public Law 2009, chapter 423 gives the court discretion to award reasonable attorney's fees and litigation costs to a person who appeals the refusal to inspect or copy a public record or appeals action taken illegally in an executive session if the court determines that the person substantially prevailed in the appeal and that the refusal or the illegal action was committed in bad faith. Attorney's fees and litigation costs may not be awarded to or against a federally recognized Indian tribe. Attorney's fees and litigation costs may be awarded in actions filed on or after January 1,

Joint Standing Committee on Judiciary

2010

LD 689 An Act Regarding Guardians Ad Litem

ONTP

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

This bill requires a court to appoint a guardian ad litem in a case of domestic abuse involving a minor unless the court determines a guardian ad litem is not necessary.

LD 702 An Act To Allow the Donation of Certain Perishable Food Products to Nonprofit Organizations

PUBLIC 168

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

This bill amends the law that establishes immunity for the donors and distributors of certain good faith food donations by clarifying that the immunity extends to donations of food that is beyond the date by which the manufacturer recommends that the food be sold.

Enacted Law Summary

Public Law 2009, chapter 168 amends the law that establishes immunity for the donors and distributors of certain good faith food donations by clarifying that the immunity extends to donations of food that is beyond the date by which the manufacturer recommends that the food be sold.

LD 703 An Act Regarding Claims for Civil Perjury

PUBLIC 187

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT J MILLS P	OTP	

This bill codifies the holding in *Bean v. Cummings*, 2008 ME 18, concerning actions for civil perjury.

This bill repeals and replaces the current law on civil perjury, retaining the substance of the law while adding specific requirements for the civil perjury action.

Enacted Law Summary

Public Law 2009, chapter 187 codifies the holding in *Bean v. Cummings*, 2008 ME 18, concerning actions for civil perjury. It requires that the plaintiff include in the initial pleadings the specific testimony in the former trial that the plaintiff claims is perjury. The claim may not be submitted based solely on the record of the original trial. Evidence is not admissible if it was discoverable by due diligence before the former trial. The plaintiff must prove the alleged perjury by clear and convincing evidence. It is an affirmative defense that the defendant may raise and prove that

Joint Standing Committee on Judiciary

the plaintiff has no new evidence to present concerning the alleged perjury. The pleading and proof requirements must be strictly construed.

LD 716 An Act To Change the Definition of "Domestic Partner" in the Laws Governing Custody of Remains PUBLIC 159

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

This bill changes the definition of "domestic partner" in the laws governing the custody of remains to make it consistent with other laws.

Enacted Law Summary

Public Law 2009, chapter 159 changes the definition of "domestic partner" in the laws governing the custody of remains to make it consistent with other laws.

LD 734 An Act To Provide for Treble Damages for Injuries Caused by a Person under the Influence of Alcohol or Drugs ACCEPTED ONTP REPORT

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

This bill allows for treble recovery of compensatory damages for bodily injury caused by negligence involving operating a motor vehicle under the influence of alcohol or illegal drugs.

LD 742 An Act To Amend the Composition of the Maine Commission on Domestic and Sexual Abuse PUBLIC 257

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	S-166

This bill makes several changes to the membership of the Maine Commission on Domestic and Sexual Abuse. It reduces the number of members-at-large from eight to six, adds up to four members who are representatives of underserved populations and adds one member who provides services to tribal victims of domestic or sexual violence. All of these members are appointed by the Governor.

Committee Amendment "A" (S-166)

This amendment clarifies that one member of the Maine Commission on Domestic and Sexual Abuse be a tribal member and provide services, as part of a tribal program, to tribal members who are victims of domestic or sexual violence.

Enacted Law Summary

Joint Standing Committee on Judiciary

Public Law 2009, chapter 257 makes several changes to the membership of the Maine Commission on Domestic and Sexual Abuse. It reduces the number of members-at-large from eight to six, adds up to four members who are representatives of underserved populations and adds one member who must be a tribal member who provides services, as part of a tribal program, to tribal members who are victims of domestic or sexual violence. All of these members are appointed by the Governor.

**LD 756 An Act To Discourage the Misuse of the Process for Obtaining
Protection from Abuse**

ONTP

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

This bill addresses several issues in the protection from abuse laws.

1. It provides that a protection order may be extended, but only for a time certain, not to exceed 2 years. Current law does not put a time limit on extensions.
2. It provides that an order entered as a consent agreement cannot be extended without the consent of both parties.
3. It requires the court to order the plaintiff to pay the reasonable attorney's fees of the defendant if the court finds that the allegations made by the plaintiff were false or substantially inadequate to rise to the level of meriting relief or that the allegations were made with the intent to harass the defendant.
4. It provides that the court may not order a continuance of an ex parte protection order when the plaintiff did not prove abuse in order to allow the plaintiff to initiate a parental rights and responsibilities action.
5. It clarifies that discovery under the Maine Rules of Civil Procedure, Rule 26 applies to actions under the protection from abuse laws.
6. It provides that protection from abuse actions have priority on the court's docket over all other civil actions other than child protective custody hearings.

See also LD 1143.

**LD 777 An Act To Provide for an Expiration Date for Certain Harassment
Notices**

PUBLIC 246

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS MILLS P	OTP-AM	H-315

This bill requires that criminal trespass orders and protection from harassment orders issued by law enforcement officers expire two years after they are issued and requires a hearing in District Court within 21 days of the issuance of the order, except for a criminal trespass order concerning a residence.

Committee Amendment "A" (H-315)

Joint Standing Committee on Judiciary

This amendment replaces the bill. It does not amend the criminal trespass statutes.

This amendment amends the language describing the crime of harassment by revising one element of the crime. Current law provides that one way a person commits the crime of harassment is to engage in conduct with the intent to harass, torment or threaten another person after having been forbidden to do so by law enforcement. This amendment amends the element of notice by referring to it as a notification not to engage in the conduct. The notification may be in writing or may be made orally. The notification expires one year after it is issued.

The structure of the language of the Class E crime of harassment is revised to ensure that the expiration applies to only the notice provided by a law enforcement official. The amendment does not affect protection from harassment orders or the crime of harassment when committed by a person in the custody of or under the supervision of the Department of Corrections.

Enacted Law Summary

Public Law 2009, chapter 246 amends the description of the crime of harassment by revising one element of the crime. Current law provides that one way a person commits the crime of harassment is to engage in conduct with the intent to harass, torment or threaten another person after having been forbidden to do so by law enforcement. Chapter 246 amends the element of notice by referring to it as a notification not to engage in the conduct. The notification may be in writing or may be made orally. The notification expires one year after it is issued.

The structure of the language of the Class E crime of harassment is revised to ensure that the expiration applies to only the notice provided by a law enforcement official. Chapter 246 does not affect protection from harassment orders or the crime of harassment when committed by a person in the custody of or under the supervision of the Department of Corrections.

LD 784 An Act To Improve the Process for Recovering Personal Property

**LEAVE TO
WITHDRAW**

Sponsor(s)

DILL

Committee Report

LTW

Amendments Adopted

This bill creates a new equitable cause of action to resolve disputes over rights in title to or possession of personal property and eliminates the "personal property forcible entry and detainer" action. Like the existing action of forcible entry and detainer, this cause of action retains summary process, prompt relief and streamlined procedural requirements. This bill specifies that the new remedy is equitable in nature and therefore does not entail a right to trial by jury. This bill gives to the District Court broad discretion in fashioning appropriate equitable relief. Finally, the bill makes provisions with respect to venue, discovery and appeals that differ from the practice in forcible entry and detainer actions.

See LD 1184.

Joint Standing Committee on Judiciary

LD 796 **An Act To Direct Fines Derived from Tribal Law Enforcement
Activities to the Passamaquoddy Tribe and the Penobscot Nation**

PUBLIC 417

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH RAYE	OTP-AM	H-527 S-344 DIAMOND

This bill provides that any civil penalties or fines or criminal fines imposed for a violation of any tribal or state law within the Indian territory of the Passamaquoddy Tribe or the Penobscot Nation must be remitted to the Passamaquoddy Tribe or the Penobscot Nation, respectively. This provision does not apply to a civil penalty or fine or a criminal fine imposed for a violation of any tribal or state law within the Indian territory of the Passamaquoddy Tribe or the Penobscot Nation by a state court.

Committee Amendment "A" (H-527)

This amendment replaces the bill and changes the title.

It provides that all fines for Class D and Class E crimes and for civil violations in which a tribal law enforcement agency is involved by issuing a ticket, complaint, summons or warrant or by making an arrest must be remitted to the appropriate tribe, with one exception. The civil and criminal fines may not be remitted to the Passamaquoddy Tribe or the Penobscot Nation if the violation is a violation of the Maine Revised Statutes, Title 38. The court may award the Passamaquoddy Tribe and the Penobscot Nation costs associated with their participation in the investigation and prosecution of a Title 38 violation.

Senate Amendment "A" To Committee Amendment "A" (S-344)

This amendment requires the Judicial Branch to submit a report by January 15, 2012 to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and judiciary matters concerning the fiscal, administrative and practical effects of the new law providing for the remitting of certain civil and criminal fines to the Passamaquoddy Tribe and the Penobscot Nation. The Attorney General may submit information to be included in the report.

This amendment repeals the new law on June 30, 2012.

Enacted Law Summary

Public Law 2009, chapter 417 provides that all fines for Class D and Class E crimes and for civil violations in which a tribal law enforcement agency is involved by issuing a ticket, complaint, summons or warrant or by making an arrest must be remitted to the appropriate tribe, except that civil and criminal fines may not be remitted to the Passamaquoddy Tribe or the Penobscot Nation if the violation is a violation of the Maine Revised Statutes, Title 38. The court may award the Passamaquoddy Tribe and the Penobscot Nation costs associated with their participation in the investigation and prosecution of a Title 38 violation. The Judicial Branch must submit a report by January 15, 2012 to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and judiciary matters concerning the fiscal, administrative and practical effects of the new law providing for the remitting of certain civil and criminal fines to the Passamaquoddy Tribe and the Penobscot Nation. The Attorney General may submit information to be included in the report. The entire section sunsets on June 30, 2012.

Joint Standing Committee on Judiciary

**LD 797 An Act To Fully Implement the Legislative Intent in Prohibiting
Offensive Place Names**

PUBLIC 284

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL W SCHNEIDER	OTP-AM	H-312

This bill clarifies the law concerning offensive place names prohibiting the use of terminology degrading towards women by prohibiting any derivation of "squaw" or "squa" as a separate word or as part of a word or phrase.

Committee Amendment "A" (H-312)

This amendment provides that use of "squa" as a separate syllable in a word is also prohibited in naming places.

Enacted Law Summary

Public Law 2009, chapter 284 clarifies the law concerning offensive place names prohibiting the use of terminology degrading towards women by prohibiting any derivation of "squaw" or "squa" as a separate word or as part of a word or phrase, and the use of "squa" as a separate syllable in a word.

**LD 803 An Act To Authorize an Active Retired Justice or Judge To Conduct
Arbitration and Chair Medical Malpractice Screening Panels**

PUBLIC 136

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	OTP-AM	S-106

This bill amends the law to allow an active retired justice or judge to conduct arbitration and chair medical malpractice screening panels in addition to those retired justices and judges who may perform those duties now.

Committee Amendment "A" (S-106)

This amendment amends the law to allow an active retired justice or judge to chair medical malpractice screening panels in addition to those retired justices and judges who may perform those duties now. This amendment also permits the Supreme Judicial Court to adopt rules that would permit an active retired justice or judge to conduct arbitration. This amendment also includes technical changes to the Maine Revised Statutes, Title 4, section 104 to clarify that the Chief Justice of the Superior Court is authorized to direct and assign an Active Retired Justice of the Superior Court and that an Active Retired Justice of the Superior Court is entitled to reimbursement for expenses actually and reasonably incurred in the performance of duties. These technical changes also make the law as applied to an Active Retired Justice of the Superior Court compatible with Title 4, section 157-B regarding an Active Retired Judge of the District Court.

Enacted Law Summary

Public Law 2009, chapter 136 amends the law to allow an active retired justice or judge to conduct arbitration and chair medical malpractice screening panels and permits the Supreme Judicial Court to adopt rules that would permit an active retired justice or judge to conduct arbitration. Chapter 136 also includes technical changes to the Maine Revised Statutes, Title 4, section 104 to clarify that the Chief Justice of the Superior Court is authorized to direct and assign an Active Retired Justice of the Superior Court and that an Active Retired Justice of the Superior Court is entitled to reimbursement for expenses actually and reasonably incurred in the performance of duties. These

Joint Standing Committee on Judiciary

technical changes also make the law as applied to an Active Retired Justice of the Superior Court compatible with Title 4, section 157-B regarding an Active Retired Judge of the District Court.

**LD 826 An Act To Protect Recreational Trails on Private Land by Exempting
Certain Information on Recreational Trails from the Definition of
"Public Records"**

PUBLIC 176

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT M BRYANT B	OTP-AM	H-211

This bill exempts from the definition of "public records" information in the possession of the Department of Conservation, Bureau of Parks and Lands regarding recreational trails that are located on private land and are authorized voluntarily as such by the landowner.

Committee Amendment "A" (H-211)

This amendment narrows the exception to the definition of "public records." This amendment provides that geographic information about recreational trails is not a public record for trails located on private lands for which the landowners have voluntarily authorized the use of the trails, but there is no public deed or guaranteed right of public access for the trails. If the landowner authorizes the release of the information, it becomes a public record. Other information about the trails continues to be public.

LD 826, as amended, was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

Enacted Law Summary

Public Law 2009, chapter 176 provides that geographic information about recreational trails is not a public record for trails located on private lands for which the landowners have voluntarily authorized the use of the trails, but there is no public deed or guaranteed right of public access for the trails. If the landowner authorizes the release of the information, it becomes a public record. Other information about the trails continues to be public.

**LD 827 An Act To Exempt Protection from Abuse Orders from the Notification
and 30-day Waiting Period Requirements under the Uniform
Enforcement of Foreign Judgments Act**

**PUBLIC 202
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT M HOBBINS	OTP-AM	H-240

This bill exempts foreign protection orders from the requirements of providing notice to the defendant and the 30-day waiting period for enforcement. This bill also exempts from registration, docketing, transcription or other enforcement fees the filing of a foreign protection order.

Committee Amendment "A" (H-240)

This amendment adds an emergency preamble and emergency clause to the bill.

Joint Standing Committee on Judiciary

Enacted Law Summary

Public Law 2009, chapter 202 exempts foreign protection orders from the requirements of providing notice to the defendant and the 30-day waiting period for enforcement. Chapter 202 also exempts from registration, docketing, transcription or other enforcement fees the filing of a foreign protection order.

Public Law 2009, chapter 202 was enacted as an emergency measure effective May 26, 2009.

LD 828 An Act To Enhance the Shielding of Journalists' Sources

**ACCEPTED ONTP
REPORT**

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

This bill expands the protections of the journalist shield law to include all information, both confidential and nonconfidential, received by a journalist acting in a journalistic capacity as well as the source of that information.

LD 882 An Act To Consolidate and Modernize Maine's Courts

INDEF PP

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

This bill increases the maximum amount of securities that may be issued by the Maine Governmental Facilities Authority for specific allocation to the judicial branch. The increase will be used to fund projects for court facilities in Augusta, Dover-Foxcroft and Machias.

Committee Amendment "A" (S-154)

This amendment corrects the total amount to be available for the identified court construction and renovation projects.

The amendment also adds an appropriations and allocations section.

LD 882 was incorporated in the Committee Amendment to LD 353 (Budget), and is Part WWW of Public Law 2009, chapter 213.

LD 889 An Act To Limit Liability for Certain Noncommercial Aviation Activities

PUBLIC 156

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

Joint Standing Committee on Judiciary

This bill amends the landowner recreational liability law to include noncommercial aviation activities in the definition of "recreational or harvesting activities." A landowner who allows recreational or harvesting activities on the landowner's property is not liable for injuries or property damage that happens to those members of the public taking part in that activity.

Enacted Law Summary

Public Law 2009, chapter 156 amends the landowner recreational liability law to include noncommercial aviation activities in the definition of "recreational or harvesting activities." A landowner who allows recreational or harvesting activities on the landowner's property is not liable for injuries or property damage that happens to those members of the public taking part in that activity.

LD 897 An Act To Prohibit Mandatory Binding Arbitration ONTP

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

This bill requires agreements to submit to arbitration to be optional, except for collective bargaining agreements.

See LD 1256.

LD 898 An Act To Amend the Law Pertaining to Permanently Restricted Funds of Municipal Public Libraries ONTP

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

This bill allows the governing board of a municipal public library to spend the dividend and interest income of an endowment fund, even if the fair value of the endowment fund is less than the historic dollar value of the endowment fund.

See LD 1402.

LD 944 An Act To Increase the Evidentiary Standard Required To Establish a Guardianship PUBLIC 349

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT M BRYANT B	OTP-AM	H-479

This bill amends the Probate Code to require clear and convincing evidence to support court findings under the Probate Code in guardianship and conservatorship proceedings. The two exceptions are that findings necessary to remove a guardian or conservator must be made upon a preponderance of the evidence and that a conservator

Joint Standing Committee on Judiciary

may be appointed if the court determines upon a preponderance of the evidence that property will be wasted or dissipated unless proper management is provided or that funds are needed for support, care and welfare.

Committee Amendment "A" (H-479)

This amendment replaces the bill. It clarifies that the clear and convincing standard applies only to nontemporary, adult guardianships and conservatorships in which the protected person does not consent to the guardianship or conservatorship. Consent is valid only if the alleged incapacitated person appears in court or provides voluntary written consent. It also clarifies that in conservatorship proceedings a court must find by clear and convincing evidence that the person is unable to manage the person's property or affairs but can find by a preponderance of the evidence that the person has property that needs protection. Finally, the amendment also clarifies the procedure for the termination of guardianship and conservatorship by a protected person. These provisions provide that the protected person must present a prima facie case that guardianship or conservatorship is not necessary and then the burden shifts to the respondent to show by clear and convincing evidence that the conservatorship or guardianship is necessary.

Enacted Law Summary

Public Law 2009, chapter 349 provides that the evidentiary standard to establish a guardianship or conservatorship is clear and convincing evidence for only nontemporary, adult guardianships and conservatorships in which the protected person does not consent to the guardianship or conservatorship. Consent is valid only if the alleged incapacitated person appears in court or provides voluntary written consent. It also clarifies that in conservatorship proceedings a court must find by clear and convincing evidence that the person is unable to manage the person's property or affairs but can find by a preponderance of the evidence that the person has property that needs protection. Chapter 349 also clarifies the procedure for the termination of guardianship and conservatorship by a protected person.

LD 945 An Act To Protect the Rights of Siblings Separated by Adoption

ONTP

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

This bill protects the right of an adoptee who is under 21 years of age and has had sibling relationships disrupted by the adoption of that person from foster care to maintain contact with that person's siblings. An adoption court has the authority to weigh the person's best interest against the person's right to maintain sibling contact and, if contact is approved, may incorporate in the adoption decree any appropriate conditions of contact between siblings.

LD 947 An Act To Amend the Laws To Ensure Equity in the Judicial Retirement Program

PUBLIC 267

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRINWARD	OTP-AM	H-313

This bill implements the recommendation of the Judicial Compensation Commission that members of Maine's judiciary with retirement contributions earned in the Legislative Retirement Program be allowed to fully transfer these contributions to the Judicial Retirement Program. The bill also requires any member who transfers retirement contributions from the State Employee and Teacher Retirement Program or the Legislative Retirement Program to

Joint Standing Committee on Judiciary

pay the costs to have the contributions transferred to the Judicial Retirement Program.

Committee Amendment "A" (H-313)

This amendment clarifies that, upon appointment as a judge, a member of the Legislative Retirement Program may transfer accumulated contributions and membership to the Judicial Retirement Program only if that member pays the full actuarial costs associated with including the transferred service as service in the Judicial Retirement Program. This amendment deletes any changes proposed in the bill concerning members of the State Employee and Teacher Retirement Program.

Enacted Law Summary

Public Law 2009, chapter 267 provides that, upon appointment as a judge, a member of the Legislative Retirement Program may transfer accumulated contributions and membership to the Judicial Retirement Program only if that member pays the full actuarial costs associated with including the transferred service as service in the Judicial Retirement Program.

LD 961 An Act To Amend the Maine Condominium Act Regarding Escrow of Assessments

PUBLIC 332

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL	OTP-AM MAJ OTP-AM MIN	H-418

This bill creates the definition in the Maine Condominium Act of "priority amounts," which includes heat, utility and regular condominium association assessments for a 6-month period before filing a lawsuit to enforce a lien and the costs and attorney's fees to enforce the lien. This bill also gives a lien based upon priority amounts priority over a first mortgage and establishes that, if the association fails to send the first mortgagee notice of a lien action, the association cannot collect costs or attorney's fees.

Committee Amendment "A" (H-418)

This amendment is the majority report. This amendment replaces the bill and authorizes a condominium association to require the payment into escrow of assessments to a total of 6 months' worth of assessments for each unit. Interest must be paid on the amounts escrowed. The association shall return the assessment payments made, together with interest earned, to the unit owner when the owner sells the unit and has fully paid all the assessments due. The association may use the balance in the account to offset any assessments remaining unpaid.

Committee Amendment "B" (H-419)

This amendment is the minority report. This amendment deletes heat and utilities from the priority amounts to which a condominium association is entitled and limits attorney's fees to \$1,500. This amendment gives the condominium association's lien priority over a first mortgage only if the mortgage is created on or after October 1, 2009. This amendment does not affect the priority of existing mortgages. (Not adopted)

Enacted Law Summary

Public Law 2009, chapter 332 authorizes a condominium association to require the payment into escrow of assessments to a total of 6 months' worth of assessments for each unit. Interest must be paid on the amounts escrowed. The association shall return the assessment payments made, together with interest earned, to the unit owner when the owner sells the unit and has fully paid all the assessments due. The association may use the balance in the account to offset any assessments remaining unpaid.

Joint Standing Committee on Judiciary

LD 962 **An Act To Protect Family Caregivers**

**DIED ON
ADJOURNMENT**

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

This bill amends the Maine Human Rights Act to expand the protections against discrimination in employment to include family caregivers. "Family caregiver" means a person who cares for that person's child, parent, spouse, domestic partner or sibling.

Committee Amendment "A" (H-295)

This amendment is the majority report. This amendment clarifies the definition of "family member," which the bill added to the Maine Human Rights Act, to cross-reference the definitions of "domestic partner" and "sibling" in the laws concerning family medical leave. This amendment directs that the addition of family caregiver status as a category protected from employment discrimination may not be construed to require an employer to provide accommodation for family caregivers. (Not adopted)

Senate Amendment "A" To Committee Amendment "A" (S-259)

This amendment deletes the section of Committee Amendment "A" that establishes a rule of construction in unallocated language. This amendment adds a new provision to the Maine Human Rights Act in the description of what constitutes unlawful discrimination to clarify that a claim for unlawful discrimination based on family caregiver status may be maintained only by proof that the complaining party has been harmed by a covered entity's bias, prejudice or unwarranted stereotyping relating to the claimant's status as a family caregiver. The new provision provides that the inclusion of family caregiver status as a prohibited category of discrimination does not create a right to accommodation or impose any duty on employers to alter work schedules or other conditions of employment. (Not adopted)

LD 981 **Resolve, To Establish a Study Commission To Examine the Issue of
Eminent Domain**

ONTP

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

This resolve establishes a study commission to examine the issue of eminent domain and to ascertain when it is proper to use eminent domain. The commission must submit a report and suggested legislation to the Joint Standing Committee on the Judiciary, which has authority to submit legislation to the Second Regular Session of the 124th Legislature.

Joint Standing Committee on Judiciary

LD 1006 **An Act To Create the Probate and Trust Law Advisory Commission**

PUBLIC 262

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL HASTINGS	OTP-AM	H-349

This bill establishes the Probate and Trust Law Advisory Commission, which is modeled on the Family Law Advisory Commission and the Criminal Law Advisory Commission, to conduct an ongoing evaluation of probate and trust laws and to recommend amendments based on that examination.

Committee Amendment "A" (H-349)

This amendment deletes the payment of expenses to the Probate and Trust Law Advisory Commission. Members of the commission will not receive compensation. This amendment directs the Chief Justice of the Supreme Judicial Court, rather than the Governor, to appoint two Probate Court Judges to the commission. This amendment requires the commission to report on its activities by January 15th in 2010 and 2011.

Enacted Law Summary

Public Law 2009, chapter 262 establishes the Probate and Trust Law Advisory Commission, which is modeled on the Family Law Advisory Commission and the Criminal Law Advisory Commission, to conduct an ongoing evaluation of probate and trust laws and to recommend amendments based on that examination.

LD 1020 **An Act To End Discrimination in Civil Marriage and Affirm Religious Freedom**

PUBLIC 82

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM A ONTP B OTP-AM C	S-109

This bill repeals the provision that limits marriage to one man and one woman and replaces it with the authorization for marriage between any two persons that meet the other requirements of Maine law. It also specifies that a marriage between two people of the same sex in another state that is valid in that state is valid and must be recognized in this State. This bill also clarifies that the authorization of marriage between two people of the same sex does not compel any religious institution to alter its doctrine, policy or teaching regarding marriage or to solemnize any marriage in conflict with that doctrine, policy or teaching. It also specifies that a person authorized to join persons in marriage and who fails or refuses to join persons in marriage is not subject to any fine or other penalty for such failure or refusal.

Committee Amendment "A" (S-109)

This amendment is the majority report of the Joint Standing Committee on Judiciary. It incorporates a fiscal note.

Committee Amendment "B" (S-110)

This is the minority report of the Joint Standing Committee on Judiciary. This amendment makes the Act contingent on approval by the voters in a referendum at the general election in November. The title of the bill is changed to reflect the referendum addition. (Not adopted)

Joint Standing Committee on Judiciary

Senate Amendment "A" (S-112)

This amendment makes the Act contingent on approval by the voters in a referendum at the general election in November. The title of the bill is changed to reflect the referendum addition. (Not adopted)

Senate Amendment "B" (S-113)

This amendment makes the Act contingent on approval by the voters in a referendum at the general election in November. (Not adopted)

Senate Amendment "C" (S-114)

This amendment makes the Act contingent on approval by the voters in a referendum at the general election in November. The title of the bill is changed to reflect the referendum addition. (Not adopted)

Senate Amendment "D" (S-115)

This amendment makes the Act contingent on approval by the voters in a referendum at the general election in November. (Not adopted)

House Amendment "A" (H-230)

This amendment makes the Act contingent on approval by the voters in a referendum at the general election in November. The title of the bill is changed to reflect the referendum addition. (Not adopted)

Enacted Law Summary

Public Law 2009, chapter 82 repeals the provision that limits marriage to one man and one woman and replaces it with the authorization for marriage between any two persons that meet the other requirements of Maine law. It also specifies that a marriage between two people of the same sex in another state that is valid in that state is valid and must be recognized in this State. Chapter 82 also clarifies that the authorization of marriage between two people of the same sex does not compel any religious institution to alter its doctrine, policy or teaching regarding marriage or to solemnize any marriage in conflict with that doctrine, policy or teaching. It also specifies that a person authorized to join persons in marriage and who fails or refuses to join persons in marriage is not subject to any fine or other penalty for such failure or refusal.

LD 1039 An Act Concerning Advanced Directives To Give Effect to a Person's End-of-life Health Care Decisions

P & S 17

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT M BRYANT B	OTP-AM	H-210

This bill directs the Attorney General to develop two education programs. The first education program is directed at educating the public about the steps necessary to have their end-of-life decisions honored by medical personnel. The second education program is aimed at the legal community and others who prepare or help individuals complete living wills and other advance health care directives. This bill directs the Attorney General to convene a study group of interested parties to ensure patients' end-of-life decisions are honored when patients are transferred from a nursing home to a hospital.

Committee Amendment "A" (H-210)

This amendment deletes section 2 of the bill, which directs the Attorney General to convene a study group to address honoring health care decisions when patients are transferred from nursing homes to hospitals.

Joint Standing Committee on Judiciary

Enacted Law Summary

Private & Special Law 2009, chapter 17 directs the Attorney General to develop two education programs. The first education program is directed at educating the public about the steps necessary to have their end-of-life decisions honored by medical personnel. The second education program is aimed at the legal community and others who prepare or help individuals complete living wills and other advance health care directives.

LD 1079 An Act To Prohibit a Parent without Parental Rights from Inheriting from an Adult Child Who Dies without a Will ONTP

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

This bill prohibits a parent whose parental rights have been terminated with regard to a child from inheriting from that child if the child dies intestate.

LD 1108 An Act To Amend the Statute of Limitations under the Maine Human Rights Act PUBLIC 235

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL BLISS	OTP-AM	H-293

This bill changes the statute of limitations under the Maine Human Rights Act from six months to 300 days after an alleged act of discrimination to file a complaint with the commission, requires the Maine Human Rights Commission to conclude its investigation of a complaint within two years of the alleged act of discrimination and changes the time frame to file a lawsuit from two years after the alleged act of discrimination to 90 days after the issuance of a right-to-sue letter.

Committee Amendment "A" (H-293)

This amendment provides that complaints filed with the Maine Human Rights Commission may be notarized after filing.

This amendment revises the bill to provide that the commission must conclude its investigation of a complaint within two years after the complaint is filed with the commission. This amendment amends the bill to require that a lawsuit must be filed within either two years after the act of unlawful discrimination complained of or 90 days after the commission dismisses a complaint, issues a right-to-sue letter or fails to conciliate a reasonable grounds case, whichever is later.

Enacted Law Summary

Public Law 2009, chapter 235 provides that complaints filed with the Maine Human Rights Commission may be notarized after filing. It provides that the commission must conclude its investigation of a complaint within two years after the complaint is filed with the commission. A lawsuit must be filed within either two years after the act of unlawful discrimination complained of or 90 days after the commission dismisses a complaint, issues a right-to-sue letter or fails to conciliate a reasonable grounds case, whichever is later.

Joint Standing Committee on Judiciary

LD 1118 An Act To Expand Rights for Maine Families

ONTP

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

This bill provides that registered domestic partners have the same rights, protections and benefits and are subject to the same responsibilities, obligations and duties under law, whether they derive from statute, administrative rule, court rule, government policy, common law or any other provision or source of law, as are granted to and imposed upon spouses. The delayed effective date of January 1, 2010 is included to provide time for preparations for the change in the law.

LD 1132 An Act To Establish the Maine Commission on Indigent Legal Services

**PUBLIC 419
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	OTP-AM	S-233

This bill establishes the Maine Commission on Indigent Legal Services, an independent and permanent statutory entity, to provide efficient high-quality representation to indigent criminal defendants, juvenile defendants and children and parents in child protective cases, consistent with federal and state constitutional and statutory obligations. All attorneys providing indigent legal services will be paid through the commission. This bill also authorizes a one-time transfer of all necessary funds and positions from the judicial branch to the Maine Commission on Indigent Legal Services in order to create the commission at no additional cost to the General Fund.

Committee Amendment "A" (S-233)

This amendment clarifies language in the emergency preamble and elsewhere in the bill to correctly describe when the State is obligated to provide indigent legal services. This amendment revises language to maintain consistency throughout the bill with regard to quality indigent legal services. This amendment requires the Governor, the Chief Justice of the Supreme Judicial Court, the President of the Senate and the Speaker of the House of Representatives, when making recommendations and appointments to the commission, to consider input from persons and organizations with an interest in the delivery of indigent legal services. This amendment requires that the individuals appointed to the commission must have, in addition to the qualifications listed in the bill, the skills and knowledge required to ensure that quality representation is provided in each area of law. This amendment revises the qualifications for the executive director of the Maine Commission on Indigent Legal Services to provide that the executive director must have experience in the legal field, including, but not limited to, the provision of indigent legal services, but need not be an attorney licensed in this State. This amendment requires the commission to consider other programs necessary to provide quality and efficient indigent legal services and to recognize, when establishing minimum attorney qualifications, that quality representation in each of these types of cases requires counsel with experience and specialized training in that field. This amendment requires the commission to develop an administrative and review process for attorneys who are aggrieved by a decision of the executive director. This amendment provides that the commission's rules concerning standards governing experience, training and other qualifications for contract counsel and assigned counsel are major substantive rules and must be submitted to and reviewed by the joint standing committee of the Legislature having jurisdiction over judiciary matters before they take effect. This amendment establishes the executive director as a major policy-influencing position and sets the

Joint Standing Committee on Judiciary

salary at range 52. This amendment authorizes payment of the legislative per diem to the commission members, in addition to expenses. This amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2009, chapter 419 establishes the Maine Commission on Indigent Legal Services, an independent and permanent statutory entity, to provide an indigent person who is facing incarceration in a criminal case, who is charged with a juvenile crime, who is a parent subject to a child protection action or who is facing involuntary commitment to a psychiatric hospital counsel at state expense consistent with federal and state constitutional and statutory obligations. The commission consists of five members appointed by the Governor and confirmed by the Legislature. The Governor, the Chief Justice of the Supreme Judicial Court, the President of the Senate and the Speaker of the House of Representatives, when making recommendations and appointments to the commission, must consider input from persons and organizations with an interest in the delivery of indigent legal services. The individuals appointed to the commission must have, in addition to the qualifications listed in the bill, the skills and knowledge required to ensure that quality representation is provided in each area of law. The commission will develop standards for the delivery of indigent legal services and will establish and maintain a system that uses appointed private attorneys, contracts with individual attorneys or groups of attorneys and consider any other program necessary to provide quality and efficient indigent legal services. The commission shall appoint an executive director to carry out the day-to-day activities of the commission. All attorneys providing indigent legal services will be paid through the commission. Chapter 419 authorizes a one-time transfer of all necessary funds and positions from the Judicial Branch to the Maine Commission on Indigent Legal Services in order to create the commission at no additional cost to the General Fund. The commission shall develop an administrative and review process for attorneys who are aggrieved by a decision of the executive director. The commission's rules concerning standards governing experience, training and other qualifications for contract counsel and assigned counsel are major substantive rules and must be submitted to and reviewed by the joint standing committee of the Legislature having jurisdiction over judiciary matters before they take effect.

Public Law 2009, chapter 419 was enacted as an emergency measure effective June 17, 2009.

LD 1143 Resolve, Directing a Study of Domestic Violence and Parental Rights and Responsibilities

RESOLVE 120

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORRISON BLISS	OTP-AM	H-472

This bill creates a rebuttable presumption in the awarding of sole and joint parental rights and responsibilities in cases of domestic abuse in a family. It is presumed that a parent who has a history of perpetrating domestic abuse will not be awarded primary residence or shared residence with children. This bill is modeled on law enacted in Louisiana and many other states, as well as on the National Council of Juvenile and Family Court Judges' model code.

Committee Amendment "A" (H-472)

This amendment deletes the bill, changes the title and replaces it with a resolve directing the Maine Commission on Domestic and Sexual Abuse to undertake a study on domestic violence, parental rights and responsibilities and the protection from abuse process. The commission shall invite interested parties to participate and shall report to the Joint Standing Committee on Judiciary by February 1, 2010. The report may include recommendations for further data collection, research and analysis to address the subjects that are included in the study. The committee may report out legislation to the 124th Legislature in 2010.

Enacted Law Summary

Joint Standing Committee on Judiciary

Resolve 2009, chapter 120 directs the Maine Commission on Domestic and Sexual Abuse to undertake a study on domestic violence, parental rights and responsibilities and the protection from abuse process. The commission shall invite interested parties to participate and shall report to the Joint Standing Committee on Judiciary by February 1, 2010. The report may include recommendations for further data collection, research and analysis to address the subjects that are included in the study. The committee may report out legislation to the 124th Legislature in 2010.

LD 1179 An Act To Create a Post-judgment Mechanism To Provide Relief for a Person Whose Identity Has Been Stolen and Falsely Used in Court Proceedings

PUBLIC 287

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-409

This bill is proposed by the Criminal Law Advisory Commission. It provides for a comprehensive post-judgment method of relief when a person's identity has been stolen and falsely used by another person in a criminal, civil violation or traffic infraction proceeding.

Committee Amendment "A" (H-409)

This amendment limits the right to appointed counsel for indigent petitioners to cases involving criminal convictions.

Enacted Law Summary

Public Law 2009, chapter 287 provides for a comprehensive post-judgment method of relief when a person's identity has been stolen and falsely used by another person in a criminal, civil violation or traffic infraction proceeding. The final outcome in that proceeding is immaterial. The relief offered is a court determination of factual innocence and the correction of the court records and related criminal justice agency records. This bill does not provide relief to a person who has stolen another person's identity and falsely used it in a criminal, civil violation or traffic infraction proceeding.

LD 1184 An Act To Improve the Process for Recovering Personal Property and for Filing Actions Involving Consumer Credit

PUBLIC 245

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	OTP-AM	S-175

This bill creates a new equitable cause of action to resolve disputes over rights in, title to or possession of personal property and to eliminate the personal property forcible entry and detainer action. The new course of action includes summary process, prompt relief and streamlined procedural requirements.

Committee Amendment "A" (S-175)

This amendment amends the bill to clarify that, for venue purposes, consumer transactions include rental-purchase agreements in addition to consumer credit transactions. The amendment retains, with a few changes, the text for the new cause of action to resolve disputes over rights in, title to or possession of personal property and to eliminate the personal property forcible entry and detainer action, but establishes a new separate chapter for the new cause of action. This amendment provides that the court may issue a writ of possession seven days after the judgement is

Joint Standing Committee on Judiciary

entered, which is consistent with current law. The bill allows a writ to be issued six days after the entry of the judgment. The bill provides that, in a contempt proceeding that may be brought against a defendant who does not comply with the writ of possession within two days of service, the judgment creates a rebuttable presumption that the defendant has the ability to put the sheriff or constable into possession of the property. This amendment clarifies that the presumption shifts the burden of production of evidence to the defendant, but that the burden of persuasion remains upon the plaintiff in the contempt proceeding. The bill as amended is not intended to create any new right to a jury trial, or to expand any right to a jury trial that may now exist under the Maine Revised Statutes, Title 14, section 6012.

Enacted Law Summary

Public Law 2009, chapter 245 creates a cause of action to resolve disputes over rights in, title to or possession of personal property and eliminates the current personal property forcible entry and detainer action. The new cause of action includes summary process, prompt relief and streamlined procedural requirements. For venue purposes, consumer transactions include rental-purchase agreements in addition to consumer credit transactions. It is not intended to create any new right to a jury trial, or to expand any right to a jury trial that may now exist under the Maine Revised Statutes, Title 14, section 6012.

LD 1188 An Act To Clarify Child Protection Proceedings

ONTP

Sponsor(s)

PERRY J

Committee Report

ONTP

Amendments Adopted

This bill amends the child protection laws. It:

1. Gives a person seven days to petition the court to quash a subpoena requesting telephone or utility bills or personal information;
2. Requires the Department of Health and Human Services to provide a report prior to a child protective proceeding detailing the expenses incurred prosecuting the proceeding and in attempting to unify a child with or prevent removal of the child from the child's family;
3. Requires the department to provide sworn testimony or affidavit as to efforts to notify the parents or custodian of a child or facts justifying exception to notice in a preliminary protection proceeding;
4. Requires District Courts to keep publicly accessible records relating to preliminary protection hearings including notice given, exceptions to notice taken and other information;
5. Requires parties under most circumstances to resolve disputes within the adjudicatory structure of the department after disposition in a protection proceeding has been ordered;
6. Clarifies what constitutes reasonable efforts in the department's requirement to rehabilitate or reunify a family;
7. Clarifies the rights of a parent when a child is in the custody of an adult relative; and
8. Strengthens the provisions requiring placement of a child with an adult relative.

Joint Standing Committee on Judiciary

LD 1192 An Act To Change the Statute of Limitations for Health Care Practitioners

ONTP

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

This bill provides a statute of limitations for actions for professional negligence regarding health care providers and health care practitioners of three years after the negligence is discovered but in no event more than six years after the cause of action accrues.

LD 1199 An Act To Implement the Recommendations of the Right To Know Advisory Committee

PUBLIC 240
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-314

This bill implements the recommendations of the Right To Know Advisory Committee.

Committee Amendment "A" (H-314)

This amendment adds a section to repeal the sunset on the Public Access Division and the Public Access Ombudsman within the Department of the Attorney General. It adds an emergency preamble and emergency clause to make the bill as amended take effect in time to repeal the sunset. This amendment deletes the section of the bill addressing the confidentiality of credentialing decisions concerning education personnel.

Enacted Law Summary

Public Law 2009, chapter 240 includes the 2009 recommendations of the Right to Know Advisory Committee. Chapter 240 makes technical changes to the Maine Revised Statutes, Title 1, chapter 13. Chapter 240 also makes changes to several exceptions related to records maintained by the Department of Marine Resources to add a definition of "proprietary information" and use statutory language consistent with Title 12, section 6173-A. It also requires an aquaculture lessee to submit an annual seeding and harvesting report. The entire report is considered proprietary information and not public, but the Department of Marine Resources shall provide a copy of the report upon request to the municipalities in which or adjacent to which the lease is located. Chapter 240 also provides that confidential aquaculture monitoring program information may not be disclosed in a manner or form that permits identification of any person or vessel, except as required by court order or when otherwise specifically permitted. Chapter 240 repeals the sunset on the Public Access Division and the Public Access Ombudsman within the Department of the Attorney General.

Public Law 2009, chapter 240 was enacted as an emergency measure effective June 2, 2009.

Joint Standing Committee on Judiciary

LD 1200 An Act To Streamline the Process for Court-ordered Mental Health Examinations in Criminal Cases

PUBLIC 268

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-337

This bill is proposed by the Criminal Law Advisory Commission. The bill reorganizes the Maine Revised Statutes, Title 15 provisions that govern court-ordered mental health examinations of criminal defendants by linking the court's authority to order an examination to the specific issues to be addressed by the examination.

Committee Amendment "A" (H-337)

This amendment restructures part of the bill concerning evaluation with reference to insanity or abnormal condition of mind. The bill provides that the court shall forward any report filed by the State Forensic Service to both the defendant or the defendant's attorney and the State, unless the defendant has objected to the order for the examination, in which case the report is not provided to the State. This amendment provides that the report is not provided to the State if the State has agreed that the report need not be forwarded to the attorney for the State except when the defendant enters a plea of not criminally responsible by reason of insanity or the defendant provides notice of the intention to introduce testimony as to the defendant's abnormal condition of mind.

The amendment rewords the language with regard to the disposition of reports when the court orders an examination over the objection of the defendant. The report may not be shared with the attorney for the State unless the defendant enters a plea of not criminally responsible by reason of insanity or the defendant provides notice of the intention to introduce testimony as to the defendant's abnormal condition of mind.

Enacted Law Summary

Public Law 2009, chapter 268 is a recommendation of the Criminal Law Advisory Commission. It reorganizes the Maine Revised Statutes, Title 15 provisions that govern court-ordered mental health examinations of criminal defendants by linking the court's authority to order an examination to the specific issues to be addressed by the examination. It creates different provisions governing examinations to review competency to proceed, criminal responsibility and abnormal condition of the mind and mental condition relevant to other issues. By doing so, chapter 268 will conserve resources by eliminating existing language that often resulted in the State Forensic Service's being ordered to address all of these issues when a narrower review would have satisfied the needs of the court and the parties. Chapter 268 also eliminates existing language that requires examination by both a psychologist and a psychiatrist in insanity cases, often resulting in the expensive and unnecessary duplication of effort. Instead, the court is given discretion to determine, in conjunction with the State Forensic Service, the number and type of examinations required under the circumstances of a particular case. Chapter 268 provides a more flexible mechanism for the court to order a defendant committed for observation in an appropriate institution for the care and treatment of people with mental illness or mental retardation for the purpose of conducting the examination. Under existing law, such commitment may only occur after the State Forensic Service has conducted an initial examination and recommended commitment in its report to the court. The existing procedure often results in unnecessary expense and delay. Instead, chapter 268 authorizes the court to order commitment when advised by the State Forensic Service that such commitment would materially enhance its ability to conduct the examination. The State Forensic Service may make this determination based upon consultation with the parties and the court and upon such other information it determines appropriate. Finally, chapter 268 ensures that when a person who has been evaluated by the State Forensic Service on behalf of a court is committed into the custody of the Commissioner of Health and Human Services, the court shall order the State Forensic Service to share any information it has gathered with respect to that person with the institution in which the person is placed.

Joint Standing Committee on Judiciary

LD 1207 An Act To Base the Value of Eminent Domain Takings on Going Concern Value

**ACCEPTED ONTP
REPORT**

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

This bill establishes an impartial ombudsman and defines the ombudsman's duty, which is to ensure business owners who lose property by eminent domain are properly compensated. The role of the ombudsman does not preclude the role of the State Claims Commission. This bill establishes the criteria for determination of compensation for loss or impairment of the going concern value of a business when the property of a business is to be taken by the Department of Transportation or a municipality exercising its eminent domain power. The burden is on the business to prove the loss. The analysis takes place at the request of the owner of the displaced business. This process applies to compensation to be paid by municipalities when exercising eminent domain authority under general authorization provisions and for economic development purposes. This bill adds to the duties of the State Claims Commission the duty to include determination of just compensation in two categories of municipal condemnations: general eminent domain authority under the Maine Revised Statutes, Title 30-A, chapter 151 and community development under Title 30-A, chapter 205.

Committee Amendment "A" (H-361)

This amendment is the majority report. The amendment adds an appropriations and allocations section to the bill. (Not adopted)

LD 1208 An Act To Encourage Transparency in the Oversight of Interscholastic Activities

ONTP

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

This bill amends the definition of "public proceedings" under the freedom of access laws to require an association that oversees interscholastic activities in public or private schools and that receives funding from those schools to provide public access to the transaction of any functions of that association affecting a citizen of the State.

See LD 1306.

LD 1209 An Act Regarding the Consent of Minors To Receive Substance Abuse and Mental Health Treatment

ONTP

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

Joint Standing Committee on Judiciary

This bill requires a minor to have been living separately from parents and independent of parental support, be or have been legally married, be or have been a member of the Armed Forces of the United States or have been emancipated by a court in order to be able to consent to treatment for abuse of alcohol or drugs or for emotional or psychological problems.

**LD 1216 An Act To Strengthen the Kinship Preference in Child Welfare
Residential Placement**

ONTP

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

This bill strengthens the preference for placement with adult relatives over nonrelated caregivers in child welfare placement of a child.

**LD 1256 An Act To Prohibit Predispute Mandatory Binding Arbitration Clauses
in Consumer Contracts**

Carried Over

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

This bill prohibits predispute mandatory binding arbitration clauses in consumer contracts.

This bill was carried over pursuant to Joint Order, H.P. 1053.

LD 1265 Resolve, Regarding Low-profit Limited Liability Companies

RESOLVE 97

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLEMINGS NASS R	OTP-AM	H-410

This bill creates a new form of limited liability company that is formed for a charitable or education purpose within the meaning of the United States Internal Revenue Code of 1986 and does not have as a significant purpose the production of income or the appreciation of property or the purpose of accomplishing a political or legislative purpose and must contain the abbreviation "L3C" or "l3c" in its name.

Committee Amendment "A" (H-410)

This amendment replaces the bill and changes the title. It converts the bill into a resolve that directs the Department of the Secretary of State, Bureau of Corporations, Elections and Commissions to review information about low-profit limited liability companies and consult with attorneys who practice in this area. The bureau shall submit a report to the Joint Standing Committee on Judiciary in January 2010. The Joint Standing Committee on Judiciary may report out legislation based on the report.

Joint Standing Committee on Judiciary

Enacted Law Summary

Resolve 2009, chapter 97 directs the Department of the Secretary of State, Bureau of Corporations, Elections and Commissions to review information about low-profit limited liability companies and consult with attorneys who practice in this area. The bureau shall submit a report to the Joint Standing Committee on Judiciary in January 2010. The Joint Standing Committee on Judiciary may report out legislation based on the report.

LD 1266 Resolve, Establishing a Blue Ribbon Panel To Address Disparities in Economic Development between the Passamaquoddy Tribe and the State and the United States **ONTP**

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

This resolve establishes the Blue Ribbon Panel To Address Disparities in Economic Development between the Passamaquoddy Tribe and the State and the United States. The panel shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 124th Legislature. The Joint Standing Committee on Business, Research and Economic Development may introduce a bill related to the subject matter of the report to the Second Regular Session of the 124th Legislature.

LD 1289 An Act To Enact the Uniform Debt Management Services Act **Carried Over**

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

This bill repeals the existing law governing debt management services and enacts in its stead the Uniform Debt Management Services Act.

This bill was carried over pursuant to Joint Order, H.P. 1053.

LD 1306 An Act To Require Interscholastic Athletic Organizations To Comply with the Public Proceedings Provisions of the Freedom of Access Laws for Certain Meetings **PUBLIC 334**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRESCOTT NUTTING J	OTP-AM MAJ ONTP MIN	H-470

This bill requires an interscholastic athletic organization that is incorporated in this State, such as the Maine Principals' Association, to comply with the freedom of access laws, such as having public meetings and making its records available to the public. If the Secretary of State determines that the corporation is not complying, the Secretary of State is allowed to commence dissolution proceedings against that corporation.

Joint Standing Committee on Judiciary

Committee Amendment "A" (H-470)

This amendment replaces the bill. It adds to the definition of "public proceedings" under the freedom of access laws the meetings of interscholastic organizations when the meetings pertain to interscholastic sports. Meetings limited to eligibility rule violations and personnel issues are not included as public proceedings. This amendment also provides that records and minutes of the meetings are public records.

Enacted Law Summary

Public Law 2009, chapter 334 adds to the definition of "public proceedings" under the freedom of access laws the meetings of interscholastic organizations when the meetings pertain to interscholastic sports. Meetings limited to eligibility rule violations and personnel issues are not included as public proceedings. Chapter 334 provides that records and minutes of the meetings are public records.

LD 1307 An Act To Provide Limited Immunity for Road Association Directors, Commissioners and Volunteers

PUBLIC 238

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE GOODALL	OTP-AM	H-294

This bill establishes immunity from civil liability for a director, commissioner or volunteer of a road association similar to the immunity afforded to charitable directors, officers and volunteers.

Committee Amendment "A" (H-294)

This amendment replaces the bill. It provides that road associations' commissioners and boards, and the owners of parcels within a road association, have no civil liability to the other lot owners and lessees for the determination of the repairs and maintenance to be undertaken, the determination of assessments of materials and money, the collection of the money to be paid by the owners and the awarding of a contract authorized under the Maine Revised Statutes, Title 23, section 3103. This amendment also makes clear that the limited immunity provision does not provide immunity from enforcement actions by the Department of Environmental Protection or a municipality.

Enacted Law Summary

Public Law 2009, chapter 238 provides that road associations' commissioners and boards, and the owners of parcels within a road association, have no civil liability to the other lot owners and lessees for the determination of the repairs and maintenance to be undertaken, the determination of assessments of materials and money, the collection of the money to be paid by the owners and the awarding of a contract authorized under the Maine Revised Statutes, Title 23, section 3103. The limited immunity provision does not provide immunity from enforcement actions by the Department of Environmental Protection or a municipality.

LD 1353 An Act Regarding Salary Information for Public Employees

ONTP

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

Joint Standing Committee on Judiciary

This bill provides that salary information as it relates to an individual state, county, municipal, school, University of Maine System, Maine Community College System or Maine Maritime Academy employee is confidential. Salary information as it relates to specified positions, identified by those positions, is public information.

**LD 1377 An Act To Amend the 1980 Maine Implementing Act To Authorize the
Establishment of a Tribal Court for the Houlton Band of Maliseet
Indians and Related Matters**

PUBLIC 384

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEARY BLISS	OTP-AM	H-561

This bill provides the Houlton Band of Maliseet Indians with Tribal Court authority. This bill removes the sunset on the authority of law enforcement of the Houlton Band of Maliseet Indians. This bill provides for eligibility for state funding for the Houlton Band of Maliseet Indians. This bill amends the membership of the Maine Indian Tribal-State Commission to include two members appointed by the Houlton Band of Maliseet Indians and two more appointed by the Governor. The bill deletes language that pertained to the selection of the first chair of the Maine Indian Tribal-State Commission, as that is no longer necessary. It also includes provisions for the replacement of the chair of the commission.

Committee Amendment "A" (H-561)

This amendment replaces the bill and authorizes the establishment of the Houlton Band of Maliseet Indians tribal court, addresses the law enforcement authority of the Houlton Band of Maliseet Indians and provides options for making payments in lieu of taxes. This amendment is divided in Parts A, B, C, D, E, F and G. Part A addresses issues relating to the Houlton Band of Maliseet Indians; law enforcement authority and options for payments to municipalities in lieu of taxes. Part A requires approval as required by 25 United States Code, Section 1725(e)(2) by the Houlton Band of Maliseet Indians. Part B establishes the Houlton Band Tribal Court with jurisdiction only over members of the Houlton Band of Maliseet Indians. Parts D and E provide opportunities to expand the jurisdiction to members of the Penobscot Nation and the Passamaquoddy Tribe. Part B requires approval as required by 25 United States Code, Section 1725(e)(2) by the Houlton Band of Maliseet Indians. Part C covers full faith and credit of judicial proceedings. It requires approval by the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation as required by 25 United States Code, Section 1725(e). Part D gives the Houlton Band of Maliseet Indians tribal court jurisdiction over members of the Penobscot Nation. It takes effect only if the Houlton Band of Maliseet Indians and the Penobscot Nation approve it as required by 25 United States Code, Section 1725(e). Part E gives the Houlton Band of Maliseet Indians tribal court jurisdiction over members of the Passamaquoddy Tribe. It also amends the jurisdiction of the Passamaquoddy tribal court to give that court jurisdiction over members of the Houlton Band of Maliseet Indians. Part E takes effect only if the Houlton Band of Maliseet Indians and the Passamaquoddy Tribe approve it as required by 25 United States Code, Section 1725(e). Part F amends the Maine Indian Tribal-State Commission statutes to add two members of the Houlton Band of Maliseet Indians and two additional state representatives. It deletes obsolete language and revises language concerning the replacement of the chair. Part F takes effect only if the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation approve it as required by 25 United States Code, Section 1725(e). Part G directs the Revisor of Statutes to rename the headnote of the Maine Revised Statutes, Title 30. It does not require approval of the tribes.

Enacted Law Summary

Public Law 2009, chapter 384 includes seven parts. Parts A through F require the approval of one or more of the Federally-Recognized Tribes in Maine to take effect; Part G takes effect September 12, 2009.

Joint Standing Committee on Judiciary

PART A continues the law enforcement authority of the Houlton Band of Maliseet Indians contained in Title 30, section 6206-B by repealing subsection 6, which provides for the repeal of the entire section in 2010. This Part addresses payments in lieu of taxes to be made by the Houlton Band of Maliseet Indians and authorizes the acceptance of other forms of payment, including but not limited to federal funds or other assistance. Part A is effective October 1, 2009 only if the Houlton Band of Maliseet Indians approves it as required by 25 United States Code, Section 1725(e)(2).

PART B provides authority for the Houlton Band of Maliseet Indians to establish a tribal court with jurisdiction over specific subjects: Class D and E crimes committed on Houlton Band Jurisdiction Land, proceedings regarding juveniles, certain civil actions, Indian child custody issues and other domestic relations actions. The band may decide whether to exercise jurisdiction over each category of jurisdiction and shall notify the Attorney General when it is prepared to exercise jurisdiction. Until the band exercises its exclusive jurisdiction over a category of jurisdiction, the State has exclusive jurisdiction over that category of actions. The band may choose to terminate its jurisdiction and may later reassert the jurisdiction and must notify the Attorney General when that occurs. Under this Part, the tribal court has jurisdiction only over members of the Houlton Band of Maliseet Indians. The tribal court may exercise jurisdiction over two parcels of Houlton Band Trust Land defined in the amendment as "Houlton Band Jurisdiction Land." The tribal court is effective only if the State, the Passamaquoddy Tribe and the Penobscot Nation agree to give full faith and credit to the judicial proceedings of the Houlton Band of Maliseet Indians, and the Houlton Band of Maliseet Indians gives full faith and credit to the judicial proceedings of the Passamaquoddy Tribe, the Penobscot Nation and the State. Part C provides the full faith and credit requirement. Part B takes effect October 1, 2009 if the Houlton Band of Maliseet Indians approves this Part as required by 25 United States Code, Section 1725(e)(2).

PART C provides that the State, the Passamaquoddy Tribe and the Penobscot Nation shall give full faith and credit to the judicial proceedings of the Houlton Band of Maliseet Indians, and that the Houlton Band of Maliseet Indians shall give full faith and credit to the judicial proceedings of the State, the Passamaquoddy Tribe and the Penobscot Nation. Part C takes effect upon the Houlton Band of Maliseet Indians approving Part B and the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation approving this Part as required by 25 United States Code, Section 1725(e).

PART D gives the Houlton Band of Maliseet Indians tribal court jurisdiction over members of the Penobscot Nation within the same categories of subject matter jurisdiction that the tribal court has over the members of the Houlton Band of Maliseet Indians under Part B. Part D takes effect upon the Houlton Band of Maliseet Indians approving Part B, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation approving Part C and the Houlton Band of Maliseet Indians and the Penobscot Nation approving this Part as required by 25 United States Code, Section 1725(e).

PART E gives the Houlton Band of Maliseet Indians tribal court jurisdiction over members of the Passamaquoddy Tribe within the same categories of subject matter jurisdiction that the tribal court has over the members of the Houlton Band of Maliseet Indians under Part B. It also amends the jurisdiction of the Passamaquoddy Tribal Court to provide that court with jurisdiction over members of the Houlton Band of Maliseet Indians. Part E takes effect upon the Houlton Band of Maliseet Indians approving Part B, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation approving Part C and the Houlton Band of Maliseet Indians and the Passamaquoddy Tribe approving this Part as required by 25 United States Code, Section 1725(e).

PART F amends the Maine Indian Tribal-State Commission statutes to add two members of the Houlton Band of Maliseet Indians and two additional state representatives. It deletes obsolete language and revises language concerning the replacement of the chair. Part F takes effect only if the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation approve it as required by 25 United States Code, Section 1725(e).

PART G directs the Revisor of Statutes to rename the headnote of Title 30 from "Municipalities and Counties" to "Federally Recognized Indian Tribes." It does not require approval of the tribes.

Joint Standing Committee on Judiciary

LD 1378 An Act To Adopt Portions of the Uniform Mediation Act

Carried Over

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

The purpose of this bill is to encourage parties involved in mediation to communicate openly, and to protect the confidentiality of participants in the mediation process. This bill adopts those portions of the Uniform Mediation Act, as adopted by the National Conference of Commissioners on Uniform State Laws, that:

1. Establish privileges for mediation communication regarding disclosure, admissibility and discovery;
2. Authorize exceptions and waivers to the established privileges;
3. Specifically prohibit and permit various communications by a mediator; and
4. Establish the confidentiality of mediation communications.

This bill was carried over pursuant to Joint Order, H.P. 1053.

LD 1382 An Act To Provide for Equality before the Law

ONTP

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

This bill prohibits a court when interpreting a statute or rule in a civil or criminal proceeding from giving any deference to a state department's or agency's interpretation of the statute or rule.

LD 1402 An Act To Enact the Uniform Prudent Management of Institutional Funds Act

PUBLIC 450

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST BLISS	OTP-AM A ONTP B OTP-AM C	H-503 H-559 PRIEST

This bill repeals the existing Uniform Management of Institutional Funds Act and replaces it with the Uniform Prudent Management of Institutional Funds Act adopted by the National Conference of Commissioners on Uniform State Laws in 2006. The Prefatory Note and Uniform Comments are included. This bill does not include the optional clause identifying 7 percent as the maximum level of "prudent spending." This bill increases the amount that defines a small fund for which an institution may release or modify a restriction according to cy pres principles but without court approval. The dollar limit is established at \$100,000, but must be indexed to inflation by the

Joint Standing Committee on Judiciary

Attorney General. The restriction may be released or modified only if the fund is at least 20 years old and the institution uses the property in a manner consistent with the charitable purposes expressed in the gift instrument. This bill takes effect July 1, 2010.

Committee Amendment "A" (H-503)

This amendment, which is the majority report of the committee, requires an institution to track the historic dollar value of its institutional funds. This amendment establishes a rebuttable presumption that the appropriation for expenditure in any year of an amount greater than 7 percent of the fair market value of an endowment fund is imprudent. This amendment provides that if the Attorney General objects to the release or modification of a restriction in a gift instrument that applies to a small fund that has been in existence for more than 20 years, the institution must seek court approval of the release or modification. This amendment changes the effective date of the Act to July 1, 2009 and adds a retroactive application date.

Committee Amendment "B" (H-504)

This amendment is a minority report. This amendment requires an institution to track the historic dollar value of its institutional funds. This amendment establishes a rebuttable presumption that the appropriation for expenditure in any year of an amount greater than 7 percent of the fair market value of an endowment fund is imprudent. This amendment requires an institution to notify the donor, if living, before the institution appropriates for expenditure any amount of an endowment fund if the donor's gift was at least \$50,000. This amendment provides that if the Attorney General objects to the release or modification of a restriction in a gift instrument that applies to a small fund that has been in existence for more than 20 years, the institution must seek court approval of the release or modification. This amendment changes the effective date of the Act to July 1, 2009 and adds a retroactive application date.

House Amendment "A" To Committee Amendment "A" (H-559)

This amendment moves the definition of "historic dollar value" to the general definitions section and provides that an institution's determination of historic dollar value made in good faith is conclusive. This amendment also:

1. Requires that an institution administering endowment funds with an aggregate value of \$2,000,000 or more shall notify the Attorney General upon its adoption of the provisions of the Uniform Prudent Management of Institutional Funds Act; and
2. Requires that an institution administering endowment funds with an aggregate value of less than \$2,000,000 shall notify the Attorney General at least 60 days prior to an appropriation for expenditure of an amount that would cause the value of the institution's endowment funds to fall below the aggregate historic dollar value of the institution's endowment funds.

Enacted Law Summary

Public Law 2009, chapter 450 repeals the existing Uniform Management of Institutional Funds Act and replaces it with the Uniform Prudent Management of Institutional Funds Act adopted by the National Conference of Commissioners on Uniform State Laws in 2006. The Prefatory Note and Uniform Comments are included. Chapter 450 requires an institution to track the historic dollar value of its institutional funds. It establishes a rebuttable presumption that the appropriation for expenditure in any year of an amount greater than 7 percent of the fair market value of an endowment fund is imprudent. An institution administering endowment funds with an aggregate value of \$2,000,000 or more shall notify the Attorney General upon its adoption of the provisions of the Uniform Prudent Management of Institutional Funds Act. An institution administering endowment funds with an aggregate value of less than \$2,000,000 shall notify the Attorney General at least 60 days prior to an appropriation for expenditure of an amount that would cause the value of the institution's endowment funds to fall below the aggregate historic dollar value of the institution's endowment funds.

Public Law 2009, chapter 450 takes effect September 12, 2009, but applies retroactively to July 1, 2009.

Joint Standing Committee on Judiciary

LD 1403 An Act To Implement the Uniform Law Conference Suggested Updates to Article 1 of the Uniform Commercial Code

PUBLIC 325

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

This bill replaces Article 1 of the Uniform Commercial Code with the 2001 Revision adopted by the National Conference of Commissioners on Uniform State Laws. The bill includes amendments approved in 2003 as part of the revision of Article 7. Explanatory notes and Uniform Comments as prepared by the Uniform Law Commissioners are included. This Act takes effect January 1, 2010.

Committee Amendment "A" (S-234)

This amendment changes the effective date from January 1, 2010 to February 15, 2010.

Enacted Law Summary

Public Law 2009, chapter 325 replaces Article 1 of the Uniform Commercial Code with the 2001 Revision adopted by the National Conference of Commissioners on Uniform State Laws. Chapter 325 includes amendments approved in 2003 as part of the revision of Article 7. Explanatory notes and Uniform Comments as prepared by the Uniform Law Commissioners are included.

Public Law 2009, chapter 325 takes effect February 15, 2010.

LD 1404 An Act To Enact the Maine Uniform Power of Attorney Act

PUBLIC 292

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBSINS	OTP-AM	S-240

The Maine Uniform Power of Attorney Act, Maine UPOAA, replaces and expands the provisions relating to powers of attorney in Maine's Probate Code, currently in the Maine Revised Statutes, Title 18-A, Article 5, Part 5. This bill includes Uniform Comments and Maine Comments where applicable.

Committee Amendment "A" (S-240)

This amendment clarifies the definition of "incapacity." This amendment provides that a power of attorney is not valid unless acknowledged before a notary public or other individual authorized by law to take acknowledgments. It also clarifies that durable powers of attorney created in the bill must contain the notices in substantially the form provided in the bill. Minor omissions or deviations do not invalidate the power of attorney. This amendment includes appropriate cross-references to the Maine Uniform Trust Code with regard to the duties of a fiduciary. This amendment clarifies the agent's responsibilities with regard to safeguarding the principal's interests. This amendment cross-references guides to determining the reasonableness of an agent's compensation. This amendment clarifies liability for refusal to accept an acknowledged power of attorney when the person has a good faith belief about abuse, neglect, exploitation or abandonment of the principal and a report has been made to the Department of Health and Human Services. This amendment includes a reference to the principal's registered domestic partner with regard to payments for personal and family maintenance. It deletes the presumption that the principal's child is

Joint Standing Committee on Judiciary

an automatic permissible beneficiary of payments for personal and family maintenance. This amendment clarifies the agent's authority to make gifts. This amendment includes changes to the Maine Comments related to these changes.

Enacted Law Summary

Public Law 2009, chapter 292 enacts the Maine Uniform Power of Attorney Act, Maine UPOAA, which replaces and expands the provisions relating to powers of attorney in Maine's Probate Code, currently in the Maine Revised Statutes, Title 18-A, Article 5, Part 5. Under Maine UPOAA, the agent serves in the same way a guardian or conservator would in relation to the principal's property. Maine UPOAA requires that certain powers, mostly related to estate planning, be expressly and specifically conferred rather than be accepted as general powers. Maine UPOAA also provides civil penalties for refusal by a third party to accept a properly executed power of attorney if that third party holds assets of the principal. Maine UPOAA does, however, create reasonable exceptions to the requirement that a third party accept a properly executed and acknowledged power of attorney and it creates certain protections for persons who accept a power of attorney in good faith. Maine UPOAA contains provisions that protect a principal and the principal's successors in interest from an agent who violates its provisions. Maine UPOAA does not contain provisions related to so-called durable health care powers of attorney as currently provided in Article 5, Part 5 of Maine's Probate Code; however, Maine UPOAA does not affect Maine's Uniform Health-care Decisions Act in Article 5, Part 8 of Maine's Probate Code, which already, and concurrently, allows for the creation of so-called durable health care powers of attorney. A power of attorney is not valid unless acknowledged before a notary public or other individual authorized by law to take acknowledgments. Durable powers of attorney must contain the notices in substantially the form provided in the law, but minor omissions or deviations do not invalidate the power of attorney. Chapter 292 clarifies liability for refusal to accept an acknowledged power of attorney when the person has a good faith belief about abuse, neglect, exploitation or abandonment of the principal and a report has been made to the Department of Health and Human Services. Uniform Comments and Maine Comments are included where applicable.

Public Law 2009, chapter 292 is effective July 1, 2010.

LD 1405 An Act To Implement the Updates to Article 7 of the Uniform Commercial Code Suggested by the National Conference of Commissioners on Uniform State Laws

PUBLIC 324

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	OTP-AM	S-235

This bill replaces Article 7 of the Uniform Commercial Code with the 2003 version of the Article as approved by the National Conference of Commissioners on Uniform State Laws. Explanatory notes and Uniform Comments as prepared by the uniform law commissioners are included.

Committee Amendment "A" (S-235)

This amendment changes the effective date from January 1, 2010 to February 15, 2010.

Enacted Law Summary

Public Law 2009, chapter 324 replaces Article 7 (Documents of Title) of the Uniform Commercial Code with the 2003 version of the Article as approved by the National Conference of Commissioners on Uniform State Laws. Explanatory notes and Uniform Comments as prepared by the uniform law commissioners are included.

Public Law 2009, chapter 324 is effective February 15, 2010.

Joint Standing Committee on Judiciary

LD 1459 An Act To Modify Child Support Enforcement Procedures and Requirements

PUBLIC 290

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	S-241

This bill makes the following changes to the laws governing child support enforcement.

1. It authorizes a court to issue summary process for contempt if an administrative child support order has been disregarded or disobeyed.
2. It repeals the definition of "reasonable cost health insurance" and replaces it with definitions for "medical support," "private health insurance" and "reasonable cost" in accordance with final federal regulations for medical support in child support enforcement programs.
3. It clarifies that service of a notice in the expedited paternity process must be made in accordance with the requirements for personal service provided by Rule 4(d) of the Maine Rules of Civil Procedure.
4. It implements requirements of final federal regulations for medical support in child support enforcement programs.
5. It deletes the requirement that the amount of support in a child support order be "actually paid" before it can be excluded from the calculation of gross income for the purpose of calculating support for another child.
6. It repeals definitions of "health plan," "medical care costs" and "medical support" pursuant to requirements of final federal regulations for medical support in child support enforcement programs.
7. It implements requirements of final federal regulations for medical support in child support enforcement programs.
8. It extends the application of the child support table to the "highest income amount in the child support table."
9. It extends the application of the self-support reserve in the child support table to incomes greater than \$12,600.
10. It authorizes a process by which the Department of Health and Human Services may seek child support from a parent regardless of whether there is an order granting primary residential care of the child to that parent if the other parent is receiving public assistance for the child.
11. It clarifies that service of a motion to modify support is made in the manner as is provided for service of process by the Maine Rules of Civil Procedure, Rule 4.
12. It clarifies that service of a notice of intention to certify that an obligor is not in compliance with a support order and therefore may have that obligor's license revoked or suspended is made in the same manner as is provided for service of process by the Maine Rules of Civil Procedure, Rule 4.
13. It repeals specific biennial reporting requirements by the department to the Governor and Legislature regarding administrative license revocation.

Joint Standing Committee on Judiciary

14. It requires a 20-day notice to an obligor and other interested parties before the sale of any property seized under an order to seize and sell and that service of the notice be made in the same manner as is provided for service of process by the Maine Rules of Civil Procedure, Rule 4.
15. It clarifies that service of an administrative support enforcement notice, order or lien is made in the same manner as is provided for service of process by the Maine Rules of Civil Procedure, Rule 4.
16. It creates joint and several liability of a responsible person for failure to timely send to the department support payments that have been withheld pursuant to a withholding order.
17. It clarifies that service of an order to appear and disclose must be made in accordance with the requirements for personal service provided by the Maine Rules of Civil Procedure, Rule 4(d).
18. It clarifies that service of an income withholding order for support is made in the same manner as is provided for service of process by the Maine Rules of Civil Procedure, Rule 4.
19. It clarifies what income withholding law applies to a withholding order issued by another state for an obligor whose principal place of employment is this State.
20. It clarifies that the maximum amount permitted to be withheld from an obligor's income is the same regardless of whether the withholding order is issued administratively or by a court.
21. It establishes, in accordance with the requirements of the Uniform Interstate Family Support Act as enacted in this State, the law of this State regarding priority and allocation of income withheld for two or more child support obligees.

Committee Amendment "A" (S-241)

This amendment deletes sections from the bill that authorize the court to issue summary process for contempt based on failure to comply with an administrative child support order and that create joint and several liability of a responsible person for failure to timely send to the Department of Health and Human Services support payments that have been withheld pursuant to a withholding order. This amendment extends the application of the child support table to \$400,000, the actual top income amount on the child support table, rather than referring to the highest income amount in the table. This amendment extends the application of the self-support reserve in the child support table to incomes up to \$22,800. This amendment deletes the repeal of reporting requirements concerning administrative license revocation. This amendment corrects the bill to appropriately repeal only the subsection referring to personal service of notices of child support and liens in the Maine Revised Statutes, Title 19-A, section 2253.

Enacted Law Summary

Public Law 2009, chapter 290 makes changes to the laws governing child support enforcement including provisions to address:

1. Medical support in accordance with final federal regulations for medical support in child support enforcement programs;
2. Service, consistent with the Maine Rules of Civil Procedure, of notices for expedited paternity process, motions to modify, license revocation and suspension process, administrative enforcement process, orders to appear and disclose, income withholding orders and notices to seize and sell;
3. The maximum income included on the child support table, and an increase in the self support reserve as incorporated into the child support table;

Joint Standing Committee on Judiciary

4. Calculation and payment of child support when the obligor is responsible for child support for another child;
5. Child support from a parent regardless of whether there is an order granting primary residential care of the child to that parent if the other parent is receiving public assistance for the child;
6. A 20-day notice to an obligor and other interested parties before the sale of any property seized under an order to seize and sell;
7. Applicable income withholding law when a withholding order is issued by another state for an obligor whose principal place of employment is this State;
8. Maximum amount permitted to be withheld from an obligor's income regardless of whether the withholding order is issued administratively or by a court; and
9. Establishment of priority and allocation of income withheld for two or more child support obliges, consistent with the Uniform Interstate Family Support Act.

**LD 1472 An Act To Require a Municipality To Quiet Title to Certain Roads
Acquired by Adverse Possession**

ONTP

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

This bill requires that, in the specific instance that a municipality claims to obtain a public road by adverse possession and then subsequently abandons that road, the municipality must prove that the title to the road was established by a court decree. Failure to obtain the court decree voids a claim to the road by the municipality by adverse possession.

LD 1475 An Act To Correct Errors and Inconsistencies in the Laws of Maine

**PUBLIC 415
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-579

This bill, consisting of Parts A and B, corrects technical errors and inconsistencies in the laws of Maine.

Committee Amendment "A" (H-579)

This amendment deletes several sections from Part A and all of Part B of the bill because the corrections are made in other bills or to avoid further conflicts. This amendment adds new Parts B, C, D and E.

Part B consists of technical amendments.

Part C makes substantive corrections to Public Law 2009, chapter 54: It corrects drafting errors in the original bill. One error inadvertently repealed that portion of Title 29-A, section 2558, subsection 2, paragraph B that enhances the penalty for aggravated operating after habitual offender revocation if the driver had been once previously convicted of the same offense. Without this amendment, a 2nd offender may be prosecuted only for a Class D crime.

Joint Standing Committee on Judiciary

Part C also limits the retroactivity provision of Public Law 2009, chapter 54 to the sections of Title 29-A that affect suspension of a motor vehicle license. Portions of the law that affect sentencing are not made retroactive. It makes the correction to the retroactivity section of Public Law 2009, chapter 54 retroactive to the effective date of chapter 54, April 22, 2009.

Part D makes substantive corrections to discrepancies between the GIS shape file for the proposed expedited wind energy development area recommended by the Governor's Wind Energy Development Task Force and the written description of the areas corresponding to the shape file included in legislation adopting this task force recommendation. The corrections to the description of the areas in Chain of Ponds and T25 MD BPP were identified prior to enactment of the legislation but were never incorporated into the final language of the bill. The corrections to the description for Skinner Township were discovered during the recent process of reviewing the legislation. Part D deletes a reference to the time period after the enactment of Public Law 2007, chapter 661 and the effective date of rulemaking by the Maine Land Use Regulation Commission. Part D also directs the Maine Land Use Regulation Commission to change its rules to be consistent with these changes.

Part E adds a word that was inadvertently omitted from Public Law 2009, chapter 372. Part E also clarifies that those provisions providing for joint administration of the Renewable Resource Fund program by the Efficiency Maine Trust and the Public Utilities Commission take effect July 1, 2010, when the Efficiency Maine Trust takes over other programs pursuant to Public Law 2009, chapter 372.

Enacted Law Summary

Public Law 2009, chapter 415 corrects errors and inconsistencies in the laws of Maine. Parts A and B make technical corrections.

Part C makes substantive corrections to Public Law 2009, chapter 54: It corrects drafting errors in the original bill. One error inadvertently repealed that portion of Title 29-A, section 2558, subsection 2, paragraph B that enhances the penalty for aggravated operating after habitual offender revocation if the driver had been once previously convicted of the same offense. Without this correction, a 2nd offender may be prosecuted only for a Class D crime. Part C also limits the retroactivity provision of Public Law 2009, chapter 54 to the sections of Title 29-A that affect suspension of a motor vehicle license. Portions of the law that affect sentencing are not made retroactive. It makes the correction to the retroactivity section of Public Law 2009, chapter 54 retroactive to the effective date of chapter 54, April 22, 2009.

Part D makes substantive corrections to discrepancies between the GIS shape file for the proposed expedited wind energy development area recommended by the Governor's Wind Energy Development Task Force and the written description of the areas corresponding to the shape file included in legislation adopting this task force recommendation. The corrections to the description of the areas in Chain of Ponds and T25 MD BPP were identified prior to enactment of the legislation but were never incorporated into the final language of the bill. The corrections to the description for Skinner Township were discovered during the recent process of reviewing the legislation. Part D deletes a reference to the time period after the enactment of Public Law 2007, chapter 661 and the effective date of rulemaking by the Maine Land Use Regulation Commission. Part D also directs the Maine Land Use Regulation Commission to change its rules to be consistent with these changes.

Part E adds a word that was inadvertently omitted from Public Law 2009, chapter 372. Part E also clarifies that those provisions providing for joint administration of the Renewable Resource Fund program by the Efficiency Maine Trust and the Public Utilities Commission take effect July 1, 2010, when the Efficiency Maine Trust takes over other programs pursuant to Public Law 2009, chapter 372.

Public Law 2009, chapter 415 was enacted as an emergency measure effective June 17, 2009.

Joint Standing Committee on Judiciary

SUBJECT INDEX

Adoption

Not Enacted

LD 945 An Act To Protect the Rights of Siblings Separated by Adoption ONTP

Arbitration and Mediation

Not Enacted

LD 897 An Act To Prohibit Mandatory Binding Arbitration ONTP

LD 1256 An Act To Prohibit Predispute Mandatory Binding Arbitration
Clauses in Consumer Contracts

LD 1378 An Act To Adopt Portions of the Uniform Mediation Act

Attorney General

Not Enacted

LD 477 An Act To Fund State Drug Prosecutors ONTP

Business & Nonprofit Organizations

Enacted

LD 466 An Act To Amend the Limited Liability Company Laws
Concerning Management Standards PUBLIC 164

LD 508 An Act To Amend the Laws Relating to Corporations, Limited
Liability Companies and Limited Liability Partnerships PUBLIC 56

LD 1265 Resolve, Regarding Low-profit Limited Liability Companies RESOLVE 97

Not Enacted

LD 394 An Act To Protect Nonprofit Organizations from Embezzlement ONTP

LD 502 An Act To Require Additional Information in the Annual
Reports of Nonprofit Corporations ONTP

Child Protection

Enacted

LD 162	An Act To Clarify Child Abuse and Neglect Information Disclosure	PUBLIC 38
LD 427	An Act To Require School Bus Drivers and School Bus Attendants To Report Suspected Child Abuse	PUBLIC 41

Not Enacted

LD 1188	An Act To Clarify Child Protection Proceedings	ONTP
LD 1216	An Act To Strengthen the Kinship Preference in Child Welfare Residential Placement	ONTP

Commercial Code

Enacted

LD 1403	An Act To Implement the Uniform Law Conference Suggested Updates to Article 1 of the Uniform Commercial Code	PUBLIC 325
LD 1405	An Act To Implement the Updates to Article 7 of the Uniform Commercial Code Suggested by the National Conference of Commissioners on Uniform State Laws	PUBLIC 324

Confidentiality/Freedom of Access

Enacted

LD 546	An Act To Ensure Access to Public Information	PUBLIC 165
LD 640	An Act To Ensure Public Access to Records Relating to Public Contracts for Personal Services	PUBLIC 221
LD 679	An Act To Allow a Court To Award Attorney's Fees in Successful Freedom of Access Appeals	PUBLIC 423
LD 826	An Act To Protect Recreational Trails on Private Land by Exempting Certain Information on Recreational Trails from the Definition of "Public Records"	PUBLIC 176
LD 1199	An Act To Implement the Recommendations of the Right To Know Advisory Committee	PUBLIC 240 EMERGENCY
LD 1306	An Act To Require Interscholastic Athletic Organizations To Comply with the Public Proceedings Provisions of the Freedom of Access Laws for Certain Meetings	PUBLIC 334

Not Enacted

LD 828	An Act To Enhance the Shielding of Journalists' Sources	ACCEPTED ONTP REPORT
LD 1208	An Act To Encourage Transparency in the Oversight of Interscholastic Activities	ONTP

LD 1353 An Act Regarding Salary Information for Public Employees ONTP

Courts and Court Procedure

Enacted

LD 443 An Act To Increase the Jurisdictional Limit for Small Claims PUBLIC 428

LD 527 An Act To Require a Referee of a Land Dispute To Render a Decision within One Year PUBLIC 166

LD 581 An Act To Allow Law Enforcement Officers To Obtain a Personal Recognizance Bond in Certain Cases PUBLIC 205

LD 657 An Act To Allow the Award of Court Costs or Attorney's Fees in Protection from Harassment Actions PUBLIC 263

LD 703 An Act Regarding Claims for Civil Perjury PUBLIC 187

LD 1132 An Act To Establish the Maine Commission on Indigent Legal Services PUBLIC 419
EMERGENCY

LD 1179 An Act To Create a Post-judgment Mechanism To Provide Relief for a Person Whose Identity Has Been Stolen and Falsely Used in Court Proceedings PUBLIC 287

LD 1184 An Act To Improve the Process for Recovering Personal Property and for Filing Actions Involving Consumer Credit PUBLIC 245

LD 1200 An Act To Streamline the Process for Court-ordered Mental Health Examinations in Criminal Cases PUBLIC 268

Not Enacted

LD 25 An Act To Protect Child Victims of Sexual Abuse ONTP

LD 375 An Act To Clarify the Amount of a Contract for Small Claim Purposes ONTP

LD 376 An Act To Remove Domestic Court Cases from the Probate Court ONTP

LD 444 An Act To Allow a Verdict in a Criminal Trial To Be Considered a De Minimis Infraction ONTP

LD 491 An Act To Reform Maine's Judicial System ONTP

LD 529 An Act To Create a Traffic Court

LD 784 An Act To Improve the Process for Recovering Personal Property LEAVE TO
WITHDRAW

LD 882 An Act To Consolidate and Modernize Maine's Courts INDEF PP

LD 1382 An Act To Provide for Equality before the Law ONTP

Courts, Jury Duty

Not Enacted

LD 135 An Act To Increase Mileage Reimbursement for Jurors ONTP

LD 291 An Act To Exempt Breast-feeding Mothers from Jury Duty ONTP

Courts, Justices and Judges

Enacted

LD 488 An Act To Address an Inequity in the Judicial Retirement System PUBLIC 254

LD 803 An Act To Authorize an Active Retired Justice or Judge To Conduct Arbitration and Chair Medical Malpractice Screening Panels PUBLIC 136

LD 947 An Act To Amend the Laws To Ensure Equity in the Judicial Retirement Program PUBLIC 267

Not Enacted

LD 487 An Act To Increase Judicial Salaries ONTP

Domestic Violence/Protection from Abuse

Enacted

LD 324 An Act To Allow Limited Information Sharing in Domestic Violence Cases PUBLIC 181

LD 742 An Act To Amend the Composition of the Maine Commission on Domestic and Sexual Abuse PUBLIC 257

LD 827 An Act To Exempt Protection from Abuse Orders from the Notification and 30-day Waiting Period Requirements under the Uniform Enforcement of Foreign Judgments Act PUBLIC 202 EMERGENCY

Not Enacted

LD 22 Resolve, To Establish a Study Commission To Develop Legislation Designed To Prevent Domestic Violence and Abuse ONTP

LD 24 An Act To Prevent Domestic Violence and Abuse ONTP

LD 326 An Act To Allow the Request for and Granting of Permanent Protection from Abuse Orders ONTP

LD 756 An Act To Discourage the Misuse of the Process for Obtaining Protection from Abuse ONTP

Family Law, General

Enacted

LD 580	An Act Concerning the Automatic Dissolution of Certain Marriages	PUBLIC 96 EMERGENCY
LD 643	An Act To Authorize a Court To Appoint a Parenting Coordinator To Assist in Domestic Relations Actions	PUBLIC 345
LD 1143	Resolve, Directing a Study of Domestic Violence and Parental Rights and Responsibilities	RESOLVE 120

Not Enacted

LD 426	An Act To Allow Stepparents To Take Certain Actions with Respect to Their Stepchildren	ONTP
LD 455	An Act Regarding Parents' Rights	ONTP
LD 528	An Act To Prohibit a Person Whose Parental Rights Have Been Terminated from Gaining Custody of a Grandchild	ONTP
LD 642	An Act To Protect Parental Relationships during and after Divorce	ONTP
LD 689	An Act Regarding Guardians Ad Litem	ONTP

Family Law, Child Support

Enacted

LD 300	An Act To Increase Child Support Collection by Expanding the New Hire Reporting Requirements	PUBLIC 198
LD 399	Resolve, To Establish a Working Group To Increase Child Support Collections	RESOLVE 60
LD 461	An Act To Adopt Amendments to the Uniform Interstate Family Support Act	PUBLIC 95
LD 614	An Act To Improve Child Support Collection Procedures by Changing the Process of Modifying a Support Order	PUBLIC 158
LD 1459	An Act To Modify Child Support Enforcement Procedures and Requirements	PUBLIC 290

Human Rights and Medical Rights

Enacted

LD 716	An Act To Change the Definition of "Domestic Partner" in the Laws Governing Custody of Remains	PUBLIC 159
LD 1020	An Act To End Discrimination in Civil Marriage and Affirm Religious Freedom	PUBLIC 82

LD 1039	An Act Concerning Advanced Directives To Give Effect to a Person's End-of-life Health Care Decisions	P & S 17
LD 1108	An Act To Amend the Statute of Limitations under the Maine Human Rights Act	PUBLIC 235

Not Enacted

LD 962	An Act To Protect Family Caregivers	DIED ON ADJOURNMENT
LD 1118	An Act To Expand Rights for Maine Families	ONTP
LD 1209	An Act Regarding the Consent of Minors To Receive Substance Abuse and Mental Health Treatment	ONTP

Probate

Enacted

LD 365	An Act To Amend the Laws Governing MaineCare Estate Recovery Undertaken by the Department of Health and Human Services	PUBLIC 150
LD 582	An Act To Amend the Statute of Limitations for Actions against the Estate of a Decedent	PUBLIC 368
LD 944	An Act To Increase the Evidentiary Standard Required To Establish a Guardianship	PUBLIC 349
LD 1006	An Act To Create the Probate and Trust Law Advisory Commission	PUBLIC 262
LD 1404	An Act To Enact the Maine Uniform Power of Attorney Act	PUBLIC 292

Not Enacted

LD 23	An Act To Amend the Laws Governing Powers of Attorney	ONTP
LD 1079	An Act To Prohibit a Parent without Parental Rights from Inheriting from an Adult Child Who Dies without a Will	ONTP

Real Property, Property Rights and Eminent Domain

Enacted

LD 391	An Act To Amend the Law Concerning Adverse Possession	PUBLIC 255
LD 961	An Act To Amend the Maine Condominium Act Regarding Escrow of Assessments	PUBLIC 332

Not Enacted

LD 301	An Act To Require Home Sellers To Disclose Energy Usage Data	LEAVE TO WITHDRAW
LD 615	An Act To Strengthen Landowner Rights in Certain Eminent Domain Situations	ONTP
LD 981	Resolve, To Establish a Study Commission To Examine the Issue of Eminent Domain	ONTP
LD 1207	An Act To Base the Value of Eminent Domain Takings on Going Concern Value	ACCEPTED ONTP REPORT
LD 1472	An Act To Require a Municipality To Quiet Title to Certain Roads Acquired by Adverse Possession	ONTP

Torts and Immunity, General

Enacted

LD 428	An Act To Amend the Laws Concerning Wrongful Death	PUBLIC 180
LD 702	An Act To Allow the Donation of Certain Perishable Food Products to Nonprofit Organizations	PUBLIC 168
LD 889	An Act To Limit Liability for Certain Noncommercial Aviation Activities	PUBLIC 156
LD 1307	An Act To Provide Limited Immunity for Road Association Directors, Commissioners and Volunteers	PUBLIC 238

Not Enacted

LD 372	An Act To Authorize the Administration of Epinephrine Autoinjectors and Asthma Inhalers in Emergencies	ACCEPTED ONTP REPORT
LD 734	An Act To Provide for Treble Damages for Injuries Caused by a Person under the Influence of Alcohol or Drugs	ACCEPTED ONTP REPORT

Torts and Immunity, Statutes of Limitation

Not Enacted

LD 484	An Act To Rescind the Statute of Limitations on the Ability To File a Civil Suit in Cases Dealing with Unlawful Sexual Contact	ONTP
LD 1192	An Act To Change the Statute of Limitations for Health Care Practitioners	ONTP

Tribal-State Relations

Enacted

LD 796	An Act To Direct Fines Derived from Tribal Law Enforcement Activities to the Passamaquoddy Tribe and the Penobscot Nation	PUBLIC 417
--------	---	------------

LD 797	An Act To Fully Implement the Legislative Intent in Prohibiting Offensive Place Names	PUBLIC 284
LD 1377	An Act To Amend the 1980 Maine Implementing Act To Authorize the Establishment of a Tribal Court for the Houlton Band of Maliseet Indians and Related Matters	PUBLIC 384

Not Enacted

LD 445	An Act To Improve Tribal-State Relations	
LD 1266	Resolve, Establishing a Blue Ribbon Panel To Address Disparities in Economic Development between the Passamaquoddy Tribe and the State and the United States	ONTP

Uncategorized

Enacted

LD 777	An Act To Provide for an Expiration Date for Certain Harassment Notices	PUBLIC 246
LD 1402	An Act To Enact the Uniform Prudent Management of Institutional Funds Act	PUBLIC 450
LD 1475	An Act To Correct Errors and Inconsistencies in the Laws of Maine	PUBLIC 415 EMERGENCY

Not Enacted

LD 898	An Act To Amend the Law Pertaining to Permanently Restricted Funds of Municipal Public Libraries	ONTP
LD 1289	An Act To Enact the Uniform Debt Management Services Act	

STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the First Regular Session of the 124th Maine Legislature coming from the

JOINT STANDING COMMITTEE ON LABOR

July 2009

MEMBERS:

TROY DALE JACKSON, CHAIR
SEN. STAN GERZOFSKY
SEN. PETER MILLS

REP. JOHN L. TUTTLE, JR., CHAIR
REP. HERBERT E. CLARK
REP. TIMOTHY E. DRISCOLL
REP. ANNA D. BLODGETT
REP. STEVEN J. BUTTERFIELD
REP. PAUL E. GILBERT
REP. ANDRE E. CUSHING III
REP. JAMES MICHAEL HAMPER
REP. MICHAEL D. THIBODEAU
REP. BRUCE A. BICKFORD

STAFF:

CAROLYN RUSSO, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

Joint Standing Committee on Labor

LD 26 An Act To Allow the Spouse of a Retired Public Employee a Second Chance To Be Enrolled under the Retiree's Insurance Plan ONTP

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

This bill allows a retiree covered by the state group health insurance plan to enroll a spouse for coverage under that plan if the spouse changes jobs or retires.

The Committee considered amending the bill to reflect the sponsor's intent to allow retired teachers covered by the retired teachers' health insurance plan to enroll a spouse or dependent for coverage upon retirement and to allow a one-time change of election to enroll a spouse if the spouse has a life changing event. State employees already have this option.

LD 27 An Act To Amend the Definition of Employment for Purposes of Unemployment Compensation ONTP

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

Under current law, an employment relationship exists and unemployment insurance coverage is required unless all three parts of the so-called "ABC test" can be demonstrated. This bill limits application of the ABC test to situations in which the individual has performed services for a total of no less than 16 hours.

The sponsor withdrew the bill because a Governor's Task Force on Employee Misclassification has been established to look at the issue.

LD 64 An Act To Amend the Requirements for the Livable Wage Report PUBLIC 11

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

This bill changes the timing of the calculation and reporting of the livable wage from annual to biennial. The change is being made because some of the data needed for the calculation is not available in time for an annual calculation. The bill also changes the yearly schedule so that the Department of Labor has 5 months to report the information instead of only one month.

Enacted Law Summary

Public Law 2009, chapter 11 changes the timing of the calculation and reporting of the livable wage from annual to biennial. The calculation is made using seven expense categories (food; housing; telephone; health care; transportation; child care; and household goods, clothing, and personal care). Child care rates are only published

Joint Standing Committee on Labor

biennially in the "Maine Child Care Workforce Climate Report & Market Analysis." The law also changes the yearly schedule so that the Department of Labor has 5 months to report the information instead of only one month.

LD 65 An Act To Increase the Ability of the Maine Wage Assurance Fund To Pay Unpaid Workers PUBLIC 25

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM	S-16

This bill increases the amount that may be held in the Maine Wage Assurance Fund from \$100,000 to \$200,000.

Committee Amendment "A" (S-16)

This amendment adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2009, chapter 25 increases the amount that may be held in the Maine Wage Assurance Fund from \$100,000 to \$200,000. The increase will not raise the employment tax, but will ensure that workers get paid up to two weeks of unpaid wages when a business closes with no assets.

LD 83 An Act To Increase the Percentage of Retired Teachers' Health Insurance Paid by the State DIED ON ADJOURNMENT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM	S-17

This bill increases the State's contribution for health insurance for retired teachers from 45% to 50% beginning January 1, 2010.

Committee Amendment "A" (S-17)

This amendment adds an appropriations and allocations section to the bill.

LD 84 An Act To Ensure Fair Pay PUBLIC 29

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	S-18

This bill protects employees from employer discrimination when employees inquire about, disclose, compare or otherwise discuss employee wages.

Committee Amendment "A" (S-18)

Joint Standing Committee on Labor

This amendment clarifies that an employer may neither prohibit the inquiry nor the disclosure of an employee's wages for the purpose of enforcing the equal pay statute. It also states that there is no obligation to disclose wages.

Enacted Law Summary

Public Law 2009, chapter 29 specifies that an employer may not prohibit an employee from disclosing the employee's own wages or from inquiring about another employee's wages if the purpose of the disclosure or inquiry is to enforce the equal pay statute. The law also states that there is no obligation to disclose wages.

LD 104 An Act To Fund Fully the Purchase of Military Time

DIED ON
ADJOURNMENT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP-AM	H-111

This bill provides one-time funds to subsidize the purchase of military service credit for the members of the Maine Public Employees Retirement System who applied and were determined eligible to purchase the service credit for calendar year 2004 per Public Law 2003, chapter 693.

Committee Amendment "A" (H-111)

This amendment corrects the amount necessary to provide one-time funds to subsidize the purchase of military service credit for the members of the Maine Public Employees Retirement System who applied and were determined eligible to purchase the service credit for calendar year 2004 per Public Law 2003, chapter 693. The amendment is necessary because the original calculation was based on 6 individuals who are eligible. Since 2 of those individuals have already retired, the new calculation is based on the 4 remaining individuals who were determined eligible to purchase service credit for calendar year 2004.

LD 125 Resolve, To Establish the Blue Ribbon Commission To Study the Functions and Operations of the Maine Public Employees Retirement System

Carried Over

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

This resolve establishes a blue ribbon commission to study the functions and operations of the Maine Public Employees Retirement System.

This resolve is carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

Joint Standing Committee on Labor

LD 149 **An Act To Amend the Laws Relating to the Maine Jobs Council**

PUBLIC 12

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

This bill repeals a provision of law relating to membership of the Maine Jobs Council so that the law accurately reflects membership that is consistent with the representation requirements of the federal Workforce Investment Act of 1998. It amends provisions of law relating to the scope of work of the council's Standing Committee on Employment of People with Disabilities.

Enacted Law Summary

Public Law 2009, chapter 12 repeals a provision of law relating to membership of the Maine Jobs Council so that the law accurately reflects membership that is consistent with the representation requirements of the federal Workforce Investment Act of 1998. It amends provisions of law relating to the scope of work of the council's Standing Committee on Employment of People with Disabilities.

LD 154 **An Act To Enhance the Safety of Forestry Workers and Contracted Farm Workers**

**PUBLIC 201
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLODGETT	OTP-AM	H-112 S-131 JACKSON

This bill adds migrant and seasonal farm workers to the law providing protections for forestry workers. Farm labor contractors who are required to register under the federal Migrant and Seasonal Agricultural Worker Protection Act are required to file their federal registration with the state Department of Labor, listing a contact within the State. They are also required to provide first aid training, first aid kits and safe transportation for their workers.

Committee Amendment "A" (H-112)

This amendment clarifies that the number of occupants in a 15-person or 12-person van may not exceed 12 (11 passengers and one driver).

Senate Amendment "A" (S-131)

This amendment adds an emergency preamble and clause to the bill and applies the requirement that employers of bond workers provide proof of the employer's ownership of logging equipment for any temporary alien worker, not just nonagricultural temporary laborers.

Enacted Law Summary

Public Law 2009, chapter 201 adds migrant and seasonal farm workers to the law providing protections for forestry workers. Farm labor contractors who are required to register under the federal Migrant and Seasonal Agricultural Worker Protection Act are required to file their federal registration with the state Department of Labor listing a contact within the State. They are also required to provide first aid training, first aid kits and safe transportation for their workers. The law requires that employers of bond workers provide proof of the employer's ownership of

Joint Standing Committee on Labor

logging equipment for any temporary alien worker, not just nonagricultural temporary laborers.

Public Law 2009, chapter 201 was enacted as an emergency measure effective May 26, 2009.

LD 176 An Act To Equitably Adjust the Workers' Compensation Board's Assessment PUBLIC 109

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

This bill requires the Workers' Compensation Board to use collections that exceed the maximum assessment by more than 10% to reduce the assessment on insured employers.

Enacted Law Summary

Public Law 2009, chapter 109 requires the Workers' Compensation Board to use collections that exceed the maximum assessment by more than 10% to reduce the assessment on insured employers.

LD 192 An Act To Index the State Minimum Wage to Inflation Carried Over

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

This bill provides for the state minimum hourly wage to be adjusted for inflation beginning January 1, 2010 and annually thereafter. The bill requires the Department of Labor to calculate the inflation-adjusted minimum hourly wage based on changes in the consumer price index and to exclude from the calculation any month in which the State's unemployment rate exceeds the national unemployment rate.

This bill is carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

LD 292 An Act To Restore Equity to the Maine Public Employees Retirement System ACCEPTED ONTP REPORT

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

The Maine Public Employees Retirement System currently contains 2 separate benefit structures based upon the status of participants on July 1, 1993. Part A of this bill:

1. Reduces the early retirement reduction factor from 6% to 3% for employees who were already employed in a position that is covered under the State Employee and Teacher Retirement Program, the Legislative Retirement Program or the Judicial Retirement Program on July 1, 1993, and only those employees who do not have the option

Joint Standing Committee on Labor

to retire at 55 years of age under a special plan;

2. Allows the Board of Trustees of the Maine Public Employees Retirement System to reduce the payment in fiscal year 2008-09 toward the unfunded actuarial liability of the state employee and teacher retirement program and, if such a reduction is made, to apply the balance of the amount appropriated for that purpose to fund the past service liabilities created by the benefits provided under the bill, the increase in normal cost in fiscal year 2009-10 associated with the benefits provided under the bill and any increased unfunded liability payments required in fiscal year 2009-10 resulting from the reduced unfunded liability contribution in fiscal year 2008-09; and

3. Provides that the substantive changes to the Maine Public Employees Retirement System accomplished by this legislation take effect only if the Board of Trustees of the Maine Public Employees Retirement System determines that the reduction in the required unfunded liability payment in fiscal year 2008-09 is consistent with sound actuarial practice.

Part B of this bill directs the Maine Public Employees Retirement System, the Commissioner of Administrative and Financial Services and the State Employee Health Commission, within their existing resources, to design a unified pension and benefit plan to apply to all state employees and teachers that are first hired after December 31, 2010. It authorizes submission of the proposed unified pension and benefit plan, together with proposed implementing legislation, to the joint standing committee of the Legislature having jurisdiction over labor matters no later than December 10, 2009 and authorizes the committee to report out a bill to the Second Regular Session of the 124th Legislature. Under this unified pension and benefit plan:

1. In order to enhance portability of benefits and eliminate the issues associated with the government pension offset and the windfall elimination provision of the federal Social Security Act, every state employee and teacher subject to the plan will be covered under Social Security;

2. All new employees will be members of a common health plan with benefits that are identical to those paid for in accordance with current law and collective bargaining contracts;

3. In addition to Medicare and Social Security, each member will be entitled to a supplemental defined pension and retiree health benefit;

4. The present actuarial cost of retiree benefits under the plan will be limited to 6% of payroll to be divided equally between the employee and the employer;

5. Continuing health coverage will be offered to retirees and their dependents;

6. A retired member may receive a subsidy of up to 90% of the cost for the retiree's own health insurance and up to 45% of the cost of a spouse or dependent. The level of subsidy will be graduated to reflect length of service;

7. The future cost of retiree health benefits will be paid into an existing dedicated revenue account by assessing the current payroll of active members a percentage that is divided equally between the member and the member's employer;

8. Each member's supplemental defined pension will be calculated as a percentage of base year compensation times years of service. The percentage, rounded to the nearest tenth, will be calculated based on funding available after deducting the cost of the retiree health benefit from the 6% total benefit cost; and

9. A vested member may retire after 30 years of service or at 62 years of age, whichever occurs first. A member who retires early may recover 1.5 times of the member's own contribution plus 6% interest if benefits are withdrawn as cash.

Committee Amendment "A" (H-237)

Joint Standing Committee on Labor

This is the minority report of the Joint Standing Committee on Labor. This amendment incorporates a fiscal note.

LD 373 An Act To Facilitate Lactation at the Workplace by New Mothers

PUBLIC 84

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
INNES	OTP-AM	H-83

This bill requires break time for nursing mothers in the workplace and requires an employer to provide a sanitary space, which must be close to the work area and may not be a bathroom, for nursing mothers to express milk in privacy.

Committee Amendment "A" (H-83)

This amendment clarifies that an employer, including the State, shall make reasonable efforts to provide a clean room or other location, other than a bathroom, where an employee may express breast milk in privacy. The time used may be unpaid break time or paid break time or meal time at the discretion of the employer.

Enacted Law Summary

Public Law 2009, chapter 84 requires that an employer, including the State, shall make reasonable efforts to provide a clean room or other location, other than a bathroom, where an employee may express breast milk in privacy for up to 3 years following childbirth. The time used may be unpaid break time or paid break time or meal time at the discretion of the employer. An employer may not discriminate against an employee who chooses to express breast milk in the workplace.

LD 403 An Act To Increase the Minimum Wage

Carried Over

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

This bill increases the minimum wage to \$8.20 per hour in 2010 and to \$8.90 in 2011. Each year after that, the minimum wage is adjusted based on changes in prices, so that the minimum hourly wage rate maintains employee purchasing power. The price adjustment is based on the change in the Consumer Price Index.

This bill is carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

LD 409 An Act To Increase Leaves of Absence for State Employees and Officials Who Are Members of the National Guard or Reserves of the United States Armed Forces

ONTP

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

Joint Standing Committee on Labor

This bill increases the paid leave of absence given to officials and employees of the State who are members of the National Guard or Reserves of the United States Armed Forces from 17 work days per year to 30 work days per year while those officials or employees are performing military duty.

LD 496 An Act To Amend the Employment Practices Laws

ONTP

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

Current law allows public employers to deduct service fees owed by an employee to a collective bargaining agent from employee's pay. This bill requires a public employer to deduct the fees.

LD 549 An Act To Amend the Employment Practices Law Regarding Substance Abuse Testing

PUBLIC 133

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON	OTP-AM	H-179 TUTTLE S-75

This bill provides that employers using substance abuse testing may use tests that have been recognized by the federal Food and Drug Administration as accurate and reliable through a clearance or approval process and directs the use of that agency's cleared or approved cutoff levels and procedures if the Department of Health and Human Services cutoff levels or procedures do not exist for the particular test.

Committee Amendment "A" (S-75)

This amendment clarifies that if the Department of Health and Human Services does not have established cutoff levels and procedures for a particular federally approved substance abuse test the cutoff levels and procedures established by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration apply.

House Amendment "A" To Committee Amendment "A" (H-179)

This amendment further clarifies that the particular cutoff levels and procedures for substance abuse testing to be used when the Department of Health and Human Services does not have established cutoff levels and procedures are those as printed in the Federal Register, Volume 69, No. 71, sections 3.4 to 3.7 on pages 19697 and 19698.

Enacted Law Summary

Public Law 2009, chapter 133 provides that employers using substance abuse testing may use tests that have been recognized by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services as accurate and reliable as set forth in the Federal Register, Volume 69, No. 71, sections 3.4 to 3.7 on pages 19697 and 19698 if the Department of Health and Human Services does not have established cutoff levels or procedures for the particular test.

Joint Standing Committee on Labor

LD 564 Resolve, To Establish a Working Group of Stakeholders To Review the Current and Future Needs of Blind and Visually Impaired Individuals and To Establish Long-term Solutions To Fund Those Needs

RESOLVE 39

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DRISCOLL JACKSON	OTP-AM	H-122

This bill decreases the ratio of visually impaired and blind individuals to vision rehabilitation therapists to more appropriate levels and improves the effectiveness of vision rehabilitation services for the increasing numbers of adults with vision loss and expanded core curriculum services for youth in transition by funding one full-time and 2 half-time Vision Rehabilitation Therapist positions and one full-time Personal Adjustment Counselor position. The bill also provides funding for a vision rehabilitation program developer to design and implement a vision rehabilitation system. The bill increases funding for the Maine Audio Information and Reading Service operated by The Iris Network in order to support expansion to a 24 hours per day, 7 days per week broadcast. Finally, the bill provides funding to establish training opportunities, including internships, scholarships and fellowships, designed to recruit professionals to provide vision rehabilitation therapy and allied services throughout the State.

Committee Amendment "A" (H-122)

This amendment replaces the bill with a resolve that authorizes the establishment of a working group funded within existing resources of the Department of Labor to study the current and future needs of blind and visually impaired individuals, determine the costs of those needs and design a solution to meet those needs. The group shall report its findings to the Joint Standing Committee on Labor and the Joint Standing Committee on Education and Cultural Affairs by January 31, 2010.

Enacted Law Summary

Resolve 2009, chapter 39 authorizes the establishment of a working group funded within existing resources of the Department of Labor to study the current and future needs of blind and visually impaired individuals, determine the costs of those needs and design a solution to meet those needs. The group shall report its findings to the Joint Standing Committee on Labor and the Joint Standing Committee on Education and Cultural Affairs by January 31, 2010.

LD 578 An Act Regarding Repayment of Subrogation or Lien Claims in Workers' Compensation Actions

ONTP

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

This bill amends the laws governing workers' compensation to provide for the reduction of any lien or subrogation interest when recovery from a 3rd party is so limited that repayment of the lien or subrogation interest would constitute a hardship on the employee.

Joint Standing Committee on Labor

LD 579 An Act To Provide Wraparound Medical Coverage in the Workers' Compensation System

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. It proposes to establish an integrated health insurance program that incorporates health coverage provided by Dirigo Health into the workers' compensation system.

LD 617 An Act To Amend the Maine Workers' Compensation Act of 1992 To Remove Independent Medical Examiners

ONTP

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

This bill removes the independent medical examiner system from the Maine Workers' Compensation Act of 1992.

LD 620 An Act To Ensure the Workers' Compensation Board's Regulatory Oversight of the Maine Insurance Guaranty Association

PUBLIC 129

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-85

This bill ensures that the Maine Insurance Guaranty Association is responsible for all penalties under the Maine Worker' Compensation Act of 1992 and any rules adopted pursuant to the Maine Worker' Compensation Act of 1992 with the exception of the penalty under the Maine Revised Statutes, Title 39-A, section 359, subsection 2.

Committee Amendment "A" (S-85)

This amendment specifies that the Maine Insurance Guaranty Association, or "association," must employ Maine licensed adjusters in the handling of claims. The amendment prohibits the imposition of penalties if the association is unable, in the exercise of reasonable diligence, to obtain the records of an insolvent insurer or was prevented from complying with the Maine Workers' Compensation Act of 1992 through no fault of its own. The amendment makes clear that any acts or omissions by the association prior to the effective date of this legislation are not governed by the provisions of this legislation.

Enacted Law Summary

Public Law 2009, chapter 129 specifies that the Maine Insurance Guaranty Association ("MIGA") must employ Maine licensed adjusters in the handling of claims. It clarifies that MIGA is responsible for penalties under the Maine Workers' Compensation Act of 1992 ("ACT") and any rules adopted pursuant to the ACT with the following exceptions:

Joint Standing Committee on Labor

1. The penalty under the Maine Revised Statutes, Title 39-A, section 359, subsection 2;
2. If the Workers' Compensation Board finds that MIGA was prevented from complying with the ACT because MIGA was unable in the exercise of reasonable diligence to obtain records of the insolvent insurer; and
3. If the Workers' Compensation Board finds that MIGA was prevented from complying with the ACT because of circumstances beyond its reasonable control.

LD 621 An Act Allowing Workers' Compensation Benefits for Firefighters Who Contract Cancer

PUBLIC 408

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM MAJ ONTP MIN	S-100 S-151 BARTLETT

This bill creates a rebuttable presumption under the Maine Workers' Compensation Act of 1992 that a firefighter who contracts cancer contracted the disease in the course of employment as a firefighter if the firefighter, during the time of that firefighter's employment, received a test for cancer that failed to detect the cancer. This bill makes the last employer for whom the firefighter worked at the time of the last exposure to the risk of cancer and that employer's insurer liable for the cancer.

Committee Amendment "A" (S-100)

This amendment, which is the majority report of the committee, requires that, to be eligible for workers' compensation benefits, in addition to the presumption established in the bill, the firefighter must have been employed as a firefighter for a minimum of 5 years and have regularly responded to firefighting or emergency calls. The amendment changes the application of the presumption for retired firefighters who contract cancer from within 20 years to within 10 years of last active employment or prior to 70 years of age. The amendment also requires the firefighter to verify that the diagnosed cancer is not prevalent in the firefighter's blood-related family and is not due to exposures to carcinogens outside the firefighter's employment as a firefighter.

Senate Amendment "B" To Committee Amendment "A" (S-151)

This amendment amends the definition of "firefighter" by striking the reference to "responding to other emergencies" to clarify that the firefighter must have regularly responded to firefighting calls to be eligible for workers' compensation benefits, in addition to the presumption established in Committee Amendment "A."

Enacted Law Summary

Public Law 2009, chapter 408 creates a rebuttable presumption under the Maine Workers' Compensation Act of 1992 that a firefighter who contracts a covered cancer contracted that cancer in the course of employment as a firefighter. In order to be eligible for the presumption, the firefighter must have been employed as a firefighter for a minimum of 5 years and regularly responded to firefighting calls. In addition, retired firefighters must have contracted cancer within 10 years of active employment or prior to 70 years of age. The firefighter must also verify that the diagnosed cancer is not prevalent in the firefighter's blood-related family and is not due to exposures to carcinogens outside the firefighter's employment as a firefighter. The covered cancers are kidney cancer, non-Hodgkin's lymphoma, colon cancer, leukemia, brain cancer, bladder cancer, multiple myeloma, prostate cancer, testicular cancer and breast cancer.

Joint Standing Committee on Labor

LD 639 An Act Regarding the Computation of Workers' Compensation Rates Based on Past Claims

ONTP

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

Under current law, an employer is placed in a high-risk pool if the employer has at least 2 lost-time claims, each greater than \$10,000 of incurred loss during the previous 3-year experience rating period. This bill increases the incurred loss amount from \$10,000 to \$40,000.

LD 658 An Act To Require United States Occupational Safety and Health Administration Training for Government Construction Contracts

ONTP

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

This bill requires that a contractor or subcontractor entering into a public works contract that is for \$100,000 or more provide proof of documentation demonstrating that all nonexempt employees working on that project have completed a construction safety program, no shorter than 10 hours in duration, approved by the United States Department of Labor, Occupational Safety and Health Administration.

The exempt employees include law enforcement officers involved in traffic control or work site security, flagging personnel who have completed the training required by the Department of Transportation, all relevant federal, state and municipal government employees and inspectors and all individuals who are not considered to be on the work site under the federal Davis-Bacon Act.

The bill also specifies, notwithstanding fines provided in existing law, that a contractor or subcontractor who willfully and knowingly violates these requirements is subject to removal of an employee from the work site and the assessment of fines.

Committee Amendment "A" (H-121)

This amendment, which is the majority report of the Joint Standing Committee on Labor, clarifies that the bill applies only to those works entered into on or after July 1, 2010. It also amends the penalties and enforcement provision of the bill by eliminating the appointment by the Commissioner of Labor of as many individuals as necessary to carry out the section and states that the penalties are in addition to the penalties provided in the Maine Revised Statutes, Title 26, section 1312.

The Joint Standing Committee on Labor reconsidered the bill and the amendment and voted unanimously Ought Not To Pass.

Joint Standing Committee on Labor

LD 669 An Act To Clarify an Employer's Ability To Collect the Overcompensation of Wages

LEAVE TO WITHDRAW

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

This bill is a concept draft pursuant to Joint Rule 208. It proposes to limit an employer's ability to collect an overpayment of wages due to the employer's error.

LD 672 An Act To Add Maine Maritime Academy Representation to the State Employee Health Commission

PUBLIC 64

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

This bill adds representatives of labor and management of the Maine Maritime Academy to the State Employee Health Commission.

Enacted Law Summary

Public Law 2009, chapter 64 adds representatives of labor and management of the Maine Maritime Academy to the State Employee Health Commission.

LD 685 An Act To Clarify the Minimum Wage Exemption for Summer Camp Counselors Working at Day Camps

PUBLIC 120 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM	S-64

Under current law, counselors at summer camps are exempt from minimum wage requirements. This bill defines "summer camp" and specifically includes day camps, residential camps, trip and travel camps and seasonal recreation programs.

Committee Amendment "A" (S-64)

This amendment adds an emergency preamble and clause and clarifies that counselors, junior counselors or counselors-in-training employed by organized camps licensed by the Department of Health and Human Services and those employees under 18 years of age who work for nonprofit organized camps and similar seasonal recreation programs are exempt from minimum wage requirements.

Enacted Law Summary

Public Law 2009, chapter 120 clarifies the minimum wage and overtime exemption for summer camp counselors. It

Joint Standing Committee on Labor

states that counselors, junior counselors or counselors-in-training employed by organized camps licensed by the Department of Health and Human Services and those employees under 18 years of age who work for nonprofit organized camps and similar seasonal recreation programs are exempt from the definition of employee under subchapter 3 of employment practice law.

Public Law 2009, chapter 120 was enacted as an emergency measure effective May 11, 2009.

**LD 693 An Act To Clarify the Status and Benefits of Employees of the Child
Development Services System**

PUBLIC 233

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-189

This bill clarifies the status of employees of the Child Development Services System, who through collective bargaining may join the state employee health plan and for the purpose of collective bargaining be considered an agency of the executive branch and a public employer covered by the laws governing state employees and legislative employees labor relations.

Committee Amendment "A" (S-189)

This amendment replaces the bill. The amendment clarifies the provision that allows employees of a regional site of the Child Development Services System to join the State Employee Health Insurance Program as long as it is agreed to in collective bargaining and funds are available.

Enacted Law Summary

Public Law 2009, chapter 233 provides that employees of a regional site of the Child Development Services System may join the State Employee Health Insurance Program as long as it is agreed to in collective bargaining and funds are available.

**LD 737 An Act To Require the State To Provide Bonita Rogan with Health
Insurance Benefits**

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J	OTP-AM	S-190

This bill makes Bonita Rogan eligible for a group health plan as a retired employee of the State.

Committee Amendment "A" (S-190)

This amendment adds an appropriations and allocations section.

Joint Standing Committee on Labor

LD 801 An Act To Clarify the Rights of Public Employee Unions and Public Employers To Agree through Collective Bargaining To Permit Payroll Deductions for Union Dues or Other Funds

PUBLIC 144

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

The bill clarifies that the statutory prohibition on using a state computer to solicit political contributions does not bar a public employer from deducting union dues and other funds that are authorized by the employee and remitting that deduction to the union, even if the amount deducted might be used by the union for political or legislative purposes.

Enacted Law Summary

Public Law 2009, chapter 144 clarifies that the statutory prohibition on using a state computer to solicit political contributions does not bar a public employer from deducting union dues and other funds that are authorized by the employee and remitting that deduction to the union, even if the amount deducted might be used by the union for political or legislative purposes.

LD 812 Resolve, Pertaining to Vacation Leave Earned by Seasonal Employees of the Baxter State Park Authority

**RESOLVE 43
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS	OTP-AM	H-154

This resolve requires that the Department of Administrative and Financial Services, Bureau of Human Services amend its rules pertaining to holidays, leaves of absence and related compensation practices to provide that a seasonal employee of the Baxter State Park Authority may choose to be paid for unused vacation and overtime hours at the end of each season. It further clarifies that choosing such an option may not be construed as an interruption in service if the employee returns to classified or unclassified state service in any capacity within one year.

Committee Amendment "A" (H-154)

This amendment adds an appropriations and allocations section and an emergency preamble and emergency clause to the resolve.

Enacted Law Summary

Resolve 2009, chapter 43 requires the Department of Administrative and Financial Services Bureau of Human Services to amend its rules pertaining to holidays, leaves of absence and related compensation practices to provide that a seasonal employee of the Baxter State Park Authority may choose to be paid for unused vacation and overtime hours at the end of each season. It further clarifies that choosing such an option may not be construed as an interruption in service if the employee returns to classified or unclassified state service in any capacity within one year.

Resolve 2009, chapter 43 was finally passed as an emergency measure effective May 15, 2009.

Joint Standing Committee on Labor

LD 829 **An Act To Clarify the Right of Public School Employees To Engage in Collective Bargaining**

**PUBLIC 107
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H JACKSON	OTP-AM	H-113

This bill prohibits a regional school unit board from participating in labor relations activities prior to the operational date of the regional school unit except for the negotiation and execution of a collective bargaining agreement that takes effect on or after the operational date of the regional school unit. Prior to the operational date, each participating school administrative unit retains the authority and duties specified in the Maine Revised Statutes, Title 26, chapter 9-A. This bill also waives the 120-day notice requirement for submission of fiscal matters by the bargaining unit of a regional school unit prior to and during its 1st year of operation.

Committee Amendment "A" (H-113)

This amendment clarifies collective bargaining rights and duties of public employers and bargaining agents in connection with the formation of regional school units as specified in the Maine Revised Statutes, Title 26, chapter 9-A. Until approval of a proposed school administrative reorganization plan at referendum, each participating school administrative unit retains all authority, duties and obligations of the public employer of the employees of the school administrative unit, including the authority and duty to negotiate a successor collective bargaining agreement that will take effect on or after the operational date of the proposed regional school unit. Prior to the operational date of the regional school unit, the elected board for that regional school unit has the duty to take measures necessary to prepare to meet its obligations as a public employer, including the authority and duty to negotiate a successor collective bargaining agreement that will take effect on or after the operational date of the regional school unit. It clarifies who will act as bargaining agent prior to the operational date of the regional school unit. The obligation to meet within 10 days after receipt of written notice is suspended during the period between referendum approval and the operational date of the regional school unit. It also waives the 120-day notice requirement for submission of fiscal matters by the bargaining unit of a regional school unit prior to its first year of operation.

Enacted Law Summary

Public Law 2009, chapter 107 clarifies collective bargaining rights and duties of public employers and bargaining agents in connection with the formation of regional school units as specified in the Maine Revised Statutes, Title 26, chapter 9-A. Until approval of a proposed school administrative reorganization plan at referendum, each participating school administrative unit retains all authority, duties and obligations of the public employer of the employees of the school administrative unit, including the authority and duty to negotiate a successor collective bargaining agreement that will take effect on or after the operational date of the proposed regional school unit. Prior to the operational date of the regional school unit, the elected board for that regional school unit has the duty to take measures necessary to prepare to meet its obligations as a public employer, including the authority and duty to negotiate a successor collective bargaining agreement that will take effect on or after the operational date of the regional school unit. It clarifies who will act as bargaining agent prior to the operational date of the regional school unit. The obligation to meet within 10 days after receipt of written notice is suspended during the period between referendum approval and the operational date of the regional school unit. It also waives the 120-day notice requirement for submission of fiscal matters by the bargaining unit of a regional school unit prior to its first year of operation.

Public Law 2009, chapter 107 was enacted as an emergency measure effective May 8, 2009.

Joint Standing Committee on Labor

**LD 830 An Act To Exclude Collectively Bargained Salary and Job Promotion
Increases from the Earnable Compensation Limitation for Retirement
Purposes**

**ACCEPTED ONTP
REPORT**

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

This bill restores 2 exclusions from the calculation of salary or wage increases for the purpose of determining average final compensation under the Maine Public Employees Retirement System that were in statute before significant changes were made in 1993.

Committee Amendment "A" (H-171)

This amendment is the minority report of the Joint Standing Committee on Labor. The amendment adds an appropriations and allocations section to the bill.

**LD 849 An Act To Clarify the Application of the Public Works Minimum Wage
Laws**

PUBLIC 453

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE JACKSON	OTP-AM MAJ ONTP MIN	H-241

This bill adds public schools to the definition of "public works" in the Maine Revised Statutes, Title 26, chapter 15, which deals with preference to Maine workers and contractors.

Committee Amendment "A" (H-241)

This is the majority report of the Joint Standing Committee on Labor. It adds a fiscal note to the bill.

Enacted Law Summary

Public Law 2009, chapter 453 adds public schools to the definition of "public works" in the Maine Revised Statutes, Title 26, chapter 15, which deals with preference to Maine workers and contractors for contracts let by the State for \$50,000 or more.

LD 867 An Act Regarding Unemployment Compensation

ONTP

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

This bill requires the Director of Unemployment Compensation, when sending a written notice of determination of employment, to include the documentation that supported the determination. The bill also requires the director to treat both claimant and employer equally and to make available the record of interviews and documentation to both

Joint Standing Committee on Labor

parties.

LD 868 An Act To Rename the Division of Deafness within the Department of Labor

PUBLIC 174

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN SCHNEIDER	OTP	H-238 HAYES

This bill changes the name of the Division of Deafness within the Department of Labor, Bureau of Rehabilitation Services to the Division for the Deaf, Hard of Hearing and Late Deafened. The bill also defines "late deafened" and "late-deafened person" and corrects cross-references that are affected by the name change.

House Amendment "A" (H-238)

This amendment is being presented on behalf of the Committee on Bills in Second Reading to prevent a conflict by incorporating changes made to the Maine Revised Statutes, Title 35-A, section 7302 and section 7505, subsection 5 by Public Law 2009, chapter 68.

Enacted Law Summary

Public Law 2009, chapter 174 changes the name of the Division of Deafness within the Department of Labor, Bureau of Rehabilitation Services to the Division for the Deaf, Hard of Hearing and Late Deafened. The bill also defines "late deafened" and "late-deafened person" and corrects cross-references that are affected by the name change.

LD 869 An Act To Require the Development of Plans To Achieve the Payment of Livable Wages by State and Local Government Employers

ONTP

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

This bill redefines "livable wage" using the statewide average livable wage for a single-parent, one-child household rather than a 2 parent household with 2 earners and 2 children. It further adjusts the definition when applied to municipalities, school administrative units, and any other local political subdivision by using the county or metropolitan statistical area to base the average.

The bill requires the State, the University of Maine System, the Maine Community College System, and all municipalities, counties, and school administrative units to annually submit a report to the Department of Labor for the preceding calendar year to determine the extent in which they pay workers livable wage rates. The report is to identify all workers who were paid less than a livable wage rate, the total number of wages paid to each worker, the total wages that would have been paid to these workers for the same number of hours at a livable wage, and the difference between the actual wages and the livable wages.

The bill requires the Department of Labor to produce an annual report that quantifies and summarizes data gathered and analyzed from all federal, state, and local public social service agencies and offices to determine the costs of providing direct services to all workers employed by state and local public employers who are paid less than a livable wage.

Joint Standing Committee on Labor

The bill also requires the University of Maine System, the Maine Community College System and all municipalities, counties, and school administrative units to develop and implement a plan to achieve payment of at least a livable wage by July 1, 2012. They are to develop those plans with collective bargaining agents.

LD 888 Resolve, Directing the Governor and the Department of Administrative and Financial Services, Bureau of Human Resources To Remove Longevity Biases from Collective Bargaining Agreements ONTP

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

This resolve directs the Governor and the Department of Administrative and Financial Services, Bureau of Human Resources to:

1. Reduce or eliminate within future collective bargaining agreements those provisions that compensate longevity without regard to the value of services rendered to the State;
2. Retain the State's right to make temporary layoffs during future collective bargaining periods; and
3. Adjust the merit pay system so that only those in the upper third of performance are eligible for the award in the discretion of that employee's supervisor.

LD 934 An Act To Clarify Public Sector Employee Fair Choice in Collective Bargaining Carried Over

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

Under current law, if a state employee organization or public employee organization files a request with a public employer alleging that a majority of the employees in an appropriate bargaining unit wish to be represented for the purpose of collective bargaining, the public employer may request an election to determine whether there exists majority support among the employees for such representation. This bill provides instead that the public employer may request an inspection of the evidence of written majority authorization on the part of the employees.

This bill is carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

LD 946 An Act To Reverse the Effects of Grant v. Central Maine Power, Inc. on Workers' Compensation PUBLIC 280

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING PLOWMAN	OTP-AM	H-359

Joint Standing Committee on Labor

The purpose of this bill is to address the issue identified in *Grant v. Central Maine Power, Inc.*, 2003 ME 96, 828 A.2d 800 by amending the Maine Workers' Compensation Act of 1992 to permit an employer to reduce weekly benefits by the amount of earnings paid by an employer that is not liable or responsible for paying the weekly benefits.

Committee Amendment "A" (H-359)

This amendment clarifies that earnings may be discontinued or reduced by the actual substantiated amount paid to the employee during the 21-day period if the employer files the evidence of payment with the Workers' Compensation Board for the time during which an employee was actually paid by the employer.

Enacted Law Summary

Public Law 2009, chapter 280 amends the Maine Workers' Compensation Act of 1992 by clarifying that earnings may be discontinued or reduced by the actual substantiated amount paid to the employee during the 21-day period if the employer files the evidence of payment with the Workers' Compensation Board for the time during which an employee was actually paid by the employer.

LD 987 An Act To Clarify the Definition of "Employee" in the Employment Security Law

LEAVE TO
WITHDRAW

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

This bill exempts licensed cosmetologists, massage therapists and manicurists who operate within an establishment owned by another under a booth rental agreement or other rental agreement from the definition of employment for purposes of unemployment compensation law.

LD 996 An Act To Allow Certain Retirees in the Maine Public Employees Retirement System To Return to Service with the State for 180 Days Annually

ONTP

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

Current Maine Public Employees Retirement System rules address the circumstance of a State employee or a teacher who retires prior to normal retirement age but who then returns to service with same employer for whom the employee or teacher last worked prior to retiring. The rules are based on the interpretation of federal Internal Revenue Service regulations.

This bill codifies some of those rules, including the requirement that there be a bona fide termination of at least 30 days, and allows a retiree to return to service after retirement with the same employer for a maximum of 180 days each year, instead of the current limit of 60 days specified in Maine Public Employees Retirement System rules.

The Committee addressed this issue by asking the Maine Public Employees Retirement System to change the rules to reflect the intent of this proposed bill.

Joint Standing Committee on Labor

LD 1007 An Act Pertaining to the Retirement of Certain Oil and Hazardous Material Specialists

DIED BETWEEN HOUSES

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

Under current law, retired oil and hazardous materials emergency response workers who worked in the Division of Response Services in the Department of Environmental Protection are covered under the 1998 Special Plan. This bill extends inclusion in the plan to oil and hazardous materials emergency response workers in other divisions in the Department of Environmental Protection.

Committee Amendment "A" (H-184)

The amendment prospectively adds oil and hazardous materials specialists employed in the Department of Environmental Protection to the 1998 Special Plan who were not included in the original 1998 Special Plan. The amendment also adds an appropriations and allocations section.

LD 1092 An Act To Improve Worksite Accountability for Public Construction Projects by Requiring Subcontractor Identification

ONTP

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

This bill requires a general contractor on a project undertaken with public funds to provide the public agency with a list of all independent contractors and subcontractors on the job site and the names of their workers' compensation insurers. The list must be posted on the job site and the agency's website and updated weekly. The bill also establishes penalties to be implemented by the Department of Labor.

The Committee carried forward this concept, in an amended form, in LD 1456.

LD 1109 An Act To Prohibit the Reduction of Benefits under the Maine Workers' Compensation Act of 1992 for Certain Prior Injuries

LEAVE TO WITHDRAW

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

This bill is in response to the Maine Supreme Judicial Court's decision in *Legassie v. Securitas, Inc.*, 2008 ME 43, 944 A.2d 495. The decision in that case authorized a reduction to an injured worker's wage replacement and medical benefits because of a previously settled workers' compensation claim. This bill specifies that reducing an injured worker's benefits because of a prior settled injury is direct apportionment against the employee and is prohibited.

Joint Standing Committee on Labor

This bill also clarifies the applicability of the Maine Supreme Judicial Court's decision in *Cust v. University of Maine*, 2001 ME 29, 766 A.2d 566. This bill specifies that when an injured worker's permanent impairment rating under the Maine Revised Statutes, Title 39-A, section 213, subsection 1-A is above the applicable threshold on account of a single injury or the sum of multiple injuries, all of the worker's weekly benefits under the Maine Workers' Compensation Act of 1992 are exempt from the durational limit of Title 39-A, section 213, subsection 1.

The Committee carried forward this concept, in an amended form, in LD 1384.

LD 1167 An Act To Limit the Work Week of Doctors and Medical Residents

ONTP

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

Current law limits the amount of overtime an employee may be required to work to 80 hours in 2 weeks; medical interns and residents are exempt from this limitation.

This bill modifies the exemption to reduce the number of hours of overtime that a medical intern or resident can be required to work from 80 hours in a 2-week period to 20 hours in a one-week period and applies the same limit to physicians.

LD 1185 An Act To Require Cause for Employment Termination

**ACCEPTED ONTP
REPORT**

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

This bill enacts the Maine Employment Termination Act, which states that an employer may not terminate the employment of an employee without good cause.

Committee Amendment "A" (S-180)

This minority report amendment adds an appropriations and allocations section to the bill.

LD 1219 An Act To Correct Inequities for Certain Maine Community College System Employees in the Maine Public Employees Retirement System

**PUBLIC 236
EMERGENCY**

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

This bill provides that an employee of the Maine Community College System who participated in a defined contribution plan offered to such an employee in place of the retirement plan offered under the Maine Public Employees Retirement System and who subsequently resumed participation or commenced participation in the

Joint Standing Committee on Labor

Maine Public Employees Retirement System is automatically insured and is eligible for coverage under the group life insurance program provided to employees of the Maine Community College System in the same manner as a new employee of the Maine Community College System. Such an employee does not need to provide evidence of insurability in order to receive coverage under the group life insurance program provided to employees of the Maine Community College System.

Committee Amendment "A" (S-183)

This amendment corrects an oversight in Public Law 2001, chapter 545 and Public Law 2003, chapter 261 whereby the intent was for Maine Community College System employees to be able to return to membership in the Maine Public Employees Retirement System, including participation in the group life insurance program. The amendment also establishes a time frame during which certain confidential employees of the Maine Community College System may establish group life insurance coverage with the Maine Public Employees Retirement System.

Enacted Law Summary

Public Law 2009, chapter 236 corrects an oversight in Public Law 2001, chapter 545 and Public Law 2003, chapter 261 whereby the intent was for Maine Community College System employees to be able to return to membership in the Maine Public Employees Retirement System, including participation in the group life insurance program. The amendment also establishes a time frame during which certain confidential employees of the Maine Community College System may establish group life insurance coverage with the Maine Public Employees Retirement System.

Public Law 2009, chapter 236 was enacted as an emergency measure effective June 2, 2009.

**LD 1292 An Act To Provide More Transparency and Protection for Public
Employees in the Laws Governing the Maine Public Employees
Retirement System**

PUBLIC 322

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E	OTP-AM	S-285

This bill provides more transparency, accountability and protection for public employees with respect to the processes and policies of the Maine Public Employees Retirement System. The bill:

1. Provides that the executive director of the retirement system be appointed by the Governor subject to confirmation by the Senate;
2. Provides that persons providing information to prospective retiring public employees be well trained and knowledgeable about retirement system laws and rules and be able to provide this information in understandable terms;
3. Provides that mistakes by public employees or employees of the retirement system in regard to retirement system benefits, including overpayments, may not result in punitive and unreasonable penalties that result in reducing benefits below a livable income;
4. Provides that public employees who enroll in the retirement system must be reviewed by the retirement system no later than 60 days following enrollment in regard to eligibility for benefits under the retirement system;
5. Authorizes hearing examiners to make final decisions about disability benefits and other benefits based on all the data and evidence presented at the hearing, including information provided by treating physicians, public officials, witnesses, the medical board and other sources;

Joint Standing Committee on Labor

6. Provides that the opinions of an applicant's treating medical provider must be accorded controlling weight unless the substantial evidence of record compels a contrary conclusion;
7. Requires the board of trustees to communicate with administrative staff throughout the retirement system at least once a year in regard to issues of concern to the staff;
8. Requires the medical board, the executive director or the board of trustees, prior to making any adverse recommendations regarding a disability case, to meet with the applicant or the applicant's attorney to provide the criteria, standards and reasons, including medical criteria on which the decisions of the medical board are based;
9. Requires the medical board to which a disability retirement request has been referred to be composed of physicians whose practices involve or have involved the treatment of the physical or mental conditions on which the case of the applicant is based;
10. Establishes as a purpose of the retirement system the provision of and preservation of access to disability benefits and a reasonable and decent quality of life for members of the retirement system, including individuals who become disabled. This provision is given equal weight with the integrity and financial well-being of the retirement system;
11. Requires additional information as part of the retirement system's annual report to include information regarding the number of state employees, teachers and participating district employees who retired and the amount of retirement payouts, the number of persons who applied for disability retirement and the number denied disability retirement in the previous year and the number of applicants who were denied disability retirement following submission of additional information and following applicants' appeals; and
12. Overrules a decision of the Superior Court that discriminates against all employees who take more than 30 days of unpaid leave during any period of their last 5 years of retirement system service, regardless of their total service in the retirement system.

Committee Amendment "A" (S-285)

This amendment provides more transparency, accountability and protection for public employees with respect to the processes and policies of the Maine Public Employees Retirement System. The amendment:

1. Provides that persons providing information to prospective retiring public employees be well trained and knowledgeable about retirement system laws and rules and be able to provide this information in understandable terms;
2. Provides that mistakes by public employees or employees of the retirement system in regard to retirement system benefits, including overpayments, may not result in unreasonable penalties and recovery must consider personal economic stability;
3. Authorizes hearing officers to make recommended final decisions and requires such decisions to be made on the record as a whole;
4. Implements a finding of the court that opinions of the medical board are advisory only;
5. Affords equal weight to medical evidence, regardless of the source of that evidence;
6. Entitles a member or retiree along with counsel an opportunity to an informal hearing prior to any adverse decision by the retirement staff;

Joint Standing Committee on Labor

7. Requires the Board of Trustees of the Maine Public Employees Retirement System to attempt to appoint to the medical board physicians chosen from those fields of medicine for which the retirement system receives the greatest number of applications for disability retirement benefits;
8. Requires additional information, as part of the retirement system's annual report, including the number of individuals who retired in the previous calendar year categorized by plan status; the number of new active members of the retirement system who became members during the previous year, by plan status; the amount of earnings on investment in the previous calendar year; the total amount of employee and employer contributions to the retirement system in the previous calendar year and the total amount of payout to retirees, categorized by plan status; and the number of persons who applied for disability retirement during the previous calendar year;
9. Addresses a decision of the Superior Court that discriminates against all employees who take more than 30 days of unpaid leave during any period of their last 5 years of retirement system service, regardless of their total service in the retirement system;
10. Provides that a member whose employer wrongly or incorrectly enrolls a member in the Maine Public Employees Retirement System does not lose any retirement benefits. The State does not bear responsibility for the employer's mistake; and
11. Requires the Maine Public Employees Retirement System to report back to the Joint Standing Committee on Labor with the results of the implementation of the changes required by this legislation by January 10, 2010. The joint standing committee may report out legislation in the Second Regular Session of the 124th Legislature.

Enacted Law Summary

Public Law 2009, chapter 322 provides more transparency, accountability and protection for public employees with respect to the processes and policies of the Maine Public Employees Retirement System. The amendment:

1. Provides that persons providing information to prospective retiring public employees be well trained and knowledgeable about retirement system laws and rules and be able to provide this information in understandable terms;
2. Provides that mistakes by public employees or employees of the retirement system in regard to retirement system benefits, including overpayments, may not result in unreasonable penalties and recovery must consider personal economic stability;
3. Authorizes hearing officers to make recommended final decisions and requires such decisions to be made on the record as a whole;
4. Implements a finding of the court that opinions of the medical board are advisory only;
5. Affords equal weight to medical evidence, regardless of the source of that evidence;
6. Entitles a member or retiree along with counsel an opportunity to an informal hearing prior to any adverse decision by the retirement staff;
7. Requires the Board of Trustees of the Maine Public Employees Retirement System to attempt to appoint to the medical board physicians chosen from those fields of medicine for which the retirement system receives the greatest number of applications for disability retirement benefits;
8. Requires additional information, as part of the retirement system's annual report, including the number of individuals who retired in the previous calendar year categorized by plan status; the number of new active members of the retirement system who became members during the previous year, by plan status; the amount of earnings on

Joint Standing Committee on Labor

investment in the previous calendar year; the total amount of employee and employer contributions to the retirement system in the previous calendar year and the total amount of payout to retirees, categorized by plan status; and the number of persons who applied for disability retirement during the previous calendar year;

9. Addresses a decision of the Superior Court that discriminates against all employees who take more than 30 days of unpaid leave during any period of their last 5 years of retirement system service, regardless of their total service in the retirement system;

10. Provides that a member whose employer wrongly or incorrectly enrolls a member in the Maine Public Employees Retirement System does not lose any retirement benefits. The State does not bear responsibility for the employer's mistake; and

11. Requires the Maine Public Employees Retirement System to report back to the Joint Standing Committee on Labor with the results of the implementation of the changes required by this legislation by January 10, 2010. The joint standing committee may report out legislation in the Second Regular Session of the 124th Legislature.

LD 1361 Resolve, Directing the Department of Labor and the Department of Health and Human Services To Establish a Work Group To Clarify the Working Status of Respite Care and Shared Living Residential Service Providers for Individuals with Developmental Disabilities

RESOLVE 96

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

This bill exempts services performed by certain direct support providers, including respite care providers, from the definition of "employment" in the laws governing unemployment compensation and exempts certain direct support providers from the definition of "employee" in the laws governing minimum wages and workers' compensation.

Committee Amendment "A" (S-229)

This amendment creates a resolve that directs the Commissioner of Labor and the Commissioner of Health and Human Services to create a work group that includes the representatives from each department and members of the Workers' Compensation Board, the Maine State Employees Association and the Maine Association of Community Service Providers to examine the services and tasks performed by respite care and shared living residential service providers for adults and children with developmental disabilities to determine if there are ways to clearly identify the working status of those providers. The work group is directed also to examine whether statutory or regulatory actions are needed to provide clarification of the providers' status. The Commissioner of Labor and the Commissioner of Health and Human Services are directed to report the work group's findings and any recommendations to the Joint Standing Committee on Labor by December 15, 2009. The Joint Standing Committee on Labor is authorized to introduce legislation during the Second Regular Session of the 124th Legislature.

Enacted Law Summary

Resolve 2009, chapter 96 directs the Commissioner of Labor and the Commissioner of Health and Human Services to create a work group that includes the representatives from each department and members of the Workers' Compensation Board, the Maine State Employees Association and the Maine Association of Community Service Providers to examine the services and tasks performed by respite care and shared living residential service providers for adults and children with developmental disabilities to determine if there are ways to clearly identify the working status of those providers. The work group is directed also to examine whether statutory or regulatory actions are needed to provide clarification of the providers' status. The Commissioner of Labor and the Commissioner of Health and Human Services are directed to report the work group's findings and any recommendations to the Joint Standing

Joint Standing Committee on Labor

Committee on Labor by December 15, 2009. The Joint Standing Committee on Labor is authorized to introduce legislation during the Second Regular Session of the 124th Legislature.

LD 1384 An Act To Clarify Apportionment of Benefits for Multiple Work Injuries

PUBLIC 301

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	S-203

This bill is in response to the Maine Supreme Judicial Court's decision in *Legassie v. Securitas, Inc.*, 2008 ME 43, 944 A.2d 495. The decision in that case authorized a reduction to an injured worker's wage replacement and medical benefits because of a previously settled workers' compensation claim. This bill specifies that reducing an injured worker's benefits because of a prior settled injury is direct apportionment against the employee and is prohibited.

This bill clarifies the applicability of the Maine Supreme Judicial Court's decision in *Cust v. University of Maine*, 2001 ME 29, 766 A.2d 566. This bill specifies that when an injured worker's permanent impairment rating under the Maine Revised Statutes, Title 39-A, section 213, subsection 1-A is above the applicable threshold on account of a single injury or the sum of multiple injuries, all of the worker's weekly benefits under the Maine Workers' Compensation Act of 1992 are exempt from the durational limit of Title 39-A, section 213, subsection 1.

This bill also makes clear that Title 39-A, section 354 applies to all injuries no matter when the injury occurred.

Committee Amendment "A" (S-203)

The amendment clarifies that there will be no reduction of an employee's entitlement to any workers' compensation benefits based on the lump sum settlement of a prior work-related injury.

Enacted Law Summary

Public Law 2009, chapter 301 clarifies there will be no reduction of an employee's entitlement to any workers' compensation benefits based on the lump sum settlement of a prior work-related injury.

LD 1431 Resolve, To Reform Public Retirement Benefits and Eliminate Social Security Offsets

RESOLVE 111

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-230

This resolve directs the Maine Public Employees Retirement System, the Commissioner of Administrative and Financial Services and the State Employee Health Commission, within their existing resources, to design a unified pension and benefit plan to apply to all state employees and teachers that are first hired after December 31, 2010. It authorizes submission of the proposed unified pension and benefit plan, together with proposed implementing legislation, to the Joint Standing Committee on Labor no later than December 10, 2009 and authorizes the committee to report out a bill to the Second Regular Session of the 124th Legislature. Under this unified pension and benefit plan:

1. In order to enhance portability of benefits and eliminate the issues associated with the government pension offset and the windfall elimination provision of the federal Social Security Act, every state employee and teacher subject to

Joint Standing Committee on Labor

the plan will be covered under Social Security;

2. All new employees will be members of a common health plan with benefits that are identical to those paid for in accordance with current law and collective bargaining contracts;
3. In addition to Medicare and Social Security, each member will be entitled to a supplemental defined pension and retiree health benefit;
4. The present actuarial cost of retiree benefits under the plan will be limited to 6% of payroll to be divided equally between the employee and the employer;
5. Continuing health coverage will be offered to retirees and their dependents;
6. A retired member may receive a subsidy of up to 90% of the cost for the retiree's own health insurance and up to 45% of the cost of a spouse or dependent. The level of subsidy will be graduated to reflect length of service;
7. The future cost of retiree health benefits will be paid into an existing dedicated revenue account by assessing the current payroll of active members a percentage that is divided equally between the member and the member's employer;
8. Each member's supplemental defined pension will be calculated as a percentage of base year compensation times years of service. The percentage, rounded to the nearest tenth, will be calculated based on funding available after deducting the cost of the retiree health benefit from the 6% total benefit cost; and
9. A vested member may retire after 30 years of service or at 62 years of age, whichever occurs first. A member who retires early may recover 1.5 times the member's own contribution plus 6% interest if benefits are withdrawn as cash, or 1.8 times the member's own contribution plus 6% interest if the benefits are withdrawn in the form of an annuity.

Committee Amendment "A" (S-230)

This amendment replaces the resolve and establishes a task force to design a unified pension and benefit plan to apply to all state employees and teachers who are first hired after December 31, 2010. Under this unified pension and benefit plan:

1. In order to enhance portability of benefits and eliminate the issues associated with the government pension offset and the windfall elimination provision of the federal Social Security Act, every state employee and teacher subject to the plan will be covered under Social Security;
2. All new employees will be members of a common health plan with benefits that are identical to those paid for in accordance with current law and collective bargaining contracts;
3. In addition to Medicare and Social Security, each member will be entitled to a supplemental defined pension and retiree health benefit;
4. The present actuarial cost of retiree benefits under the plan will be divided equally between the employee and the employer;
5. Continuing health coverage will be offered to retirees and their dependents;
6. A retired member may receive a subsidy of up to 100% of the cost for the retiree's own health insurance and up to 50% of the cost of a spouse or dependent. The level of subsidy will be graduated to reflect length of service;

Joint Standing Committee on Labor

7. The future cost of retiree health benefits will be paid into an existing dedicated revenue account by assessing the current payroll of active members a percentage that is divided equally between the member and the member's employer;

8. Each member's supplemental defined pension will be calculated as a percentage of base year compensation multiplied by years of service. The percentage, rounded to the nearest tenth, will be calculated based on funding available after deducting the cost of the retiree health benefit from the 6% total benefit cost; and

9. A vested member may retire after 30 years of service or at 62 years of age, whichever occurs first. A member who retires early may recover 1.5 times the member's own contribution plus 6% interest if benefits are withdrawn as cash, or 1.8 times the member's own contribution plus 6% interest if the benefits are withdrawn in the form of an annuity.

The resolve directs the task force to submit a report on the design of the unified pension and benefit plan, together with proposed implementing legislation, to the Joint Standing Committee on Labor no later than March 1, 2010 and authorizes the committee to report out a bill to the Second Regular Session of the 124th Legislature.

Enacted Law Summary

Resolve 2009, chapter 111 establishes a task force to design a unified pension and benefit plan to apply to all state employees and teachers who are first hired after December 31, 2010. Under this unified pension and benefit plan:

1. In order to enhance portability of benefits and eliminate the issues associated with the government pension offset and the windfall elimination provision of the federal Social Security Act, every state employee and teacher subject to the plan will be covered under Social Security;

2. All new employees will be members of a common health plan with benefits that are identical to those paid for in accordance with current law and collective bargaining contracts;

3. In addition to Medicare and Social Security, each member will be entitled to a supplemental defined pension and retiree health benefit;

4. The present actuarial cost of retiree benefits under the plan will be divided equally between the employee and the employer;

5. Continuing health coverage will be offered to retirees and their dependents;

6. A retired member may receive a subsidy of up to 100% of the cost for the retiree's own health insurance and up to 50% of the cost of a spouse or dependent. The level of subsidy will be graduated to reflect length of service;

7. The future cost of retiree health benefits will be paid into an existing dedicated revenue account by assessing the current payroll of active members a percentage that is divided equally between the member and the member's employer;

8. Each member's supplemental defined pension will be calculated as a percentage of base year compensation multiplied by years of service. The percentage, rounded to the nearest tenth, will be calculated based on funding available after deducting the cost of the retiree health benefit from the 6% total benefit cost; and

9. A vested member may retire after 30 years of service or at 62 years of age, whichever occurs first. A member who retires early may recover 1.5 times the member's own contribution plus 6% interest if benefits are withdrawn as cash, or 1.8 times the member's own contribution plus 6% interest if the benefits are withdrawn in the form of an annuity.

Joint Standing Committee on Labor

The resolve directs the task force to submit a report on the design of the unified pension and benefit plan, together with proposed implementing legislation, to the Joint Standing Committee on Labor no later than March 1, 2010 and authorizes the committee to report out a bill to the Second Regular Session of the 124th Legislature.

**LD 1441 An Act To Amend and Clarify the Application of the Laws Regarding
Severance Pay**

ONTP

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

This bill makes the following changes to the laws governing severance pay.

1. It increases the time from a 12-month to a 36-month period in which a "covered establishment" employs or has employed 100 or more persons preceding termination or relocation.
2. It adds a definition of "employee."
3. It changes the definition of "physical calamity" by stating it applies only to involuntary bankruptcy petitions filed under Chapter 11.
4. It changes the definition of "week's pay" to include the greater of the average weekly pay in the last 12 months or the employee's wage rate at the time of termination or relocation multiplied by the number of hours in that employee's most recently scheduled work week.
5. It provides that certain provisions of the labor laws that apply to the payment of wages and penalties for the nonpayment of wages also apply to severance pay.
6. It creates a presumption that whenever an employer lays off 100 or more employees at a covered establishment that the affected employees are eligible for severance pay. The employer has the burden of proof that the lay-off is not permanent.
7. It provides that an employee due severance pay is eligible for payment from the Maine Wage Assurance Fund.

The Committee carried forward this concept, in an amended form, in LD 1469.

**LD 1454 An Act To Provide Additional Unemployment Benefits and Make
Statutory Revisions in Accordance with the American Recovery and
Reinvestment Act of 2009**

**PUBLIC 33
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E		S-63 DIAMOND

This bill amends the Maine Revised Statutes, Title 26, section 1193, subsection 1, paragraph A, which governs unemployment benefit disqualification exceptions for voluntarily leaving one's job, in order to meet the unemployment insurance modernization provision requirements under the American Recovery and Reinvestment Act of 2009, Public Law 111-5, Section 2003, and ensures that the State qualifies for receiving the maximum

Joint Standing Committee on Labor

incentive payment allowable to the State under the federal recovery legislation.

It also temporarily adds an alternative methodology for determining when extended unemployment benefits are paid. Using the seasonally adjusted total unemployment rate methodology for determining when extended unemployment benefits are payable increases the likelihood that these benefits will become available for unemployed workers during the current period of economic downturn. The addition of the alternative methodology remains in effect for weeks of unemployment that begin after February 17, 2009 until the week ending December 12, 2009 or until the week ending 3 weeks prior to the last week for which federal sharing is authorized by the American Recovery and Reinvestment Act of 2009, Public Law 111-5, Section 2005(a), whichever is later. During this period, a temporary change made under the American Recovery and Reinvestment Act of 2009, Public Law 111-5 provides that the cost of all extended benefits in the unemployment compensation program will be paid 100% in most cases by the Federal Government.

Senate Amendment "A" (S-63)

This amendment adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2009, chapter 33 amends the Maine Revised Statutes, Title 26, section 1193, subsection 1, paragraph A, which governs unemployment benefit disqualification exceptions for voluntarily leaving one's job, in order to meet the unemployment insurance modernization provision requirements under the American Recovery and Reinvestment Act of 2009, Public Law 111-5, Section 2003, and ensures that the State qualifies for receiving the maximum incentive payment allowable to the State under the federal recovery legislation.

It also temporarily adds an alternative methodology for determining when extended unemployment benefits are paid. Using the seasonally adjusted total unemployment rate methodology for determining when extended unemployment benefits are payable increases the likelihood that these benefits will become available for unemployed workers during the current period of economic downturn. The addition of the alternative methodology remains in effect for weeks of unemployment that begin after February 17, 2009 until the week ending December 12, 2009 or until the week ending 3 weeks prior to the last week for which federal sharing is authorized by the American Recovery and Reinvestment Act of 2009, Public Law 111-5, Section 2005(a), whichever is later. During this period, a temporary change made under the American Recovery and Reinvestment Act of 2009, Public Law 111-5 provides that the cost of all extended benefits in the unemployment compensation program will be paid 100% in most cases by the Federal Government.

Public Law 2009, chapter 33 was enacted as an emergency measure effective April 16, 2009.

LD 1456 An Act To Ensure That Construction Workers Are Protected by Workers' Compensation Insurance

PUBLIC 452

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L JACKSON	OTP-AM	H-536 H-557 MARTIN J L

This bill provides that, beginning January 1, 2010, a person performing construction work on a construction site for a hiring agent is presumed to be an employee of the hiring agent for purposes of workers' compensation, unless the person either meets the definition of "construction subcontractor" or carries workers' compensation insurance.

Committee Amendment "A" (H-536)

Joint Standing Committee on Labor

This amendment requires a general contractor on a project undertaken with public funds to provide the public agency with a list of independent contractors and subcontractors on the job site and the names of their workers' compensation insurers. The list must be posted on the contracting agency's publicly accessible website and updated as needed. The amendment establishes penalties for noncompliance with this provision.

The amendment provides an exception from the employee presumption for a person who owns or leases equipment and operates that equipment on a construction site. The amendment also requires a report from the Workers' Compensation Board and the Department of Labor, by December 15, 2009, to the Joint Standing Committee on Labor. Upon review of the report, the committee may report out a bill to the Second Regular Session of the 124th Legislature.

House Amendment "A" To Committee Amendment "A" (H-557)

This amendment changes "curb weight" to "gross vehicle weight rating" for a truck that is used for construction work in determining whether the person using the truck is considered the owner for purposes of workers' compensation insurance.

Enacted Law Summary

Public Law 2009, chapter 452 requires a general contractor on a project undertaken with public funds to provide the public agency with a list of independent contractors and subcontractors on the job site and the names of their workers' compensation insurers. The list must be posted on the contracting agency's publicly accessible website and updated as needed. The law establishes penalties for noncompliance with this provision.

The law provides an exception from the employee presumption for a person who owns or leases equipment meeting weight requirements and operates that equipment on a construction site. The law also requires a report from the Workers' Compensation Board and the Department of Labor, by December 15, 2009, to the Joint Standing Committee on Labor. Upon review of the report, the committee may report out a bill to the Second Regular Session of the 124th Legislature.

LD 1469 An Act To Ensure Fair Calculation of Severance Pay for Maine Workers

**PUBLIC 305
EMERGENCY**

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

This bill provides that the calculation of a week's pay under the laws governing severance pay must be made from the date of a layoff if the layoff occurs before the relocation or termination of a covered establishment. The bill applies retroactively to January 1, 2009.

Committee Amendment "A" (S-231)

This amendment redefines "physical calamity" and "week's pay" in the laws governing severance pay. It clarifies that during Chapter 11 bankruptcy proceedings there is no right to severance pay unless the filing is later converted to a filing under Chapter 7. It includes language regarding a mass layoff and directs an employer to report the expected duration of a layoff within 7 days to the Director of the Bureau of Labor Standards. The director shall, at least every 30 days, require the employer to update the employer's report for the director to determine whether the layoff constitutes a termination or relocation. This amendment includes a retroactivity clause dated March 31, 2009.

Enacted Law Summary

Public Law 2009, chapter 305 redefines "physical calamity" and "week's pay" in the laws governing severance pay.

Joint Standing Committee on Labor

It clarifies that during Chapter 11 bankruptcy proceedings there is no right to severance pay unless the filing is later converted to a filing under Chapter 7. It includes language regarding a mass layoff and directs an employer to report the expected duration of a layoff within 7 days to the Director of the Bureau of Labor Standards. The director shall, at least every 30 days, require the employer to update the employer's report for the director to determine whether the layoff constitutes a termination or relocation. This amendment includes a retroactivity clause dated March 31, 2009.

Public Law 2009, chapter 305 was enacted as an emergency measure effective June 8, 2009.

LD 1474 An Act To Assist Maine Workers and Businesses in Succeeding in a Changing Economy

PUBLIC 271

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE MITCHELL E	OTP-AM	H-321

This bill amends the definition of "dislocated worker" used to establish eligibility for extended unemployment benefits for workers in an approved training program. It extends coverage beyond those laid off as a result of a plant closing to those who have been terminated or laid off as a result of a reduction in operations at their place of employment. The bill removes the provision making individuals who previously completed an approved training program ineligible for the extended unemployment benefit program for dislocated workers. It also updates cross-references to approved training programs to reflect current additions to this list. Finally, it directs the Commissioner of Labor to examine the State's unemployment insurance program to determine why the State's percent of unemployed workers receiving unemployment benefits appears low relative to other states.

Committee Amendment "A" (H-321)

This amendment requires the Commissioner of Labor to report on the status of persons who are receiving extended benefits for dislocated workers in approved training and have previously received such benefits in the commissioner's annual report due to the Committee on Labor each March 1st.

Enacted Law Summary

Public Law 2009, chapter 271 amends the definition of "dislocated worker" used to establish eligibility for extended unemployment benefits for workers in an approved training program. It extends coverage beyond those laid off as a result of a plant closing to those who have been terminated or laid off as a result of a reduction in operations at their place of employment. The bill removes the provision making individuals who previously completed an approved training program ineligible for the extended unemployment benefit program for dislocated workers. It also updates cross-references to approved training programs to reflect current additions to this list. It requires the Commissioner of Labor to report on the status of persons who are receiving extended benefits for dislocated workers in approved training and having previously received such benefits in the commissioner's annual report due to the Committee on Labor each March 1st. Finally, it directs the Commissioner of Labor to examine the State's unemployment insurance program to determine why the State's percent of unemployed workers receiving unemployment benefits appears low relative to other states.

Joint Standing Committee on Labor

LD 1492 **An Act To Improve Opportunity in the Maine Woods**

**PUBLIC 381
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L JACKSON		S-333 JACKSON

This bill triples the penalty for violation of the law that requires foreign bond workers in logging occupations to use equipment owned by their employer and requires that proof of ownership be carried in the equipment and be shown to enforcement officials. It requires the Department of Conservation to provide assistance to the Department of Labor in enforcing the law. It also repeals the law establishing a rate-setting process for the services of contractors who work for large landowners.

Senate Amendment "A" (S-333)

The bill increases penalties for violations of the law requiring foreign bond workers in logging occupations to use equipment owned by their employer, requires that proof of such ownership be carried in the equipment and be shown to enforcement officials and requires the Department of Conservation to provide assistance to the Department of Labor in enforcing the law. This amendment removes restrictions on access to records regarding proof of ownership in order to facilitate compliance with this legislation.

Enacted Law Summary

Public Law 2009, chapter 381 increases penalties for violations of the law requiring foreign bond workers in logging occupations to use equipment owned by their employer, requires that proof of such ownership be carried in the equipment and be shown to enforcement officials and requires the Department of Conservation to provide assistance to the Department of Labor in enforcing the law. This amendment removes restrictions on access to records regarding proof of ownership in order to facilitate compliance with this legislation.

Public Law 2009, chapter 381 was enacted as an emergency measure effective June 12, 2009.

LD 1496 **An Act To Protect Benefits for State Retirees**

**PUBLIC 433
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E		H-581 TUTTLE

This bill ensures that the cost-of-living adjustment to retirement benefits based on any percentage change in the Consumer Price Index does not affect the benefits of state retirees unless that change is an increase in the Consumer Price Index.

House Amendment "A" (H-581)

Like the bill, this amendment is designed to protect state retirees from the impact on retirement benefits of decreases in the Consumer Price Index. This amendment requires that if the Consumer Price Index decreases, the Board of Trustees of the Maine Public Employees Retirement System shall set the percentage change at 0% for that September. The adjustment for the following year must be set based on the actuarially compounded Consumer Price Index for both years in a cost-neutral manner.

Joint Standing Committee on Labor

Enacted Law Summary

Public Law 2009, chapter 433 is designed to protect state retirees from the impact on retirement benefits of decreases in the Consumer Price Index. It requires that if the Consumer Price Index decreases, the Board of Trustees of the Maine Public Employees Retirement System shall set the percentage change at 0% for that September. The adjustment for the following year must be set based on the actuarially compounded Consumer Price Index for both years in a cost-neutral manner.

Public Law 2009, chapter 433 was enacted as an emergency measure effective June 17, 2009.

Joint Standing Committee on Labor

SUBJECT INDEX

Collective Bargaining

Enacted

LD 693	An Act To Clarify the Status and Benefits of Employees of the Child Development Services System	PUBLIC 233
LD 801	An Act To Clarify the Rights of Public Employee Unions and Public Employers To Agree through Collective Bargaining To Permit Payroll Deductions for Union Dues or Other Funds	PUBLIC 144
LD 829	An Act To Clarify the Right of Public School Employees To Engage in Collective Bargaining	PUBLIC 107 EMERGENCY

Not Enacted

LD 830	An Act To Exclude Collectively Bargained Salary and Job Promotion Increases from the Earnable Compensation Limitation for Retirement Purposes	ACCEPTED ONTP REPORT
LD 888	Resolve, Directing the Governor and the Department of Administrative and Financial Services, Bureau of Human Resources To Remove Longevity Biases from Collective Bargaining Agreements	ONTP
LD 934	An Act To Clarify Public Sector Employee Fair Choice in Collective Bargaining	

Employee Benefits

Enacted

LD 812	Resolve, Pertaining to Vacation Leave Earned by Seasonal Employees of the Baxter State Park Authority	RESOLVE 43 EMERGENCY
--------	---	-------------------------

Not Enacted

LD 737	An Act To Require the State To Provide Bonita Rogan with Health Insurance Benefits	DIED ON ADJOURNMENT
--------	--	------------------------

Employment Practices

Enacted

LD 65	An Act To Increase the Ability of the Maine Wage Assurance Fund To Pay Unpaid Workers	PUBLIC 25
LD 84	An Act To Ensure Fair Pay	PUBLIC 29

LD 154	An Act To Enhance the Safety of Forestry Workers and Contracted Farm Workers	PUBLIC 201 EMERGENCY
LD 373	An Act To Facilitate Lactation at the Workplace by New Mothers	PUBLIC 84
LD 549	An Act To Amend the Employment Practices Law Regarding Substance Abuse Testing	PUBLIC 133
LD 685	An Act To Clarify the Minimum Wage Exemption for Summer Camp Counselors Working at Day Camps	PUBLIC 120 EMERGENCY
LD 1361	Resolve, Directing the Department of Labor and the Department of Health and Human Services To Establish a Work Group To Clarify the Working Status of Respite Care and Shared Living Residential Service Providers for Individuals with Developmental Disabilities	RESOLVE 96
LD 1469	An Act To Ensure Fair Calculation of Severance Pay for Maine Workers	PUBLIC 305 EMERGENCY
LD 1492	An Act To Improve Opportunity in the Maine Woods	PUBLIC 381 EMERGENCY

Not Enacted

LD 409	An Act To Increase Leaves of Absence for State Employees and Officials Who Are Members of the National Guard or Reserves of the United States Armed Forces	ONTP
LD 496	An Act To Amend the Employment Practices Laws	ONTP
LD 669	An Act To Clarify an Employer's Ability To Collect the Overcompensation of Wages	LEAVE TO WITHDRAW
LD 1092	An Act To Improve Worksite Accountability for Public Construction Projects by Requiring Subcontractor Identification	ONTP
LD 1167	An Act To Limit the Work Week of Doctors and Medical Residents	ONTP
LD 1185	An Act To Require Cause for Employment Termination	ACCEPTED ONTP REPORT
LD 1441	An Act To Amend and Clarify the Application of the Laws Regarding Severance Pay	ONTP

Health Insurance

Not Enacted

LD 83	An Act To Increase the Percentage of Retired Teachers' Health Insurance Paid by the State	DIED ON ADJOURNMENT
-------	---	------------------------

Individuals with Disabilities Employment

Enacted

LD 564 Resolve, To Establish a Working Group of Stakeholders To RESOLVE 39
Review the Current and Future Needs of Blind and Visually
Impaired Individuals and To Establish Long-term Solutions To
Fund Those Needs

Labor Department

Enacted

LD 868 An Act To Rename the Division of Deafness within the PUBLIC 174
Department of Labor

Labor Relations

Enacted

LD 672 An Act To Add Maine Maritime Academy Representation to the PUBLIC 64
State Employee Health Commission

Occupational Safety

Not Enacted

LD 658 An Act To Require United States Occupational Safety and Health ONTP
Administration Training for Government Construction Contracts

Prevailing Wage and Benefits

Enacted

LD 849 An Act To Clarify the Application of the Public Works Minimum PUBLIC 453
Wage Laws

State Retirement System

Enacted

LD 1219 An Act To Correct Inequities for Certain Maine Community PUBLIC 236
College System Employees in the Maine Public Employees EMERGENCY
Retirement System

LD 1292 An Act To Provide More Transparency and Protection for Public PUBLIC 322
Employees in the Laws Governing the Maine Public Employees
Retirement System

LD 1431 Resolve, To Reform Public Retirement Benefits and Eliminate RESOLVE 111
Social Security Offsets

LD 1496 An Act To Protect Benefits for State Retirees PUBLIC 433
EMERGENCY

Not Enacted

LD 26	An Act To Allow the Spouse of a Retired Public Employee a Second Chance To Be Enrolled under the Retiree's Insurance Plan	ONTP
LD 104	An Act To Fund Fully the Purchase of Military Time	DIED ON ADJOURNMENT
LD 125	Resolve, To Establish the Blue Ribbon Commission To Study the Functions and Operations of the Maine Public Employees Retirement System	
LD 292	An Act To Restore Equity to the Maine Public Employees Retirement System	ACCEPTED ONTP REPORT
LD 996	An Act To Allow Certain Retirees in the Maine Public Employees Retirement System To Return to Service with the State for 180 Days Annually	ONTP
LD 1007	An Act Pertaining to the Retirement of Certain Oil and Hazardous Material Specialists	DIED BETWEEN HOUSES

Unemployment Comp

Enacted

LD 1454	An Act To Provide Additional Unemployment Benefits and Make Statutory Revisions in Accordance with the American Recovery and Reinvestment Act of 2009	PUBLIC 33 EMERGENCY
LD 1474	An Act To Assist Maine Workers and Businesses in Succeeding in a Changing Economy	PUBLIC 271

Not Enacted

LD 27	An Act To Amend the Definition of Employment for Purposes of Unemployment Compensation	ONTP
LD 867	An Act Regarding Unemployment Compensation	ONTP
LD 987	An Act To Clarify the Definition of "Employee" in the Employment Security Law	LEAVE TO WITHDRAW

Wages

Enacted

LD 64	An Act To Amend the Requirements for the Livable Wage Report	PUBLIC 11
-------	--	-----------

Not Enacted

LD 192	An Act To Index the State Minimum Wage to Inflation	
--------	---	--

LD 403	An Act To Increase the Minimum Wage	
LD 869	An Act To Require the Development of Plans To Achieve the Payment of Livable Wages by State and Local Government Employers	ONTP

Workers' Compensation

Enacted

LD 176	An Act To Equitably Adjust the Workers' Compensation Board's Assessment	PUBLIC 109
LD 620	An Act To Ensure the Workers' Compensation Board's Regulatory Oversight of the Maine Insurance Guaranty Association	PUBLIC 129
LD 621	An Act Allowing Workers' Compensation Benefits for Firefighters Who Contract Cancer	PUBLIC 408
LD 946	An Act To Reverse the Effects of Grant v. Central Maine Power, Inc. on Workers' Compensation	PUBLIC 280
LD 1384	An Act To Clarify Apportionment of Benefits for Multiple Work Injuries	PUBLIC 301
LD 1456	An Act To Ensure That Construction Workers Are Protected by Workers' Compensation Insurance	PUBLIC 452

Not Enacted

LD 578	An Act Regarding Repayment of Subrogation or Lien Claims in Workers' Compensation Actions	ONTP
LD 579	An Act To Provide Wraparound Medical Coverage in the Workers' Compensation System	ONTP
LD 617	An Act To Amend the Maine Workers' Compensation Act of 1992 To Remove Independent Medical Examiners	ONTP
LD 639	An Act Regarding the Computation of Workers' Compensation Rates Based on Past Claims	ONTP
LD 1109	An Act To Prohibit the Reduction of Benefits under the Maine Workers' Compensation Act of 1992 for Certain Prior Injuries	LEAVE TO WITHDRAW

Workforce Investment

Enacted

LD 149	An Act To Amend the Laws Relating to the Maine Jobs Council	PUBLIC 12
--------	---	-----------

STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the First Regular Session of the 124th Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON LEGAL AND
VETERANS' AFFAIRS**

July 2009

MEMBERS:

SEN. NANCY B. SULLIVAN, CHAIR
SEN. SETH A. GOODALL
SEN. DEBRA D. PLOWMAN

REP. PAMELA JABAR TRINWARD, CHAIR
REP. JOHN L. TUTTLE, JR.
REP. LINDA M. VALENTINO
REP. MICHAEL E. CAREY
REP. ALEXANDER CORNELL DU HOUX
REP. DIANE RUSSELL
REP. STACEY ALLEN FITTS
REP. WRIGHT H. PINKHAM, SR.
REP. JOAN M. NASS
REP. MICHAEL G. BEAULIEU

STAFF:

DANIELLE D. FOX, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

Joint Standing Committee on Legal and Veterans Affairs

LD 3 An Act To Designate Registered Voters Not Enrolled in a Political Party as Independent Voters ONTP

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

This bill designates unenrolled registered voters as independent voters in the election laws.

LD 5 An Act To Amend the Laws Governing Liquor Licenses ONTP

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

Current law limits the number of agency liquor stores that sell spirits in a municipality based on the population of the municipality. This bill removes the limits on the number of agency liquor stores that may be licensed in a municipality.

LD 28 An Act To Promote the Integrity of Citizens' Initiatives ONTP

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

This bill requires that a person who collects signatures for a citizens' initiative must be a voter registered in Maine.

LD 29 An Act To Amend the Landlord and Tenant Laws as They Pertain to Interest Paid on Mobile Home Park Tenant Security Deposits PUBLIC 128

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAZUREK RECTOR	OTP-AM	H-160

This bill removes the requirement that a mobile home park owner pay 4% annual interest on security deposits that are returned to tenants.

Committee Amendment "A" (H-160)

This amendment replaces the bill. The bill removed the requirement that a mobile home park operator pay 4%

Joint Standing Committee on Legal and Veterans Affairs

annual interest on security deposits that are returned to tenants. The amendment retains the requirement that interest be paid, but requires that the amount of interest paid must be either the interest amount earned on the deposit if deposited in an individual segregated savings account or a reasonable amount of annual interest, which is defined as the annual interest rate on a 6-month certificate of deposit. The amendment also requires that security deposits not be commingled with the assets of the landlord.

Enacted Law Summary

Public Law 2009, chapter 128 requires that the amount of interest paid on mobile home park tenant security deposits must be either the interest amount earned on the deposit if deposited in an individual segregated savings account or a reasonable amount of annual interest, which is defined as the annual interest rate on a 6-month certificate of deposit. The law also requires that security deposits not be commingled with the assets of the landlord.

LD 30 An Act To Establish Native American Veterans Day

**PUBLIC 51
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH RAYE	OTP-AM	H-45

This bill establishes May 1st of each year as Native American Veterans Day in the State.

Committee Amendment "A" (H-45)

This amendment adds an emergency preamble and emergency clause. The amendment also changes the date to be named Native American Veterans Day to June 21st.

Enacted Law Summary

Public Law 2009, chapter 51 establishes June 21st as Native American Veterans Day in Maine.

This law was enacted as an emergency measure and took effect on April 22, 2009.

LD 56 An Act To Join the Interstate Compact on the National Popular Vote

Carried Over

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

This bill proposes to adopt the interstate compact that is the agreement among the states to elect the President of the United States by national popular vote. Under the compact and the bill, the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia will win the presidency. Under this bill, all of the state's electoral votes would be awarded to the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia. This bill would take effect only when enacted by states possessing a majority of the electoral votes, that is, enough electoral votes to elect a President, which is 270 of 538. This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

Joint Standing Committee on Legal and Veterans Affairs

**LD 102 An Act To Exempt a Door Prize Awarded at a Fishing Tournament
from Being Classified as a Game of Chance ONTP**

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

This bill provides that a door prize offered by an organization conducting a fishing tournament permitted by the Department of Inland Fisheries and Wildlife is not a game of chance for purposes of licensing games of chance pursuant to the Maine Revised Statutes, Title 17, chapter 14.

**LD 105 An Act To Increase the Allowable Contributions to Traditionally
Funded Campaigns ONTP**

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

This bill increases the amount of allowable contributions to the campaigns of candidates for the State Senate and the State House of Representatives who do not participate in Maine Clean Election Act funding from \$250 to \$500 and the amount of allowable contributions to the campaigns of candidates for Governor who do not participate in Maine Clean Election Act funding from \$500 to \$2,000.

LD 116 An Act To Allow Political Signs on Private Property Only ONTP

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

This bill restricts the placing of political signs to private property. The bill also requires the permission of a landowner before a political sign may be placed on private property and allows a landowner to remove the sign if permission was not obtained.

**LD 129 Resolve, Directing the Secretary of State To Conduct a Pilot Program
for Early Voting for the November 2009 Election RESOLVE 24**

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

This resolve directs the Secretary of State to administer a pilot program for early voting that would allow selected municipalities to conduct early voting at polling places up to 10 days prior to the November 3, 2009 election day.

Joint Standing Committee on Legal and Veterans Affairs

Enacted Law Summary

Resolve 2009, chapter 24 directs the Secretary of State to administer a pilot program for early voting that would allow selected municipalities to conduct early voting at polling places up to 10 days prior to the November 3, 2009 election day and report back to the committee on Legal and Veterans Affairs by January 15, 2010.

LD 140 An Act To Prohibit a Maine Clean Election Act Candidate from Participating in Political Action Committee Funding ONTP

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

This bill prohibits Maine Clean Election Act candidates from participating in political action committees that are established to influence the election or defeat of legislative candidates or to support that candidate's effort to be elected to a legislative leadership position.

LD 150 Resolve, Directing the Secretary of State To Conduct a Pilot Program for Ongoing Absentee Voter Status RESOLVE 94

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK SULLIVAN	OTP-AM MAJ ONTP MIN	H-182

This bill provides a process for voters to request ongoing absentee voter status, which allows them to automatically receive an absentee ballot for each statewide election until the status is terminated.

Committee Amendment "A" (H-182)

This amendment replaces the bill. It establishes a resolve to direct the Secretary of State to conduct a pilot program regarding establishing ongoing absentee voter status.

Enacted Law Summary

Resolve 2009, chapter 94 directs the Secretary of State to conduct a pilot program for giving voters ongoing absentee voter status. The pilot must include 3 statewide elections in November 2009, June 2010 and November 2010. The Secretary of state is required to submit a report regarding the pilot program by February 15, 2011.

LD 193 An Act To Amend the Laws Governing Tournament Games PUBLIC 457

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P	OTP-AM	H-84 S-323 DIAMOND

Joint Standing Committee on Legal and Veterans Affairs

Current law limits to 100 the number of players allowed to participate in a tournament game such as Texas Hold 'Em. This bill eliminates the limit of 100 players and instead provides that the number of players may not exceed the legal maximum allowable occupancy for that venue. In addition, current law requires that 75% of the entry fees be paid as prizes to the winners of the tournament. This bill instead provides that no less than 75% of the entry fees be paid to the winners.

Committee Amendment "A" (H-84)

This amendment strikes the provision of the bill that permitted an unlimited number of players to participate in a tournament game as long as that number was within the allowable maximum occupancy for that venue. The amendment provides that tournament games conducted on premises owned by the licensee may have up to 300 players. The amendment also provides for a graduated tournament game license fee based on the number of players to take part in the tournament. The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-323)

This amendment strikes the appropriations and allocations section.

Enacted Law Summary

Public Law 2009, chapter 457 amends the games of chance laws to provide that tournament games conducted on premises owned by the licensee may have up to 300 players. It also provides for a graduated tournament game license fee based on the number of players to take part in the tournament.

LD 204 An Act Regarding the Conducting of Games of Chance by Nonprofit Organizations

ONTP

Sponsor(s)

SHAW
BRYANT B

Committee Report

ONTP

Amendments Adopted

This bill provides that a local chapter of a statewide nonprofit organization that wishes to conduct a game of chance need only provide the date and location where the game of chance will be conducted. The statewide nonprofit organization must provide a copy of its bylaws, a list of all local chapters, the name of the local chapter wishing to conduct a game of chance and the names of the officers of the local chapter in order for the local chapter to be eligible for a game of chance license with these reduced requirements.

LD 205 An Act To Repeal the Maine Clean Election Act

ONTP

Sponsor(s)

CEBRA

Committee Report

ONTP

Amendments Adopted

This bill repeals the Maine Clean Election Act.

Joint Standing Committee on Legal and Veterans Affairs

LD 219 **An Act To Require Maine Clean Election Act Candidates To Use Maine Vendors**

ONTP

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

This bill requires a Maine Clean Election Act candidate to use in-state vendors when purchasing campaign-related goods and services whenever feasible.

LD 235 **An Act To Provide Fiscal Information for Citizen Initiatives**

PUBLIC 341

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN MILLS P	OTP-AM	H-435

This bill requires the Secretary of State to request assistance from the Office of Fiscal and Program Review to determine whether a direct initiative will have a fiscal impact. If the Office of Fiscal and Program Review determines that the direct initiative has a cost other than the cost associated with conducting a referendum on the direct initiative, the person who submitted the direct initiative must indicate in a subsequent draft of the direct initiative submitted to the Secretary of State how the cost of the direct initiative will be paid. The bill also requires the Secretary of State to include in the ballot question information on the cost of the direct initiative and how that cost will be paid. The bill also indicates that if a means of paying for or accounting for the cost is not included in the legislation, then the direct initiative may not be enacted into law until it is funded through the normal legislative process.

Committee Amendment "A" (H-435)

This amendment replaces the bill and changes the title. The amendment changes the date by which fiscal impact statements must be completed for direct initiatives of legislation so that the statements may be included on the petition to be circulated for that direct initiative. It requires initiative petitions to include a space at the top of each page for the name of the circulator and requires the fiscal impact statement to be printed on initiative petitions and election ballots and to be posted conspicuously in voting places and in voting booths.

Enacted Law Summary

Public Law 2009, chapter 341 changes the date by which fiscal impact statements must be completed for direct initiatives of legislation so that the statements may be included on the petition to be circulated for that direct initiative. It requires initiative petitions to include a space at the top of each page for the name of the circulator and requires the fiscal impact statement to be printed on initiative petitions and election ballots and to be posted conspicuously in voting places and in voting booths.

Joint Standing Committee on Legal and Veterans Affairs

LD 258 **An Act Regarding Political Signs**

PUBLIC 183

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P SMITH D	OTP-AM MAJ ONTP MIN	H-133

This bill removes the requirement in the election laws that the address of a person who pays for a communication made for or against a candidate be included on the communication. The bill also provides that the name of a candidate or candidate's committee does not have to be on a sign as having financed the sign if the candidate's name is prominently displayed on the sign and the sign is at least 2 square feet or larger in size.

Committee Amendment "A" (H-133)

This amendment replaces the bill. The amendment provides for an exemption for political communications that are authorized by a candidate that are in the form of a sign, clearly identify the candidate and are individually hand-lettered. These signs would not be required to include the name and address of the person who made or financed the communication.

Enacted Law Summary

Public Law 2009, chapter 183 provides for an exemption regarding political communications that are authorized by a candidate that are in the form of a sign, clearly identify the candidate and are individually hand-lettered. These signs would not be required to include the name and address of the person who made or financed the communication.

LD 259 **An Act To Amend the Maine Clean Election Act**

ONTP

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

This bill increases the amount of seed money contributions that Maine Clean Election Act candidates may receive from \$1,500 to \$2,000 for candidates for the State Senate and from \$500 to \$750 for candidates for the State House of Representatives. The bill also allows qualifying contributions to be in the amount of \$5 or \$10.

LD 293 **An Act To Provide Project Support for Veterans' Cemeteries**

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to provide annual funding for projects at the State's veterans' cemeteries by dedicating a certain percentage of any increase in revenue from slot machines for this purpose. The first base year for determining whether an increase has occurred would be July 1, 2008 to June 30, 2009. If revenues in the following year, July 1, 2009 to June 30, 2010, exceed revenues in the base year, a certain

Joint Standing Committee on Legal and Veterans Affairs

percentage of the excess must be dedicated to the veterans' cemeteries. This calculation would be made on an ongoing basis, with the previous year being used as the base year. Revenues transferred to the veterans' cemeteries pursuant to this provision would be capped at \$50,000 per cemetery per year.

LD 306 An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee **ACCEPTED ONTP REPORT**

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

This bill makes a one-time General Fund appropriation of \$28,000 in fiscal year 2009-10 to reimburse Philip Wolley for litigation expenses incurred in connection with his termination and subsequent reinstatement as a state employee.

Committee Amendment "A" (H-163)

This amendment clarifies that the litigation expenses to be reimbursed are associated with Philip Wolley's defense against criminal charges, which were ultimately dismissed by the Attorney General.

Committee Amendment "A" was not adopted.

LD 310 An Act Regarding Indirect Lobbying **PUBLIC 282**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRINWARD SULLIVAN	OTP-AM MAJ ONTP MIN	H-208

The bill defines "grassroots lobbying." It provides that a person who already files monthly reports as a lobbyist must disclose grassroots lobbying payments and expenditures. For a person who does not file reports as a lobbyist, the bill requires disclosure of grassroots lobbying expenditures once more than \$2,000 has been spent on grassroots lobbying.

Committee Amendment "A" (H-208)

This amendment strikes the provision in the bill that would have required a person who is not already reporting as a lobbyist to submit a report to the Commission on Governmental Ethics and Election Practices when that person has spent in excess of \$2,000 on grassroots lobbying. The amendment also changes the term "grassroots lobbying" to "indirect lobbying." It specifies that indirect lobbying is communication to members of the general public soliciting them to directly communicate with Legislators or members of the executive branch regarding a legislative action. Under this amendment reporting indirect lobbying expenditures would not be required until \$15,000 was spent on that activity during the month subject to the report. It also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2009, chapter 282 amends the law governing lobbying to specify that indirect lobbying is communication to members of the general public soliciting them to directly communicate with Legislators or members of the executive branch regarding a legislative action, not including a bill before the legislature as the result of a citizen initiative. Under this law, reporting on indirect lobbying expenditures would be required of

Joint Standing Committee on Legal and Veterans Affairs

lobbyists when \$15,000 or more was spent on that activity by a lobbyist or employer during the month subject to the report.

LD 311 An Act Concerning Late Rent Fee Charges in Residential Tenancies

**ACCEPTED ONTP
REPORT**

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

This bill lowers the number of days from 15 to 7 before a fee can be charged for the late payment of rent.

Committee Amendment "A" (H-164)

This amendment is the minority report of the committee. The amendment changes the number of days from 7 to 10 before a fee can be charged for the late payment of rent.

Committee Amendment "A" was not adopted.

LD 312 An Act To Require Campaign Finance Reports of Independent Expenditures To Contain a Copy of an Advertisement

ONTP

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

This bill amends the campaign finance laws to require that the report of independent expenditures contain a copy of the final draft of any mailer, postcard or advertisement or script of any broadcast or telephone call that is in opposition to a candidate.

LD 328 An Act To Require Economic Research Organizations To Report Financial Matters to the Commission on Governmental Ethics and Election Practices

ONTP

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

This bill requires economic research organizations to file quarterly financial reports with the Commission on Governmental Ethics and Election Practices.

Joint Standing Committee on Legal and Veterans Affairs

LD 329 An Act To Increase the Prize Limit on Beano

ONTP

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

This bill increases the total prize limit for beano from \$1,400 to \$2,000 and requires the Chief of the State Police to include in rules adopted to govern beano a provision that allows for a drawing to determine a winner in the event of a tie.

LD 339 An Act To Promote Ethics in Campaign Fund Solicitation

ONTP

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

This bill prohibits an executive branch officer in the unclassified service of the State from:

1. Knowingly giving or receiving a political contribution in exchange for voting a certain way;
2. Knowingly giving a political contribution to a superior of the officer;
3. Knowingly soliciting or receiving a political contribution from a subordinate of the officer or the subordinate's family; or
4. Knowingly soliciting or receiving a political contribution from or giving a political contribution to a person who has business with the officer, is regulated by the officer or has interests that may be substantially affected by the performance or nonperformance of the officer's official duties.

**LD 350 RESOLUTION, Proposing an Amendment to the Constitution of Maine
Regarding Early Voting**

**FINAL PASSAGE
FAILED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E	OTP-AM MAJ ONTP MIN	S-35

This resolution proposes to amend the Constitution of Maine to allow the Legislature to authorize a process to allow qualified voters to vote at polling places in or outside their election districts during the 10-day period immediately preceding an election.

Committee Amendment "A" (S-35)

This amendment strikes the reference to polling places in the resolution and in the question to be posed to the voters.

Joint Standing Committee on Legal and Veterans Affairs

LD 368 An Act To Reimburse Debra Bilodeau for Her Expenses Incurred in Connection with Her Petition for Appointment as a Foster Parent

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P	OTP-AM MAJ ONTP MIN	H-347

This bill makes a one-time General Fund appropriation of \$15,000 in fiscal year 2009-10 to reimburse Debra Bilodeau for her expenses incurred in connection with her petition for appointment as a foster parent.

Committee Amendment "A" (H-347)

This amendment incorporates a fiscal note.

LD 368 was enacted in the House, but placed on the Special Appropriations Table in the Senate. Since no further action was taken by the Senate, the bill died upon adjournment.

LD 371 An Act To Allow One Registration Fee for Multiple-town Poker Runs

ONTP

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

This bill allows for a combined license for organizations that coordinate to conduct a game of chance that requires participants to travel from one location to another in order to play the game, such as a poker run. The fee for such a license may not exceed \$25.

LD 374 An Act To Amend the Laws Concerning Campaign Report Exemptions

PUBLIC 138

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO	OTP-AM MAJ ONTP MIN	H-188

This bill amends the provision of law that allows exemptions for reporting on campaigns for office to provide that a notice from a candidate or the candidate's agent that the candidate will not personally accept contributions, make expenditures or incur obligations may be revoked at any time prior to the deadline for filing a candidate's first campaign finance report.

Committee Amendment "A" (H-188)

This amendment replaces the bill. It amends current law that allows for candidates for office to be exempt from submitting campaign finance reports if they raise or spend no money on campaigns so that this exemption applies only to county or municipal candidates.

Joint Standing Committee on Legal and Veterans Affairs

Enacted Law Summary

Public Law 2009, chapter 138 amends current law that allows for candidates for office to be exempt from submitting campaign finance reports if they raise or spend no money on campaigns so that this exemption applies only to county or municipal candidates.

LD 410 An Act To Improve Maine's Ethics Laws

ACCEPTED ONTP
REPORT

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

This bill prohibits Legislators from soliciting donations or contributions from lobbyists on behalf of the Legislator's employer.

Committee Amendment "A" (S-172)

This amendment replaces the bill. It limits the prohibition on Legislators' soliciting or accepting donations or contributions on behalf of their employers proposed in the bill to Legislators who are employed by nonprofit corporations.

LD 429 An Act To Increase Retail Sales of Wine

ONTP

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

This bill repeals the limitation that a wine tasting for an off-premise establishment may only be held once a calendar month.

LD 430 An Act To Allow the Licensing of Minibars in Hotel Rooms

PUBLIC 458

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE SULLIVAN	OTP-AM	H-134 H-290 TRINWARD

Under this bill, a hotel owner that has or wants minibars in hotel rooms may, but is not required to, obtain a license for the minibars.

Committee Amendment "A" (H-134)

This amendment clarifies the definition of "minibar" and increases the license fee for a minibar from \$100 as

Joint Standing Committee on Legal and Veterans Affairs

proposed in the bill to \$200. The amendment also specifies that a person who rents a room that contains a minibar must present proper identification to show proof of age and that a minibar may only be stocked by an employee who is 21 years of age or older. This amendment also adds an appropriations and allocations section to the bill.

House Amendment "A" To Committee Amendment "A" (H-290)

This amendment requires the Department of Public Safety to implement the provisions of this Act using departmental personnel and resources.

Enacted Law Summary

Public Law 2009, chapter 458 authorizes the Department of Public Safety to license hotels or similar establishments to sell alcoholic beverages from mini-bars in guest rooms. Rooms that contain mini-bars may only be rented to patrons who are at least 21 years of age and display proper identification at the time of rental.

LD 497 An Act To Conserve Energy in Residential Leasehold Tenancies

PUBLIC 139

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP-AM	H-161

This bill allows a landlord and tenant to agree in a written lease for the landlord to provide heat at less than 68 degrees Fahrenheit to a minimum of 62 degrees Fahrenheit if the lease provides a reduction in rent or other consideration for the lower heat.

Committee Amendment "A" (H-161)

This amendment replaces the bill. The amendment allows a landlord and tenant to agree for the landlord to provide heat at less than 68 degrees Fahrenheit but no lower than 62 degrees Fahrenheit if the agreement is in a separate written document, includes a provision for revocation with reasonable notice by either party and provides for a fair and reasonable reduction in rent. The amendment clarifies that a landlord and tenant may not enter into such an agreement if someone older than 65 years of age or younger than 5 years of age resides on the premises.

Enacted Law Summary

Public Law 2009, chapter 139 allows a landlord and tenant to agree for the landlord to provide heat at less than 68 degrees Fahrenheit but no lower than 62 degrees Fahrenheit if the agreement is in a separate written document, includes a provision for revocation with reasonable notice by either party and provides for a fair and reasonable reduction in rent. The law clarifies that a landlord and tenant may not enter into such an agreement if someone older than 65 years of age or younger than 5 years of age resides on the premises.

LD 498 An Act Regarding Alcoholic Beverage Tastings

PUBLIC 459

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP-AM MAJ	H-281
PLOWMAN	ONTP MIN	H-545 WEBSTER
		S-326 DIAMOND

Joint Standing Committee on Legal and Veterans Affairs

This bill proposes to allow limited taste testing of alcoholic beverages by holders of off-premises licenses, subject to approval and regulation by the Department of Public Safety. The bill allows a sales representative participating in a taste-testing event to provide written or oral educational materials and provide and distribute food at no cost to the consumer or licensee.

Committee Amendment "A" (H-281)

This amendment provides that certain off-premise retail licensees may offer malt liquor for tasting in addition to wine and spirits. Tastings are limited to one type of alcohol and may be held up to 3 times per month but no more than 12 times per year. The amendment also adds an appropriations and allocations section.

House Amendment "C" To Committee Amendment "A" (H-545)

This amendment requires that wine, spirits and malt liquor taste-testing activities be conducted in a manner that will prevent observation by children. This amendment also requires that the Department of Public Safety report annually to the Legislature regarding the operation and effectiveness of this requirement.

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

This amendment strikes the appropriations and allocations section and directs the Department of Public Safety to implement the legislation within its existing resources.

Enacted Law Summary

Public Law 2009, chapter 459 amends the current law regarding taste-testing of alcoholic beverages at off-premises retail establishments. In addition to the tasting wine, retailers may also offer malt-liquor and distilled spirits. The quantity of the product to be tasted is limited based on the type and proof of the alcohol. Tasting events must be set up as to preclude observation by children. As enacted, the number of annual tastings allowed by a retail establishment is 12 with no more than 3 in any one month.

LD 512 An Act to Facilitate Voting by Maine Residents in the Military Who Are Deployed Overseas ONTP

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

This bill changes the time when the Secretary of State must furnish a municipality with a reasonable number of absentee ballots and return envelopes from at least 30 days to at least 60 days before any election.

LD 514 An Act To Clarify Criminal Responsibility in the Sale of Alcohol and Tobacco to Minors ONTP

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

This bill amends the law to specify that only the person who furnishes tobacco or liquor to a minor is criminally responsible for the act.

Joint Standing Committee on Legal and Veterans Affairs

LD 526 An Act To Clarify the Beano and Bingo Laws as They Apply to Federally Recognized Indian Tribes

PUBLIC 347

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEARY JACKSON	OTP-AM MAJ ONTP MIN	H-442

This bill amends the laws dealing with high-stakes beano and high-stakes bingo by changing the limitation controlling where such games may be conducted from Indian Territory to reservation or trust lands.

Committee Amendment "A" (H-442)

This amendment replaces the bill. It provides that the Houlton Band of Maliseet Indians may conduct high-stakes beano on a particular parcel of land in Houlton. The amendment also adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2009, chapter 347 provides that the Houlton Band of Maliseet Indians may conduct high-stakes beano on a particular parcel of land in Houlton.

LD 530 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Number of Signatures Required and Prohibit Payment for Signatures in the Citizen's Initiative Process

ONTP

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

This resolution proposes to amend the Constitution of Maine to reduce the number of required signatures on a direct initiative petition from 10% to 3% of the total vote cast in the previous gubernatorial election. In addition, this resolution prohibits circulators of direct initiative petitions from receiving payment or compensation for the collection of signatures.

LD 531 Resolve, To Allow Jenny Powell To Sue the State

ONTP

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

This resolve authorizes Jenny Powell to bring a civil action against the Department of Health and Human Services for damages in connection with actions taken by the Department of Health and Human Services.

Joint Standing Committee on Legal and Veterans Affairs

LD 532 **An Act Regarding Liquor Licenses Issued to Incorporated Civic Organizations**

PUBLIC 102

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA DIAMOND	OTP-AM	H-96

This bill allows an owner, employee or designated representative of a Maine farm winery to serve wine from the winery at an event at which an incorporated civic organization is licensed to serve or sell liquor.

Committee Amendment "A" (H-96)

This amendment replaces the bill and allows for alcoholic beverage manufacturers that have provided alcoholic beverages to be served at an event sponsored by an incorporated civic organization to assist the organization with serving patrons if a server working for the organization becomes unavailable.

Enacted Law Summary

Public Law 2009, chapter 102 allows for alcoholic beverage manufacturers that have provided alcoholic beverages to be served at an event sponsored by an incorporated civic organization to assist the organization with serving patrons if a server working for the organization becomes unavailable.

LD 533 **Resolve, Authorizing the Joint Standing Committee on Legal and Veterans Affairs To Report Out Legislation Regarding the Expansion of Slot Machine and Casino-style Gambling**

RESOLVE 141

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	OTP-AM	H-391

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to authorize the State to contract with an outside entity to establish a casino in Maine. Under the bill, the State would have control over all aspects of the development of the casino including the location, negotiating the specific terms of the agreement with the operator and the distribution of profits. The license to operate would be subject to a formal bid process in order to ensure the greatest return to the State.

Committee Amendment "A" (H-391)

This amendment replaces the bill, which was a concept draft. The amendment establishes a resolve directing the Joint Standing Committee on Legal and Veterans Affairs to develop a comprehensive policy regarding the expansion of slot machine and casino-style gambling in the State.

Enacted Law Summary

Resolve 2009 chapter 141 directs the Joint Standing Committee on Legal and Veterans Affairs to develop a comprehensive policy regarding the expansion of slot machine and casino-style gambling in the State and authorizes the committee to report out legislation to the second regular session of the 124th Legislature.

Joint Standing Committee on Legal and Veterans Affairs

LD 534 An Act To Require Disclosure to a Potential Signer That a Circulator of Petitions for a Direct Initiative or People's Veto of Legislation Is Being Paid **ONTP**

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

This bill requires that the circulators of petitions for a direct initiative or a people's veto disclose to each potential signer the fact that the circulator is being paid or compensated.

LD 547 An Act To Amend the Laws Concerning Write-in Candidates for Elected Office To Increase Fairness **ONTP**

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

This bill amends the laws pertaining to write-in candidates. It strikes the requirement that a voter must include a write-in candidate's municipality of residence when marking a general election ballot. It also allows for the use of stickers in order to place the name of a write-in candidate on a ballot. Current law requires that a candidate file a declaration with the Secretary of State 3 business days prior to an election to be considered a declared write-in candidate. This bill changes that requirement to 45 days prior to an election. The bill also requires the Secretary of State to provide a list of write-in candidates with sample ballots provided to municipalities and to include a list of all candidates on the tally sheets provided to election clerks for listing election results. Finally, this bill directs the Secretary of State to amend the voter information portion of its website to include the names of all qualified candidates for Governor, the House of Representatives and the Senate, including write-in candidates.

LD 548 An Act To Provide Information to Maine Voters About the Cost and Fiscal Impact of Citizens' Initiatives **ONTP**

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

This bill requires the Secretary of State to request assistance from the Office of Fiscal and Program Review in determining whether a direct initiative will have a fiscal impact. If the Office of Fiscal and Program Review determines that the direct initiative has a cost other than the cost associated with conducting a referendum on the direct initiative, the person who submitted the direct initiative must indicate in a subsequent draft of the direct initiative submitted to the Secretary of State how the cost of the direct initiative will be paid. The bill also requires the Secretary of State to include information on the cost of the direct initiative and how that cost will be paid in the ballot question.

Joint Standing Committee on Legal and Veterans Affairs

LD 583 An Act Relating to Political Action Committees

ONTP

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

This bill defines "candidate political action committee." The bill also limits the amount a person may contribute to a candidate political action committee during a 2-year election cycle, limits the aggregate amount that a person may give to candidate political action committees during a 2-year election cycle, limits the aggregate amount that a political action committee may give to candidate political action committees during a 2-year election cycle and prohibits for-profit corporations from contributing to candidate political action committees.

**LD 584 An Act To Amend the Maine Clean Election Act To Equalize the
Qualifying Period for All Candidates and To Increase the Number of
Required Contributions for Candidates to the Legislature**

ONTP

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

This bill equalizes the qualifying period for unenrolled candidates and party candidates under the Maine Clean Election Act by requiring all participating candidates to qualify by April 15th of the election year. The bill also increases by 30% the number of qualifying contributions a Clean Election Act candidate for the State Senate or State House of Representatives must obtain.

**LD 607 An Act To Amend the Maine Clean Election Act as It Relates to
Independent Expenditures**

**ACCEPTED ONTP
REPORT**

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

This bill extends the rebuttable presumption period for independent expenditures for general election races that include a Maine Clean Election Act candidate from 35 days before election day to from Labor Day to election day.

LD 682 An Act Regarding Agency Liquor Stores

INDEF PP

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

Joint Standing Committee on Legal and Veterans Affairs

This bill removes the provision in current law that limits the number of agency liquor stores that may be licensed in a municipality. It also provides for additional criteria that an applicant must meet in order to receive an agency liquor store license after July 1, 2009.

Committee Amendment "A" (S-263)

This amendment replaces the bill. The amendment changes the current limitations on the number of agency liquor stores that may be licensed per municipality and increases how many may be licensed in some municipalities based on population. The maximum number of total agency liquor stores in any municipality would be 8. Applicants who are licensed under this new structure must be able to purchase \$10,000 worth of spirits initially with a bank check or other financial instrument that certifies that funds are available. This amendment also adds an appropriations and allocations section.

LD 694 An Act To Allow Limited Partnerships between Brewers and Wholesalers

**ACCEPTED ONTP
REPORT**

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

Under current law manufacturers of alcoholic beverages, also known as certificate of approval holders, are prohibited from having a financial interest in a wholesaler of alcoholic beverages. This bill allows manufacturers and wholesale licensees to form limited partnerships in which the manufacturer is the limited partner and the wholesaler is the general partner. The bill also provides a 10-year maximum term for any such limited partnership.

Committee Amendment "A" (S-152)

This amendment adds further restrictions on limited partnerships between certificate of approval holders and wholesale licensees to specify that a certificate of approval holder may not have managerial control over the day-to-day operations of the wholesale licensee. It further provides that a certificate of approval holder may extend financing to a wholesale licensee but in the event of a default the certificate of approval holder may not control or operate the wholesale licensee for more than 180 days.

LD 704 An Act To Allow Property Owners To Terminate Residential Leases That Do Not Contain Termination Language

ONTP

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

In *Rubin v. Josephson*, 478 A.2d 665 (Me. 1984), the Supreme Judicial Court held that, when a residential lease does not contain termination language, the landlord may not use the tenancy-at-will provisions of state law to terminate the lease. In response to that case, this bill allows a landlord, after providing notice and service, and with cause, to terminate a lease that does not contain termination, default or forfeiture language.

Joint Standing Committee on Legal and Veterans Affairs

**LD 758 An Act To Allow Municipalities and Counties To Require Bartender
Training for Liquor Licensees**

PUBLIC 81

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARLOW	OTP-AM	H-53

This bill provides that the Department of Public Safety, bureau of liquor licensing and enforcement may consider whether or not an establishment provides server training as required by municipal officers or county commissioners when issuing or renewing a license for an establishment that sells alcoholic beverages to be consumed on the premises.

Committee Amendment "A" (H-53)

This amendment replaces the bill. It provides that the Department of Public Safety, bureau of liquor licensing and enforcement may deny a license to serve alcohol to be served on the premises, if the individuals who will be serving alcoholic beverages have not received training through a program certified by the Department of Public Safety, bureau of liquor licensing and enforcement. This reason for denial would only apply if the county or municipality where the licensee has an establishment has adopted the requirement by local ordinance.

Enacted Law Summary

Public Law 2009, chapter 81 provides that the Department of Public Safety, bureau of liquor licensing and enforcement may deny a license to serve alcohol to be served on the premises, if the individuals who will be serving alcoholic beverages have not received training through a program certified by the Department of Public Safety, bureau of liquor licensing and enforcement. This reason for denial would only apply if the county or municipality where the licensee has an establishment has adopted the requirement by local ordinance.

LD 771 An Act Regarding Raffles Conducted by Nonprofit Organizations

PUBLIC 115

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM	S-81

This bill amends the provisions of law governing organizations eligible to conduct a raffle with a prize value between \$10,000 and \$75,000 to include nonprofit organizations that have had a presence in this State for at least 5 years and that have as a primary purpose educating the public and funding research to prevent and treat illnesses.

Committee Amendment "A" (S-81)

This amendment strikes the provisions of the bill, which amended the laws governing who is eligible for a raffle license and the limit on raffle licenses to be issued per year to a nonprofit organization. The amendment creates an exception to the current law that requires raffle tickets to be sold by actual members of the organization licensed to conduct the raffle. It provides that uncompensated volunteers may sell raffle tickets that offer a noncash prize as long as the names of the volunteers are provided to the Chief of the State Police within 10 days of issuance of the raffle license.

Enacted Law Summary

Joint Standing Committee on Legal and Veterans Affairs

Public Law 2009, chapter 115 creates an exception to the requirement that raffle tickets be sold by actual members of the organization licensed to conduct a raffle. It provides that uncompensated volunteers may sell raffle tickets that offer a noncash prize as long as the names of the volunteers are provided to the Chief of the State Police within 10 days of issuance of the raffle license.

LD 772 An Act To Increase Eligibility Requirements under the Maine Clean Election Act

ONTP

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

This bill amends the Maine Clean Election Act by requiring:

1. A participating candidate who has previously run for office to have received at least 15% of the vote in the candidate's most recent campaign;
2. A participating candidate to raise the entire amount of seed money allowed in order to be certified as a participating candidate; and
3. A political communication paid for with Maine Clean Election Act funds that otherwise requires a disclosure to contain the words "Paid for with taxpayer funds under the Maine Clean Election Act."

LD 779 An Act To Require Closed-captioning for Certain Political Advertisements

PUBLIC 105

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS	OTP-AM	H-97

This bill requires television advertisements purchased with Maine Clean Election Act funds to be closed-captioned.

Committee Amendment "A" (H-97)

The amendment specifies that closed-captioning is required for political advertisements purchased with Maine Clean Election Act funds if closed-captioning is available from the broadcaster of the advertisements.

Enacted Law Summary

Public Law 2009, chapter 105 requires closed-captioning for political advertisements purchased with Maine Clean Election Act funds if closed-captioning is available from the broadcaster of the advertisements.

Joint Standing Committee on Legal and Veterans Affairs

LD 780 An Act To Increase the Amount and Number of Qualifying Contributions under the Maine Clean Election Act

ONTP

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

This bill increases the amount of a qualifying contribution required to participate in the Maine Clean Election Act from \$5 to \$10, increases the number of qualifying contributions a gubernatorial candidate must collect from 3,250 to 5,000 and increases the number of qualifying contributions a candidate for the State House of Representatives must collect from 50 to 75. Under this bill, the number of qualifying contributions a candidate for State Senate must collect remains at 150.

LD 781 An Act To Designate a Specialty State Lottery Ticket To Benefit Cancer Education and Awareness

ACCEPTED ONTP REPORT

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

This bill creates a cancer education and awareness lottery ticket to support the Maine comprehensive cancer prevention and control program administered by the Department of Health and Human Services.

Committee Amendment "A" (H-309)

This amendment adds an appropriations and allocations section.

LD 805 An Act To Change Current Limits on Commercial Harness Racing Tracks

ONTP

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

This bill amends the laws governing commercial tracks and licensing for slot machines.

1. Current law requires that an applicant for a license to operate slot machines by a person licensed to operate a commercial track be located "at or within a 5-mile radius of the center of a commercial track" that conducted harness racing with pari-mutuel wagering on more than 25 days during calendar year 2002. This bill removes the 5-mile radius requirement but retains the specification that the commercial track operated by the applicant has conducted harness racing with pari-mutuel wagering during that period of time.

2. This bill removes language limiting the operation of slot machines to commercial tracks licensed by a referendum election held prior to December 31, 2003.

Joint Standing Committee on Legal and Veterans Affairs

3. The bill provides that, for slot machines located at commercial tracks initially licensed for slot machines after January 1, 2009, the revenue designated for distribution to the Fund for a Healthy Maine, the University of Maine Scholarship Fund, the Maine Community College System and the Fund to Encourage Racing at Maine's Commercial Tracks would instead be deposited in the General Fund.

4. The bill increases from 1,500 to 3,000 the total number of slot machines allowed in the State.

LD 831 An Act To Enhance Fund-raising Opportunities by Certain Nonprofit Organizations

PUBLIC 386

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS SHERMAN	OTP-AM MAJ ONTP MIN	H-389 H-450 FITTS

This bill provides that organizations may conduct games of chance without a license if they collect no more than \$15,000 in entry fees, chances or wagers in a calendar year. An unlicensed game of chance event is limited to \$10,000 in entry fees, chances or wagers. An organization conducting a game of chance without a license must still register its name and tax identification number and the time, date and location of the event with the Chief of the State Police. The registration fee is \$30.

Committee Amendment "A" (H-389)

This amendment replaces the bill. It creates an exception to the requirement that organizations be licensed in order to conduct games of chance. An organization that is otherwise eligible for a license and will not raise more than \$15,000 in a calendar year from the conduct of games of chance and not more than \$10,000 at any one event may conduct games by registering with the Chief of the State Police and is not required to get a license. If an organization exceeds the yearly or per-event revenue limit, that organization is required to apply for a license retroactively. Any organization that raised more than \$15,000 from licensed games of chance in the previous year is not eligible to register. Some requirements that apply to licensees would apply to registrants, including wager limits, age restrictions on those who conduct or play the games, prohibitions against schemes and the requirement to use licensed gaming printers and distributors. Other requirements regarding revenue and expenditure reporting and disposition of funds reports are also applicable to registrants. A registrant who violates the registration requirements is required to forfeit the revenue from those games conducted in violation and would be prohibited from using the registration privilege for 10 years.

House Amendment "A" To Committee Amendment "A" (H-450)

This amendment clarifies that a registration to conduct games of chance without a license is valid per event and not for one year as indicated in Committee Amendment "A."

Enacted Law Summary

Public Law 2009, chapter 386 creates an exception to the requirement that organizations be licensed in order to conduct games of chance. An organization that is otherwise eligible for a license and will not raise more than \$15,000 in a calendar year from the conduct of games of chance and not more than \$10,000 at any one event may conduct games by registering with the Chief of the State Police and is not required to get a license. If an organization exceeds the yearly or per-event revenue limit, that organization is required to apply for a license retroactively. Any organization that raised more than \$15,000 from licensed games of chance in the previous year is not eligible to register. A registration is required per event for a fee of \$30. Some requirements that apply to licensees would apply to registrants, including wager limits, age restrictions on those who conduct or play the games, prohibitions against schemes and the requirement to use licensed gaming printers and distributors. Other

Joint Standing Committee on Legal and Veterans Affairs

requirements regarding revenue and expenditure reporting and disposition of funds reports are also applicable to registrants. A registrant who violates the registration requirements is required to forfeit the revenue from those games conducted in violation and would be prohibited from using the registration privilege for 10 years.

LD 832 An Act To Require Lobbyists To Wear Name Tags

PUBLIC 137

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY	OTP-AM MAJ ONTP MIN	H-189

This bill amends the law governing lobbyist disclosure by:

1. Requiring the Commission on Governmental Ethics and Election Practices to publish an online photographic guide to lobbyists and lobbyist associates organized by legislative committee and requiring that lobbyists submit photographs unless the lobbyists or lobbyist associates have waivers from the commission; and
2. Restoring language that was removed in Public Law 2007, chapter 630 that requires every registered lobbyist to file in a monthly report the amount of compensation received for and the amount of expenditures made or incurred with regard to the preparation of documents and research for the primary purpose of influencing legislative action.

Committee Amendment "A" (H-189)

This amendment replaces the bill and is the majority report of the committee. The amendment requires that a lobbyist wear a name tag when engaged in the act of lobbying.

Enacted Law Summary

Public Law 2009, chapter 137 requires that a lobbyist wear a name tag when engaged in the act of lobbying.

LD 833 An Act To Distribute Funds Received from the Racino in Bangor to the Department of Health and Human Services, Office of Substance Abuse

Carried Over

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

This bill redirects 3% of revenues from slot machines that currently go to the Gambling Control Board to the Department of Health and Human Services, Office of Substance Abuse for use in the treatment of addiction. This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P 1053.

LD 834 An Act To Provide for 2 Veteran Service Officer Positions

INDEF PP

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

Joint Standing Committee on Legal and Veterans Affairs

This bill provides a General Fund appropriation of \$172,000 for fiscal year 2009-10 and \$165,000 for fiscal year 2010-11 for 2 Veteran Service Officer positions and related travel and administrative costs.

Committee Amendment "A" (H-444)

This amendment provides a General Fund appropriation of \$86,000 for fiscal year 2009-10 and \$82,500 for fiscal year 2010-11 for one Veteran Service Officer position and related travel and administrative costs. Funding for a Veteran Service Officer position was incorporated into the biennial budget as part of LD 353.

LD 835 An Act To Amend the Forcible Entry and Detainer Laws

PUBLIC 171

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

This bill allows a landlord in a forcible entry and detainer matter to amend orally or in writing a 7-day notice of termination of tenancy to a tenant and allows a landlord to combine a 7-day notice and a 30-day notice of termination of tenancy in one notice. This bill also requires a tenant to answer a forcible entry and detainer complaint in writing if the tenant wants a hearing on the matter.

Committee Amendment "A" (H-162)

This amendment allows a landlord in a forcible entry and detainer matter to combine a 7-day notice and a 30-day notice of termination of tenancy in one notice. The amendment also provides that the notice may not be held invalid as a result of minor clerical errors. This amendment also reformats and makes other minor changes in current language.

Enacted Law Summary

Public Law 2009, chapter 171 allows a landlord in a forcible entry and detainer matter to combine a 7-day notice and a 30-day notice of termination of tenancy in one notice. The law also provides that the notice may not be held invalid as a result of minor clerical errors.

LD 870 An Act To Improve Transportation for Veterans

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO ROSEN R	OTP-AM	H-342

This bill makes ongoing General Fund appropriations of \$15,000 per year to support the operating costs of the disabled American veterans' transportation network, which provides round-trip transportation services to Veterans' Administration medical facilities.

Committee Amendment "A" (H-342)

This amendment incorporates a fiscal note. Funding to assist transportation of veterans for the purposes of medical care was included in the biennial budget, LD 353.

Joint Standing Committee on Legal and Veterans Affairs

LD 887 An Act To Amend the Reporting Requirements for Independent Expenditures for Political Campaigns

ONTP

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

This bill amends the campaign finance laws to require that the report of independent expenditures include copies of mail pieces and print media.

LD 899 An Act To Require Candidates for Public Office To Provide Proof of Citizenship

**ACCEPTED ONTP
REPORT**

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

This bill requires candidates running for office to show proof of United States citizenship in the form of a certified copy of the candidate's birth certificate and the candidate's driver's license or other government-issued identification to the Secretary of State.

Committee Amendment "A" (H-183)

This amendment removes reference to a birth certificate and driver's license as proof of United States citizenship. The amendment adds an official document issued by the Federal Government that proves United States citizenship as something to be presented to the Secretary of State by candidates for office in the State.

LD 900 An Act To Prohibit Payments to Persons Who Collect Signatures for the Direct Initiative or People's Veto of Legislation

ONTP

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

This bill provides that a person may not pay or offer to pay a circulator of an initiative or a referendum petition for circulating an initiative or a referendum petition. A circulator of an initiative or a referendum petition may not receive payment for circulating an initiative or a referendum petition.

Joint Standing Committee on Legal and Veterans Affairs

LD 901 An Act To Restrict the Size of Political Signs on Vehicles

ONTP

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

This bill restricts the size of political signs on privately owned moving vehicles and on nonmoving vehicles to a maximum of 25 square feet between 6 weeks prior to and one week after an election, primary or referendum.

LD 902 An Act To Provide the Right of First Refusal to Mobile Home Park Residents

LEAVE TO WITHDRAW

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

This bill provides the tenants of a mobile home park that have incorporated as a cooperative affordable housing corporation with the right of first refusal to purchase the mobile home park from the owner within 45 days as long as it meets the same price, terms and conditions of any offer that the owner intends to accept to buy the park.

LD 903 An Act To Allow an Election Clerk To Request Proof of Identity from a Voter

ONTP

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

This bill requires a voter to produce proof of identity if requested by an election clerk before receiving a ballot to vote. If the voter does not produce proof of identity, then the clerk may designate the voter's ballot as a challenged ballot.

LD 904 An Act To Permit Brew Pubs To Sell Half-gallon Containers of Malt Liquor

PUBLIC 167

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N PLOWMAN	OTP-AM	H-181

This bill allows a small brewery that holds an on-premises liquor license to be able to sell, on the premises during business hours, malt liquor produced at the brewery in half-gallon containers to be consumed off the premises.

Joint Standing Committee on Legal and Veterans Affairs

Committee Amendment "A" (H-181)

This amendment replaces the bill. The amendment permits breweries that have a license to sell alcoholic beverages for on-premises consumption to sell malt liquor produced at the brewery to patrons for off-premises consumption. The amendment places conditions on such sales, including the requirement that the malt liquor be dispensed into bottles unique to the brewery and that are closed with a tamper-evident seal. Such bottles are not permitted to be consumed on the premises, must be accompanied by a sales receipt and may not be sold after 10:00 PM.

Enacted Law Summary

Public Law 2009, chapter 167 permits breweries that have a license to sell alcoholic beverages for on-premises consumption to sell malt liquor produced at the brewery to patrons for off-premises consumption. It places conditions on such sales, including the requirement that the malt liquor be dispensed into bottles unique to the brewery and that are closed with a tamper-evident seal. Such bottles are not permitted to be consumed on the premises, must be accompanied by a sales receipt and may not be sold after 10:00 PM.

LD 921 An Act To Eliminate Maine Clean Election Act Funding for Gubernatorial Candidates DIED IN CONCURRENCE

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

This bill eliminates Maine Clean Election Act funding for gubernatorial candidates.

LD 923 Resolve, To Reduce Funding to Maine Clean Election Act Candidates RESOLVE 128

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCORMICK	OTP-AM	H-533 TRINWARD S-287

This resolve provides that the amount distributed to certified candidates by the Commission on Governmental Ethics and Election Practices pursuant to the Maine Clean Election Act during the 2010 election cycle must be 20% less than the amount distributed to certified candidates by the commission during the 2008 election cycle.

Committee Amendment "A" (S-287)

This amendment removes the requirement that Maine Clean Election Act distributions for 2010 be reduced by 20% and provides that 2010 distributions for certified legislative candidates be equal to the amounts distributed in 2008. The amendment also adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-533)

This amendment provides that the Commission on Governmental Ethics and Election Practices shall make distributions to legislative candidates certified as participating candidates under the Maine Clean Election Act at 2008 levels and to gubernatorial candidates in accordance with the distributions provided by the Maine Revised

Joint Standing Committee on Legal and Veterans Affairs

Statutes, Title 21-A, chapter 14. The amendment also directs the commission to establish rules to implement a provision of the Maine Clean Election Act that permits certified candidates to accept contributions if the Maine Clean Election Fund is insufficient to make distributions. These rules are routine technical rules and are required to be posted on the commission's publicly accessible website. The amendment also requires the commission to report back to the Joint Standing Committee on Legal and Veterans Affairs on how the distributions provided by Title 21-A, chapter 14 are to be made.

Enacted Law Summary

Resolve 2009, chapter 128 requires the Commission on Governmental Ethics and Election Practices to make distributions to legislative candidates certified as participating candidates under the Maine Clean Election Act at 2008 levels and to gubernatorial candidates in accordance with the distributions provided by the Maine Revised Statutes, Title 21-A, chapter 14. The amendment also directs the commission to establish rules to implement a provision of the Maine Clean Election Act that permits certified candidates to accept contributions if the Maine Clean Election Fund is insufficient to make distributions. These rules are routine technical rules and are required to be posted on the commission's publicly accessible website. The amendment also requires the commission to report back to the Joint Standing Committee on Legal and Veterans Affairs on how the distributions provided by Title 21-A, chapter 14 are to be made.

**LD 924 An Act To Clarify the Taxability of Promotional Credits in the State
Gaming Laws**

**PUBLIC 266
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J	OTP-AM	S-205

This bill amends the Gambling Control Board laws to clarify that use of promotional credits awarded through a promotional program offered by a slot machine operator and approved by the Gambling Control Board are not included in the calculation of gross slot machine income and net slot machine income.

Committee Amendment "A" (S-205)

This amendment clarifies that promotional credits are not used in calculating payback percentage and that the winnings from promotional credits used to continue play of slot machines are considered gross slot machine income. It also adds an emergency preamble and emergency clause.

Enacted Law Summary

Public Law 2009, chapter 266 defines promotional credit and clarifies that promotional credits are not used in calculating payback percentage and that the winnings from promotional credits used to continue play of slot machines are considered gross slot machine income. This bill was enacted as an emergency measure effective June 3, 2009.

LD 943 An Act To Reduce Lung Cancer Rates in Maine

PUBLIC 278

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J R PERRY J	OTP-AM	H-365

Joint Standing Committee on Legal and Veterans Affairs

This bill requires a landlord or lessor of a residential building to test the residential building for radon every 5 years. If an unhealthy level of radon is detected, the landlord or lessor must notify the residents by posting a sign on the exterior entry doors of the residential building and sending certified letters to every unit and must mitigate the radon gas until it is reduced to a level not hazardous to human health. A violation is subject to a fine of up to \$500.

Committee Amendment "A" (H-365)

This amendment replaces the bill. The amendment requires a landlord or other lessor of a residential building to test the residential building for radon by 2012 and every 10 years thereafter. The bill would have required testing every 5 years. The amendment clarifies that the testing and mitigation, if necessary, must be performed by a person registered with the Department of Health and Human Services. If a level of radon at 4.0 picocuries per liter of air or above is detected, the amendment also requires landlords to mitigate the radon until it is reduced to a level below 4.0 picocuries per liter of air. The mitigation must occur within 6 months or, if any local permits are required prior to mitigation, within 6 months of obtaining the necessary permits. The bill would have required mitigation immediately and did not include a specific radon level to trigger the mitigation requirement. The amendment reduces the financial penalty for a violation from \$500 to \$250. The amendment also requires persons registered with the department to include the street address of the property and any additional data required when reporting the provision of mitigation services under current law.

Enacted Law Summary

Public Law 2009, chapter 278 requires a landlord or other lessor of a residential building to test the residential building for radon by 2012 and every 10 years thereafter. The law requires that the testing and mitigation, if necessary, must be performed by a person registered with the Department of Health and Human Services. If a level of radon at 4.0 picocuries per liter of air or above is detected, the law requires landlords to mitigate the radon until it is reduced to a level below 4.0 picocuries per liter of air. The mitigation must occur within 6 months or, if any local permits are required prior to mitigation, within 6 months of obtaining the necessary permits. When providing mitigation services, persons registered with the department must include the street address of the property and any additional data required to be reported to the Department of Health and Human Services. The financial penalty for a violation of the law is \$250.

LD 948 **An Act To Reduce the Cost of the Maine Clean Election Act**

ONTP

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

This bill amends the Maine Clean Election Act by:

1. Changing the amount allowed for a qualifying contribution from \$5 to from \$5 to \$10;
2. Requiring a minimum amount of qualifying contributions of \$32,500 for a candidate for Governor, \$1,500 for a candidate for State Senate and \$500 for a candidate for State House of Representatives; and
3. Allowing a participating candidate to raise between September 1st and October 15th of the election year \$2,000 for a candidate for State Senate and \$1,000 for a candidate for State House of Representatives in amounts up to \$50 per donor who are registered voters of the candidate's district.

Joint Standing Committee on Legal and Veterans Affairs

LD 949 **An Act To Reduce the Number of Qualifying Contributions Required
for Special Elections under the Maine Clean Election Act**

ONTP

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

This bill reduces the amount of qualifying contributions required under the Maine Clean Election Act for special election candidates for the State Senate and the State House of Representatives to 75 contributions from registered voters for the Senate candidate and 25 contributions from registered voters for the House of Representatives candidate.

LD 971 **An Act To Amend the Laws Governing Liquor Liability and Licensing**

PUBLIC 247

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY	OTP-AM	H-325

This bill amends the laws governing liquor liability and licensing.

1. It requires that a licensee that holds a license for the sale of liquor to be consumed on the premises where sold to maintain liability insurance of no less than \$400,000;
2. It repeals the limitation on awards for damages under the Maine Liquor Liability Act;
3. It repeals the written notice requirement to defendants under the Maine Liquor Liability Act; and
4. It extends from 2 to 6 years the statute of limitations for bringing an action under the Maine Liquor Liability Act.

Committee Amendment "A" (H-325)

This amendment replaces the bill. It increases the limitation on damages permitted under the Maine Liquor Liability Act from \$250,000 to \$350,000.

Enacted Law Summary

Public Law 2009, chapter 247 increases the limitation on damages permitted under the Maine Liquor Liability Act from \$250,000 to \$350,000.

Joint Standing Committee on Legal and Veterans Affairs

**LD 978 Resolve, Directing the Commission on Governmental Ethics and
Election Practices To Develop Recommendations for Ethical Standards
for the Executive Branch**

RESOLVE 88

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM	S-173

This bill expands the statutory duties of the Commission on Governmental Ethics and Election Practices to include jurisdiction over the executive branch of government.

Committee Amendment "A" (S-173)

This amendment replaces the bill and establishes a resolve that directs the Commission on Governmental Ethics and Election Practices to examine existing ethical standards governing the executive branch and make advisory recommendations for the establishment of statutory ethical standards for the executive branch.

Enacted Law Summary

Resolve 2009, chapter 88 directs the Commission on Governmental Ethics and Election Practices to examine existing ethical standards governing the executive branch and make advisory recommendations for the establishment of statutory ethical standards for the executive branch.

LD 982 An Act To Amend the Laws Governing Legislative Ethics

PUBLIC 208

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

This bill clarifies that the Commission on Governmental Ethics and Election Practices may submit to the Legislature legislative proposals by commission members and staff in addition to legislative proposals based on suggestions from outside sources, as permitted in current law. The bill also defines "domestic partner" in the legislative ethics laws for purposes of conflicts of interest and annual reporting of sources of Legislators' income.

Enacted Law Summary

Public Law 2009, chapter 208 provides that the Commission on Governmental Ethics and Election Practices may submit to the Legislature legislative proposals by commission members and staff in addition to legislative proposals based on suggestions from outside sources, as permitted in current law. The bill also defines "domestic partner" in the legislative ethics laws for purposes of conflicts of interest and annual reporting of sources of Legislators' income.

Joint Standing Committee on Legal and Veterans Affairs

LD 983 **An Act To Reduce the Risk of Hypothermia in Residential Rental Units**

**LEAVE TO
WITHDRAW**

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

The purpose of this bill is to reduce the risk of serious illness caused by exposure to cold conditions by clarifying the obligation to provide heat to residential rental units. Current law provides that it is a breach of the implied warranty of fitness for human habitation when a dwelling unit's heating facilities are not capable of maintaining a minimum temperature of at least 68 degrees Fahrenheit. This bill provides instead that it is a breach of the implied warranty when the dwelling unit's heating facilities do not maintain that minimum temperature.

LD 989 **An Act To Allow for a Dual Liquor License**

PUBLIC 438

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO	OTP-AM MAJ ONTP MIN	H-425 H-542 VALENTINO

This bill allows an establishment licensed to sell beer or wine for consumption off premises to also have a license for on-premises consumption of beer and wine as long as the beer or wine is served to accompany a meal.

Committee Amendment "A" (H-425)

Current law prohibits retail stores licensed to sell alcoholic beverages for consumption off the premises from allowing patrons to consume alcoholic beverages on the premises. This amendment establishes a dual liquor license for retail establishments that sell beer and wine to be consumed off the premises. The dual liquor license will allow certain off-premises licensees to serve beer and wine to be consumed on the premises. The licensee would be required to stock at least \$35,000 in beer and wine, provide table seating for at least 16 persons, have a full kitchen that prepares meals and has staff dedicated to accommodating customers purchasing items to be taken away from the store. Beer or wine could be served only when accompanied by a meal. A dual liquor license with a \$600 annual fee would be issued in addition to the off-premises license. The amendment also adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-542)

This amendment requires an establishment that has a dual liquor license to have 2 restrooms for patrons and requires that employees who sell or serve wine be at least 21 years of age. It also changes the committee amendment so that only wine may be served for on-premises consumption.

Enacted Law Summary

Public Law 2009, chapter 438 authorizes the Department of Public Safety to issue a dual liquor license that would allow certain establishments licensed to sell wine for off-premises consumption to sell wine to be consumed on the premises. In order to qualify for a dual liquor license, the off-premise licensee must stock at least \$35,000 worth of wine, have a full kitchen to serve hot and cold meals, offer table-seating for at least 16, have 2 restrooms and must

Joint Standing Committee on Legal and Veterans Affairs

obtain municipal approval for a dual license. The holder of a dual liquor license must have at least 2 employees who are 21 years of age or older, one dedicated to off-premises sales and the other dedicated to on-premises service of wine. Wine served for on-premises consumption must accompany a meal and must be dispensed from a separate stock and can not be self-served by the customer. A dual liquor licensee may not serve wine for on-premises consumption later than 8:00 PM.

LD 990 An Act To Increase the Preservation Time for Municipal Campaign Finance Reports

ONTP

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

This bill requires that a municipality with a population of 15,000 or more must retain campaign reports filed by candidates in municipal elections in that municipality for a period of not less than 12 years.

LD 1008 An Act To Increase Consumer Choice for Wine

PUBLIC 373

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
INNES	OTP-AM MAJ ONTP MIN	H-366 H-526 INNES

This bill establishes a license to allow for the direct shipment of wine. The license allows certain in-state and out-of-state wineries to ship up to 12 cases of wine annually to recipients who are 21 years of age or older. The direct shipper or 3rd-party carrier contracted by the shipper must be shown proof of age in order to make a delivery. Wine shipments must be conspicuously labeled that they contain alcohol and may be delivered only to a person 21 years of age or older. The bill requires that a direct shipper is required to pay all applicable taxes, including excise and premium taxes on wine. The bill establishes reporting requirements for direct shippers and lists specific penalties for specific violations of laws governing the direct shipment of wine.

Committee Amendment "A" (H-366)

This amendment strikes the provision in the bill that allows a farm winery to ship wine under its farm winery license and instead requires a farm winery to obtain a wine direct shipper license. The amendment increases the application and license fee from \$100 to \$200. The amendment clarifies that the wine shipment must be made to the person that is listed on the shipment invoice and that photo identification is required to verify the correct recipient and that the recipient is at least 21 years of age. It also requires a common carrier that ships wine to show proof of receipt by the purchaser by requiring a signed acknowledgement of the shipment. The amendment specifies that wine coolers are not permitted to be shipped under a wine direct shipper license. The amendment provides for greater detail in the reports submitted by direct shippers and provides that direct shippers are subject to the jurisdiction of the State for the purpose of enforcing direct shipment laws. The amendment strikes a provision that makes direct shipment without a license a violation of the Maine Unfair Trade Practices Act. It specifies that any person who knowingly causes a direct shipment to occur or receives a direct shipment when made without a license may be fined up to \$500 for a first offense and up to \$1,000 for each subsequent offense. It also provides for up to a \$5,000 fine for any direct shipper or common carrier who delivers to any person not 21 years of age or older. The amendment provides that wine shipped under a wine direct shipper license is not subject to the bottle deposit laws. The amendment requires the Department of Public Safety to administer the direct shipment of wine provisions within budgeted

Joint Standing Committee on Legal and Veterans Affairs

resources.

House Amendment "A" To Committee Amendment "A" (H-526)

This amendment changes the requirements for delivery as proposed in Committee Amendment "A" in the following ways:

1. It removes the requirement that the common carrier be approved by the bureau in the Department of Public Safety responsible for enforcing the liquor laws;
2. It requires the shipment to be accompanied by a shipping label, instead of an invoice, that indicates the name of the shipper and the name and address of the recipient; and
3. It requires the common carrier to obtain the signature of a person who is at least 21 years of age, and photographic identification, prior to delivering the shipment. The committee amendment allowed the shipment to be delivered only to the recipient.

Enacted Law Summary

Public Law 2009, chapter 373 creates a direct shipper license to facilitate the shipment of wine into and out of the state directly to consumers. The law authorizes the Department of Public Safety to issue a direct shipper license to a farm winery in the state or other winery holding a federal basic wine permit. A direct shipper may only ship wine that they produce in accordance with their federal permit. All shipments must be clearly labeled that they contain alcohol and that they require the signature of a person at least 21 years of age. Shipments must be made by a common carrier that is required to ship only to the address listed on the invoice and must request photo identification to verify that the recipient of the delivery is at least 21 years of age. A direct shipper is permitted to ship up to 12 cases of wine per recipient address in a calendar year. A direct shipper must file detailed reports and submit required sales, premium and excise taxes. A direct shipper or common carrier that knowingly ships to someone under 21 years of age is subject to a fine up to \$5,000. Bottles shipped in accordance with a direct shipper license are not subject to the beverage container law.

LD 1016 An Act To Amend the Laws Governing Campaign Finance Reports and the Maine Clean Election Act

PUBLIC 190

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-136

Part A makes changes affecting campaign finance reports in the Maine Revised Statutes, Title 21-A, chapter 13. Specifically, Part A:

1. Clarifies that campaign finance reporting regarding ballot questions in towns and cities with a population of 15,000 or more is not governed by chapter 13, subchapter 2;
2. Removes the requirement that candidates must include their address in communications to voters such as signs and literature;
3. Eliminates a provision regulating candidates' use of endorsements, because the provision was invalidated by the Maine Supreme Judicial Court as unconstitutional;
4. Adjusts the filing deadline for campaign finance reports due on the 42nd day before a general election for legislative and county candidates so that the reports are due at 11:59 p.m. and clarifies that the reporting deadline

Joint Standing Committee on Legal and Veterans Affairs

does not apply to municipal candidates;

5. Removes the requirement that a traditionally financed candidate who has received or spent more than the initial payment received by a Maine Clean Election Act opponent must file an accelerated campaign finance report on the 42nd day before an election, because all legislative candidates must file a full, itemized report by that deadline;

6. Clarifies that the committees of political parties must report expenditures made to support or to oppose candidates;

7. Adjusts the end dates of 2 quarterly campaign finance reports filed by party committees to December 31st and June 30th so that the dates coincide with the end of quarters of the calendar year;

8. Clarifies that municipal and county party committees are not required to file campaign finance reports on the 11th day before a primary election;

9. Specifies that the Commission on Governmental Ethics and Election Practices may partially reduce late filing penalties from statutorily prescribed preliminary amounts if the commission finds that the preliminary amounts are disproportionately high;

10. Permits the Commission on Governmental Ethics and Election Practices to waive penalties against candidates for late financial reporting caused by interruptions in Internet service;

11. Imposes a maximum penalty of \$5,000 for the late filing of the candidate campaign finance report due on the 42nd day before the general election;

12. Amends the definition of "political action committee" to include organizations receiving contributions above certain thresholds for the purpose of influencing elections;

13. Clarifies the reporting procedures for political action committees that are raising and spending money to influence municipal elections;

14. Requires political action committees organized outside the State that are raising or spending money to influence Maine elections to file financial reports on forms prescribed by the Commission on Governmental Ethics and Election Practices similar to in-state committees;

15. Clarifies that ballot question committees must file financial reports and keep financial records in the same manner as political action committees;

16. Clarifies that political action committees must keep records of their campaign finances for 4 years after the election to which the records pertain;

17. Adjusts the end dates of 2 quarterly campaign finance reports filed by political action committees to December 31st and June 30th so that the dates coincide with the end of quarters of the calendar year;

18. Clarifies that political action committees must report expenditures made to support or to oppose candidates;

19. Requires political action committees to dispose of any surplus money before terminating, and clarifies the procedures for terminating a committee; and

20. Imposes a single maximum of \$10,000 for all late filing penalties assessed against political action committees or ballot question committees.

Joint Standing Committee on Legal and Veterans Affairs

Part B makes changes affecting the Maine Clean Election Act in the Maine Revised Statutes, Title 21-A, chapter 14. Specifically, Part B:

1. Clarifies that candidates who have committed substantial violations of the Maine Clean Election Act or the campaign finance law are ineligible to receive public campaign funding under the Maine Clean Election Act; and
2. Adjusts the quadrennial deadline for the Commission on Governmental Ethics and Election Practices to publish a study report concerning the Maine Clean Election Act so that the report is due on the March 15th after a gubernatorial election.

Committee Amendment "A" (S-136)

This amendment restores the requirement for a participating candidate for the Legislature who has filed a "trigger report" to file an accelerated report 42 days before a primary election. This requirement is only for the primary election. As in the bill, an accelerated report is not required 42 days before the general election. The amendment would also clarify that the voters of this State may make \$5 qualifying contributions over the Internet according to the procedures established by the Commission on Governmental Ethics and Election Practices.

Enacted Law Summary

Public Law 2009, chapter 190 makes changes affecting campaign finance reports in the Maine Revised Statutes, Title 21-A, chapter 13. Specifically, the law:

1. Clarifies that campaign finance reporting regarding ballot questions in towns and cities with a population of 15,000 or more is not governed by chapter 13, subchapter 2;
2. Removes the requirement that candidates must include their address in communications to voters such as signs and literature;
3. Eliminates a provision regulating candidates' use of endorsements, because the provision was invalidated by the Maine Supreme Judicial Court as unconstitutional;
4. Adjusts the filing deadline for campaign finance reports due on the 42nd day before a general election for legislative and county candidates so that the reports are due at 11:59 p.m. and clarifies that the reporting deadline does not apply to municipal candidates;
5. Clarifies that the committees of political parties must report expenditures made to support or to oppose candidates;
6. Adjusts the end dates of 2 quarterly campaign finance reports filed by party committees to December 31st and June 30th so that the dates coincide with the end of quarters of the calendar year;
7. Clarifies that municipal and county party committees are not required to file campaign finance reports on the 11th day before a primary election;
8. Specifies that the Commission on Governmental Ethics and Election Practices may partially reduce late filing penalties from statutorily prescribed preliminary amounts if the commission finds that the preliminary amounts are disproportionately high;
9. Permits the Commission on Governmental Ethics and Election Practices to waive penalties against candidates for late financial reporting caused by interruptions in Internet service;
10. Imposes a maximum penalty of \$5,000 for the late filing of the candidate campaign finance report due on the 42nd day before the general election;

Joint Standing Committee on Legal and Veterans Affairs

11. Amends the definition of "political action committee" to include organizations receiving contributions above certain thresholds for the purpose of influencing elections;
12. Clarifies the reporting procedures for political action committees that are raising and spending money to influence municipal elections;
13. Requires political action committees organized outside the State that are raising or spending money to influence Maine elections to file financial reports on forms prescribed by the Commission on Governmental Ethics and Election Practices similar to in-state committees;
14. Specifies that ballot question committees must file financial reports and keep financial records in the same manner as political action committees;
15. Clarifies that political action committees must keep records of their campaign finances for 4 years after the election to which the records pertain;
16. Adjusts the end dates of 2 quarterly campaign finance reports filed by political action committees to December 31st and June 30th so that the dates coincide with the end of quarters of the calendar year;
17. Clarifies that political action committees must report expenditures made to support or to oppose candidates;
18. Requires political action committees to dispose of any surplus money before terminating, and clarifies the procedures for terminating a committee; and
19. Imposes a single maximum of \$10,000 for all late filing penalties assessed against political action committees or ballot question committees.

Chapter 190 also makes changes affecting the Maine Clean Election Act in the Maine Revised Statutes, Title 21-A, chapter 14. This portion of chapter 190:

1. Clarifies that candidates who have committed substantial violations of the Maine Clean Election Act or the campaign finance law are ineligible to receive public campaign funding under the Maine Clean Election Act;
2. Adjusts the quadrennial deadline for the Commission on Governmental Ethics and Election Practices to publish a study report concerning the Maine Clean Election Act so that the report is due on the March 15th after a gubernatorial election; and
3. Clarifies that the voters of this State may make \$5 qualifying contributions over the Internet according to the procedures established by the Commission on Governmental Ethics and Election Practices.

LD 1025 An Act To Allow Choice of Wine by Maine Consumers

ONTP

Sponsor(s)

SIMPSON

Committee Report

ONTP

Amendments Adopted

This bill establishes a wine connoisseur permit. This permit provides that a person may order a total of 12 9-liter cases of wine per year shipped from a specialty wine permit holder by way of a common carrier. The fee for a wine connoisseur permit is \$75 per year.

Joint Standing Committee on Legal and Veterans Affairs

This bill also grants routine technical rule-making authority to the Department of Public Safety's division of liquor licensing and compliance to ensure that bottles of wine received under a wine connoisseur permit comply with the bottle deposit law.

The bill also establishes a specialty wine permit. The permit provides that a person who ferments, ages and bottles that person's own wine may ship up to 50 9-liter cases of wine annually to wine connoisseur permit holders. The annual fee for a specialty wine permit is \$100. The bill also grants routine technical rule-making authority to the division to ensure that specialty wine permit holders sell and deliver the wine only to qualified wine connoisseur permit holders and directs the division to include annual reporting guidelines in the rules.

The bill allows a farm winery license holder to sell wine outside of the State as long as the farm winery complies with the laws of the jurisdiction where the wine is delivered.

The bill requires that, except for purchase by licensees, all purchases of liquor must be made in person.

LD 1041 An Act To Alter the Mechanism by which a Political Party is a Qualified Party

PUBLIC 426

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

This bill eliminates the requirement that for a political party to participate in a primary election it must poll at least 5% of the total vote cast for Governor or President in either of the last 2 general elections and adds a new requirement that at least 10,000 members of the party must have voted in the last general election in order for the party to participate in a primary election.

Enacted Law Summary

Public Law 2009, chapter 426 eliminates the requirement that for a political party to participate in a primary election it must poll at least 5% of the total vote cast for Governor or President in either of the last 2 general elections and adds a new requirement that at least 10,000 members of the party must have voted in the last general election in order for the party to participate in a primary election.

LD 1065 An Act To Change the Campaign Finance Laws Pertaining to Campaign Contributions To Allow for Increases Indexed to Inflation

LEAVE TO WITHDRAW

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

This bill raises the gubernatorial campaign contribution limit from \$500 to \$1,000 for any election. It also raises the campaign contribution limit for all other candidates from \$250 to \$350 for any election. This bill also allows a candidate to raise money for a primary and a general election at the same time as long as the contribution is distributed into 2 separate accounts and that the total contribution does not exceed the total contribution limit of \$2,000 for a gubernatorial candidate, not to exceed \$1,000 for the primary election and \$1,000 for the general election, or \$700 for any other candidate, not to exceed \$350 for the primary election and \$350 for the general

Joint Standing Committee on Legal and Veterans Affairs

election. The bill also ties the contribution limits to the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics every 2 years, with the calculations beginning in September 2011. An adjustment will be made based on the difference between the Consumer Price Index on the date of calculation and the Consumer Price Index on the date of the base period, September 1, 2009. If this adjustment does not create an amount that is a multiple of \$25, it will be rounded to the nearest multiple of \$25. The bill also authorizes the commission to submit legislation to adjust the contribution limits to reflect the indexing.

LD 1074 An Act To Promote Responsible Sales of Alcoholic Beverages

**ACCEPTED ONTP
REPORT**

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

This bill requires that any person who sells or serves alcoholic beverages to any person must verify that person's age through photo identification. It also requires that licensees post a sign regarding that requirement in a prominent location visible to patrons of the establishment. The bill requires any person hired by a licensee who will sell or serve alcoholic beverages to successfully complete seller server training within 30 days of employment. The bill adds to the approval criteria for training courses that refresher courses be available and that training be available online. Finally, this bill requires the Commissioner of Public Safety to recommend graduated penalties for failure to comply with the identification requirement proposed in this bill.

Committee Amendment "A" (H-266)

This amendment removes the requirement that licensees who sell or serve alcoholic beverages get mandatory training. It also changes from 27 to 35 years of age the maximum age of a person who may be required to present identification to purchase alcoholic beverages.

LD 1080 Resolve, To Create a Working Group To Study Landlord and Tenant Issues

RESOLVE 137

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP-AM MAJ ONTP MIN	H-489 S-319 BARTLETT

Committee Amendment "A" (H-489)

This amendment replaces the resolve and changes the title. The amendment directs the Attorney General to convene a working group to study certain issues related to the laws governing landlords and tenants rather than establishing a blue ribbon commission with Legislators as proposed in the bill. The amendment requires the Attorney General to notify members of the Joint Standing Committee on Legal and Veterans Affairs of working group meetings and provide copies of minutes of meetings. The amendment requires the working group to report to the Joint Standing Committee on Legal and Veterans Affairs by January 15, 2010. It also adds an appropriations and allocations section.

House Amendment "B" To Committee Amendment "A" (H-546)

Joint Standing Committee on Legal and Veterans Affairs

This amendment removes the Attorney General or the Attorney General's designee from the working group to study issues related to landlords and tenants.

House Amendment "B" to Committee Amendment "A" was adopted in the House, but indefinitely postponed in the Senate. The substantive provisions in House Amendment "B" were incorporated into Senate Amendment "A".

House Amendment "A" To Committee Amendment "A" (H-544)

This amendment removes the Attorney General or the Attorney General's designee from the working group to study issues related to landlords and tenants.

House Amendment "A" to Committee Amendment "A" was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-319)

Like House Amendment "B" to Committee Amendment "A" (H-546), this amendment removes the Attorney General or the Attorney General's designee from the working group to study issues related to landlords and tenants. This amendment also strikes the provision of staffing assistance being provided by the Legislative Council.

Enacted Law Summary

Resolve 2009, chapter 137 directs the Executive Director of the Maine State Housing Authority to convene a working group to study certain issues related to the laws governing landlords and tenants. The resolve requires the working group to report to the Joint Standing Committee on Legal and Veterans Affairs by January 15, 2010.

LD 1081 An Act To Clarify the Laws on Licensing for Charitable and Fraternal Organizations and Games of Chance ONTP

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

This bill allows nonprofit organizations to conduct games of chance without a license.

LD 1110 Resolve, Directing the Bureau of Maine Veterans' Services To Report on Homeless Veterans RESOLVE 72

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX SULLIVAN	OTP-AM	H-265

This resolve establishes a study commission to review and examine, in consultation with a representative of the Veterans Administration, the issue of homeless veterans, who are reported to constitute at least 1/3 of the nation's homeless population, and to examine causes, possible solutions and what further assistance can be given to homeless veterans in the State.

Committee Amendment "A" (H-265)

This amendment replaces the resolve and directs the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to work with existing groups to examine the issue of homeless veterans and

Joint Standing Committee on Legal and Veterans Affairs

recommend possible solutions and ways to assist veterans who are homeless.

Enacted Law Summary

Resolve 2009, chapter 72 directs the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to work with existing groups to examine the issue of homeless veterans and recommend possible solutions and ways to assist veterans who are homeless.

LD 1111 An Act To Promote Transparency and Accountability in Campaigns and Governmental Ethics

PUBLIC 258

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRINWARD SULLIVAN	OTP-AM	H-282

This bill concerns transparency and accountability in campaigns and legislative ethics. The bill amends the definition of "gift." The bill changes the provisions regarding conflict of interest and undue influence. It makes the legislative standard for conflict of interest clearer and requires that Legislators be financially affected to a significantly greater extent than members in the same enterprise, profession, trade, business or type of employment in order to have a conflict of interest. It requires lobbyists to submit a digital picture and a list of the committees they will be lobbying and the publishing of a lobbyist listing so that Legislators will have a better sense of who the lobbyist they interact with represents. It changes the definition of "close economic associate." It prohibits candidates and their spouses from serving as campaign treasurers and deputy treasurers. It establishes a contribution limit to political action committees of \$10,000 from any one source per election cycle.

Committee Amendment "A" (H-282)

This amendment replaces the bill. Like the bill, this amendment makes changes to the type of conduct that would be considered undue influence, which is a violation of legislative ethics, by a Legislator. In addition, this amendment clarifies the definition of "gift" for the purposes of governing legislative ethics.

Enacted Law Summary

Public Law 2009, chapter 258 amends the definition of gift with regard to disclosures required by legislators and amends the laws that govern violations of legislative ethics to clarify what constitutes undue influence.

LD 1112 An Act To Establish a Recall Procedure for Elected Officials

ONTP

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

This bill establishes a recall procedure for federal, state and local elected officials.

Joint Standing Committee on Legal and Veterans Affairs

LD 1168 **An Act To Allow the Taste Testing of Malt Liquor and Spirits**

ONTP

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

This bill allows taste testing of distilled spirits in agency liquor stores and malt liquor in retail stores with off-premises licenses in the same manner and under the same conditions as wine taste testings are currently conducted.

LD 1169 **An Act To Amend the Election Laws**

PUBLIC 253

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRINWARD	OTP-AM	H-311

This bill adds to the definition of "immediate family" and provides a definition for the "public counter" mechanism on a voting device. The bill establishes a retention period for direct initiative of legislation and people's veto petitions. The bill also clarifies the registrar's consideration of residency factors in determining the voting residence of an applicant and provides factors for the registrar to consider in verifying the identity of a voter. The bill expands the "fail safe" provision for a voter who moves to a new state before a presidential election from 30 days to 60 days before the election. The bill also provides that United States citizens who have never lived in the United States may register to vote at the Maine voting residence claimed by either of the person's parents. The bill increases the voter registration period before a presidential year municipal caucus from at least 30 minutes to at least one hour. The bill requires that decisions made by the authority hearing an appeal from a voter registration decision must be issued to the voter in writing. The bill authorizes the Secretary of State to determine the form of the registrar's enrollment certification on candidate petitions. It also clarifies that petition circulators must take oath that they "personally witnessed" all the signatures to the petition, rather than simply swearing that the signatures were made in the circulator's presence. The bill removes the requirement that a candidate's residence must be listed on the ballot. The bill changes the requirements for the number of copies of postings at the voting place from 2 to one and adds a new requirement for posting the list of declared write-in candidates next to the sample ballot. The bill amends the requirements for casting a write-in vote and clarifies the requirements for when a write-in vote may be counted. The bill further specifies the procedures for the counting of ballots by the election clerks. The bill changes the requirement for the Secretary of State to publish uniform guidelines for determining voter intent into rule-making authority and restores the authority of the Secretary of State to adopt rules governing recount procedures. The bill clarifies the requirement for when a copy of the voting list must be provided to the clerk after a recount. The bill also changes the references for absentee ballot e-mail requests to requests made by "electronic means." The bill clarifies the time period allowed for early processing of absentee ballots and requires municipalities that wish to process absentee ballots early to provide a copy of the notice of election to the Secretary of State by 30 days before the election. The bill prohibits a candidate from assisting an absentee ballot. This bill requires that an applicant for a direct initiative of legislation must submit a summary that explains the purpose and intent of the direct initiative along with the application form and allows the Secretary of State to have a 15-business-day period to review the first draft of the application.

Committee Amendment "A" (H-311)

Joint Standing Committee on Legal and Veterans Affairs

This amendment adds definitions for "declared write-in candidate" and "undeclared write-in candidate." The amendment extends the period during which the Secretary of State must maintain direct initiative of legislation and people's veto petitions after the appeal period from 2 to 6 months. This amendment clarifies that the restriction on the registrar running for or holding office only applies to the electoral division in which the registrar is appointed and prohibits a candidate's treasurer from serving as a registrar in that electoral division. It removes a provision in the bill that eliminates the requirement that the municipality of residence be listed next to candidates printed on the ballot. The amendment clarifies that municipality of residence is not required to be listed for candidates for the office of President and Vice President of the United States. This amendment requires the Secretary of State to include the names of declared write-in candidates on the election return forms and requires write-in candidates to file their declarations of write-in candidacy with the Secretary of State 45 days before election day. It also removes the term "valid" when referring to write-in candidates who meet the declaration deadline. The amendment also adds language regarding candidate petition validity when signatures on those petitions do not meet the requirements prescribed but are also not proven to be fraudulent. The amendment also facilitates the use of the accessible voting system by persons with disabilities to cast a vote for a declared write-in candidate.

Enacted Law Summary

Public Law 2009, chapter 253 makes several changes to the laws governing elections. It requires the Secretary of State to keep direct initiative and people's veto petitions in the Office of the Secretary of State for 6 months after any appeal period has passed. The law provides that a municipal registrar may not be treasurer for a candidate subject to an election in the electoral division in which the registrar is appointed. It also requires that a registration appeals board must issue decisions pertaining to voter registration to the voter in writing and include information on how to appeal the decision. The law lists forms of identification that may be offered by a person who wishes to register to vote. The law provides that a person who is a citizen the United States and has never lived in the United States may register to vote where that person's parent is a qualified elector. The law specifies when a registrar is required to be present at the time of a municipal caucus. The law also changes the criteria for determining the validity of candidate petitions or initiative and people's veto petitions when signatures on those petitions do not meet the requirements of the law, including whether or not the circulator personally witnessed the signature being written on the petition. The law provides that municipality of residence is not required to be printed on the ballot for write-in candidates or candidates for President or Vice President of the United States. The law also specifies that a declared write-in candidate is a write-in candidate who has registered prior to 45 days before an election. Only write-in candidates that meet the standard of a declared write in candidate are included in the count when votes are tabulated. The law does provide for a recount process for undeclared write-in candidates who agree to fund such a recount. The law provides that a municipality may not process absentee ballots prior to the close of the polls on election day if proper notice is not provided by 5:00 PM on the 30th day prior to election day. Chapter 253 provides for an audio ballot that provides an aural presentation of declared write-in candidates as an accessible voting accommodation. The law also requires applicants for a direct initiative to include a summary that explains the intent and purpose of the direct initiative along with the text of the law subject to the initiative. It also provides the Secretary of State an additional 5 business days to review the proposed law for proper form.

**LD 1170 Resolve, Directing the Secretary of State To Report on the Accuracy of
Election Results**

RESOLVE 55

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

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

This bill seeks to formalize the accuracy of voting by using the recounts that presently exist in a more formalized way.

Joint Standing Committee on Legal and Veterans Affairs

Committee Amendment "A" (H-187)

This amendment replaces the bill with a resolve directing the Secretary of State to examine recent election recounts and compare the election night vote tally with the recount vote tally for those elections. The Secretary of State is required to submit a report to the Joint Standing Committee on Legal and Veterans Affairs by February 15, 2010 and include recommendations for a formal system of examining election recount results to provide information on the accuracy of elections in the State.

Enacted Law Summary

Resolve 2009, chapter 55 directs the Secretary of State to examine recent election recounts and compare the election night vote tally with the recount vote tally for those elections. The Secretary of State is required to submit a report to the Joint Standing Committee on Legal and Veterans Affairs by February 15, 2010 and include recommendations for a formal system of examining election recount results to provide information on the accuracy of elections in the State.

LD 1189 **An Act To Simplify and Improve the Maine Clean Election Laws**

ONTP

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

This bill amends the Maine Clean Election Act and combines seed money and qualifying checks into one composite qualifying system. Qualifying contributions are defined as any amount of \$5 to \$100 payable to the candidate or the campaign. To qualify, the candidate must raise contributions in numbers and amounts as follows:

1. For a gubernatorial candidate, a minimum of 3,250 contributors who contribute a total amount of \$32,500;
2. For a candidate for the State Senate, a minimum of 150 contributors who contribute a total amount of \$1,500; and
3. For a candidate for the House of Representatives, a minimum of 50 contributors who contribute a total amount of \$500.

The number of required contributors remains the same as in present law, but the minimum amount of money required is doubled from \$5 per contributor to what would be an average of \$10 if only the minimum number of contributors were obtained. Each \$5 contribution still counts and contributions up to \$100 are acceptable. Instead of submitting contributions to the commission, the candidates will submit only the acknowledgement signed by each contributor as evidence of the payment and support. Candidates will retain and use for campaign purposes all amounts collected. Because seed money is abolished and blended into the system for qualifying contributions, all private financial support must come in the form of qualifying contributions from voters within the candidate's own district. Distributions from the Maine Clean Election Fund are reduced by 1/2 of the qualifying contributions collected.

The qualifying period for any candidate is amended to start whenever the candidate files a declaration of intent. The qualifying period for an unenrolled candidate continues to end on June 2nd of each election year. The corresponding date for a party candidate remains at April 15th.

The bill makes clear that no revenue from the Maine Clean Election Fund may be pledged or applied to the collection of qualifying contributions.

Joint Standing Committee on Legal and Veterans Affairs

The bill also adds a private funding option for candidates. Before April 15th of an election year, a candidate whose campaign is supported by private contributions may elect to be covered by the matching fund protections of the Maine Clean Election Act if the candidate agrees to limit and does limit campaign contributions and expenditures to the amount that would be authorized for distribution to the candidate if the candidate were qualified as a Maine Clean Election Act candidate. A candidate making such an election is entitled to public matching funds as if the candidate had qualified as a Maine Clean Election Act candidate.

LD 1195 An Act To Allow Noncitizen Residents To Vote in Municipal Elections

**ACCEPTED ONTP
REPORT**

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

This bill authorizes municipalities to allow noncitizen residents to vote in municipal elections.

LD 1197 An Act To Improve the Maine Clean Election Act

PUBLIC 286

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-214 S-246 DAMON S-291 SULLIVAN

This bill makes several changes to the laws governing clean elections and governmental ethics.

The bill amends the laws governing legislative ethics by expanding upon the prohibitions on certain campaign contributions from and solicitations of lobbyists, lobbyist associates or employers. It clarifies that the prohibitions apply to contributions to a political action committee closely associated with a Legislator, Governor or constitutional officer.

The bill amends the definition of "contribution" under the campaign reporting laws to clarify that the 40-hour limitation applies to individual employees'; contributions and not to the state party committee as a whole.

The bill amends the reporting requirements for political action committees found in the Maine Revised Statutes, Title 21-A, section 1059 to equalize the aggregate dollar threshold of their reporting requirements for contributions made within the final 2 weeks of an election with the aggregate threshold for candidates, found in Title 21-A, section 1017, subsection 3, paragraph C.

The bill requires a certified Maine Clean Election Act candidate to provide explanations of payments made to political committees to the Commission on Governmental Ethics and Election Practices to ensure that payments are made solely to promote that candidate's election.

Committee Amendment "A" (S-214)

Joint Standing Committee on Legal and Veterans Affairs

This amendment strikes the provisions of the bill that propose to change the definition of "contribution" as it relates to assistance provided by party employees and the increase in the trigger from \$500 to \$1,000 that would require political action committees to file 24-hour reports. The amendment maintains the provision in the bill that expands the prohibition on certain campaign contributions from and solicitations of lobbyists as they apply to political action committees closely associated with a Legislator, Governor or constitutional officer. It also maintains the provision that requires more detailed information regarding payments made to political action committees by candidates participating in the Maine Clean Election Act. The amendment also increases the number of qualifying contributions required of legislative candidates to 175 for candidates for the Senate and to 60 for House candidates. It makes the qualifying period for legislative candidates seeking Maine Clean Election Act certification end on April 20th. It changes the distribution to unopposed legislative candidates in a general election from 40% to 33% of the distributions to candidates in a contested general election. Finally, this amendment raises the contribution limits in traditionally funded campaigns to \$750 for gubernatorial and \$350 for all other races. Beginning December 1, 2010 those contribution limits will be automatically adjusted every 2 years based on the Consumer Price Index and rounded to the nearest \$25. The amendment also requires the Commission on Governmental Ethics and Election Practices to adopt rules that will permit the collection of general election contributions during a primary election cycle.

Senate Amendment "A" To Committee Amendment "A" (S-246)

This amendment is being presented on behalf of the Committee on Bills in the Second Reading to prevent a conflict by incorporating a change made to the Maine Revised Statutes, Title 21-A, section 1122, subsection 7, paragraph A in Public Law 2009, chapter 190.

Senate Amendment "B" To Committee Amendment "A" (S-291)

This amendment extends the qualifying period for State Senate or State House of Representatives candidates participating in the Maine Clean Election Act until the next business day if the office of the Commission on Governmental Ethics and Election Practices is closed on the last day of the qualifying period.

Enacted Law Summary

Public Law 2009, chapter 286 amends the law that prohibits the acceptance of contributions from lobbyists to the Governor, a member of the Legislature or a constitutional officer during the time when the Legislature is in session to also include contributions to a political action committee, ballot measure committee or party committee of which the Governor, member of the Legislature or a constitutional officer is a treasurer, officer, primary fund-raiser or decision maker. It also increases the contribution limits for candidates from \$500 to \$750 for gubernatorial candidates and from \$250 to \$350 for legislative and other candidates. Beginning December 2010, those contribution limits will be automatically adjusted in accordance with the Consumer Price Index every 2 years.

Chapter 286 also amends the Maine Clean Election Act to allow for qualifying contributions to be in an amount of \$5 or more. It makes the qualifying period for legislative candidates from January 1st to April 20th of an election year. It raises the number of qualifying contributions required from 150 to 175 for Senate candidates and from 50 to 60 for candidates for the House of Representatives. The law provides that distribution of Maine Clean Election Funds to uncontested candidates in general elections will be 33% of the amount distributed to contested candidates. The law also requires greater detail when reporting payment of Maine Clean Election funds to a political action committee or a party committee by a participating candidate.

Joint Standing Committee on Legal and Veterans Affairs

LD 1210 An Act Regarding Volunteer Lobbyists

PUBLIC 234

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY	OTP-AM	H-310

This bill provides that a person who acts as a lobbyist or a lobbyist associate for a nonprofit organization whose only compensation for that lobbying is reimbursement for travel expenses and the employer of that person are exempt from the requirement to pay a registration fee.

Committee Amendment "A" (H-310)

This amendment replaces the bill. It provides that a person is not considered a lobbyist if that person receives only reimbursement for out-of-pocket expenditures for lobbying-related activities made during the course of lobbying and is not otherwise compensated.

Enacted Law Summary

Public Law 2009, chapter 234 provides that a person is not considered a lobbyist if that person receives only reimbursement for out-of-pocket expenditures for lobbying-related activities made during the course of lobbying and is not otherwise compensated.

LD 1247 An Act To Prohibit Maine Clean Election Act Candidates from Raising Private Campaign Funds

ONTP

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

This bill prohibits Maine Clean Election Act candidates from establishing or participating in political action committees to influence the election or defeat of legislative candidates or to support that candidate's effort to be elected to a legislative leadership position.

LD 1248 An Act Authorizing a Scratch Ticket with Proceeds To Benefit Native American Boys and Girls Clubs

**ACCEPTED ONTP
REPORT**

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

This bill directs the State Liquor and Lottery Commission to develop a Native American lottery game. The bill also establishes a Native American Boys and Girls Club Fund and a Native American Boys and Girls Club Fund Board.

Committee Amendment "A" (H-242)

Joint Standing Committee on Legal and Veterans Affairs

This amendment adds an appropriations and allocations section to the bill.

LD 1249 An Act To Raise the Campaign Contribution Limit

ONTP

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

This bill raises the contribution limit to \$1,000 for a gubernatorial candidate and other candidates.

LD 1250 An Act To Amend the Maine Clean Election Act Relating to Seed Money

ONTP

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

This bill increases the seed money contribution a participating candidate may receive from \$100 to \$250 per individual. It also increases the amount of seed money that can be raised by a candidate for the State Senate from \$1,500 to \$3,000 and from \$500 to \$1,000 for a candidate for the State House of Representatives. The bill also directs the Commission on Governmental Ethics and Election Practices to amend its rules to decrease by \$1,500 the amount of seed money a candidate for the State Senate may receive as a Maine Clean Election Act candidate and to decrease by \$500 the amount of seed money a candidate for the State House of Representatives may receive as a Maine Clean Election Act candidate.

LD 1308 An Act To Allow the Importation of Wine into the State for Individuals through Specific Ports of Entry

**ACCEPTED ONTP
REPORT**

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

This bill establishes a license to allow for the direct shipment of wine to registered shipment outlets. The license allows certain in-state and out-of-state wineries to ship up to 12 cases of wine annually to such registered outlets for pick-up by consumers who are 21 years of age or older. The registered shipment outlet must be shown proof of age in order to release a delivery to a consumer. Wine shipments must be conspicuously labeled that they contain alcohol and may be delivered only to a person 21 years of age or older. The bill requires that a direct shipper is required to pay all applicable taxes, including excise and premium taxes on wine. The bill establishes reporting requirements for direct shippers and lists specific penalties for specific violations of laws governing the direct shipment of wine.

Joint Standing Committee on Legal and Veterans Affairs

LD 1309 An Act To Clarify the Use of Instant Redeemable Coupons with Alcoholic Beverages

PUBLIC 145

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM MAJ ONTP MIN	H-190

This bill allows for spirits manufacturers to include instant redeemable coupons with spirits products listed for sale by the State Liquor and Lottery Commission. It also specifies that instant redeemable coupons and other promotions attached to or included in spirits products packages be attached or inserted by the manufacturer.

Committee Amendment "A" (H-190)

This amendment makes a technical correction to the bill and clarifies that coupons attached to spirits sold by reselling agents to on-premise retail licensees are for the benefit of the on-premise retail licensee.

Enacted Law Summary

Public Law 2009, chapter 145 allows for spirits manufacturers to include instant redeemable coupons with spirits products listed for sale by the State Liquor and Lottery Commission. It also specifies that instant redeemable coupons and other promotions attached to or included in spirits products packages be attached or inserted by the manufacturer.

LD 1327 An Act To Update Department of Defense, Veterans and Emergency Management Laws

PUBLIC 406

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRINWARD PLOWMAN	OTP-AM	H-390 H-467 TRINWARD H-567 TRINWARD

This bill provides that any person subject to the Maine Code of Military Justice who behaves in a manner that is prejudicial to the good order and discipline of the military forces or that discredits the military forces must be punished as a court-martial may direct and that any such person who violates any state or federal criminal law must be punished as a court-martial may direct.

This bill also changes the title of the director of the Maine Veterans' Memorial Cemetery System to superintendent and the title of veteran advocate to veteran service officer. It requires schools that provide tuition assistance pursuant to the Maine Revised Statutes, Title 37-B, section 505, subsection 2 to provide the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services certain information so that the bureau may properly administer certain educational benefits. It clarifies Maine Veterans' Homes eligibility requirements.

This bill also authorizes the Commission to Protect the Lives and Health of Members of the Maine National Guard to act as a panel to review cases involving death or disability of members of the Maine National Guard. When the commission or a subcommittee of the commission acts as such a review panel, its proceedings and records are confidential and are not subject to subpoena, discovery or introduction in a civil or criminal action. Conclusions of the panel may be disclosed, but no confidential information may be released.

Joint Standing Committee on Legal and Veterans Affairs

Committee Amendment "A" (H-390)

This amendment strikes the section of the bill that stated that any person subject to the Maine Code of Military Justice who violates any state or federal criminal law must be punished as a court-martial may direct. The amendment also provides greater detail regarding a case review panel that is part of the Commission to Protect the Lives and Health of Members of the Maine National Guard. As amended, this bill was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to the laws governing public records.

House Amendment "A" To Committee Amendment "A" (H-467)

This amendment makes clarifying changes to Committee Amendment "A" regarding confidential records of the Case Review Team of the Commission to Protect the Lives and Health of Members of the Maine National Guard.

House Amendment "A" (H-567)

This amendment adds authorization for the Adjutant General to sell the Fort Kent and Gardiner armories and allows for a real-property exchange of the armory in Portland.

Enacted Law Summary

Public Law 2009, chapter 406 amends the law to allow for the sale of the Fort Kent and Gardiner armories and allows for the sale of all or a portion of the armory in located Bath. It also allows for the transfer of property with regard to the armory located in Portland. The law also specifies that any person subject to the Code of Military Justice in accordance with Title 37-B who behaves in a manner that is prejudicial to the good order and discipline of the military forces must be punished as a court-martial may direct. The law requires a school that provides tuition assistance to veterans, their spouse or dependants to provide certain information such as enrollment verification, grade point average and transcripts so the Bureau of Veterans Services may properly administer those educational benefits. The law also establishes a case review team within the Commission to Protect the Lives and Health of Members of the Maine National Guard.

**LD 1328 RESOLUTION, Proposing an Amendment to the Constitution of Maine
Concerning Early Voting and Voting by Absentee Ballot**

**LEAVE TO
WITHDRAW**

Sponsor(s)

ADAMS

Committee Report

LTW

Amendments Adopted

This resolution proposes to amend the Constitution of Maine to require the Legislature to authorize a process to allow a qualified voter to vote at a polling place in or outside of the voter's election district during the 21-day period immediately preceding an election. It also changes an allowable reason for absentee voting from absence or physical incapacity to any reason deemed sufficient.

Joint Standing Committee on Legal and Veterans Affairs

LD 1329 An Act To Allow a Resort Casino in Oxford County

ACCEPTED ONTP
REPORT

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

This bill authorizes a gaming operator to operate a gaming facility at a single site in Oxford County. The legislative body and voters of any municipality in which the site is located must approve the site for the operation of the gaming facility. The gaming facility is authorized to contain slot machines, bazaar games conducted solely for merchandise prizes, lottery games, video facsimiles, card games, table games and other games of chance, including without limitation blackjack, poker, dice, roulette, baccarat, money-wheels and bingo.

The initiated bill removes the limit on the total number of slot machines that are allowed to be registered in this State. The bill provides that, other than the approved commercial race tracks in the State that operate slot machines, the gaming facility must be the only gaming facility in the State for at least 10 years. The bill provides for regulation of the gaming facility by the Department of Public Safety, Gambling Control Board.

The bill requires the gaming operator to pay to the State 40% of the total gross gaming device income. This money paid to the State must be used for the following purposes:

1. Nineteen and one half percent of the total gross gaming device income must be distributed to economic development funds to be used for statewide projects and projects in Oxford County;
2. Nineteen and one half percent of the total gross gaming device income must be distributed to transportation infrastructure funds to be used for statewide projects and projects in Oxford County; and
3. One percent of the total gross gaming device income must be distributed to the host municipality.

LD 1330 An Act Regarding Gaming by Charitable Organizations

Carried Over

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

This bill repeals the existing chapter of the Maine Revised Statutes, Title 17 on games of chance and replaces it with a new chapter. The provisions governing games of chance are the same but structured differently with the intent of clarifying the provisions within the chapter. This bill makes changes to cross-references in order to comply with the new section numbers assigned to the games of chance provisions. The only substantive change made by the bill is to the definition of "slot machine," which is amended by the bill to be consistent with other references to slot machines in the law and to recognize the electronic nature of modern slot machines. This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

Joint Standing Committee on Legal and Veterans Affairs

LD 1344 Resolve, To Authorize a Pilot Project on Ranked Choice Voting

INDEF PP

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

This resolve establishes a 2-year pilot project overseen by the Secretary of State that involves ranked choice voting to determine a majority winner in municipal elections with 3 or more candidates. The pilot project will involve up to 10 municipalities selected by the Secretary of State to implement ranked choice voting in municipal elections that are held at a different time than a statewide election, are secret ballot elections and are for offices in which only one candidate is being selected. The ranked choice voting ballot allows the voter to rank in descending order of preference the voter's second and subsequent choices for office after marking the voter's first choice for office. If, after the initial round of voting there is not a majority winner, the candidate with the least amount of votes is eliminated with all choices behind that candidate moved up in preference on each ballot. A second and subsequent rounds of voting are held using this process until a candidate receives a majority of votes for the office. For purposes of the rights of political parties, the amount of votes a candidate of a political party receives in the first round of tabulation is considered the amount of votes that candidate received in the election for that office. This resolve directs the Secretary of State to submit a report concerning the pilot project and any recommended legislation to the 125th Legislature.

**LD 1345 RESOLUTION, Proposing an Amendment to the Constitution of Maine
To Increase the Required Number of Signatures for a Direct Initiative
or a People's Veto and To Limit a Direct Initiative to One Subject**

Carried Over

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

This resolution proposes to amend the Constitution of Maine to increase the number of signatures that a petitioner must gather for a people's veto or a direct initiative from not less than 10% of the total vote for Governor cast in the last gubernatorial election to not less than 20% of the total vote for Governor cast in the last gubernatorial election. It also limits a direct initiative to one subject.

LD 1346 An Act To Amend the Laws Governing Games of Chance

PUBLIC 224

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRIGGS BRYANT B	OTP-AM MAJ ONTP MIN	H-267

This bill amends the laws governing games of chance, including licensed card games such as "Texas hold 'em," to increase from 40 to 80 the number of players that are allowed at any one time at any one location.

Committee Amendment "A" (H-267)

Joint Standing Committee on Legal and Veterans Affairs

This amendment decreases from 80 to 50 the number of players permitted at a licensed game of cards and requires the Chief of the State Police to submit a report.

Enacted Law Summary

Public Law 2009, chapter 224 allows for up to 50 players at a licensed game of cards and requires the Chief of the State Police to submit a report by February 15, 2010 regarding the number of players at licensed games of cards.

**LD 1379 An Act To Authorize the Operation of Slot Machines on the
Passamaquoddy Reservation**

ONTP

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

This bill allows the Passamaquoddy Tribe to be licensed to operate not more than 100 slot machines on the Pleasant Point Reservation and Indian Township Reservation in Washington County in conjunction with high-stakes beano. The license would be subject to existing licensing requirements and oversight by the Gambling Control Board. The initial license fee for the slot machine license, based on the maximum of 100 machines, would be \$10,000 and the annual renewal fee is \$3,000. One percent of the gross slot machine revenue would be required to be deposited to the General Fund. Fourteen percent of the net slot machine revenue from slot machines operated by the Passamaquoddy Tribe would be distributed as follows:

1. One percent to the General Fund for administrative expenses of the board, including gambling addiction counseling services, in accordance with rules adopted by the board;
2. Two percent to the University of Maine System Scholarship Fund;
3. Two percent to the Maine Community College System to fund its scholarships program;
4. One percent to the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services;
5. Two percent to the Maine Technology Institute;
6. Two percent to an economic development council in Washington County;
7. One percent to homeless shelters;
8. Two percent to be forwarded to other federally recognized Indian tribes in the State that are not licensed to operate slot machines; and
9. One percent to the Ronald McDonald House in Bangor, an organization that provides housing to families of chronically ill children in connection with the treatment of those children.

Joint Standing Committee on Legal and Veterans Affairs

LD 1380 **An Act To Amend the Maine Clean Election Laws Governing
Gubernatorial Candidates**

**PUBLIC 363
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE MITCHELL E	OTP-AM	H-429 H-529 TRINWARD

This bill changes the requirements for a gubernatorial candidate who wishes to run for Governor as a participating candidate in the Maine Clean Election Act. This bill removes the extended qualifying period for unenrolled candidates seeking to certify as participating candidates. It requires the collection of at least \$40,000 in seed money contributions from registered voters in the State and requires that each seed money contributor fill out a contribution acknowledgment form that, along with other information, states that the contributor made the contribution using personal funds and will not be reimbursed by any source. It allows a gubernatorial candidate to collect up to \$300,000 in seed money. Current law limits seed money to \$50,000. The bill also provides that failure to properly report seed money contributions may result in revocation of the candidate's certification as a Maine Clean Election Act candidate. The bill changes the distribution amount for primary election funds to gubernatorial candidates to \$400,000 for each election. The bill also limits matching funds distributed to gubernatorial candidates to \$400,000 instead of twice that amount.

Committee Amendment "A" (H-429)

This amendment replaces the bill. It makes several changes to the laws regarding gubernatorial candidates under the Maine Clean Election Act. It changes the end of the qualifying period for those candidates from April 15th to April 1st of the election year. It requires a gubernatorial candidate to raise a minimum of \$40,000 in seed money contributions from registered voters in the State in order to qualify for Maine Clean Election Act funds and raises the existing seed money cap for gubernatorial candidates from \$50,000 to \$200,000. The amendment requires a method of documenting seed money contributions similar to the bill and eliminates repetitive requirements regarding documentation. The amendment specifies that the increased amount of \$400,000 for primary distributions under the bill is for contested candidates by stating that uncontested candidates only receive \$200,000. It also clarifies that the distribution from the Maine Clean Election Fund for certified unenrolled gubernatorial candidates would be the same as for uncontested gubernatorial candidates. The amendment specifies that rules to implement this legislation are routine technical rules and that the changes made by the legislation apply to gubernatorial candidates beginning with the 2010 election even if they filed a declaration of intent with the Commission on Governmental Ethics and Election Practices prior to its enactment. The amendment also adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-529)

This amendment adds an emergency preamble and emergency clause to Committee Amendment "A." This amendment also changes the start date of the qualifying period for gubernatorial candidates from November 1st to October 15th.

Enacted Law Summary

Public Law 2009, chapter 363 makes changes to the provisions of the Maine Clean Election Act governing gubernatorial candidates. It sets the qualifying period to be a participating candidate as October 15th immediately preceding an election year April 1st of an election year. It requires a minimum of \$40,000 in seed money contributions from registered Maine voters. The maximum seed money contributions allowed is \$200,000. The law establishes a process for documenting seed money contributions and reporting them to the Commission on Governmental Ethics and Election Practices. The law changes how Maine Clean Election Fund are distributed to contested gubernatorial candidates so that they receive \$400,000 during the primary election period. General

Joint Standing Committee on Legal and Veterans Affairs

election distributions remain the same, \$600,000 but matching funds are reduced from 2 times the amount distributed in the general election to 1/2 the amount distributed in the general election. Finally, this law clarifies when unenrolled candidates who have qualified for Maine Clean Election funds will receive distributions from the fund.

This law was enacted as an emergency measure effective June 11, 2009.

LD 1420 An Act To Alter the Distribution of Maine Clean Election Act Funding to Gubernatorial Candidates

Carried Over

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

This bill does the following.

1. It reduces from 3,250 to 750 the number of qualifying contributions required for a gubernatorial candidate to be certified as a Maine Clean Election Act candidate.
2. It provides that a Maine Clean Election Act gubernatorial candidate may continue to collect \$5 contributions from registered voters in the State.
3. It allows a voter who provides a \$5 qualifying contribution to a gubernatorial candidate in a contested primary to provide an additional \$5 contribution to that candidate after certification.
4. It provides that each \$5 qualifying contribution and each \$5 additional contribution must be matched by a distribution of \$55 from the Maine Clean Election Fund.
5. It increases the distribution limits for gubernatorial primary elections from \$200,000 to \$350,000 and for gubernatorial general elections from \$600,000 to \$750,000.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

LD 1421 An Act To Ensure the Perpetual Care of Maine Veterans' Cemeteries

Carried Over

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

This bill is a concept draft pursuant to Joint Rule 208. The purpose of this bill is to ensure the perpetual care of Maine veterans'; cemeteries. In order to accomplish this purpose, this bill establishes an irrevocable trust account within the Department of Defense, Veterans and Emergency Management for the exclusive purpose of maintenance, upkeep and care of veterans'; cemeteries within the State. Under the bill, the irrevocable trust will be authorized to receive, in addition to allocations from the Legislature, gifts, bequests and other funds from public or private agencies. Funds in the trust may not be encumbered for, or diverted to, purposes other than the maintenance and care of veterans'; cemeteries within the State.

Joint Standing Committee on Legal and Veterans Affairs

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

LD 1437 An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations

Carried Over

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

This bill allows operation of video gaming terminals by nonprofit organizations that are eligible for games of chance licenses and that are exempt from federal tax under Internal Revenue Code, Section 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10) or 501(c)(19). These sections of the tax code refer to charitable organizations, civic leagues, fraternal benefit societies, domestic fraternal societies and associations and veterans' organizations. Organizations that currently have licenses for electronic video machines but do not qualify under one of those code sections may apply for an initial license while they seek the required federal tax status. The organization applying for the license must own or lease the premises on which the terminals will be placed and must use the premises for its charitable or nonprofit purpose.

Video gaming terminal manufacturers, wholesalers and operators must be licensed by the Chief of the State Police, following background investigations of the applicants and their major business partners. Local approval is required for a license to operate video gaming terminals.

The license specifies the number of terminals allowed on the premises, and the maximum number of terminals allowed is 5 per licensee. Terminals must be licensed by the Chief of the State Police and must be connected to a computer system operated by the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services. By the end of a 5-year phase-in period, this computer system must provide continuous online monitoring of video gaming terminal activity. Persons under 21 years of age are not allowed to use the machines. Only members of the organization and their guests are allowed to play. The maximum dollar amount for each play is \$5 and the maximum payout is \$1,250. Each game on each machine must return at least 80% of wagers to players, calculated on an annual basis.

Net terminal income, which is income after payback to players, is divided as follows: 8% to the State for payment into the Video Gaming Fund for administrative expenses, municipal revenue sharing and Public Education Fund revenue; 2% to the Compulsive Gambler Rehabilitation Fund; and 90% to the licensee. Licenses are issued for one year. Applicants for an initial license must pay the actual costs of processing the application and performing the background investigation.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

LD 1448 An Act To Exempt Volunteer Lobbyists from State Disclosure Requirements

ONTP

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

The bill exempts from the definition of "lobbyist" individuals who received no compensation for lobbying other than reimbursement for travel within this State. Organizations providing such reimbursement would not need to register

Joint Standing Committee on Legal and Veterans Affairs

these individuals as lobbyists with the Commission on Governmental Ethics and Election Practices. The bill also eliminates the requirement that annual reports filed by lobbyists be signed by their clients, since those reports are primarily filed electronically on the commission's publicly accessible website.

LD 1451 An Act To Amend the Maine Clean Election Act and the Enforcement Procedures of the Commission on Governmental Ethics and Election Practices

PUBLIC 302

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-242

The bill makes changes to the enforcement procedures of the Maine Commission on Governmental Ethics and Election Practices with respect to candidates, political action committees and political committees. If the commission is considering finding the candidate or committee in violation or assessing a penalty, the candidate or committee may request that the commission conduct a formal adjudicatory hearing in accordance with the Maine Administrative Procedure Act.

The bill also clarifies that a candidate or political committee who has been found in violation may appeal the commission's determination to the Superior Court. If the candidate or committee does not appeal the commission's determination and does not pay a penalty assessed by the commission or return Maine Clean Election Act funds, the commission may enforce the penalty or order to return funds by submitting the commission's determination to the clerk of courts for Kennebec County, rather than by proving the violation through the initiation of a civil lawsuit.

The bill also amends the commission's calculation of the initial public funds payment made to legislative candidates participating in the Maine Clean Election Act. Currently, those payments are based solely on average spending by all candidates in the preceding 2 elections. The bill would permit the commission beginning September 1, 2011 to consider other factors, such as increases in the cost of campaigning, after seeking comment from the commission's legislative oversight committee, legislative leadership and other interested persons.

The bill also amends current requirements on candidates who pay campaign funds to members of the candidate's household or immediate family. It clarifies that the requirements apply to payees who are members of the candidate's household or who are members of the candidate's immediate family.

Committee Amendment "A" (S-242)

This amendment strikes the provisions of the bill that make changes to the enforcement procedures of the Commission on Governmental Ethics and Election Practices that would allow the commission to seek penalties and the return of Maine Clean Election Act funds based on the commission's determination through the clerk of courts if the entity subject to the penalty does not take action to appeal the commission's determination. The amendment also makes changes in the bill regarding the distribution of Maine Clean Election Act funds to gubernatorial candidates.

Enacted Law Summary

Public Law 2009, chapter 302 makes changes to the enforcement procedures of the Maine Commission on Governmental Ethics and Election Practices with respect to candidates, political action committees and political committees. It provides a process for the collection of unpaid penalties or the return of Maine Clean Election Funds through a civil action in Superior Court.

Chapter 302 also amends the commission's calculation of the initial public funds payment made to legislative candidates participating in the Maine Clean Election Act. Currently, those payments are based solely on average spending by all candidates in the preceding 2 elections. The law would permit the commission beginning September

Joint Standing Committee on Legal and Veterans Affairs

1, 2011 to consider other factors, such as increases in the cost of campaigning, after seeking comment from the commission's legislative oversight committee, legislative leadership and other interested persons.

This law also amends current requirements on candidates who pay campaign funds to members of the candidate's household or immediate family. It clarifies that the requirements apply to payees who are members of the candidate's household or who are members of the candidate's immediate family.

Finally, this law makes changes to the distribution of Maine Clean Election Funds to participating gubernatorial candidates to be consistent with the changes made by LD 1380.

LD 1458 An Act To Increase Opportunities for Commercial Tracks and Agricultural Fairs

ONTP

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

This bill authorizes the operation of slot machines at a tribal commercial track and a commercial track that is located in Oxford County. The operation of slot machines at the newly authorized tracks is subject to regulation by the Department of Public Safety, Gambling Control Board. The operation of slot machines must be approved by the municipality in which the tribal commercial track or Oxford County commercial track is located before the Gambling Control Board may grant a license to operate slot machines within a 50-mile radius of the track that is licensed and conducts harness racing. This bill also authorizes the issuance of a high-stakes beano license to a federally recognized Indian tribe in the State to operate games on nontribal land in Washington County.

LD 1461 Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions - Matching Funds and Property and Equipment, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices

**RESOLVE 90
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-392

This resolve provides for legislative review of portions of Chapter 3: Maine Clean Election Act and Related Provisions - matching funds and property and equipment, a major substantive rule of the Commission on Governmental Ethics and Election Practices.

Committee Amendment "A" (H-392)

This amendment directs the Commission on Governmental Ethics and Election Practices to adopt the provisionally adopted rules governing the Maine Clean Election Act on the condition that the rule governing the minimum amount that must be received from the resale of property and equipment be reduced from 75% to 40%.

Enacted Law Summary

Resolve 2009, chapter 90 directs the Commission on Governmental Ethics and Election Practices to adopt the provisionally adopted rules governing the Maine Clean Election Act on the condition that the rule governing the minimum amount that must be received from the resale of property and equipment be reduced from 75% to 40%.

Joint Standing Committee on Legal and Veterans Affairs

This resolve was finally passed as an emergency measure and took effect on June 4, 2009.

LD 1462 Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions - Increase of Seed Money to \$150,000, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices

**RESOLVE 103
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-445

This resolve provides for legislative review of portions of Chapter 3: Maine Clean Election Act and Related Provisions - increase of seed money to \$150,000, a major substantive rule of the Commission on Governmental Ethics and Election Practices.

Committee Amendment "A" (H-445)

This amendment denies authorization for the Commission on Governmental Ethics and Election Practices to finally adopt a provisionally adopted rule regarding seed money limits under the Maine Clean Election Act.

Enacted Law Summary

Resolve 2009, chapter 103 denies authorization for the Commission on Governmental Ethics and Election Practices to finally adopt a provisionally adopted rule regarding seed money limits under the Maine Clean Election Act because changes to seed money limits were made by LD 1380.

This resolve was finally passed as an emergency measure effective June 8, 2009.

LD 1470 Resolve, To Recognize Women Veterans in the State House Hall of Flags

RESOLVE 129

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO MITCHELL E	OTP-AM	H-456

This resolve establishes a commission to arrange for a plaque to be displayed in the Hall of Flags in the State House to honor women veterans in the State.

Committee Amendment "A" (H-456)

This amendment replaces the resolve. The amendment establishes a resolve that creates a working group to design and arrange for the placement of a plaque in the State House Hall of Flags to honor women veterans of the State. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Resolve 2009, chapter 129 creates a working group to design and arrange for the placement of a plaque in the State House Hall of Flags to honor women veterans of the State.

Joint Standing Committee on Legal and Veterans Affairs

LD 1484 An Act Regarding the Central Voter Registration System

PUBLIC 370

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	H-486 TRINWARD

This bill provides that either a municipal registrar or the Secretary of State has the authority to cancel voter registration records in the central voter registration system when the records are duplicates or when the voter has moved to another jurisdiction. The bill gives the Secretary of State the explicit authority to conduct a system-wide program of voter list maintenance. The bill provides for access to statistical voter registration information. The bill repeals the sunset of the law regarding the use and distribution of central voter registration system information. This bill, which was introduced by the Legal and Veterans Affairs Committee pursuant to joint order, was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434 which requires review and evaluation of new exceptions to the laws governing public records.

House Amendment "A" (H-486)

This amendment reinstates the repeal provision governing public access to records contained within the central voter registration system repealed by the bill and extends it from 2009 to 2011.

Enacted Law Summary

Public Law 2009, chapter 370 provides that either a municipal registrar or the Secretary of State has the authority to cancel voter registration records in the central voter registration system when the records are duplicates or when the voter has moved to another jurisdiction. The bill gives the Secretary of State the explicit authority to conduct a system-wide program of voter list maintenance. The bill provides for access to statistical voter registration information. The bill extends the sunset of the law regarding the use and distribution of central voter registration system information from 2009 to 2011.

Joint Standing Committee on Legal and Veterans Affairs

SUBJECT INDEX

Alcoholic Beverages

Enacted

LD 430	An Act To Allow the Licensing of Minibars in Hotel Rooms	PUBLIC 458
LD 498	An Act Regarding Alcoholic Beverage Tastings	PUBLIC 459
LD 532	An Act Regarding Liquor Licenses Issued to Incorporated Civic Organizations	PUBLIC 102
LD 758	An Act To Allow Municipalities and Counties To Require Bartender Training for Liquor Licensees	PUBLIC 81
LD 904	An Act To Permit Brew Pubs To Sell Half-gallon Containers of Malt Liquor	PUBLIC 167
LD 971	An Act To Amend the Laws Governing Liquor Liability and Licensing	PUBLIC 247
LD 989	An Act To Allow for a Dual Liquor License	PUBLIC 438
LD 1008	An Act To Increase Consumer Choice for Wine	PUBLIC 373
LD 1309	An Act To Clarify the Use of Instant Redeemable Coupons with Alcoholic Beverages	PUBLIC 145

Not Enacted

LD 5	An Act To Amend the Laws Governing Liquor Licenses	ONTP
LD 429	An Act To Increase Retail Sales of Wine	ONTP
LD 514	An Act To Clarify Criminal Responsibility in the Sale of Alcohol and Tobacco to Minors	ONTP
LD 682	An Act Regarding Agency Liquor Stores	INDEF PP
LD 694	An Act To Allow Limited Partnerships between Brewers and Wholesalers	ACCEPTED ONTP REPORT
LD 1025	An Act To Allow Choice of Wine by Maine Consumers	ONTP
LD 1074	An Act To Promote Responsible Sales of Alcoholic Beverages	ACCEPTED ONTP REPORT

LD 1168	An Act To Allow the Taste Testing of Malt Liquor and Spirits	ONTP
LD 1308	An Act To Allow the Importation of Wine into the State for Individuals through Specific Ports of Entry	ACCEPTED ONTP REPORT

Beano and Games of Chance

Enacted

LD 193	An Act To Amend the Laws Governing Tournament Games	PUBLIC 457
LD 526	An Act To Clarify the Beano and Bingo Laws as They Apply to Federally Recognized Indian Tribes	PUBLIC 347
LD 771	An Act Regarding Raffles Conducted by Nonprofit Organizations	PUBLIC 115
LD 831	An Act To Enhance Fund-raising Opportunities by Certain Nonprofit Organizations	PUBLIC 386
LD 1346	An Act To Amend the Laws Governing Games of Chance	PUBLIC 224

Not Enacted

LD 102	An Act To Exempt a Door Prize Awarded at a Fishing Tournament from Being Classified as a Game of Chance	ONTP
LD 204	An Act Regarding the Conducting of Games of Chance by Nonprofit Organizations	ONTP
LD 329	An Act To Increase the Prize Limit on Beano	ONTP
LD 371	An Act To Allow One Registration Fee for Multiple-town Poker Runs	ONTP
LD 1081	An Act To Clarify the Laws on Licensing for Charitable and Fraternal Organizations and Games of Chance	ONTP
LD 1330	An Act Regarding Gaming by Charitable Organizations	

Campaign Finance and Maine Clean Election Act

Enacted

LD 374	An Act To Amend the Laws Concerning Campaign Report Exemptions	PUBLIC 138
LD 779	An Act To Require Closed-captioning for Certain Political Advertisements	PUBLIC 105
LD 923	Resolve, To Reduce Funding to Maine Clean Election Act Candidates	RESOLVE 128
LD 1016	An Act To Amend the Laws Governing Campaign Finance Reports and the Maine Clean Election Act	PUBLIC 190

LD 1197	An Act To Improve the Maine Clean Election Act	PUBLIC 286
LD 1380	An Act To Amend the Maine Clean Election Laws Governing Gubernatorial Candidates	PUBLIC 363 EMERGENCY
LD 1461	Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions - Matching Funds and Property and Equipment, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices	RESOLVE 90 EMERGENCY
LD 1462	Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions - Increase of Seed Money to \$150,000, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices	RESOLVE 103 EMERGENCY
<u>Not Enacted</u>		
LD 105	An Act To Increase the Allowable Contributions to Traditionally Funded Campaigns	ONTP
LD 140	An Act To Prohibit a Maine Clean Election Act Candidate from Participating in Political Action Committee Funding	ONTP
LD 205	An Act To Repeal the Maine Clean Election Act	ONTP
LD 219	An Act To Require Maine Clean Election Act Candidates To Use Maine Vendors	ONTP
LD 259	An Act To Amend the Maine Clean Election Act	ONTP
LD 312	An Act To Require Campaign Finance Reports of Independent Expenditures To Contain a Copy of an Advertisement	ONTP
LD 328	An Act To Require Economic Research Organizations To Report Financial Matters to the Commission on Governmental Ethics and Election Practices	ONTP
LD 339	An Act To Promote Ethics in Campaign Fund Solicitation	ONTP
LD 583	An Act Relating to Political Action Committees	ONTP
LD 584	An Act To Amend the Maine Clean Election Act To Equalize the Qualifying Period for All Candidates and To Increase the Number of Required Contributions for Candidates to the Legislature	ONTP
LD 607	An Act To Amend the Maine Clean Election Act as It Relates to Independent Expenditures	ACCEPTED ONTP REPORT
LD 772	An Act To Increase Eligibility Requirements under the Maine Clean Election Act	ONTP
LD 780	An Act To Increase the Amount and Number of Qualifying Contributions under the Maine Clean Election Act	ONTP

LD 887	An Act To Amend the Reporting Requirements for Independent Expenditures for Political Campaigns	ONTP
LD 921	An Act To Eliminate Maine Clean Election Act Funding for Gubernatorial Candidates	DIED IN CONCURRENCE
LD 948	An Act To Reduce the Cost of the Maine Clean Election Act	ONTP
LD 949	An Act To Reduce the Number of Qualifying Contributions Required for Special Elections under the Maine Clean Election Act	ONTP
LD 990	An Act To Increase the Preservation Time for Municipal Campaign Finance Reports	ONTP
LD 1065	An Act To Change the Campaign Finance Laws Pertaining to Campaign Contributions To Allow for Increases Indexed to Inflation	LEAVE TO WITHDRAW
LD 1189	An Act To Simplify and Improve the Maine Clean Election Laws	ONTP
LD 1247	An Act To Prohibit Maine Clean Election Act Candidates from Raising Private Campaign Funds	ONTP
LD 1249	An Act To Raise the Campaign Contribution Limit	ONTP
LD 1250	An Act To Amend the Maine Clean Election Act Relating to Seed Money	ONTP
LD 1420	An Act To Alter the Distribution of Maine Clean Election Act Funding to Gubernatorial Candidates	

Campaign Practices

Enacted

LD 258	An Act Regarding Political Signs	PUBLIC 183
--------	----------------------------------	------------

Not Enacted

LD 116	An Act To Allow Political Signs on Private Property Only	ONTP
LD 901	An Act To Restrict the Size of Political Signs on Vehicles	ONTP

Claims Against the State

Not Enacted

LD 306	An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee	ACCEPTED ONTP REPORT
--------	---	----------------------

LD 368 An Act To Reimburse Debra Bilodeau for Her Expenses Incurred in Connection with Her Petition for Appointment as a Foster Parent DIED ON ADJOURNMENT

LD 531 Resolve, To Allow Jenny Powell To Sue the State ONTP

Defense, Veterans and Emergency Management

Enacted

LD 1327 An Act To Update Department of Defense, Veterans and Emergency Management Laws PUBLIC 406

Not Enacted

LD 293 An Act To Provide Project Support for Veterans' Cemeteries ONTP

Elections

Enacted

LD 129 Resolve, Directing the Secretary of State To Conduct a Pilot Program for Early Voting for the November 2009 Election RESOLVE 24

LD 1041 An Act To Alter the Mechanism by which a Political Party is a Qualified Party PUBLIC 426

LD 1169 An Act To Amend the Election Laws PUBLIC 253

LD 1170 Resolve, Directing the Secretary of State To Report on the Accuracy of Election Results RESOLVE 55

Not Enacted

LD 56 An Act To Join the Interstate Compact on the National Popular Vote

LD 350 RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Early Voting FINAL PASSAGE FAILED

LD 547 An Act To Amend the Laws Concerning Write-in Candidates for Elected Office To Increase Fairness ONTP

LD 899 An Act To Require Candidates for Public Office To Provide Proof of Citizenship ACCEPTED ONTP REPORT

LD 1112 An Act To Establish a Recall Procedure for Elected Officials ONTP

LD 1195 An Act To Allow Noncitizen Residents To Vote in Municipal Elections ACCEPTED ONTP REPORT

LD 1328 RESOLUTION, Proposing an Amendment to the Constitution of
Maine Concerning Early Voting and Voting by Absentee Ballot LEAVE TO
WITHDRAW

LD 1344 Resolve, To Authorize a Pilot Project on Ranked Choice Voting INDEF PP

Governmental Ethics and Election Practices

Enacted

LD 978 Resolve, Directing the Commission on Governmental Ethics and
Election Practices To Develop Recommendations for Ethical
Standards for the Executive Branch RESOLVE 88

LD 1451 An Act To Amend the Maine Clean Election Act and the
Enforcement Procedures of the Commission on Governmental
Ethics and Election Practices PUBLIC 302

Initiatives and Referenda

Enacted

LD 235 An Act To Provide Fiscal Information for Citizen Initiatives PUBLIC 341

Not Enacted

LD 28 An Act To Promote the Integrity of Citizens' Initiatives ONTP

LD 530 RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Reduce the Number of Signatures Required and
Prohibit Payment for Signatures in the Citizen's Initiative
Process ONTP

LD 534 An Act To Require Disclosure to a Potential Signer That a
Circulator of Petitions for a Direct Initiative or People's Veto of
Legislation Is Being Paid ONTP

LD 548 An Act To Provide Information to Maine Voters About the Cost
and Fiscal Impact of Citizens' Initiatives ONTP

LD 900 An Act To Prohibit Payments to Persons Who Collect Signatures
for the Direct Initiative or People's Veto of Legislation ONTP

LD 1345 RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Increase the Required Number of Signatures for a
Direct Initiative or a People's Veto and To Limit a Direct
Initiative to One Subject

Landlord/Tenant Laws

Enacted

LD 29 An Act To Amend the Landlord and Tenant Laws as They
Pertain to Interest Paid on Mobile Home Park Tenant Security
Deposits PUBLIC 128

LD 497	An Act To Conserve Energy in Residential Leasehold Tenancies	PUBLIC 139
LD 835	An Act To Amend the Forcible Entry and Detainer Laws	PUBLIC 171
LD 943	An Act To Reduce Lung Cancer Rates in Maine	PUBLIC 278
LD 1080	Resolve, To Create a Working Group To Study Landlord and Tenant Issues	RESOLVE 137 EMERGENCY

Not Enacted

LD 311	An Act Concerning Late Rent Fee Charges in Residential Tenancies	ACCEPTED ONTP REPORT
LD 704	An Act To Allow Property Owners To Terminate Residential Leases That Do Not Contain Termination Language	ONTP
LD 902	An Act To Provide the Right of First Refusal to Mobile Home Park Residents	LEAVE TO WITHDRAW
LD 983	An Act To Reduce the Risk of Hypothermia in Residential Rental Units	LEAVE TO WITHDRAW

Legislative Ethics

Enacted

LD 982	An Act To Amend the Laws Governing Legislative Ethics	PUBLIC 208
LD 1111	An Act To Promote Transparency and Accountability in Campaigns and Governmental Ethics	PUBLIC 258

Not Enacted

LD 410	An Act To Improve Maine's Ethics Laws	ACCEPTED ONTP REPORT
--------	---------------------------------------	-------------------------

Lobbying and Lobbyists

Enacted

LD 310	An Act Regarding Indirect Lobbying	PUBLIC 282
LD 832	An Act To Require Lobbyists To Wear Name Tags	PUBLIC 137
LD 1210	An Act Regarding Volunteer Lobbyists	PUBLIC 234

Not Enacted

LD 1448 **An Act To Exempt Volunteer Lobbyists from State Disclosure Requirements** ONTP

Lottery

Not Enacted

LD 781 **An Act To Designate a Specialty State Lottery Ticket To Benefit Cancer Education and Awareness** ACCEPTED ONTP REPORT

LD 1248 **An Act Authorizing a Scratch Ticket with Proceeds To Benefit Native American Boys and Girls Clubs** ACCEPTED ONTP REPORT

Slot Machines and Gambling

Enacted

LD 533 **Resolve, Authorizing the Joint Standing Committee on Legal and Veterans Affairs To Report Out Legislation Regarding the Expansion of Slot Machine and Casino-style Gambling** RESOLVE 141

LD 924 **An Act To Clarify the Taxability of Promotional Credits in the State Gaming Laws** PUBLIC 266 EMERGENCY

Not Enacted

LD 805 **An Act To Change Current Limits on Commercial Harness Racing Tracks** ONTP

LD 833 **An Act To Distribute Funds Received from the Racino in Bangor to the Department of Health and Human Services, Office of Substance Abuse**

LD 1329 **An Act To Allow a Resort Casino in Oxford County** ACCEPTED ONTP REPORT

LD 1379 **An Act To Authorize the Operation of Slot Machines on the Passamaquoddy Reservation** ONTP

LD 1437 **An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations**

LD 1458 **An Act To Increase Opportunities for Commercial Tracks and Agricultural Fairs** ONTP

Veterans

Enacted

LD 30 **An Act To Establish Native American Veterans Day** PUBLIC 51 EMERGENCY

LD 1110 **Resolve, Directing the Bureau of Maine Veterans' Services To Report on Homeless Veterans** RESOLVE 72

LD 1470 **Resolve, To Recognize Women Veterans in the State House Hall
of Flags** **RESOLVE 129**

Not Enacted

LD 834 **An Act To Provide for 2 Veteran Service Officer Positions** **INDEF PP**

LD 870 **An Act To Improve Transportation for Veterans** **INDEF PP**

LD 1421 **An Act To Ensure the Perpetual Care of Maine Veterans'
Cemeteries**

Voting

Enacted

LD 150 **Resolve, Directing the Secretary of State To Conduct a Pilot
Program for Ongoing Absentee Voter Status** **RESOLVE 94**

LD 1484 **An Act Regarding the Central Voter Registration System** **PUBLIC 370**

Not Enacted

LD 3 **An Act To Designate Registered Voters Not Enrolled in a Political
Party as Independent Voters** **ONTP**

LD 512 **An Act to Facilitate Voting by Maine Residents in the Military
Who Are Deployed Overseas** **ONTP**

LD 903 **An Act To Allow an Election Clerk To Request Proof of Identity
from a Voter** **ONTP**

STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the First Regular Session of the 124th Maine Legislature coming from the

JOINT STANDING COMMITTEE ON MARINE RESOURCES

July 2009

MEMBERS:

SEN. DENNIS S. DAMON, CHAIR
SEN. NANCY B. SULLIVAN
SEN. CHRISTOPHER W. RECTOR

REP. LEILA J. PERCY, CHAIR
REP. HERBERT C. ADAMS
REP. PEGGY A. PENDLETON
REP. ROBERT N. EATON
REP. W. BRUCE MACDONALD
REP. CHARLES B. KRUGER
REP. WINDOL C. WEAVER
REP. JONATHAN B. MCKANE
REP. KERRI L. PRESCOTT
REP. DIANNE TILTON

STAFF:

CURTIS C. BENTLEY, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

Joint Standing Committee on Marine Resources

LD 32 An Act To Clarify the Disposition of Fines from Maine's Soft-shelled Clam Laws

PUBLIC 24

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON W	OTP-AM	H-7

LD 32 requires that a fine collected for a violation of soft-shelled clam laws be paid to the municipality in which the violation occurred.

Committee Amendment "A" (H-7)

This amendment replaces the bill and clarifies that fines issued pursuant to a violation of a municipal shellfish conservation ordinance must be paid to the municipality in which the violation occurred.

Enacted Law Summary

Public Law 2009, chapter 24 clarifies that fines issued pursuant to a violation of a municipal shellfish conservation ordinance must be paid to the municipality in which the violation occurred.

LD 82 An Act To Create a Penalty for Harvesting Scallops in a Conservation Area

PUBLIC 72

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-28

LD 82 creates penalties for individuals who violate the rules creating scallop conservation areas. For the first offense, a mandatory \$1,000 fine is imposed and all scallops on board may be seized. For a second or subsequent offense, a mandatory \$1,000 fine is imposed, all scallops on board may be seized and a mandatory one-year license suspension is imposed.

Committee Amendment "A" (S-28)

The amendment removes the requirement that a judge impose a \$1,000 fine for a person's first offense involving scallop conservation areas and sets a minimum fine of \$1,000 for subsequent offenses. It also makes technical changes to the bill regarding civil penalties and statutory references.

Enacted Law Summary

Public Law 2009, chapter 72 creates penalties for an individual who violates rules creating scallop conservation areas. It provides that for the first offense, a \$1,000 fine may be imposed and all scallops on board may be seized and for a second or subsequent offense, a mandatory \$1,000 fine and a mandatory one-year license suspension is imposed and all scallops on board may be seized.

Joint Standing Committee on Marine Resources

LD 141 An Act To Allow a Person 65 Years of Age or Older To Obtain a Lobster License without Completing the Apprentices Program

ONTP

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

LD 141 allows a person 65 years of age or older who previously held a Class I, Class II or Class III lobster and crab fishing license to be issued a Class I, Class II or Class III lobster and crab fishing license without completing the apprentices program. It limits the number of traps such a license holder may submerge to 300 traps.

LD 151 An Act To Amend the Alewife Fishing Laws

PUBLIC 17

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

LD 151 makes the following changes to the alewife fishing laws.

1. It removes a reference to January 1, 1974 so that municipal rights that were created at any point in time are subject to lapse after 3 consecutive years if they are not exercised.
2. It extends the prohibition on taking alewives, which is currently from 6 a.m. Saturday to 6 a.m. Sunday, to from 6 a.m. Thursday to 6 a.m. Sunday.
3. It clarifies that the Commissioner of Marine Resources may lease rights in any municipality where the municipality does not have those rights, not just those where municipal rights have existed in the past.
4. It expands the uses of the Migratory Fish Fund to include management measures necessary to maintain or enhance alewife populations or populations of other migratory fish.

Enacted Law Summary

Public Law 2009, chapter 17 makes the following changes to the alewife fishing laws.

1. It removes a reference to January 1, 1974 so that municipal rights that were created at any point in time are subject to lapse after 3 consecutive years if they are not exercised.
2. It extends the prohibition on taking alewives, which is currently from 6 a.m. Saturday to 6 a.m. Sunday, to from 6 a.m. Thursday to 6 a.m. Sunday.
3. It clarifies that the Commissioner of Marine Resources may lease rights in any municipality where the municipality does not have those rights, not just those where municipal rights have existed in the past.
4. It expands the uses of the Migratory Fish Fund to include management measures necessary to maintain or enhance alewife populations or populations of other migratory fish.

Joint Standing Committee on Marine Resources

LD 173 **An Act To Restore Funding for a Fish Hatchery in Northern Maine**

ONTP

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

LD 173 is a concept draft pursuant to Joint Rule 208 and proposes to restore funding for a fish hatchery in northern Maine.

LD 246 **An Act Regarding Violations of Lobster Conservation Laws**

PUBLIC 394

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

LD 246 amends the lobster conservation laws to:

1. Add theft to the list of offenses for which a marine resources license may be suspended;
2. Provide that for a 3rd or subsequent offense of lobster trap molesting the Commissioner of Marine Resources may permanently revoke a license holder's license;
3. Expand the types of illegal lobsters for which a 2nd offense will result in a mandatory suspension;
4. Create a requirement that a lobster and crab fishing license holder fishing for or taking lobsters may operate only the vessel listed on the license holder's license; and
5. Increase the monetary fines for conviction of violation of certain lobster conservation laws and provides that an individual is not eligible for election as a lobster management policy council member if that individual has been convicted of a lobster law violation within the past 7 years.

Committee Amendment "A" (S-20)

This amendment adds a minimum fine of \$1,000 to the maximum fine of \$5,000 for certain violations of lobster laws in which the number of illegal lobsters cannot be determined. It adds a minimum fine of \$2,500 to the maximum fine of \$10,000 for possession of egg-bearing or v-notched lobsters in which the number of illegal lobsters cannot be determined. This amendment clarifies that the owner or operator provisions of the bill only apply to a person that holds a Class I, Class II or Class III lobster and crab fishing license.

Enacted Law Summary

Public Law 2009, chapter 394 amends lobster conservation laws to:

1. Add theft to the list of offenses for which a marine resources license may be suspended;
2. Provide that for a 3rd or subsequent offense of lobster trap molesting the Commissioner of Marine Resources may permanently revoke a license holder's license;

Joint Standing Committee on Marine Resources

3. Expand the types of illegal lobsters for which a 2nd offense will result in a mandatory suspension;
4. Create a requirement that a Class I,II or III lobster and crab fishing license holder fishing for or taking lobsters may operate only the vessel listed on the license holder's license;
5. Increase the monetary fines for conviction of violation of certain lobster conservation laws and provides that an individual is not eligible for election as a lobster management policy council member if that individual has been convicted of a lobster law violation within the past 7 years;
6. Add a minimum fine of \$1,000 to the maximum fine of \$5,000 for certain violations of lobster laws in which the number of illegal lobsters cannot be determined; and
7. Add a minimum fine of \$2,500 to the maximum fine of \$10,000 for possession of egg-bearing or v-notched lobsters in which the number of illegal lobsters cannot be determined.

LD 278 **An Act To Bring Equity to the Sea Urchin License Fees**

PUBLIC 396

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	S-123

Under current law, the holder of a sea urchin fishing license pays the same license fee to fish for sea urchins in either Zone 1 or Zone 2 despite a significant difference between the zones in the number of days open to sea urchin fishing. LD 278 restructures the current annual fee for sea urchin fishing licenses to a fee based on the number of days available for the license holder to fish for sea urchins.

Committee Amendment "A" (S-123)

This amendment replaces the bill and does the following.

1. It creates a temporary license fee structure for sea urchin harvesting in the area of the coast designated as Zone 1 by the Department of Marine Resources by reducing the fees for that zone from \$111 annually to \$25 annually for a handfishing sea urchin license and from \$161 annually to \$50 annually for the newly created handfishing sea urchin license with tender and repeals the reduced fee structure on December 31, 2011.
2. It authorizes the Commissioner of Marine Resources to establish safety training requirements by rule for someone engaged in sea urchin or scallop diving tender activities.
3. It creates a new category of hand fishing scallop license and handfishing sea urchin license that includes the tender activities so that a person who has completed the tender safety requirements will not need to possess a separate hand fishing scallop or sea urchin tender license to work with a harvester.
4. It repeals the language that allows a 30-day temporary sea urchin and scallop diving tender license and the language that makes it prima facie evidence of a violation of being a tender without the appropriate license when no one on board the boat being operated as a platform for scallop or sea urchin handfishing has the proper license for that activity.

Enacted Law Summary

Public Law 2009, chapter 396 does the following.

Joint Standing Committee on Marine Resources

1. It creates a temporary license fee structure for sea urchin harvesting in the area of the coast designated as Zone 1 by the Department of Marine Resources by reducing the fees for that zone from \$111 annually to \$25 annually for a handfishing sea urchin license and from \$161 annually to \$50 annually for the newly created handfishing sea urchin license with tender and repeals the reduced fee structure on December 31, 2011.
2. It authorizes the Commissioner of Marine Resources to establish safety training requirements by rule for someone engaged in sea urchin or scallop diving tender activities.
3. It creates a new category of hand fishing scallop license and handfishing sea urchin license that includes the tender activities so that a person who has completed the tender safety requirements will not need to possess a separate hand fishing scallop or sea urchin tender license to work with a harvester.
4. It repeals the language that allows a 30-day temporary sea urchin and scallop diving tender license and the language that makes it prima facie evidence of a violation of being a tender without the appropriate license when no one on board the boat being operated as a platform for scallop or sea urchin handfishing has the proper license for that activity.

**LD 294 An Act To Require the Department of Marine Resources To Enforce
Conditions in an Aquaculture Lease**

ONTP

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

LD 294 directs the Department of Marine Resources to enforce aquaculture lease conditions pursuant to its authority under law.

LD 345 An Act To Regulate the Rockweed Harvest in Cobscook Bay

**PUBLIC 283
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM	S-225

LD 345 is a concept draft pursuant to Joint Rule 208 and proposes to regulate the rockweed harvest in Cobscook Bay.

Committee Amendment "A" (S-225)

This amendment replaces the bill, changes the title and does the following.

1. It creates a seaweed buyer license for a person who purchases more than 10 wet tons annually directly from seaweed harvesters who hold permits and allows the license holder to buy, possess, ship, transport and sell seaweed. The fee for the license is \$200 for a resident and \$500 for a nonresident. Fees collected accrue to the Seaweed Management Fund.
2. It creates a seaweed buyer's surcharge and directs the Commissioner of Marine Resources to establish the surcharge by rule, but it may not exceed \$5 per wet ton.

Joint Standing Committee on Marine Resources

3. It creates the Cobscook Bay Rockweed Management Area and requires the Commissioner of Marine Resources to identify areas within the Cobscook Bay Rockweed Management Area that are closed to the commercial harvest of rockweed including, but not limited, to areas around public and private conservation areas, state parks and federally owned lands and lobster nursery areas.
4. It directs the Commissioner of Marine Resources to identify and close to the commercial harvest of rockweed up to 30 acres within Cobscook Bay for the purpose of research.
5. It requires the Commissioner of Marine Resources to divide the Cobscook Bay Rockweed Management Area into at least 14 harvest management sectors.
6. It requires commercial harvesters to submit an annual harvest plan to harvest rockweed within the Cobscook Bay Rockweed Management Area.
7. It provides that the total biomass that may be removed from a harvest management sector within the Cobscook Bay Management Area may not exceed 17% of the harvestable biomass that is eligible to be harvested annually. The amendment provides that a report of the total biomass removed must be submitted by the harvester to the commissioner, and that after January 1, 2010 the harvester's report must be verified by a 3rd party.
8. It requires a person who harvests rockweed to make a reasonable effort to remove marine organisms harvested with the rockweed from the harvested seaweed and return those marine organisms alive back into Cobscook Bay as soon as practicable.
9. It makes violations of prohibitions related to the Cobscook Bay Management Area a Class E crime for which a fine of not less than \$1,000 must be adjudged and provides that each day a violation occurs it constitutes a separate violation.
10. It directs the commissioner to report to the Joint Standing Committee on Marine Resources by January 15, 2010 recommendations for a seaweed research plan for Cobscook Bay and on the 2009 seaweed harvest in Cobscook Bay.
11. It gives that committee the authority to submit legislation to the Second Regular Session of the 124th Legislature regarding the report.

Enacted Law Summary

Public Law 2009, chapter 283 does the following.

1. It creates a seaweed buyer license for a person who purchases more than 10 wet tons annually directly from seaweed harvesters who hold permits and allows the license holder to buy, possess, ship, transport and sell seaweed. The fee for the license is \$200 for a resident and \$500 for a nonresident. Fees collected accrue to the Seaweed Management Fund.
2. It creates a seaweed buyer's surcharge and directs the Commissioner of Marine Resources to establish the surcharge by rule, but it may not exceed \$5 per wet ton.
3. It creates the Cobscook Bay Rockweed Management Area and requires the Commissioner of Marine Resources to identify areas within the Cobscook Bay Rockweed Management Area that are closed to the commercial harvest of rockweed including, but not limited, to areas around public and private conservation areas, state parks and federally owned lands and lobster nursery areas.
4. It directs the Commissioner of Marine Resources to identify and close to the commercial harvest of rockweed up to 30 acres within Cobscook Bay for the purpose of research.

Joint Standing Committee on Marine Resources

5. It requires the Commissioner of Marine Resources to divide the Cobscook Bay Rockweed Management Area into at least 14 harvest management sectors.

6. It requires commercial harvesters to submit an annual harvest plan to harvest rockweed within the Cobscook Bay Rockweed Management Area.

7. It provides that the total biomass that may be removed from a harvest management sector within the Cobscook Bay Management Area may not exceed 17% of the harvestable biomass that is eligible to be harvested annually. Public Law 2009, chapter 283 provides that a report of the total biomass removed must be submitted by the harvester to the commissioner, and that after January 1, 2010 the harvester's report must be verified by a 3rd party.

8. It requires a person who harvests rockweed to make a reasonable effort to remove marine organisms harvested with the rockweed from the harvested seaweed and return those marine organisms alive back into Cobscook Bay as soon as practicable.

9. It makes violations of prohibitions related to the Cobscook Bay Management Area a Class E crime for which a fine of not less than \$1,000 must be adjudged and provides that each day a violation occurs it constitutes a separate violation.

10. It directs the commissioner to report to the Joint Standing Committee on Marine Resources by January 15, 2010 recommendations for a seaweed research plan for Cobscook Bay and on the 2009 seaweed harvest in Cobscook Bay.

11. It gives that committee the authority to submit legislation to the Second Regular Session of the 124th Legislature regarding the report.

Public Law 2009, chapter 283 was enacted as an emergency measure effective June 8, 2009.

**LD 378 Resolve, To Direct the Department of Marine Resources To Study the
Issues Surrounding the Harvest of Bait Fish within Territorial Waters**

RESOLVE 23

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO	OTP-AM	H-51

LD 378 prohibits using a drag to catch bait fish within the first 2 miles of territorial waters, and requires the Department of Marine Resources to adopt rules to implement this prohibition.

Committee Amendment "A" (H-51)

This amendment replaces the bill with a resolve and directs the Commissioner of Marine Resources to study the issues surrounding the harvest of bait fish within the territorial waters of the State and to report the commissioner's findings and recommendations to the Joint Standing Committee on Marine Resources by January 4, 2010. The amendment also authorizes the committee to submit legislation related to the study to the Second Regular Session of the 124th Legislature.

Enacted Law Summary

Resolve 2009, chapter 23 directs the Commissioner of Marine Resources to study the issues surrounding the harvest of bait fish within the territorial waters of the State and to report the commissioner's findings and recommendations to the Joint Standing Committee on Marine Resources by January 4, 2010. It also authorizes that committee to submit legislation related to the study to the Second Regular Session of the 124th Legislature.

Joint Standing Committee on Marine Resources

LD 447 **An Act To Allow the Direct Sale of Shellfish to Retailers**

PUBLIC 217

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM	H-216 H-277 PERCY

Current law does not allow the holder of a retail seafood license to buy shellstock directly from the commercial shellfish license holder that harvests the shellfish but instead must buy shellstock from a wholesale seafood license holder that purchases shellstock from the harvester. LD 447 allows a retail seafood license holder to purchase shellstock directly from the harvester.

Committee Amendment "A" (H-216)

This amendment replaces the bill and creates an enhanced retail seafood license that allows a holder to purchase mussels, clams, quahogs and oysters directly from the harvester. It also dedicates the revenue raised by this new license to the Department of Marine Resources to be used for annual inspections of license holders.

House Amendment "A" To Committee Amendment "A" (H-277)

This amendment removes the emergency preamble and clause and authorizes the holder of an enhanced retail seafood license to purchase shellstock from a wholesale seafood license holder and to purchase lobster, lobster parts and crayfish directly from the harvester.

Enacted Law Summary

Public Law 2009, chapter 217 creates an enhanced retail seafood license that allows a holder to purchase mussels, clams, quahogs, oysters, lobster and crayfish directly from the harvester and to purchase shellstock from a wholesale seafood license holder. It dedicates the revenue raised by this new license to the Department of Marine Resources to be used for annual inspections of license holders.

LD 585 **An Act To Protect Fishing Families by Authorizing Certain Transfers of Lobster and Crab Fishing Licenses**

**ACCEPTED ONTP
REPORT**

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

LD 585 authorizes the transfer of a Class I, Class II or Class III lobster and crab fishing license by the license holder to that person's child, grandchild or spouse under certain circumstances. The relative who is receiving the license by transfer must have completed a Department of Marine Resources' apprentice program for entry into the lobster fishery, and the license holder and the transferee must notify the department in writing of the transfer. It also adds a provision to limit a recipient of a license by transfer to 300 traps in the initial year and an increase of 100 traps each subsequent year up to the trap limit, and it requires the Department of Marine Resources to review the transfer of licenses in 3 years, and annually thereafter, and to make recommendations on whether or not to continue allowing transfers.

Joint Standing Committee on Marine Resources

Committee Amendment "A" (H-156)

This amendment is the minority report and limits the transfer of a Class I, Class II or Class III lobster and crab fishing license to the license holder's child. It provides that a person who would otherwise be ineligible to receive a lobster and crab fishing license may not be the recipient of a transferred lobster and crab fishing license and that a transferor may not receive any form of remuneration for the transfer. This amendment also adds a repeal date of October 1, 2012.

LD 691 An Act To Lower the Cost of State Government in the Departments ONTP
under the Purview of the Joint Standing Committee on Marine
Resources

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

LD 691 deallocates \$54,482 in fiscal year 2009-10 and \$74,981 in fiscal year 2010-11 by eliminating a Public Service Coordinator II position.

LD 836 An Act To Amend the Laws Governing the Scallop Season ONTP

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

LD 836 amends the laws governing the scallop season by:

1. Requiring that, prior to adopting or amending emergency rules that result in the closure or reduction of the scallop fishing season, the Commissioner of Marine Resources consult with the Scallop Advisory Council and the joint standing committee of the Legislature having jurisdiction over marine resources matters; and
2. Requiring that rules adopted to limit fishing during the scallop season may not lengthen the closed season or shorten the open season, but may only limit the total number of days during the open season that may be fished.

LD 852 An Act To Clarify the Public Ownership of Marine Organisms within ACCEPTED ONTP
the Intertidal Zone REPORT

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

LD 852 declares that the State owns and controls the harvesting of seaweed, shellfish and other marine organisms on or under lands within the intertidal zone.

Joint Standing Committee on Marine Resources

Committee Amendment "A" (S-130)

This committee amendment is the minority report and replaces the bill. It clarifies that the State owns and controls the living organisms within the intertidal zone.

LD 928 An Act To Permit the Landing of Draggd Crabs as Bycatch

**PUBLIC 78
EMERGENCY**

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

LD 928 allows a person who is issued a commercial fishing license under the Maine Revised Statutes, Title 12, section 6501 to take, possess and sell crabs that have been taken as bycatch while using an otter trawl within the exclusive economic zone as shown on the most recently published Federal Government nautical chart.

Committee Amendment "A" (S-41)

This amendment adds a repeal date of June 30, 2012.

Enacted Law Summary

Public Law 2009, chapter 78 allows a person who is issued a commercial fishing license under the Maine Revised Statutes, Title 12, section 6501 to take, possess and sell crabs that have been taken as bycatch while using an otter trawl within the exclusive economic zone as shown on the most recently published Federal Government nautical chart. This law is repealed on June 30, 2012.

Public Law 2009, chapter 78 was enacted as an emergency measure effective May 4, 2009.

LD 932 An Act To Establish Area Management of Maine's Scallop Fishery

Carried Over

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

LD 932 is a concept draft pursuant to Joint Rule 208 and seeks to establish area management of the State's scallop fishery.

This bill was carried over to any special or regular session of the 124th Legislature by joint order H.P. 1053.

LD 1009 An Act To Allow Lobster License Exemptions to Persons with Certain Medical Criteria

PUBLIC 188

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE DAMON	OTP-AM MAJ ONTP MIN	H-217

Joint Standing Committee on Marine Resources

Current law requires that to be eligible for a lobster license, a person must have had a lobster license in the previous year. An appeal of a denial of a license can be made to the Commissioner of Conservation if the person did not have a license in the previous year due to an illness or medical condition. LD 1009 strikes the language that requires a person to have had a license and make the appeal within one year of the onset of the illness or medical condition.

Committee Amendment "A" (H-217)

This amendment allows a person that was diagnosed with muscular dystrophy between 1983 and 1988 that had harvested lobsters while in possession of a Class I, Class II or Class III lobster and crab fishing license within one year prior to the diagnosis but did not hold a Class I, Class II or Class III lobster and crab fishing license since the year following the diagnosis to be eligible for a medical waiver to obtain a lobster and crab fishing license and fish a maximum of 300 trap tags. Those trap tags expire when the person is no longer eligible to hold the license and could not be counted in the exit ratio system for a lobster management zone. It also provides that the provisions of this amendment are repealed October 1, 2010.

Enacted Law Summary

Public Law 2009, chapter 188 allows a person that was diagnosed with muscular dystrophy between 1983 and 1988 that had harvested lobsters while in possession of a Class I, Class II or Class III lobster and crab fishing license within one year prior to the diagnosis but did not hold a Class I, Class II or Class III lobster and crab fishing license since the year following the diagnosis to be eligible for a medical waiver to obtain a lobster and crab fishing license and fish a maximum of 300 trap tags. It provides that those trap tags expire when the person is no longer eligible to hold the license and can not be counted in the exit ratio system for a lobster management zone. Public Law 2009, chapter 188 is repealed on October 1, 2010.

LD 1128 An Act To Allow Family Members of an Island Community to Share a Lobster and Crab Fishing License

ONTP

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

LD 1128 allows the holder of a current Class I, Class II or Class III lobster and crab fishing license who is a permanent resident on an island not connected to the mainland by a bridge to share that license with family members who are permanent residents of the same island or another nonbridged island within the same municipality. A family member sharing the Class I, Class II or Class III lobster and crab fishing license is subject to the same privileges and restrictions as the primary license holder. It provides that for each family member sharing a Class I, Class II or Class III lobster and crab fishing license, the number of trap tags the primary license holder is eligible to receive under that license is reduced by 20%. LD 1128 also provides that, if the primary license holder is deceased or retires from commercially fishing for lobster and crab, a family member sharing the license must be named as the primary license holder or the license lapses back to the State.

LD 1211 An Act To Amend the Marine Resources Suspension Laws

PUBLIC 151

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEAVER	OTP-AM	H-142

Joint Standing Committee on Marine Resources

LD 1211 amends the laws governing the notice requirements for a suspension or revocation of a marine resources license to do the following.

1. It amends the procedures for a hearing to appeal a suspension.
2. It changes the reference to a violation of the laws against molesting lobster gear to refer to an adjudication rather than a conviction, since it is now a civil offense.
3. It clarifies that an individual who has had the right to obtain a license suspended is subject to the same prohibitions as an individual who has had a license suspended.

Committee Amendment "A" (H-142)

This amendment makes a technical change to clarify that the Commissioner of Marine Resources may give an opportunity for a hearing regarding a suspension or revocation.

Enacted Law Summary

Public Law 2009, chapter 151 amends the laws governing the notice requirements for a suspension or revocation of a marine resources license to do the following.

1. It amends the procedures for a hearing to appeal a suspension.
2. It changes the reference to a violation of the laws against molesting lobster gear to refer to an adjudication rather than a conviction, since it is now a civil offense.
3. It clarifies that an individual who has had the right to obtain a license suspended is subject to the same prohibitions as an individual who has had a license suspended.

LD 1231 An Act To Protect the Long-term Viability of Island Lobster Fishing Communities

PUBLIC 294

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE DAMON	OTP-AM	H-401

LD 1231 creates a limited-entry zone programs for islands in the coastal waters with year-round communities.

Committee Amendment "A" (H-401)

This committee amendment replaces the bill and does the following.

1. It provides that a year-round island community on an island in the coastal waters that is not connected to the mainland by an artificial structure may petition the Commissioner of Marine Resources for the establishment of a limited-entry program for that island if a minimum of 5 Class I, Class II or Class III lobster and crab fishing license holders who are residents on the island or 10% of the island's resident Class I, Class II or Class III lobster and crab fishing license holders, whichever is greater, signs the petition.
2. It provides that if 2/3 of the Class I, Class II or Class III lobster and crab fishing license holders who are residents of the island voting in a referendum support the establishment of an island limited-entry program, the commissioner may adopt rules to establish such a program.

Joint Standing Committee on Marine Resources

3. It requires that before establishing or amending the number of licenses available to island residents, the commissioner must determine the number of licenses preferred by 2/3 of the Class I, Class II or Class III lobster and crab fishing license holders who are residents on the island but retains the discretion to accept or reject that preference.
4. It requires the commissioner to consult with the applicable lobster management policy council before making a decision on the number of licenses to be made available.
5. It authorizes the commissioner to adopt rules to implement the program to define residency and to provide exceptions to the island residency requirement for temporary absences from an island for medical or educational purposes and to allow, when appropriate, for an increase in the number of licenses available to an island community over time.
6. It provides that a person who obtains a Class I, Class II or Class III lobster and crab fishing license through an island limited-entry program and was a resident of the island for at least 8 years and harvested lobsters for each of those years and who no longer wishes to maintain residency on that island may fish elsewhere in the lobster management zone in which the island is located without having to go on the waiting list.

Enacted Law Summary

Public Law 2009, chapter 294 does the following.

1. It provides that a year-round island community on an island in the coastal waters that is not connected to the mainland by an artificial structure may petition the Commissioner of Marine Resources for the establishment of a limited-entry program for that island if a minimum of 5 Class I, Class II or Class III lobster and crab fishing license holders who are residents on the island or 10% of the island's resident Class I, Class II or Class III lobster and crab fishing license holders, whichever is greater, signs the petition.
2. It provides that if 2/3 of the Class I, Class II or Class III lobster and crab fishing license holders who are residents of the island voting in a referendum support the establishment of an island limited-entry program, the commissioner may adopt rules to establish such a program.
3. It requires that before establishing or amending the number of licenses available to island residents, the commissioner must determine the number of licenses preferred by 2/3 of the Class I, Class II or Class III lobster and crab fishing license holders who are residents on the island but retains the discretion to accept or reject that preference.
4. It requires the commissioner to consult with the applicable lobster management policy council before making a decision on the number of licenses to be made available.
5. It authorizes the commissioner to adopt rules to implement the program to define residency and to provide exceptions to the island residency requirement for temporary absences from an island for medical or educational purposes and to allow, when appropriate, for an increase in the number of licenses available to an island community over time.
6. It provides that a person who obtains a Class I, Class II or Class III lobster and crab fishing license through an island limited-entry program and was a resident of the island for at least 8 years and harvested lobsters for each of those years and who no longer wishes to maintain residency on that island may fish elsewhere in the lobster management zone in which the island is located without having to go on the waiting list.

Joint Standing Committee on Marine Resources

LD 1331 An Act Regarding Saltwater Recreational Fishing

Carried Over

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

LD 1331 establishes a saltwater recreational fishing license, dedicates the fees from licensing to the Marine Recreation Fishing Conservation and Management Fund and gives the Commissioner of Marine Resources authority to make expenditures from the fund for purposes such as fisheries management research and education and outreach. The bill also removes the exemptions from the commercial license requirements for certain methods of fishing for personal use. LD 1331 establishes the Marine Recreational Fisheries and Habitat Advisory Council and repeals the Marine Recreational Fishing Advisory Council and the Sea Run Fisheries and Habitat Advisory Council.

This bill was carried over to any special or regular session of the 124th Legislature by joint order H.P. 1053.

LD 1398 An Act To Amend the Aquaculture Laws

PUBLIC 229

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EATON	OTP-AM MAJ OTP-AM MIN	H-278

LD 1398 makes the following changes to Maine's aquaculture statutes.

1. Currently, aquaculture leases that are terminated or revoked are permanently lost and there is no option for a new lessee to continue under the same terms and conditions. This bill creates a mechanism for the Commissioner of Marine Resources to solicit proposals for continued operations at the site for the remainder of the original lease term and under the same terms and conditions and to choose the most suitable proposal. A 2-week public comment period is provided, and fees, not to exceed \$5,000, are set in rule.
2. It shortens the public comment period for transfer applications and removes the option of a hearing. The application fee is eliminated and a fee for transferring the lease is created in the case of a successful application.
3. It increases the limit on the size of an experimental lease from 2 acres to 4 acres.
4. It eliminates the prohibition on limited-purpose aquaculture licenses in intertidal waters as long as permission of the landowner is obtained and creates a nonresident limited-purpose aquaculture license. It establishes a \$300 annual fee for nonresident limited-purpose aquaculture license.
5. It allows a person to possess cultured marine organisms that do not meet the size or season requirements that wild product must meet. Appropriate documentation must be maintained and made available upon request of the Department of Marine Resources.
6. It eliminates a duplicative notice requirement regarding an aquaculture facility's use of antibiotics.
7. It creates a mechanism to assign lease options, which allow the holder to have first priority in applying for a lease

Joint Standing Committee on Marine Resources

in a particular location. Some other coastal users such as local fishermen or adjacent landowners would still be able to claim preference under the law and nullify the option, but the option would prevent other potential applicants that are not specifically given priority in law from moving forward with a lease application in the area until the option has expired. The department must assess whether the application for the option is in good faith and whether it will likely result in an aquaculture application in the area. Fees are charged per acre and are capped at \$500 for the first acre and \$50 for each additional acre.

8. It authorizes the commissioner to refuse to issue or renew a marine resources license, such as a fishing or wholesale license, to the holder of an aquaculture lease or license who has not paid legally required fees.
9. It authorizes the commissioner to require a license for the land-based culture of marine organisms and allows the commissioner to set the fee at not more than \$1,000.
10. It authorizes the department to remove and sell abandoned aquaculture gear or stock after the lease or license holder and anyone who has previously claimed ownership of the gear or stock has been notified and has failed to remove the gear or stock.
11. It authorizes marine patrol officers to inspect aquaculture leases and associated vehicles, watercraft and buildings, except for residences.
12. It allows municipalities that choose to issue aquaculture permits to charge an application fee that reflects their costs. LD 1398 also clarifies the total acreage allowed under all permits in a municipality, requires municipalities to adopt ordinances to prevent speculative holding of permits, updates the maximum rental fee to match the department's lease fee and clarifies that it is an annual rental fee and requires municipalities to submit an annual report to the department.
13. It adds aquaculture lease and license holders to the group of persons that the department may authorize to take green crabs without a commercial license.

Committee Amendment "A" (H-278)

This amendment incorporates a fiscal note.

Committee Amendment "B" (H-279)

This amendment is the minority report and removes the provision from the bill that authorizes the Commissioner of Marine Resources to refuse to renew or issue a license or permit to the holder of an aquaculture lease that fails to pay related fees or charges. It also provides that any proceeds that are left over from the sale of abandoned equipment or stock after all debts are paid must be sent to the owner of the abandoned equipment or stock or that person's heirs.

Enacted Law Summary

Public Law 2009, chapter 229 makes the following changes to Maine's aquaculture laws.

1. Currently, aquaculture leases that are terminated or revoked are permanently lost and there is no option for a new lessee to continue under the same terms and conditions. This law creates a mechanism for the Commissioner of Marine Resources to solicit proposals for continued operations at the site for the remainder of the original lease term and under the same terms and conditions and to choose the most suitable proposal. A 2-week public comment period is provided, and fees, not to exceed \$5,000, are set in rule.
2. It shortens the public comment period for transfer applications and removes the option of a hearing. The application fee is eliminated and a fee for transferring the lease is created in the case of a successful application.

Joint Standing Committee on Marine Resources

3. It increases the limit on the size of an experimental lease from 2 acres to 4 acres.
4. It eliminates the prohibition on limited-purpose aquaculture licenses in intertidal waters as long as permission of the landowner is obtained and creates a nonresident limited-purpose aquaculture license. It establishes a \$300 annual fee for nonresident limited-purpose aquaculture license.
5. It allows a person to possess cultured marine organisms that do not meet the size or season requirements that wild product must meet. Appropriate documentation must be maintained and made available upon request of the Department of Marine Resources.
6. It eliminates a duplicative notice requirement regarding an aquaculture facility's use of antibiotics.
7. It creates a mechanism to assign lease options, which allow the holder to have first priority in applying for a lease in a particular location. Some other coastal users such as local fishermen or adjacent landowners are still be able to claim preference under the law and nullify the option, but the option prevents other potential applicants that are not specifically given priority in law from moving forward with a lease application in the area until the option has expired. The department must assess whether the application for the option is in good faith and whether it will likely result in an aquaculture application in the area. Fees are charged per acre and are capped at \$500 for the first acre and \$50 for each additional acre.
8. It authorizes the commissioner to refuse to issue or renew a marine resources license, such as a fishing or wholesale license, to the holder of an aquaculture lease or license who has not paid legally required fees.
9. It authorizes the commissioner to require a license for the land-based culture of marine organisms and allows the commissioner to set the fee at not more than \$1,000.
10. It authorizes the department to remove and sell abandoned aquaculture gear or stock after the lease or license holder and anyone who has previously claimed ownership of the gear or stock has been notified and has failed to remove the gear or stock.
11. It authorizes marine patrol officers to inspect aquaculture leases and associated vehicles, watercraft and buildings, except for residences.
12. It allows municipalities that choose to issue aquaculture permits to charge an application fee that reflects their costs. Public Law 2009, chapter 229 clarifies the total acreage allowed under all permits in a municipality, requires municipalities to adopt ordinances to prevent speculative holding of permits, updates the maximum rental fee to match the department's lease fee and clarifies that it is an annual rental fee and requires municipalities to submit an annual report to the department.
13. It adds aquaculture lease and license holders to the group of persons that the department may authorize to take green crabs without a commercial license.

LD 1432 An Act To Create a Saltwater Recreational Fishing Registry

Carried Over

Sponsor(s)

TRAHAN

Committee Report

Amendments Adopted

Joint Standing Committee on Marine Resources

LD 1432 creates the saltwater recreational fishing registry to register persons engaged in saltwater recreational fishing to be administered by the Department of Inland Fisheries and Wildlife through the department's existing program to issue fishing licenses. It directs the Commissioner of Inland Fisheries and Wildlife to negotiate a memorandum of agreement with the United States Department of Commerce, National Oceanic and Atmospheric Administration to exempt the State from a federal registry if the State submits data from the saltwater recreational fishing registry created by this bill. LD 1432 deappropriates \$12,000 from the Department of Marine Resources recreational fishing program to fund the saltwater recreational fishing registry.

This bill was carried over to any special or regular session of the 124th Legislature by joint order H.P. 1053.

Joint Standing Committee on Marine Resources

SUBJECT INDEX

Aquaculture

Enacted

LD 1398 An Act To Amend the Aquaculture Laws PUBLIC 229

Not Enacted

LD 294 An Act To Require the Department of Marine Resources To ONTP
Enforce Conditions in an Aquaculture Lease

Clams, Mussels and Scallops

Enacted

LD 32 An Act To Clarify the Disposition of Fines from Maine's PUBLIC 24
Soft-shelled Clam Laws

LD 82 An Act To Create a Penalty for Harvesting Scallops in a PUBLIC 72
Conservation Area

LD 447 An Act To Allow the Direct Sale of Shellfish to Retailers PUBLIC 217
EMERGENCY

Not Enacted

LD 836 An Act To Amend the Laws Governing the Scallop Season ONTP

LD 932 An Act To Establish Area Management of Maine's Scallop
Fishery

Department of Marine Resources

Enacted

LD 1211 An Act To Amend the Marine Resources Suspension Laws PUBLIC 151

Not Enacted

LD 691 An Act To Lower the Cost of State Government in the ONTP
Departments under the Purview of the Joint Standing Committee
on Marine Resources

Diadromous Fish

Enacted

LD 151 An Act To Amend the Alewife Fishing Laws PUBLIC 17

Not Enacted

LD 173 An Act To Restore Funding for a Fish Hatchery in Northern Maine ONTP

Lobsters and Crabs

Enacted

LD 246 An Act Regarding Violations of Lobster Conservation Laws PUBLIC 394

LD 928 An Act To Permit the Landing of Dragged Crabs as Bycatch PUBLIC 78
EMERGENCY

LD 1009 An Act To Allow Lobster License Exemptions to Persons with Certain Medical Criteria PUBLIC 188

LD 1231 An Act To Protect the Long-term Viability of Island Lobster Fishing Communities PUBLIC 294

Not Enacted

LD 141 An Act To Allow a Person 65 Years of Age or Older To Obtain a Lobster License without Completing the Apprentice Program ONTP

LD 585 An Act To Protect Fishing Families by Authorizing Certain Transfers of Lobster and Crab Fishing Licenses ACCEPTED ONTP
REPORT

LD 1128 An Act To Allow Family Members of an Island Community to Share a Lobster and Crab Fishing License ONTP

Recreational Saltwater Fishing

Not Enacted

LD 1331 An Act Regarding Saltwater Recreational Fishing

LD 1432 An Act To Create a Saltwater Recreational Fishing Registry

Rockweed, Bait Fish and the Intertidal Zone

Enacted

LD 345 An Act To Regulate the Rockweed Harvest in Cobscook Bay PUBLIC 283
EMERGENCY

LD 378 Resolve, To Direct the Department of Marine Resources To Study the Issues Surrounding the Harvest of Bait Fish within Territorial Waters RESOLVE 23

Not Enacted

LD 852

**An Act To Clarify the Public Ownership of Marine Organisms
within the Intertidal Zone**

**ACCEPTED ONTP
REPORT**

Sea Urchins and Sea Cucumbers

Enacted

LD 278

An Act To Bring Equity to the Sea Urchin License Fees

PUBLIC 396

STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the First Regular Session of the 124th Maine Legislature coming from the

JOINT STANDING COMMITTEE ON NATURAL RESOURCES

July 2009

MEMBERS:

SEN. SETH A. GOODALL, CHAIR
SEN. DEBORAH L. SIMPSON
SEN. DOUGLAS M. SMITH

REP. ROBERT S. DUCHESNE, CHAIR
REP. JOHN L. MARTIN
REP. JANE E. EBERLE
REP. BRIAN D. BOLDUC
REP. MELISSA WALSH INNES
REP. JOAN W. WELSH
REP. JAMES MICHAEL HAMPER
REP. BERNARD L.A. AYOTTE
REP. PETER E. EDGECOMB
REP. JANE S. KNAPP

STAFF:

SUSAN Z. JOHANNESMAN, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

Joint Standing Committee on Natural Resources

LD 63 An Act To Reduce Registration Fees for Certain Generators of Biomedical Waste

ONTP

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

This bill requires the Department of Environmental Protection to adopt rules assessing a one-time registration fee of \$50 for generators of less than 10 pounds of biomedical waste per month in lieu of the current rules that provide for an annual registration fee. It also provides that a generator registered as producing less than 10 pounds of biomedical waste per month may not be reclassified based on immunizations for annual influenza or mass immunizations for a pandemic.

LD 107 An Act To Change the Classification of Man-made Wetlands

**ACCEPTED ONTP
REPORT**

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

The bill exempts man-made wetlands from state regulation under the Natural Resources Protection Act unless the man-made wetlands were created in connection with a compensation project.

Committee Amendment "A" (H-28)

This amendment incorporates a fiscal note. This amendment was not adopted.

LD 199 An Act To Facilitate Wind Power Siting

ONTP

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

This bill amends the laws governing the siting of wind energy developments. The bill grants the state-level wind power siting authority, which is the Department of Environmental Protection or the Maine Land Use Regulation Commission depending on the location of a given wind power development, sole jurisdiction for approving the construction and initial operation of a wind energy development. Specifically, the bill prohibits any other state or local governmental entity from requiring any approval, permit or other condition for the construction or initial operation of a wind energy development that has been certified or permitted by the wind power siting authority. The bill changes the terminology used in the law from "primary siting authority" to "wind power siting authority" to reflect the removal of any secondary authority over siting of wind power development.

The bill also amends the definition of "wind power siting authority" to specify the Department of Environmental Protection and the Maine Land Use Regulation Commission as the siting authority for the smaller-scale wind energy

Joint Standing Committee on Natural Resources

developments that are subject to approval by the department or commission. Under current law, the siting authority is only defined for the larger grid-scale wind energy developments. The bill also amends the law to require a wind power siting authority to hold a public hearing on any application for approval of a wind energy development and to require a decision in 210 days from acceptance of a complete application.

LD 207 An Act Concerning Regulation of Borrow Pit Excavations

ONTP

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

This bill amends the law concerning borrow pits by removing the provision that requires an excavation to meet the performance standards if there is a common owner or operator of adjacent parcels and the total excavated area on the combined parcels is 5 acres or greater.

**LD 208 An Act To Require a Municipality That Abuts a Body of Water To
Contribute to the Cost of Upkeep of Municipally Owned Dams on That
Body of Water**

ONTP

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

This bill requires the apportionment of maintenance and repair costs for municipally owned dams between the municipality that owns the dam and all municipalities that abut the body of water contained by the dam.

LD 229 An Act To Promote Clean Waters in the State

**ACCEPTED ONTP
REPORT**

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

This bill prohibits the Department of Environmental Protection from licensing a discharge of untreated sewage to any water of the State by a municipal or quasi-municipal sewerage system beginning January 1, 2013. It also provides that beginning January 1, 2013 a municipality that discharges untreated sewage to any water of the State may not receive state-municipal revenue sharing.

Committee Amendment "A" (S-34)

This amendment adds a mandate preamble and an appropriations and allocations section. This amendment was not adopted.

Joint Standing Committee on Natural Resources

**LD 260 An Act To Provide Access to Regional Greenhouse Gas Initiative
Auction Funds to Maine Indian Tribes**

ONTP

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

This bill requires 5 percent of the annual receipts of the Energy and Carbon Savings Trust Fund to be allocated to the Passamaquoddy Tribe at Indian Township, Passamaquoddy Tribe at Pleasant Point, Penobscot Nation, Houlton Band of Maliseet Indians and Aroostook Band of Micmacs.

**LD 298 An Act Regarding the Labeling of Wood Pellet and Biomass Heating
Fuel Sold in the State**

**ACCEPTED
REPORT A
(ONTP)**

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

This bill defines "biomass heating fuel" as wood pellets or corn or grain that is in a form designed to be used as heating fuel for residential purposes. It requires packages containing biomass heating fuel that are sold in this State to be labeled in a manner that clearly indicates whether the biomass heating fuel meets quality assurance standards established by the Department of Environmental Protection. It requires the Department of Environmental Protection to adopt major substantive rules to establish labeling standards for packages of biomass heating fuel weighing 60 pounds or less intended to be sold in stores to the general public that incorporate standards established by a national pellet fuels trade association and permit the use of the logo, terms and grades established by the national pellet fuels trade association only if the biomass heating fuel meets that association's relevant quality assurance standards. It makes a violation an unfair trade practice as prohibited by the Maine Revised Statutes, Title 5, section 207.

Committee Amendment "A" (H-54)

This amendment adds an appropriations and allocations section to the bill. This amendment was not adopted.

LD 330 An Act To Change the Classification of Certain Waters of the State

PUBLIC 163

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE SIMPSON	OTP-AM A OTP-AM B OTP-AM C	H-70

This bill does the following.

1. It adds a condition in the water classification law that allows the Legislature to make classification changes and set effective dates for those changes. It allows the commissioner to make changes in management to allow water quality to attain the new classification by an effective date determined by the Legislature.

Joint Standing Committee on Natural Resources

2. It upgrades the classification of Abbott Brook and tributaries in Lincoln Plantation from Class A to Class AA.
3. It upgrades the classification of Aunt Hannah Brook and its tributaries in Dixfield from Class B to Class A.
4. It upgrades the classification of the Kennebec River from downstream of the Shawmut Dam to the confluence with Messalonskee Stream, excluding impoundments, from Class C to Class B.
5. It upgrades the classification of tidal sections of tributaries entering the Kennebec River between the Sidney, Vassalboro and Augusta town line and a line drawn across the tidal estuary of the Kennebec River due east of Abagadasset Point from Class C to Class B, except that the tidal section of the Eastern River would remain Class C.
6. It upgrades the classification of Alder Stream and its tributaries from Class B to Class A and upgrades tributaries to Seboeis Stream from Class B to Class A.
7. It upgrades the classification of selected tributaries of Souadabscook Stream from Class B to Class A. It also upgrades the classification of tributaries to Mattamiscontis Stream from Class B to Class A.
8. It upgrades the classification of Crooked River at Scribners Mill from A to AA.
9. It upgrades the classification of South River and its tributaries from Class B to Class A.
10. It clarifies the Maine Revised Statutes, Title 38, section 467, subsection 13, paragraph A to recognize that the ecological functioning of the described section of the St. Croix River is more similar to a great pond than a river. The classification would be changed from Class B to Class GPA.
11. It changes the landmark used to designate the classification change from Class A to Class B on the St. John River.
12. It upgrades the classification of Beaver Brook and its tributaries in T.14 R.6 W.E.L.S., T.14 R.5 W.E.L.S., T.13 R.5 W.E.L.S., Portage Lake, Ashland, Castle Hill from Class B to Class A. It also upgrades the classification of Gardner Brook and its tributaries in T.14 R.5 W.E.L.S., T.13 R.5 W.E.L.S. and Wade from Class B to Class A.
13. It upgrades the classification of Violette Stream and its tributaries from its source to the confluence with Caniba Brook from Class B to Class A.
14. It upgrades the classification of the Little River and its tributaries in Berwick, North Berwick and Lebanon from Class B to Class A.
15. It clarifies that the segment of Trout Brook that serves as the town border between Cape Elizabeth and South Portland is Class C.
16. It clarifies that all of Stroudwater River in Portland, including its tributaries, is Class B.
17. It upgrades the classification of the upper reaches of the Nonesuch River to a point 1/2 mile downstream of Mitchell Hill Road crossing from Class C to Class B and upgrades the Stroudwater River and its tributaries in Scarborough to Class B.
18. It clarifies that Trout Brook downstream of the first point where the brook becomes the town boundary between South Portland and Cape Elizabeth is Class C.
19. It upgrades the Pemaquid River in Bristol, including tributaries, below Pemaquid Pond from Class B to Class A.

Joint Standing Committee on Natural Resources

20. It upgrades the classification of Black Brook, Kendall Brook and Tucker Brook in Lincolnville from Class B to Class A.

21. It upgrades the classification of tidal waters of The Basin, including The Narrows, east of a line drawn between 69°-51'-57" W. and 43°-48'-14" N. from Class SB to Class SA.

22. It provides for a report to the Joint Standing Committee on Natural Resources from the Department of Environmental Protection by January 15, 2010 concerning a review of reclassification procedures.

Committee Amendment "A" (H-70)

This amendment is the majority report of the committee. The amendment:

1. Strikes section 1 from the bill;
2. Adds language to the bill that keeps certain Kennebec River impoundments at Class C;
3. Strikes section 11 from the bill;
4. Adds language making Long Creek's main stem in Westbrook Class C;
5. Makes a typographical correction in section 24; and
6. Directs the Department of Environmental Protection to establish and implement a water quality sampling program for the lower Androscoggin River, to initiate the procedures for reclassification and to report to the Joint Standing Committee on Natural Resources. It authorizes the committee to report out legislation relating to the water sampling program to the Second Regular Session of the 124th Legislature.

Committee Amendment "B" (H-71)

This amendment is a minority report of the committee. The amendment differs from the majority report in that it strikes section 8 from the bill. The amendment also:

1. Strikes section 1 from the bill;
2. Adds language to the bill that keeps certain Kennebec River impoundments at Class C;
3. Strikes section 11 from the bill;
4. Adds language making Long Creek's main stem in Westbrook Class C;
5. Makes a typographical correction in section 24; and
6. Directs the Department of Environmental Protection to establish and implement a water quality sampling program for the lower Androscoggin River, to initiate the procedures for reclassification and to report to the Joint Standing Committee on Natural Resources. It authorizes the committee to report out legislation relating to the water sampling program to the Second Regular Session of the 124th Legislature.

This amendment was not adopted.

Committee Amendment "C" (H-72)

This amendment is a minority report of the committee. The amendment differs from the majority report in that it does not add language making the Long Creek, main stem in Westbrook Class C. The amendment also:

Joint Standing Committee on Natural Resources

1. Strikes section 1 from the bill;
2. Adds language to the bill that keeps certain Kennebec River impoundments at Class C;
3. Strikes section 11 from the bill;
4. Makes a typographical correction in section 24; and
5. Directs the Department of Environmental Protection to establish and implement a water quality sampling program for the lower Androscoggin River, to initiate the procedures for reclassification and to report to the Joint Standing Committee on Natural Resources. It authorizes the committee to report out legislation relating to the water sampling program to the Second Regular Session of the 124th Legislature.

This amendment was not adopted.

Enacted Law Summary

Public Law 2009, chapter 163 does the following.

1. It upgrades the classification of Abbott Brook and tributaries in Lincoln Plantation from Class A to Class AA.
2. It upgrades the classification of Aunt Hannah Brook and its tributaries in Dixfield from Class B to Class A.
3. It upgrades the classification of the Kennebec River from downstream of the Shawmut Dam to the confluence with Messalonskee Stream, excluding impoundments, from Class C to Class B. Waters impounded by the Hydro-Kennebec Dam and the Lockwood Dam in Waterville-Winslow are Class C.
4. It upgrades the classification of tidal sections of tributaries entering the Kennebec River between the Sidney, Vassalboro and Augusta town line and a line drawn across the tidal estuary of the Kennebec River due east of Abagadasset Point from Class C to Class B, except that the tidal section of the Eastern River would remain Class C.
5. It upgrades the classification of Alder Stream and its tributaries from Class B to Class A and upgrades tributaries to Seboeis Stream from Class B to Class A.
6. It upgrades the classification of selected tributaries of Souadabscook Stream from Class B to Class A. It also upgrades the classification of tributaries to Mattamiscontis Stream from Class B to Class A.
7. It upgrades the classification of Crooked River at Scribners Mill from A to AA.
8. It upgrades the classification of South River and its tributaries from Class B to Class A.
9. It clarifies the Maine Revised Statutes, Title 38, section 467, subsection 13, paragraph A to recognize that the ecological functioning of the described section of the St. Croix River is more similar to a great pond than a river. The classification would be changed from Class B to Class GPA.
10. It upgrades the classification of Beaver Brook and its tributaries in T.14 R.6 W.E.L.S., T.14 R.5 W.E.L.S., T.13 R.5 W.E.L.S., Portage Lake, Ashland, Castle Hill from Class B to Class A. It also upgrades the classification of Gardner Brook and its tributaries in T.14 R.5 W.E.L.S., T.13 R.5 W.E.L.S. and Wade from Class B to Class A.
11. It upgrades the classification of Violette Stream and its tributaries from its source to the confluence with Caniba Brook from Class B to Class A.

Joint Standing Committee on Natural Resources

- 12. It upgrades the classification of the Little River and its tributaries in Berwick, North Berwick and Lebanon from Class B to Class A.
- 13. It clarifies that the segment of Trout Brook that serves as the town border between Cape Elizabeth and South Portland is Class C.
- 14. It clarifies that all of Stroudwater River in Portland, including its tributaries, is Class B.
- 15. It upgrades the classification of the upper reaches of the Nonesuch River to a point 1/2 mile downstream of Mitchell Hill Road crossing from Class C to Class B and upgrades the Stroudwater River and its tributaries in Scarborough to Class B.
- 16. It clarifies that Trout Brook downstream of the first point where the brook becomes the town boundary between South Portland and Cape Elizabeth is Class C.
- 17. It upgrades the Pemaquid River in Bristol, including tributaries, below Pemaquid Pond from Class B to Class A.
- 18. It upgrades the classification of Black Brook, Kendall Brook and Tucker Brook in Lincolnville from Class B to Class A.
- 19. It upgrades the classification of tidal waters of The Basin, including The Narrows, east of a line drawn between 69°-51'-57" W. and 43°-48'-14" N. from Class SB to Class SA.
- 20. It specifies that Long Creek's main stem in Westbrook is Class C.
- 21. It provides for a report to the Joint Standing Committee on Natural Resources from the Department of Environmental Protection by January 15, 2010 concerning a review of reclassification procedures.
- 22. It directs the Department of Environmental Protection to establish and implement a water quality sampling program for the lower Androscoggin River, to initiate the procedures for reclassification and to report to the Joint Standing Committee on Natural Resources. It authorizes the committee to report out legislation relating to the water sampling program to the Second Regular Session of the 124th Legislature.

LD 348 An Act To Facilitate the Removal of Dams That Pose a Hazard to Public Safety and the Installation and Repair of Fishways

PUBLIC 75

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-21

This bill amends the Natural Resources Protection Act to specify that a permit is not required for:

- 1. The erection, maintenance, repair or alteration of a fishway in a dam or other artificial obstruction when required or performed by the Commissioner of Inland Fisheries and Wildlife or the Commissioner of Marine Resources;
- 2. Activity associated with the release of water from an abandoned dam pursuant to an order issued by the Department of Environmental Protection under the Maine Revised Statutes, Title 38, section 905; and
- 3. Activity associated with the breach or removal of a dam pursuant to a dam safety order issued by the Commissioner of Defense, Veterans and Emergency Management under Title 37-B, chapter 24.

Joint Standing Committee on Natural Resources

Committee Amendment "A" (S-21)

This amendment amends the exemption for fishway proceedings in the bill to be consistent with the provisions in the Maine Revised Statutes, Title 12, section 12760 and Title 12, section 6121. The bill exempts from the Natural Resources Protection Act the erection, maintenance, repair or alteration of a fishway in a dam when required or performed by the Commissioner of Inland Fisheries and Wildlife or the Commissioner of Marine Resources; the amendment removes "or performed." The amendment also amends the exemption for abandoned dams by removing the term "abandoned" to be consistent with provisions in Title 38, section 905.

Enacted Law Summary

Public Law 2009, chapter 75 amends the Natural Resources Protection Act to specify that a permit is not required for:

1. The erection, maintenance, repair or alteration of a fishway in a dam or other artificial obstruction when required by the Commissioner of Inland Fisheries and Wildlife or the Commissioner of Marine Resources;
2. Activity associated with the release of water from a dam pursuant to an order issued by the Department of Environmental Protection under the Maine Revised Statutes, Title 38, section 905; and
3. Activity associated with the breach or removal of a dam pursuant to a dam safety order issued by the Commissioner of Defense, Veterans and Emergency Management under Title 37-B, chapter 24.

LD 351 **An Act Regarding the Regulation of Agricultural Composting Operations**

ACCEPTED ONTP
REPORT

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

This bill was jointly referred to the Joint Standing Committee on Natural Resources and the Joint Standing Committee on Agriculture, Conservation and Forestry. The bill requires commercial agricultural composting operations to register with the Department of Agriculture, Food and Rural Resources and directs the Commissioner of Agriculture, Food and Rural Resources to adopt rules concerning best management practices for commercial agricultural composting operations. It authorizes the commissioner or the commissioner's designee to enter the premises of a commercial agricultural composting operation to inspect for compliance with best management practices. It removes commercial agricultural composting operations from regulation by the Department of Environmental Protection as waste facilities.

Committee Amendment "A" (S-165)

The amendment replaces the bill with a resolve and changes the title. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Natural Resources to submit legislation relating to the regulation of agricultural composting operations to the Second Regular Session of the 124th Legislature. This amendment was not adopted.

Joint Standing Committee on Natural Resources

LD 363 An Act To Allow State Agencies To Acquire and Sell Carbon Credits under the Regional Greenhouse Gas Initiative

ONTP

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

This bill requires the Department of Environmental Protection to include in the rules governing the regional greenhouse gas initiative provisions for the buying and selling of carbon dioxide emissions allowances by state agencies.

LD 367 Resolve, To Convene a Work Group To Design and Implement a Statewide Disposable Checkout Bag Reduction Campaign, with Benchmarks

RESOLVE 54

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	S-97

This bill requires retailers to charge 10 cents for each plastic bag used by customers. The funds must be remitted to the Department of Environmental Protection and deposited into the Waste Reduction and Recycling Loan Fund under the Maine Revised Statutes, Title 10, section 1023-G.

Committee Amendment "A" (S-97)

This amendment replaces the bill with a resolve. The resolve requires the Executive Department, State Planning Office to establish a work group consisting of agencies, organizations and businesses for the purpose of reducing the distribution of disposable checkout bags. The work group is charged with assessing recycling infrastructure capacities, developing language for a memorandum of understanding with goals and benchmarks for reducing the use of disposable checkout bags, designing a statewide promotional campaign and identifying funding sources. The work group is directed to submit a report to the Joint Standing Committee on Natural Resources, and the committee is authorized to report out legislation relating to the report.

Enacted Law Summary

Resolve 2009, chapter 54 requires the Executive Department, State Planning Office to establish a work group consisting of agencies, organizations and businesses for the purpose of reducing the distribution of disposable checkout bags. The work group is charged with assessing recycling infrastructure capacities, developing language for a memorandum of understanding with goals and benchmarks for reducing the use of disposable checkout bags, designing a statewide promotional campaign and identifying funding sources. The work group is directed to submit a report to the Joint Standing Committee on Natural Resources, and the committee is authorized to report out legislation relating to the report.

Joint Standing Committee on Natural Resources

LD 387 An Act To Protect Groundwater and Surface Water from Contamination

LEAVE TO WITHDRAW

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

This bill defines "offal." The bill also requires the Board of Environmental Protection to adopt rules relating to the composting of offal. The bill also limits the volume of offal that a hazardous waste site or facility may compost to 30 cubic yards in any 30-day period without the site's or facility's first obtaining a license.

LD 431 An Act To Make the Site Location of Development Laws More Development Friendly

ONTP

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

The site location of development laws currently require state review of any proposed structure that would result in a total project occupying a ground area in excess of 3 acres. This 3-acre threshold for review includes areas that are stripped or graded and not revegetated within one calendar year. This bill extends from one year to 10 years the amount of time a developer has to revegetate stripped or graded areas before those areas can be included in calculating the 3-acre site law review threshold.

LD 460 Resolve, To Evaluate Climate Change Adaptation Options for the State

RESOLVE 16

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

This resolve directs the Department of Environmental Protection to create a stakeholder group to evaluate the options available to Maine people and businesses for adapting to the most likely impacts of climate change and to focus on the climate impact assessment by the University of Maine that concluded that climate change is already occurring in the State as a result of increased levels of greenhouse gases in the atmosphere. The department is to report recommendations, along with proposed legislation, to the Joint Standing Committee on Natural Resources by February 27, 2010.

Enacted Law Summary

Resolve 2009, chapter 16 directs the Department of Environmental Protection to create a stakeholder group to evaluate the options available to Maine people and businesses for adapting to the most likely impacts of climate change and to focus on the climate impact assessment by the University of Maine. The department is to report recommendations, along with proposed legislation, to the Joint Standing Committee on Natural Resources by February 27, 2010 and the committee is authorized to submit legislation related to the report to the Second Regular

Joint Standing Committee on Natural Resources

Session of the 124th Legislature.

LD 476 **An Act To Amend Certain Laws Administered by the Department of
Environmental Protection**

PUBLIC 121

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-56

This bill:

1. Amends the Maine Revised Statutes to add "remand" to the list of actions the Board of Environmental Protection may take in response to an appeal of a commissioner's licensing decision;
2. Amends the length of terms on the Pollution Prevention Advisory Committee from 3 years to 4 years;
3. Amends the Clean Government Initiative by removing the requirement to file biennial plans and adding state-supported institutions of higher learning to those agencies whose activities must be reported to the Legislature;
4. Clarifies the Department of Environmental Protection's authority to consider license amendment and surrender applications;
5. Changes a reference date in the definitions of "Code of Federal Regulations" and the "Federal Water Pollution Control Act" from July 1, 2007 to July 1, 2009;
6. Authorizes the department to recover the cost of preparing and implementing a plan to restore natural resources damaged by the discharge of oil or hazardous matter from the persons responsible for the discharge;
7. Clarifies the scope and purpose of Title 38, chapter 3, subchapter 2-B, which governs oil storage tanks;
8. Amends the laws governing oil storage tanks to clarify that a person who suffers a discharge from an oil storage tank must clean it up immediately whether or not the discharge is shown to reach groundwater, encourage the reporting of discharges from oil storage tanks whether or not the discharge is known to have reached groundwater and clarify that money may be disbursed from the Ground Water Oil Clean-up Fund to pay damages related to a discharge from an oil storage facility whether or not the discharge is shown to have reached groundwater;
9. Amends Maine's ambient air quality standards for particulate matter to make them consistent with national ambient air quality standards for particulate matter;
10. Requires the Commissioner of Environmental Protection to charge interest at a rate of 15% per annum on amounts owed to the Uncontrolled Sites Fund by responsible parties; and
11. Clarifies the applicability of the laws banning the sale of products that contain polybrominated diphenyl ether.

Committee Amendment "A" (S-56)

This amendment makes the following changes to the bill.

1. It clarifies a provision in the bill regarding voluntary surrender of a license.
2. It changes a term used in the bill from "an oil storage facility" to "an underground oil storage facility or an

Joint Standing Committee on Natural Resources

aboveground oil storage facility" since the term "oil storage facility" is not defined in statute.

3. It amends a provision in the bill that authorizes the Commissioner of Environmental Protection to charge interest.
4. It strikes a provision in the bill that repealed the exemptions to the "deca" sales ban.
5. It adds a provision to the bill that allows a de minimis level of the "deca" mixture of polybrominated diphenyl ethers in electronics to be consistent with the de minimis level allowed in products containing the "penta" and "octa" mixtures.
6. It adds a provision to the bill that amends the law governing recovery of costs incurred to undertake the abandonment of underground oil storage facilities and tanks. It directs the commissioner to seek recovery of those costs regardless of whether the costs were paid from state or federal funds.

Enacted Law Summary

Public Law 2009, chapter 121:

1. Amends the Maine Revised Statutes to add "remand" to the list of actions the Board of Environmental Protection may take in response to an appeal of a commissioner's licensing decision;
2. Amends the length of terms on the Pollution Prevention Advisory Committee from 3 years to 4 years;
3. Amends the Clean Government Initiative by removing the requirement to file biennial plans and adding state-supported institutions of higher learning to those agencies whose activities must be reported to the Legislature;
4. Clarifies that a license may be voluntarily surrendered by the license holder;
5. Changes a reference date in the definitions of "Code of Federal Regulations" and the "Federal Water Pollution Control Act" from July 1, 2007 to July 1, 2009;
6. Authorizes the department to recover the cost of preparing and implementing a plan to restore natural resources damaged by the discharge of oil or hazardous matter from the persons responsible for the discharge;
7. Clarifies the scope and purpose of Title 38, chapter 3, subchapter 2-B, which governs oil storage tanks;
8. Amends the laws governing oil storage tanks to clarify that a person who suffers a discharge from an oil storage tank must clean it up immediately whether or not the discharge is shown to reach groundwater, encourage the reporting of discharges from oil storage tanks whether or not the discharge is known to have reached groundwater and clarify that money may be disbursed from the Ground Water Oil Clean-up Fund to pay damages related to a discharge from an oil storage facility whether or not the discharge is shown to have reached groundwater;
9. Amends Maine's ambient air quality standards for particulate matter to make them consistent with national ambient air quality standards for particulate matter;
10. Requires the Commissioner of Environmental Protection to charge interest at a rate not to exceed the prime rate of interest plus 4% on amounts owed to the Uncontrolled Sites Fund by responsible parties;
11. Allows a de minimis level of the "deca" mixture of polybrominated diphenyl ethers in electronics to be consistent with the de minimis level allowed in products containing the "penta" and "octa" mixtures; and
12. Amends the law governing recovery of costs incurred to undertake the abandonment of underground oil storage facilities and tanks. It directs the commissioner to seek recovery of those costs regardless of whether the costs were

Joint Standing Committee on Natural Resources

paid from state or federal funds.

LD 506 An Act To Protect Public Safety and Provide for the Prudent Use of Landfill Capacity **ONTP**

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

This bill provides that a person may not deliver waste of any kind in a vehicle with a gross vehicle weight of more than 80,000 pounds to a solid waste disposal facility, solid waste facility, solid waste landfill or waste facility if that facility or landfill is owned by the State and has been expanded on or after October 1, 2009. It also provides that the operator of a solid waste disposal facility, solid waste facility, solid waste landfill or waste facility that has been expanded on or after the effective date of this Act and is owned by the State may not accept for delivery at that facility or landfill waste of any kind that has been hauled in a vehicle with a gross vehicle weight of more than 80,000 pounds. The bill requires the Executive Department, State Planning Office and the Department of Environmental Protection to determine the solid waste disposal capacity needs of the State as of January 1, 2009 for 3, 5 and 10 years and report their findings to the Joint Standing Committee on Natural Resources no later than November 5, 2009. Based on the capacity needs as of January 1, 2009, the State Planning Office and the Department of Environmental Protection shall determine the capacity of state-owned landfills. The State Planning Office and the Department of Environmental Protection shall determine their ability to control the different and various waste streams flowing into state-owned landfills, broken down by waste stream and by the sources of these waste streams, whether in-state or out-of-state. The Department of Environmental Protection shall determine how best to control the flow of waste coming into the State in order to ensure the longevity of state-owned landfills and save taxpayers money. The Department of Environmental Protection shall adopt major substantive rules to extend the life of state-owned landfills.

LD 515 An Act To Allow a Municipality To Recover Emergency Response Costs from a Natural Gas Utility in Certain Cases **ONTP**

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

This bill clarifies that the term "hazardous matter" includes natural gas that has been released into ambient air in order for that event to qualify for reimbursement when municipalities recover emergency response costs.

LD 535 An Act To Allow the Temporary Placement of Structures To Protect Property from Natural Disasters **ONTP**

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

This bill allows an owner or occupier of a property to erect a temporary structure on the property without a permit to protect the property from a natural disaster, occurrence or event. The structure must be removed as soon as

Joint Standing Committee on Natural Resources

practicable within seven months of its completion. A support or substructure for the structure may remain if the support or substructure does not interfere with any natural element or process.

LD 536 **An Act To Enhance Maine's Electronic Waste Recycling Law**

PUBLIC 397

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK GOODALL	OTP-AM MAJ OTP-AM MIN	H-499 S-307 GOODALL

This bill amends Maine's electronics recycling laws to do the following.

1. It adds desktop printers and video game consoles to the electronic devices covered by the recycling laws.
2. It clarifies that digital picture frames are a type of computer monitor and, as such, are subject to the recycling laws.
3. It repeals provisions that currently require manufacturers of covered electronic devices to submit a recycling plan and an annual report to the Department of Environmental Protection and replaces the repealed manufacturer responsibility provisions with an annual registration requirement.

Committee Amendment "A" (H-499)

This amendment is the majority report of the committee. The amendment requires manufacturers of computer monitors, televisions, desktop printers and video game consoles to pay an annual registration fee of \$3,000. Effective January 1, 2010, it changes the basis for video game console manufacturers' responsibility for recycling video game consoles to a market share basis and it removes television manufacturers' responsibility for recycling televisions under a return share basis.

Committee Amendment "B" (H-500)

This amendment is the minority report of the committee. Effective January 1, 2010, it changes the basis for video game console manufacturers' responsibility for recycling video game consoles to a market share basis and it removes television manufacturers' responsibility for recycling televisions under a return share basis. It differs from the majority report in that it does not require manufacturers of computer monitors, televisions, desktop printers and video game consoles to pay an annual registration fee of \$3,000. This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-307)

This amendment corrects a conflict between the enacted versions of LD 536 and LD 1156. It incorporates the changes made in this bill to those recently enacted in Public Law 2009, chapter 231. This amendment strikes the emergency preamble and emergency clause and extends the date by which manufacturers must submit the first registration from July 1, 2009 to July 1, 2010.

Enacted Law Summary

Public Law 2009, chapter 397 amends Maine's electronics recycling laws to do the following.

1. It adds desktop printers and video game consoles to the electronic devices covered by the recycling laws.
2. It clarifies that digital picture frames are a type of computer monitor and, as such, are subject to the recycling laws.

Joint Standing Committee on Natural Resources

3. It provides for desktop printer manufacturers' responsibility for recycling under a return share basis and video game console manufacturers' responsibility for recycling under a market share basis.
4. It requires manufacturers of computer monitors, televisions, desktop printers and video game consoles to register with the Department of Environmental Protection and pay an annual registration fee of \$3,000.
5. It incorporates the provisions of the adopted amendments into the changes enacted in Public Law 2009, chapter 231.

LD 644 An Act To Allow the Sale and Use of Fuel Containing MTBE in a Vehicle in a Competitive Event

**ACCEPTED ONTP
REPORT**

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

This bill allows gasoline containing MTBE to be sold for or used by a motor vehicle in a race as long as the gasoline with MTBE is sold and distributed in prepackaged drums, pails or containers.

LD 645 An Act To Provide for Municipal Oversight and Authority over Groundwater Extraction

ONTP

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

This bill amends the law governing the authority of municipal officers to adopt regulations governing the surface uses of public water sources. It adds the authority to adopt regulations governing the extraction and removal of groundwater, spring water or water from aquifers. It also amends current law by authorizing municipal officers to regulate surface uses of land overlying groundwater aquifers and their recharge areas used as sources for private wells for domestic purposes. The bill also provides that if such a regulation is ratified by the legislative body of a municipality, the municipal officers must submit for approval an ordinance governing the pumping or extraction of groundwater, spring water or water from aquifers.

LD 646 An Act To Improve the Water Quality of Maine's Rivers

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 amend current law to prohibit all discharges from pulp and paper mills and municipalities into rivers in the State.

Joint Standing Committee on Natural Resources

LD 663 An Act To Clarify A Municipality's Authority To Pass Ordinances That Govern the Extraction of Groundwater

ONTP

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

This bill authorizes municipalities to adopt ordinances regulating groundwater extraction and makes it clear that the laws regarding the transport of water and the establishment of significant groundwater wells do not limit the authority of a municipality to adopt a groundwater extraction ordinance that is more stringent than state law.

LD 686 An Act To Require Semiannual Testing in Certain Gravel Pits

ONTP

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

This bill requires the Department of Environmental Protection to biannually perform tests at each gravel pit to determine the presence of toxic substances in the soil, air and waters surrounding the site. It also requires the department to publish the results of the tests on the department's publicly accessible website and to submit the results to the municipality in which the site is located.

LD 722 Resolve, Directing a Review of the Management of Risks Associated with Surface Uses on Public Water Supplies

RESOLVE 32

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH	OTP-AM	H-99

This bill is a concept draft pursuant to Joint Rule 208. This bill seeks to manage risks associated with surface uses on public water supplies.

Committee Amendment "A" (H-99)

This amendment replaces the bill with a resolve. It directs the drinking water program of the Department of Health and Human Services to review and make recommendations on the management of risks associated with surface uses on lakes and ponds that are public water supplies. It authorizes the Joint Standing Committee on Natural Resources to submit legislation concerning the recommendations to the Second Regular Session of the 124th Legislature.

Enacted Law Summary

Resolve 2009, chapter 32 directs the drinking water program of the Department of Health and Human Services to review and make recommendations on the management of risks associated with surface uses on lakes and ponds that are public water supplies. It authorizes the Joint Standing Committee on Natural Resources to submit legislation concerning the recommendations to the Second Regular Session of the 124th Legislature.

Joint Standing Committee on Natural Resources

LD 723 Resolve, To Require the Department of Environmental Protection To Amend Its Rules for Hydropower Projects To Require a Detailed Cost-benefit Analysis

**ACCEPTED ONTP
REPORT**

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

This resolve requires the Department of Environmental Protection to amend its rules for hydropower projects to require a detailed cost-benefit analysis.

Committee Amendment "A" (S-51)

Since the Department of Environmental Protection and the Maine Land Use Regulation Commission jointly adopted the administrative regulations for hydropower projects, the amendment requires both the Maine Land Use Regulation Commission and the Department of Environmental Protection to amend their rules. This amendment was not adopted.

LD 746 An Act To Lower the Cost of State Government in the Departments under the Purview of the Joint Standing Committee on Natural Resources

ONTP

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

This bill eliminates the Department of Environmental Protection, Office of Innovation and Assistance and transfers the duties of that office to the Department of Economic and Community Development, Office of Innovation. This bill also eliminates funding for a total of seven positions within the Department of Environmental Protection, five of which are associated with the Office of Innovation and Assistance and two whose duties include serving as legislative liaisons for the department.

LD 759 An Act To Require State-owned Solid Waste Disposal Facilities To Demonstrate a Public Benefit

PUBLIC 348

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

Under current law, a state-owned landfill that was in operation prior to June 1, 2007 or an expansion of that facility is exempt from demonstrating a significant public benefit. The bill removes that exemption.

Enacted Law Summary

Public Law 2009, chapter 348 amends the law that exempts a state-owned landfill that was in operation prior to June 1, 2007 or an expansion of that facility from demonstrating a significant public benefit. Chapter 348 removes that

Joint Standing Committee on Natural Resources

exemption.

LD 760 An Act To Improve Landfill Capacity

PUBLIC 412

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE GOODALL	OTP-AM	H-451 H-520 DUCHESNE

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to increase the availability of landfill space by either conserving capacity in current publicly owned landfills or allowing limited expansion of current privately owned landfills.

Committee Amendment "A" (H-451)

This amendment replaces the bill and it does the following.

Part A makes changes to the laws governing processing facilities that generate residue requiring disposal. Current law requires processing facilities that generate residue requiring disposal to recycle waste accepted at the facility "to the maximum extent practicable," but in no case at a rate less than 50%. Current law also requires the Department of Environmental Protection to adopt major substantive rules relating to processing facility recycling and prohibits the department from enforcing the recycling requirements of the law until the rules defining "to the maximum extent practicable" are in effect. The amendment changes the rules from major substantive to routine technical and removes the provision that prohibits the Department of Environmental Protection from enforcing the recycling requirements until the rules defining "to the maximum extent practicable" are in effect. The amendment also requires the Department of Environmental Protection to submit a report to the Joint Standing Committee on Natural Resources by February 1, 2010 relating to the development and status of the rules that define "to the maximum extent practicable" and authorizes the committee to submit legislation to the Second Regular Session of the 124th Legislature. The amendment also requires the Department of Environmental Protection to adopt rules that define "to the maximum extent practicable" by April 1, 2010.

Part B changes the session at which the Joint Standing Committee on Natural Resources is authorized to report out legislation relating to duties and responsibilities of the Department of Environmental Protection and the Executive Department, State Planning Office regarding solid waste management duties and responsibilities. Current law authorizes the committee to report out legislation to the First Regular Session of the 124th Legislature; the amendment authorizes the committee to report out legislation to the Second Regular Session of the 124th Legislature. The amendment also requires the State Planning Office to conduct a review and assessment of the State's solid waste management policy with a focus on state-owned landfill funding, management and operation and authorizes the Joint Standing Committee on Natural Resources to submit legislation to the Second Regular Session of the 124th Legislature.

Part C amends the law that prohibits expansion of commercial solid waste disposal facilities by authorizing a commercial landfill 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 licensee. Current law requires that the proposed expansion be contiguous with the existing facility and be located on property owned on December 31, 1989 by the licensee or by a corporation or other business entity under common ownership or control with the licensee.

House Amendment "B" To Committee Amendment "A" (H-520)

Joint Standing Committee on Natural Resources

This amendment removes the provision in the committee amendment that authorizes a commercial landfill 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 licensee and instead directs the Executive Department, State Planning Office to include in its study whether the existing law should be amended.

Enacted Law Summary

Public Law 2009, chapter 412 does the following.

Part A makes changes to the laws governing processing facilities that generate residue requiring disposal. Current law requires processing facilities that generate residue requiring disposal to recycle waste accepted at the facility "to the maximum extent practicable," but in no case at a rate less than 50%. Current law also requires the Department of Environmental Protection to adopt major substantive rules relating to processing facility recycling and prohibits the department from enforcing the recycling requirements of the law until the rules defining "to the maximum extent practicable" are in effect. Chapter 412 changes the rules from major substantive to routine technical and removes the provision that prohibits the Department of Environmental Protection from enforcing the recycling requirements until the rules defining "to the maximum extent practicable" are in effect. Chapter 412 also requires the Department of Environmental Protection to submit a report to the Joint Standing Committee on Natural Resources by February 1, 2010 relating to the development and status of the rules that define "to the maximum extent practicable" and authorizes the committee to submit legislation to the Second Regular Session of the 124th Legislature. Chapter 412 also requires the Department of Environmental Protection to adopt rules that define "to the maximum extent practicable" by April 1, 2010.

Part B changes the session at which the Joint Standing Committee on Natural Resources is authorized to report out legislation relating to duties and responsibilities of the Department of Environmental Protection and the Executive Department, State Planning Office regarding solid waste management duties and responsibilities. Current law authorizes the committee to report out legislation to the First Regular Session of the 124th Legislature; chapter 412 authorizes the committee to report out legislation to the Second Regular Session of the 124th Legislature. Chapter 412 also requires the State Planning Office to conduct a review and assessment of the State's solid waste management policy with a focus on state-owned landfill funding, management and operation. The State Planning Office's review must also include whether the current restriction on the expansion of commercial solid waste disposal facilities should be amended to allow a currently existing facility to expand onto contiguous property. The Joint Standing Committee on Natural Resources is authorized to submit legislation to the Second Regular Session of the 124th Legislature.

LD 837 An Act To Protect Maine's Groundwater

ONTP

Sponsor(s)

ADAMS
BOWMAN

Committee Report

ONTP

Amendments Adopted

This bill provides that the people of this State have the same common interest in groundwater as in fresh surface waters. It also provides that groundwater is due all the same protections as fresh surface waters in lakes and streams.

Joint Standing Committee on Natural Resources

LD 860 An Act Relating to Geothermal Heat Exchange Wells

PUBLIC 153

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE GOODALL	OTP-AM	H-177

This bill provides the Maine Water Well Commission, which currently oversees well drillers, well drilling companies, pump installers and pump installation companies, with the oversight of geothermal heat exchange wells and geothermal heat exchange well drillers.

Committee Amendment "A" (H-177)

This amendment adds geothermal heat exchange well pump installers to the provisions of the bill. It directs the Maine Water Well Commission to adopt rules establishing a licensing structure for geothermal heat exchange well drillers and geothermal heat exchange well pump installers. It makes the initial rules major substantive; subsequent rules are routine technical. It directs the Maine Water Well Commission to submit provisionally adopted rules to the Legislature by January 1, 2010 and to submit draft legislation to amend the provisions of the Act if any necessary amendments are identified during the rule-making process. It authorizes the Joint Standing Committee on Natural Resources to submit legislation to the Second Regular Session of the 124th Legislature. It delays the application of the provisions relating to geothermal heat exchange well construction, geothermal heat exchange well pump installation and licensing requirements for geothermal heat exchange well drillers and geothermal heat exchange well pump installers until after the Maine Water Well Commission finally adopts rules.

Enacted Law Summary

Public Law, chapter 153 provides the Maine Water Well Commission, which currently oversees well drillers, well drilling companies, pump installers and pump installation companies, with the oversight of geothermal heat exchange wells, geothermal heat exchange well drillers and geothermal heat exchange well pump installers. It directs the Maine Water Well Commission to adopt rules establishing a licensing structure for geothermal heat exchange well drillers and geothermal heat exchange well pump installers. It makes the initial rules major substantive; subsequent rules are routine technical. It directs the Maine Water Well Commission to submit provisionally adopted rules to the Legislature by January 1, 2010 and to submit draft legislation to amend the provisions of the Act if any necessary amendments are identified during the rule-making process. It authorizes the Joint Standing Committee on Natural Resources to submit legislation to the Second Regular Session of the 124th Legislature. It delays the application of the provisions relating to geothermal heat exchange well construction, geothermal heat exchange well pump installation and licensing requirements for geothermal heat exchange well drillers and geothermal heat exchange well pump installers until after the Maine Water Well Commission finally adopts rules.

LD 861 An Act Concerning Deductibles for Underground Oil Storage Facilities and Tanks

ACCEPTED ONTP
REPORT

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

Joint Standing Committee on Natural Resources

This bill exempts from the conditional deductible requirement all nonconforming underground facilities and tanks that were removed prior to the enactment of the conditional deductible requirement.

Committee Amendment "A" (H-117)

This amendment incorporates a fiscal note. This amendment was not adopted.

LD 871 An Act To Facilitate Compliance with Solid Waste Management Rules

ONTP

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

This bill amends the laws governing solid waste management.

1. It changes from major substantive to routine technical the designation of rules adopted by the Department of Environmental Protection regarding solid waste processing facilities that generate residue requiring disposal.
2. It directs the Department of Environmental Protection to submit, by January 11, 2010, a report to the Joint Standing Committee on Natural Resources regarding rules implementing the Maine Revised Statutes, Title 38, section 1310-N, subsection 5, paragraph B. It also directs the department to investigate recycling technologies and practices as they relate to certain materials.
3. It prohibits issuance of a license for new or expanded solid waste disposal facilities that accept residue from construction and demolition debris recycling until rules are in effect implementing the department's report regarding mandatory recycling standards for all solid waste disposal facilities.
4. It prohibits issuance of a license for new or expanded solid waste disposal facilities until rules are in effect implementing the department's report regarding solid waste odor management.

LD 876 Resolve, To Create a Surrounding Community Advisory Panel for the Juniper Ridge Landfill in Old Town

ONTP

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

This resolve establishes a surrounding community advisory panel for the purpose of making recommendations to the Juniper Ridge Landfill joint citizen advisory committee. The member communities of the panel include the towns of Greenbush, Milford, Bradley, Orono, Glenburn and Hudson and Argyle Township.

Joint Standing Committee on Natural Resources

LD 880 An Act To Improve the Ground Water Oil Clean-up Fund

**ACCEPTED ONTP
REPORT**

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

This bill limits administrative expenses, personal services and equipment costs related to the administration and enforcement of the Ground Water Oil Clean-up Fund to 5 percent of the balance of the fund and requires the Department of Environmental Protection to conduct an annual audit of the administration of the fund to ensure that standard accounting practices are being followed.

Committee Amendment "A" (S-86)

This amendment adds an appropriations and allocations section. This amendment was not adopted.

**LD 891 An Act To Amend the Site Location of Development Laws To Include
Consideration of Greenhouse Gas Emissions**

Carried Over

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

This bill adds a new standard to the laws governing site location of development to allow the Department of Environmental Protection to review and consider the greenhouse gas emissions likely to occur as a result of the project. The bill also provides a related provision concerning mitigation.

LD 891 was carried over to any special or regular session of the 124th Legislature by Joint Order, H.P. 1053.

**LD 956 RESOLUTION, Proposing an Amendment to the Constitution of Maine
To Provide Constitutional Protection to the Funds Generated by the
Regional Greenhouse Gas Initiative**

Carried Over

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

This resolution proposes to amend the Constitution of Maine to ensure that all revenues derived from the Regional Greenhouse Gas Initiative be expended solely to support the goals and implementation of the Regional Greenhouse Gas Initiative.

LD 956 was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

Joint Standing Committee on Natural Resources

LD 973 An Act To Provide for the Safe Collection and Recycling of Mercury-containing Lighting

PUBLIC 272

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY RAYE	OTP-AM MAJ ONTP MIN	H-341

This bill requires each manufacturer of mercury-added lamps to implement a mercury-added lamp recycling program for the recycling of the mercury-added lamps sold or distributed in the State for household use. It authorizes the Department of Environmental Protection to adopt mercury content standards established for lamps sold in the European Union pursuant to the RoHS directive. It directs the Department of Administrative and Financial Services to prefer lamps with the lowest possible mercury content when making purchasing decisions. It requires the Department of Environmental Protection to submit a report by January 1, 2010 to the Joint Standing Committee on Natural Resources on the recycling of mercury-added lamps from businesses, and it authorizes the committee to submit legislation to implement the recommendations in the report.

Committee Amendment "A" (H-341)

This amendment amends the provisions in the bill relating to adoption of mercury standards by the Department of Environmental Protection by requiring the department to establish standards based on California standards instead of standards established for lamps sold in the European Union. It amends the requirement relating to mercury-added lamp purchasing by the Department of Administrative and Financial Services. It amends the definition of "manufacturer" and adds a definition of "municipal collection site." It amends the provisions relating to mercury-added lamp manufacturer recycling programs by:

1. Requiring that each manufacturer of mercury-added lamps sold or distributed for household use in the State on or after January 1, 2001 implement a recycling program;
2. Requiring manufacturer recycling programs to include municipal collection sites; and
3. Removing the establishment of a 75 percent recycling goal.

The amendment clarifies that motor vehicles and watercraft are not subject to the requirements of the law. It requires the Department of Environmental Protection to submit a report by January 1, 2010 to the Joint Standing Committee on Natural Resources on the recycling of mercury-added lamps from households, and it authorizes the committee to submit legislation to implement the recommendations in the report.

Enacted Law Summary

Public Law 2009, chapter 272 requires each manufacturer of mercury-added lamps to implement a mercury-added lamp recycling program for the recycling of the mercury-added lamps sold or distributed in the State for household use. It directs the Department of Environmental Protection to establish mercury content standards for lamps based on California standards. It directs the Department of Administrative and Financial Services to make purchasing decisions that favor models at comparable cost with high energy efficiency, lower mercury content and longer lamp life. It requires the Department of Environmental Protection to submit a report by January 1, 2010 to the Joint Standing Committee on Natural Resources on the recycling of mercury-added lamps from households, and it authorizes the committee to submit legislation to implement the recommendations in the report. It requires the Department of Environmental Protection to submit a report by January 1, 2010 to the Joint Standing Committee on Natural Resources on the recycling of mercury-added lamps from businesses, and it authorizes the committee to submit legislation to implement the recommendations in the report.

Joint Standing Committee on Natural Resources

**LD 986 An Act To Protect the Public Health and the Environment by
Prohibiting the Sale of Wheel Weights Containing Lead or Mercury**

PUBLIC 125

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-91

This bill prohibits the sale of wheel weights that are made with lead or mercury.

Committee Amendment "A" (S-91)

This amendment replaces the bill. Under the amendment:

1. Beginning January 1, 2011, the use of lead or mercury wheel weights is prohibited when replacing or balancing a tire on a vehicle required to be registered in the State; and
2. Beginning January 1, 2011, the sale of lead or mercury wheel weights is prohibited, except that new motor vehicles equipped with lead or mercury wheel weights may be sold until January 1, 2012.

Enacted Law Summary

Public Law 2009, chapter 125 provides that:

1. Beginning January 1, 2011, the use of lead or mercury wheel weights is prohibited when replacing or balancing a tire on a vehicle required to be registered in the State; and
2. Beginning January 1, 2011, the sale of lead or mercury wheel weights is prohibited, except that new motor vehicles equipped with lead or mercury wheel weights may be sold until January 1, 2012.

LD 991 An Act To Create a Statute of Limitations for Oil Discharge Violations

**ACCEPTED ONTP
REPORT**

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

This bill requires an enforcement action for a violation of the oil discharge laws to be brought by the Department of Environmental Protection or the Attorney General within 3 years of the date the violation is reported to the Department of Environmental Protection.

Committee Amendment "A" (H-98)

This amendment incorporates a fiscal note. This amendment was not adopted.

Joint Standing Committee on Natural Resources

LD 1010 Resolve, To Require the Department of Environmental Protection To Review Emerging Technologies and the Laws Regarding Incinerators

RESOLVE 57

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONNOR	OTP-AM	H-178

This resolve requires the Department of Environmental Protection to review its rules regarding incinerators and evaluate whether the rules advance sustainable energy and waste-to-energy efforts. The resolve requires the department to submit a report based on the review and rules as necessary to advance those efforts. The resolve also allows the department to submit legislation based on the review.

Committee Amendment "A" (H-178)

This amendment replaces the resolve. It directs the Department of Environmental Protection to review whether facilities using emerging waste-to-energy technologies that provide environmental and energy benefits should be excluded from the statutory ban on the establishment of new commercial incinerators. The department is required to establish a task force to advise the department on matters relating to the review. The department is required to submit a report on its review to the Joint Standing Committee on Natural Resources, and the committee is authorized to submit legislation related to the report.

Enacted Law Summary

Resolve 2009, chapter 57 directs the Department of Environmental Protection to review whether facilities using emerging waste-to-energy technologies that provide environmental and energy benefits should be excluded from the statutory ban on the establishment of new commercial incinerators. The department is required to establish a task force to advise the department on matters relating to the review. The department is required to submit a report on its review to the Joint Standing Committee on Natural Resources, and the committee is authorized to submit legislation related to the report.

LD 1011 An Act To Improve Solid Waste Disposal Quality

ONTP

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

This bill prohibits a solid waste disposal facility from landfilling or incinerating solid waste if the waste has not been sorted in accordance with rules adopted by the Department of Environmental Protection. It also prohibits the transport of solid waste from a solid waste disposal facility if the waste has not been tested in accordance with department rules.

Joint Standing Committee on Natural Resources

LD 1017 Resolve, To Improve Recycling in Maine

ONTP

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

This resolve directs the Department of Agriculture, Food and Rural Resources to examine the scope of recycling in this State and the feasibility of making recycling more comprehensive. The costs of this study must be paid by using funds from unclaimed deposits on beverage containers transferred to the State pursuant to the Maine Revised Statutes, Title 32, section 1866-E in an amount not to exceed 2 percent of such funds transferred to the State in fiscal year 2008-09. The department shall report the results of its study to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than December 2, 2009. The Joint Standing Committee on Agriculture, Conservation and Forestry may introduce legislation related to the report to the Second Regular Session of the 124th Legislature.

LD 1026 An Act Concerning Mercury-added Button Cell Batteries

PUBLIC 86

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

This bill implements the recommendations of the Department of Environmental Protection in its report to the Legislature pursuant to Public Law 2005, chapter 509. The bill amends the ban on the sale of mercury-added button cell batteries.

Enacted Law Summary

Public Law 2009, chapter 86 implements the recommendations of the Department of Environmental Protection in its report to the Legislature pursuant to Public Law 2005, chapter 509. The bill amends the ban on the sale of mercury-added button cell batteries.

LD 1032 An Act To Ensure That Maine's Electronic Waste Collection and Recycling System Is Self-funded

ONTP

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

This bill amends the laws governing the collection and recycling of electronic waste to require manufacturers of computer monitors and televisions to register with the Department of Environmental Protection and pay an annual registration fee of \$5,000.

Joint Standing Committee on Natural Resources

LD 1042 An Act To Continue To Reduce Mercury Use and Emissions

PUBLIC 277

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM	H-346

This bill clarifies the definition of the term "mercury switch" as used in the law on mercury-added products. The bill bans the sale of devices used to balance motor vehicle wheels and devices used to reduce recoil when discharging firearms if the devices contain mercury. The bill amends the law governing removal of mercury switches from motor vehicles to give automakers flexibility in the design of systems put in place to collect mercury switches from automobile recyclers and junkyard operators who are required by law to remove the switches. The bill also eliminates the need to record the 17-digit vehicle identification number as a prerequisite to payment of the switch bounty. Automakers will be required to pay a minimum of \$4 for each switch delivered to them for recycling whether or not the vehicle identification number of the source vehicle is provided. The bill consolidates the law banning the sale of mercury thermostats with the law that requires manufacturers to establish a program to collect and recycle mercury thermostats placed in service before the ban. The bill amends the law on collection and recycling of mercury thermostats to:

1. Limit the applicability of the manufacturer collection requirement by defining "manufacturer" to exclude persons whose brand or label appears on the thermostat if the thermostat was manufactured by someone else;
2. Require manufacturers of mercury thermostats to submit a quarterly report on the number of thermostats and amount of mercury collected to the Department of Environmental Protection;
3. Require manufacturers to implement an education and outreach plan approved by the Department of Environmental Protection and to annually submit a proposed plan to the department for review; and
4. Expand the collection and recycling program to include retailers who volunteer to participate.

Committee Amendment "A" (H-346)

This amendment removes the sections of the bill that ban the sale of mercury-added recoil reduction devices and wheel balancing products. The amendment removes the provision in the bill that proposed to change the requirement that a vehicle identification number must be provided in order to receive payment under the automobile mercury switch recycling program. The amendment makes the following changes to the proposals to amend the law on the collection and recycling of mercury thermostats.

1. It amends the definition of "manufacturer" and adds a definition of "wholesaler."
2. It authorizes a one-time fee not to exceed \$25 for bins for mercury-added thermostat collection.
3. It amends the annual report requirements.
4. It amends the quarterly reporting requirements.
5. It removes the required education and outreach plan.
6. It authorizes a manufacturer to terminate a retailer's participation in the collection program after two written notices. The bill proposed termination after three written notices.

Joint Standing Committee on Natural Resources

Enacted Law Summary

Public Law 2009, chapter 277 clarifies the definition of the term "mercury switch" as used in the law on mercury-added products. It amends the law governing removal of mercury switches from motor vehicles to give automakers flexibility in the design of systems put in place to collect mercury switches from automobile recyclers and junkyard operators who are required by law to remove the switches. It consolidates the law banning the sale of mercury thermostats with the law that requires manufacturers to establish a program to collect and recycle mercury thermostats placed in service before the ban. It amends the law on collection and recycling of mercury thermostats.

LD 1051 An Act To Encourage Tire Recycling

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish a system to assist with the proper disposal of tires. The bill would impose a deposit, paid by the consumer, on a new tire sold to the consumer. Upon returning the tire to a municipal recycling center or authorized tire dealership, the consumer would be refunded the deposit.

LD 1134 An Act Regarding the Maximum Fee for Processing an Environmental License Application

**PUBLIC 160
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-155

This bill implements the recommendations of the Department of Environmental Protection in its report to the Legislature pursuant to Public Law 2007, chapter 655. The bill provides that fees associated with an application processed by the Department of Environmental Protection may not exceed \$250,000.

Committee Amendment "A" (H-155)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2009, chapter 160 implements the recommendations of the Department of Environmental Protection in its report to the Legislature pursuant to Public Law 2007, chapter 655. The bill provides that fees associated with an application processed by the Department of Environmental Protection may not exceed \$250,000.

Public Law 2009, chapter 160 was enacted as an emergency measure effective September 1, 2009.

Joint Standing Committee on Natural Resources

LD 1156 An Act To Amend the Laws Governing the Recycling of Televisions

PUBLIC 231

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	S-170

This bill changes the basis for television manufacturers' responsibility for recycling televisions to a market share basis. It assigns the cost of the program among television manufacturers on a sliding scale based on the number of televisions each manufacturer sells compared to all televisions recycled.

Committee Amendment "A" (S-170)

This amendment clarifies how the market share basis of television manufacturers will be determined. It clarifies that the costs of the television recycling program will be allocated on a basis proportional to the manufacturer's national market share. It authorizes the Department of Environmental Protection to deem a television manufacturer's market share to be de minimus if the market share is less than 1/10 of 1 percent. If the department deems market shares to be de minimus, those market shares must be proportionally allocated to other television manufacturers. It requires the department to annually provide television manufacturers and consolidators with a listing of each manufacturer's proportional market share. It directs the department to conduct a review of the costs of the State's household electronic waste recycling program and of manufacturer responsibility programs in other states and authorizes the Joint Standing Committee on Natural Resources to submit legislation related to the report to the Second Regular Session of the 124th Legislature. This amendment establishes an effective date for those sections of the bill that amend the laws governing the recycling of televisions.

Enacted Law Summary

Public Law 2009, chapter 231 changes the basis for television manufacturers' responsibility for recycling televisions to a market share basis. The costs of the television recycling program will be allocated on a basis proportional to the manufacturer's national market share. Chapter 231 directs the Department of Environmental Protection to conduct a review of the costs of the State's household electronic waste recycling program and of manufacturer responsibility programs in other states and authorizes the Joint Standing Committee on Natural Resources to submit legislation related to the report to the Second Regular Session of the 124th Legislature.

LD 1171 An Act To Amend the Laws Governing Outdoor Wood Boilers

PUBLIC 209

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE SIMPSON	OTP-AM	H-228

This bill amends the definition of "outdoor wood boiler." It eliminates a deadline associated with the Outdoor Wood Boiler Fund. It directs the Department of Environmental Protection to amend the department's rules regarding outdoor wood boilers by:

1. Changing the qualifications for those who may prepare an evaluation, a report and installation recommendations;
2. Amending the definition of "commercial outdoor wood boiler"; and

Joint Standing Committee on Natural Resources

3. Establishing a voluntary technology-forcing particulate emission limit as an incentive to manufacturers to produce cleaner-burning units and to allow reduced setbacks for those units.

Committee Amendment "A" (H-228)

This amendment changes the title of the bill. It amends the definition of "outdoor wood boiler" to include fuel burning devices that use hot air instead of circulating hot water. It allows an outdoor wood boiler meeting a particulate matter emission limit of 0.06 pounds per million British Thermal Units heat output to avoid any setback requirement as long as it meets the stack height requirements for boilers meeting the emission standard that takes effect April 1, 2010. It clarifies that the change in the bill relating to obtaining an evaluation, a report and installation recommendations applies only to commercial outdoor wood boilers and it corrects a professional title. It directs the Department of Environmental Protection to amend its rules to allow a person who upgrades or replaces a nuisance outdoor wood boiler when money is not available from the Outdoor Wood Boiler Fund to be eligible for reimbursement from the fund when money is available.

Enacted Law Summary

Public Law 2009, chapter 209 amends the definition of "outdoor wood boiler." It eliminates a deadline associated with the Outdoor Wood Boiler Fund. It allows an outdoor wood boiler meeting a particulate matter emission limit of 0.06 pounds per million British Thermal Units heat output to avoid any setback requirement as long as it meets the stack height requirements for boilers meeting the emission standard that takes effect April 1, 2010. It directs the Department of Environmental Protection to amend the department's rules regarding outdoor wood boilers by:

1. Changing the qualifications for those who may prepare an evaluation, a report and installation recommendations in connection with commercial outdoor wood boilers;
2. Amending the definition of "commercial outdoor wood boiler"; and
3. Allowing a person who upgrades or replaces a nuisance outdoor wood boiler when money is not available from the Outdoor Wood Boiler Fund to be eligible for reimbursement from the fund when money is available.

LD 1218 An Act To Allow Barrier Fences To Be Erected To Protect Homes from Coastal Storms

**ACCEPTED ONTP
REPORT**

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

This bill allows an owner of a residential property to construct, repair or replace a permanent barrier to protect the property from a natural disaster, occurrence or event.

Committee Amendment "A" (S-226)

This amendment replaces the bill. The amendment authorizes the Department of Environmental Protection to issue a permit to construct, repair or replace a year-round barrier in a coastal sand dune system behind an existing seawall in a residential developed area. This amendment was not adopted.

Joint Standing Committee on Natural Resources

**LD 1267 An Act To Establish a Groundwater Withdrawal Program and To
Recognize Groundwater as a Public Trust Resource**

ONTP

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

This bill is based on Vermont law. It declares the State's groundwater to be a public trust resource. It sets up reporting and permitting requirements for large groundwater withdrawals and repeals current Maine law regarding reporting of groundwater withdrawals and permitting of significant groundwater wells. It requires site law review for certain groundwater withdrawals of more than 340,000 gallons per day.

LD 1268 An Act To Update the Site Location of Development Laws

PUBLIC 293

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE	OTP-AM	H-339

This bill changes the site location of development laws in the following ways.

It eliminates the definition of "significant ground water aquifer. It eliminates the exceptions for a lot of 40 or more acres in the definition of "subdivision." It changes the exception for a sale or lease of a lot to an abutter in the definition of "subdivision" by clarifying that the lot may not be further divided or transferred within a 5-year period, except as otherwise provided. It changes the exception for a common lot created with a conservation easement in the definition of "subdivision." It removes the requirement that the lot be a common lot and adds the requirement that the conservation easement be approved by the Department of Environmental Protection. It adds a provision specifying the minimal planning requirements that must be met for a permit to be approved by the department. It changes the groundwater standard by changing a requirement to avoid an unreasonable risk of discharge to a significant ground water aquifer to a requirement to avoid an unreasonable risk of discharge to groundwater. It provides that the Department of Environmental Protection may require a bond or such other security if the department determines that a proposed development will present an unacceptable risk of unreasonable impacts to the natural environment or existing uses without such security. It makes several changes to a provision addressing approval of future development sites to refocus it on long-term construction projects. It authorizes the Department of Environmental Protection to issue a general permit for all or a subclass of developments constructed or caused to be constructed or operated or caused to be operated by the Department of Transportation that require approval under the site location of development laws. It eliminates the low-density subdivision exemption and corrects cross-references to that law. It adds a one-time reporting requirement concerning provisions in the site location and development laws and storm water management laws that provide for the registration of municipalities for the authority to substitute local permits for state permits and exempt developments or projects from permitting or specified standards within certain municipalities or portions of municipalities. The Joint Standing Committee on Natural Resources is authorized to submit legislation relating to the report to the Second Regular Session of the 124th Legislature.

Committee Amendment "A" (H-339)

This amendment does the following.

Joint Standing Committee on Natural Resources

1. The amendment strikes the provisions in the bill that:
 - A. Eliminated the definition of "significant ground water aquifer" and changed the groundwater standard;
 - B. Eliminated the exceptions for a lot of 40 or more acres in the definition of "subdivision";
 - C. Changed the exception for a sale or lease of a lot to an abutter in the definition of "subdivision";
 - D. Changed the exception for a common lot created with a conservation easement in the definition of "subdivision";
 - E. Eliminated the low-density subdivision exemption;
 - F. Authorized the Department of Environmental Protection to require a bond or other security for proposed development; and
 - G. Prohibited the Department of Environmental Protection from approving development permits unless the development is located or designed as described in the bill.
2. The amendment also authorizes the Department of Environmental Protection to issue a general permit for developments constructed by the Maine Turnpike Authority and amends the laws relating to quarries and gravel pits to allow excavation to occur in protected areas as long as a Natural Resources Protection Act permit is obtained.
3. The amendment retains the provisions of the bill that:
 - A. Relate to long-term construction projects;
 - B. Authorize the Department of Environmental Protection to issue a general permit for developments constructed by the Department of Transportation;
 - C. Require a one-time report from the Department of Environmental Protection relating to provisions in the storm water management laws and the site location of development laws that provide for the registration of municipalities for authority to substitute local permits for state permits; and
 - D. Make technical corrections.

Enacted Law Summary

Public Law 2009, chapter 293 authorizes the Department of Environmental Protection to issue a general permit for developments constructed by the Department of Transportation or the Maine Turnpike Authority that require approval under the site location of development law. It amends the laws relating to quarries and gravel pits to allow excavation to occur in protected areas as long as a Natural Resources Protection Act permit is obtained. It makes changes to a provision addressing approval of future development sites to refocus it on long-term construction projects. It requires a one-time report from the Department of Environmental Protection relating to provisions in the storm water management laws and the site location of development laws that provide for the registration of municipalities for authority to substitute local permits for state permits and it authorizes the Joint Standing Committee on Natural Resources to submit legislation relating to the report.

Joint Standing Committee on Natural Resources

LD 1269 An Act To Clarify the Laws Regarding Significant Groundwater Wells

PUBLIC 295

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL SIMPSON	OTP-AM	H-340

This bill clarifies that the definition of "significant groundwater well" in the Natural Resources Protection Act includes public water systems or portions of public water systems that bottle water for sale or provide water to be bottled for sale as determined by the Department of Environmental Protection. The bill also adds dewatering of a mining operation to the definition of "significant groundwater well." The bill also clarifies three unallocated law provisions that address transition language and rule-making requirements concerning public information meetings and fees and a fee schedule intended to support independent assessment of monitoring information.

Committee Amendment "A" (H-340)

This amendment replaces the bill. The amendment amends the definition of "significant groundwater well" by:

1. Excluding withdrawals of water for preoperational capacity testing from the determination of whether or not the significant groundwater thresholds have been met; and
2. Clarifying when a public water system qualifies as a significant groundwater well.

The amendment also clarifies the changes to three unallocated law provisions that address transition language and rule-making requirements concerning public information meetings and fees intended to support independent assessment of monitoring information.

Enacted Law Summary

Public Law 2009, chapter 295 amends the definition of "significant groundwater well" in the Natural Resources Protection Act. It also clarifies three unallocated law provisions that address transition language and rule-making requirements concerning public information meetings and fees intended to support independent assessment of monitoring information.

LD 1282 An Act To Protect and Enhance Maine Marine Fisheries

ONTP

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

This bill:

1. Specifies that the Department of Environmental Protection may issue water quality certification for a dam used to generate hydroelectric power only if the dam provides safe and effective passage for all diadromous fish indigenous to the body of water on which the dam is located;
2. Provides that, for every day a safe and effective passage is not in effect, the owner of the dam may be fined not

Joint Standing Committee on Natural Resources

less than \$1,000;

3. Authorizes the commencement of a civil action against any person, including any governmental instrumentality or agency, who is alleged to be in violation of the requirement for dams to provide safe and effective passage for all diadromous fish and authorizes a fine of up to \$10,000 per day per violation;
4. Expands the grounds for which the Board of Environmental Protection may modify, revoke or suspend a license to include that the licensed discharge or activity is causing a violation of the water quality classification system;
5. Authorizes a person to petition the Board of Environmental Protection to modify, revoke or suspend a license; and
6. Directs the Board of Environmental Protection to modify the water quality certification of dams used to generate hydroelectric power in the State to condition water quality certification on the agreement by the dam to provide safe and effective passage for all diadromous fish species indigenous to the body of water on which the dam is located, and within the historic ranges of those fish species, and to submit a license amendment application to the Federal Energy Regulatory Commission to incorporate that condition into the federal operating license for the dam.

**LD 1310 Resolve, Relating to a Review of International Trade Agreements and
the Management of Groundwater Resources**

**RESOLVE 132
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER SHERMAN	OTP-AM	H-434

This resolve establishes a commission to study the legal and policy implications of groundwater extraction in the State and to recommend any changes to state law necessary to balance the State's interest in protecting the public good and maintaining jurisdictional control over environmental impacts with protecting the rights of property owners.

Committee Amendment "A" (H-434)

This amendment replaces the resolve and changes the title. The amendment directs the Water Resources Planning Committee of the Land and Water Resources Council, in coordination with the Office of the Attorney General and the Citizen Trade Policy Commission, to conduct an examination of the potential legal impacts of international trade agreements on the State's ability to manage its groundwater resources. The examination may include a review and assessment of property rights related to the ownership of groundwater, the various common law doctrines relating to groundwater and issues related to natural resources other than groundwater, as those subjects relate to or impact international trade agreement issues. The amendment authorizes outside funding accepted by the Citizen Trade Policy Commission, pursuant to its current statutory authority to accept outside funding, to be used to contract with experts in the field of international trade agreements. The amendment requires the Water Resources Planning Committee, in coordination with the Office of the Attorney General and the Citizen Trade Policy Commission, to submit a report related to the review to the Joint Standing Committee on Natural Resources by January 1, 2010, and the committee is authorized to report out legislation to the Second Regular Session of the 124th Legislature. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Resolve 2009, chapter 132 directs the Water Resources Planning Committee of the Land and Water Resources Council, in coordination with the Office of the Attorney General and the Citizen Trade Policy Commission, to conduct an examination of the potential legal impacts of international trade agreements on the State's ability to manage its groundwater resources. The examination may include a review and assessment of property rights related

Joint Standing Committee on Natural Resources

to the ownership of groundwater, the various common law doctrines relating to groundwater and issues related to natural resources other than groundwater, as those subjects relate to or impact international trade agreement issues. Chapter 132 authorizes outside funding accepted by the Citizen Trade Policy Commission, pursuant to its current statutory authority to accept outside funding, to be used to contract with experts in the field of international trade agreements. Chapter 132 requires the Water Resources Planning Committee, in coordination with the Office of the Attorney General and the Citizen Trade Policy Commission, to submit a report related to the review to the Joint Standing Committee on Natural Resources by January 1, 2010, and the committee is authorized to report out legislation to the Second Regular Session of the 124th Legislature.

Resolve 2009, chapter 132 was finally passed as an emergency measure effective June 15, 2009.

LD 1311 An Act To Enable Municipal Assistance for Purposes of Protecting or Restoring Public Waters

PUBLIC 225

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE GOODALL	OTP-AM	H-263

This bill allows a municipality to repair a private road, way or bridge for a fee or through the expenditure of public funds to protect the water quality of a great pond if the following criteria are met:

1. The private road, way or bridge is in the watershed of the great pond;
2. The great pond is listed by the Department of Environmental Protection as a body of water most at risk or as impaired in a report to the United States Environmental Protection Agency or the department identifies the great pond as having threats to its water quality in a watershed survey;
3. The Department of Environmental Protection or the municipality determines the private road, way or bridge is contributing to the degradation of the great pond's water quality;
4. The repair complies with best management practices as required by the Department of Environmental Protection; and
5. The private road, way or bridge is maintained by a statutorily established road association.

Committee Amendment "A" (H-263)

This amendment removes the provision in the bill authorizing a municipality to repair a private road, way or bridge for a fee to protect the water quality of a great pond.

Enacted Law Summary

Public Law 2009, chapter 225 allows a municipality to repair a private road, way or bridge through the expenditure of public funds to protect the water quality of a great pond if the following criteria are met:

1. The private road, way or bridge is in the watershed of the great pond;
2. The great pond is listed by the Department of Environmental Protection as a body of water most at risk or as impaired in a report to the United States Environmental Protection Agency or the department identifies the great pond as having threats to its water quality in a watershed survey;
3. The Department of Environmental Protection or the municipality determines the private road, way or bridge is

Joint Standing Committee on Natural Resources

contributing to the degradation of the great pond's water quality;

4. The repair complies with best management practices as required by the Department of Environmental Protection; and
5. The private road, way or bridge is maintained by a statutorily established road association.

**LD 1332 An Act To Continue Coverage of Oil Clean-up Costs and Improve
Administration of the Ground Water Oil Clean-up Fund**

PUBLIC 319

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE	OTP-AM	H-360

This bill does the following.

1. It eliminates the December 31, 2010 sunset date on the provisions of law that insure owners and operators of oil storage tanks against the costs of cleaning up tank leaks and authorize the department to pay those costs, up to \$1,000,000 per incident, from the Ground Water Oil Clean-up Fund.
2. It repeals the provisions of law that are due to take effect on the sunset date of the Ground Water Oil Clean-up Fund.
3. It requires the Board of Environmental Protection to adopt rules establishing a training program for operators of underground oil storage facilities used to store motor fuel or used in the marketing and distribution of oil.
4. It requires persons in the business of delivering oil to storage tanks to conduct employee training.
5. It authorizes the use of restrictive covenants and other land use controls to minimize the risk of human exposure to residual contamination on property that has suffered an oil discharge.
6. It makes costs incurred to implement a voluntary response action plan, in which a person agrees to clean up oil contamination at that person's own expense in exchange for protection from liability, ineligible for coverage by the Ground Water Oil Clean-up Fund.
7. It requires the Commissioner of Environmental Protection to seek repayment of disbursements from the Ground Water Oil Clean-up Fund from responsible parties who are not eligible for coverage under the fund.
8. It authorizes the Department of Environmental Protection to seek recovery of personnel and equipment costs incurred by the department in responding to a discharge of oil.
9. It requires aboveground oil storage facilities that have been out of service for more than 12 months to be abandoned in accordance with rules adopted by the Board of Environmental Protection.

Committee Amendment "A" (H-360)

This amendment makes the following changes to the bill.

1. It extends the sunset date of the Ground Water Oil Clean-up Fund to December 31, 2015.
2. It strikes the provision in the bill that proposes to require oil delivery companies to train their drivers in proper

Joint Standing Committee on Natural Resources

procedures for spill prevention, reporting and containment.

3. It strikes the provision in the bill that proposes to make costs incurred to implement a voluntary response action plan ineligible for coverage by the fund.
4. It strikes the provision in the bill that authorizes disbursements from the fund for personnel and equipment costs incurred in responding to and the removal of a discharge of oil if the costs are not paid by a responsible party.
5. It amends the bill to remove the proposed language relating to recovery by the Department of Environmental Protection of fund disbursements. This amendment also makes a technical correction to the format of the law governing liability for fund disbursements. The amendment repeals the current and future versions of the law and the confusing effective date provisions. This amendment enacts the same language in a manner that clarifies the effective date of each provision of law.
6. It strikes the provisions in the bill relating to the abandonment of aboveground oil storage tanks.
7. It adds a requirement for the Department of Environmental Protection to review the current framework for funding investigations and the cleanup of tank-related oil discharges at voluntary response action program sites and sites contaminated by discharges during the delivery of oil to an oil storage facility.
8. It adds an appropriations and allocations section.

The amendment retains the provisions in the bill that:

1. Amend definitions;
2. Require the Board of Environmental Protection to adopt rules requiring operators of underground oil storage tanks used to store motor fuel or used in the marketing and distribution of oil to others to complete a department training program;
3. Authorize the use of restrictive covenants and other land use controls to minimize the risk of human exposure to residual contamination on property that has suffered an oil discharge; and
4. Deny coverage to a motor carrier for a discharge during the off-loading or on-loading of oil from or to a motor vehicle used to transport oil.

Enacted Law Summary

Public Law 2009, chapter 319 does the following.

1. It extends the sunset date of the Ground Water Oil Clean-up Fund to December 31, 2015.
2. It authorizes the use of restrictive covenants and other land use controls to minimize the risk of human exposure to residual contamination on property that has suffered an oil discharge.
3. It requires the Board of Environmental Protection to adopt rules requiring operators of underground oil storage tanks used to store motor fuel or used in the marketing and distribution of oil to others to complete a department training program.
4. It denies coverage by the Ground Water Oil Clean-up Fund to a motor carrier for a discharge during the off-loading or on-loading of oil from or to a motor vehicle used to transport oil.
5. It requires the Department of Environmental Protection to review and submit a report on the current framework

Joint Standing Committee on Natural Resources

for funding investigations and the cleanup of tank-related oil discharges at voluntary response action program sites and sites contaminated by discharges during the delivery of oil to an oil storage facility. The Joint Standing Committee on Natural Resources is authorized to report out legislation related to the report.

6. It makes a technical correction to the format of the law governing liability for fund disbursements by repealing the current and future versions of the law and the confusing effective date provisions. It enacts the same language in a manner that clarifies the effective date of each provision of law.

LD 1333 **An Act To Ensure that Replacement Culverts Permit Fish Passage**

PUBLIC 460

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE MITCHELL E	OTP-AM MAJ OTP-AM MIN	H-514 S-348 GOODALL

Part A of this bill creates the Climate and Energy Planning Act of 2009, which:

1. Requires analysis of the climate effects on and resulting from state planning decisions;
2. Requires the analysis to be made available for public review and comment;
3. Requires state planning decisions to be consistent with the State's greenhouse gas emission reduction goals as established in the Maine Revised Statutes, Title 38, section 576;
4. Requires that after adoption of relevant major substantive rules by the Department of Environmental Protection the department undertake the same analysis and ensure the same consistency with the State's greenhouse gas emission goals when evaluating applications for and issuing licenses, permits or other approvals for developments or subdivisions subject to Title 38, section 483-A, waste discharges subject to Title 38, section 413, air emissions subject to Title 38, section 590 and discharges subject to state certification under the federal Clean Water Act, 33 United States Code, Section 1341. The department is directed to propose to the Legislature a fee schedule to cover its costs in administering this requirement; and
5. Allows the department to establish waivers from the otherwise applicable requirements of the Climate and Energy Planning Act of 2009 and requires the department to establish a list of qualified greenhouse gas emission reduction measures that demonstrably reduce the greenhouse gas emissions resulting from projects and activities expected to be subject to the requirements of the Act.

Part B of this bill:

1. Adds attainment of the state greenhouse gas emission reduction goals set out in the Maine Revised Statutes, Title 38, section 576 to the purposes and goals of the growth management program;
2. Adds attainment of the state greenhouse gas emission reduction goals set out in Title 38, section 576 to the purposes of the laws governing the Maine Land Use Regulation Commission and requires that development and amendment of land use districts and standards be consistent with the Climate and Energy Planning Act of 2009. It also requires the commission to review the effects of increased traffic on private roads when reviewing permit applications for developments of residential subdivisions. It also amends the definition of "subdivision" in management districts and protection districts in the unorganized townships;

Joint Standing Committee on Natural Resources

3. Amends the Natural Resources Protection Act permit exception for the maintenance and repair of stream crossings to ensure the activities eligible for the exception achieve natural stream flows and provide for the passage of aquatic organisms. It also limits the Natural Resources Protection Act permit exception for the maintenance and repair of existing road culverts in protected natural resource areas to ensure that natural stream flows are achieved and the passage of aquatic organisms is not blocked;
4. Authorizes the Department of Transportation to acquire rights-of-way for construction of bicycle and pedestrian ways that are not adjacent to existing highway rights-of-way. In addition, it requires state, regional and local decisions regarding transportation planning, projects and facilities to include full consideration of bicycle and pedestrian ways and intermodal connections to public transit systems and requires that the final plans, projects and facilities include bicycle and pedestrian ways and intermodal connections as appropriate, unless there is no need for such ways or connections or they would conflict with public safety or involve excessive costs;
5. Requires the Maine Land Use Regulation Commission and the Department of Conservation, Maine Forest Service to review and update their rules, standards, practices and guidelines for road construction to reflect current best practices to facilitate passage of aquatic and terrestrial organisms;
6. Requires the Department of Environmental Protection to amend its rules, Chapter 305, Permit by Rule, to require municipalities to achieve natural stream flow and facilitate passage of aquatic organisms when repairing or maintaining roads and stream crossings; and
7. Requires the Executive Department, State Planning Office to review and update its rules, standards and guidelines governing local and regional planning activities to incorporate best practices to reduce the climate change effects on and resulting from those activities.

Committee Amendment "A" (H-514)

This amendment is the majority report of the Joint Standing Committee on Natural Resources. The amendment strikes the provisions in the bill that require reviews of climate effects in state planning and project decisions and replaces those provisions with a requirement for state authorities to establish policies and guidelines to lower overall energy use, lessen the State's reliance on fossil fuels and reduce greenhouse gas emissions and a requirement that state authorities incorporate energy criteria in planning and long-term project decisions. The amendment strikes the provisions in the bill that require review of climate effects in state licensing decisions and replaces those provisions with a requirement that developments in the organized areas of the State that are subject to approval under the site location of development law and developments in the unorganized territories that would be subject to the site location of development law if the development was in an organized area of the State may not result in or contribute to unreasonable emissions of greenhouse gases, and it requires the Department of Environmental Protection and the Maine Land Use Regulation Commission to adopt major substantive rules. It authorizes the establishment of a mitigation compensation fund. The amendment requires the Department of Environmental Protection and the Maine Land Use Regulation Commission to submit an interim report by January 7, 2010 and final reports by January 7, 2011 related to the major substantive rulemaking. This amendment adds an appropriations and allocations section to the bill.

The amendment retains, with changes, provisions in the bill that:

1. Add the protection of state resources from climate change to the goals of the growth management program;
2. Amend exceptions in the Natural Resources Protection Act for the maintenance and repair of stream crossings and of existing road culverts; and
3. Require the Department of Environmental Protection to amend its rules to require municipalities to achieve natural stream flow and upstream and downstream passage of aquatic organisms when repairing or maintaining roads and stream crossings.

Joint Standing Committee on Natural Resources

Committee Amendment "B" (H-515)

This amendment is the minority report of the Joint Standing Committee on Natural Resources. The amendment replaces the bill. The amendment requires state authorities to establish policies and guidelines to lower energy use, lessen the State's reliance on fossil fuels and reduce greenhouse gas emissions associated with state-owned buildings. The amendment requires the Department of Environmental Protection to submit a report on the policies and guidelines established by state authorities to the joint standing committee of the Legislature having jurisdiction over natural resources matters every 4 years. The amendment also establishes a stakeholder group to evaluate measures available to Maine people and businesses to reduce reliance on fossil fuels, to stabilize and reduce greenhouse gas emissions and to incorporate the measures into land use and licensing for private development. This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-348)

This amendment strikes out all of Committee Amendment "A" except the part that amends the exceptions in the Natural Resources Protection Act for the maintenance and repair of stream crossings and of existing road culverts and clarifies that the provisions apply only to water courses containing fish. The amendment also specifies that forestry management activities are exempted from the new standards.

Enacted Law Summary

Public Law 2009, chapter 460 amends the Natural Resources Protection Act permit exceptions for the maintenance and repair of stream crossings and for the maintenance and repair of existing road culverts to require that natural stream flows are achieved and the passage of aquatic organisms is not blocked. It clarifies that the provisions apply only to water courses containing fish. It requires the Department of Environmental Protection to amend its rules to require municipalities to achieve natural stream flow and upstream and downstream passage of aquatic organisms when repairing or maintaining roads and stream crossings and clarifies that the rule changes apply only to water courses containing fish. It provides that rules adopted pursuant to or to implement provisions of the Act are major substantive rules that must be submitted to the Legislature by January 1, 2011. It also specifies that forestry management activities are exempted from the new standards.

**LD 1386 An Act Pertaining to Response Costs Incurred by the Department of
Environmental Protection under the Waste Motor Oil Disposal Site
Remediation Program**

PUBLIC 304

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-204

This bill provides that the Finance Authority of Maine may use proceeds of revenue obligation securities to fund the costs of the cleanup of certain waste motor oil disposal sites implemented by the Department of Environmental Protection for eligible responsible parties.

Committee Amendment "A" (S-204)

This amendment amends the provisions in the bill regarding an alternative method for payment to the Department of Environmental Protection for cleanup performed at waste motor oil disposal sites. The amendment clarifies that the alternative procedure may be used only upon issuance of a certificate of final response costs and a final remedy selection at the Ellsworth, Casco and Presque Isle waste motor oil disposal sites. It provides that the department may only receive payment after January 15, 2010 or after all response costs at the Plymouth waste motor oil disposal site have been paid to eligible persons, whichever occurs first. It clarifies the future liability of eligible responsible parties against suits by the State and third parties. It requires the department to negotiate in good faith with persons

Joint Standing Committee on Natural Resources

who are not determined to be eligible persons. The amendment also adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2009, chapter 304 provides that the Finance Authority of Maine may use proceeds of revenue obligation securities to fund the costs of the cleanup at the Ellsworth, Casco and Presque Isle waste motor oil disposal sites implemented by the Department of Environmental Protection for eligible responsible parties.

LD 1399 An Act Concerning Water Quality in Watersheds

INDEF PP

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

This bill creates the Clean Shores Fund within the Department of Environmental Protection to provide a funding source for grants to municipalities and other entities to identify and abate pollution in shellfish growing areas and to pay the Personal Services cost for 3 employees within the Department of Marine Resources in the growing area classification program within the public health division. The dedicated revenue for the Clean Shores Fund is established through surcharges on the installation of new sewer systems and the municipal combined sewer overflow and overboard discharges and on sewer utilities based on the number of ratepayers.

The bill requires the Department of Environmental Protection to work in coordination with the Department of Marine Resources to establish an annual work plan to prioritize monitoring and classification of shellfish growing areas and remediation projects within those areas. The process of developing the work plan must include input from municipalities with approved municipal shellfish programs.

The bill also requires the Department of Environmental Protection to consider bacteria and viral standards when issuing waste discharge licenses to ensure that shellfish harvesting is protected as a designated use under the Maine Revised Statutes, Title 38, section 465-B. The department shall also review whether disinfection requirements at licensed wastewater discharge facilities would improve the ability of the Department of Marine Resources to upgrade classifications of shellfish growing areas and may change license requirements based on the outcome of the review.

Committee Amendment "A" (H-452)

The amendment establishes resident and nonresident recreational shellfish licenses with associated fees and provides for distribution of the fees.

The amendment changes the name of the Clean Shores Fund to the Water Quality and Infrastructure Improvement Fund and provides that license fees will be credited to the fund. The amendment clarifies the purposes for which the fund may be used and how money in the fund must be distributed.

The amendment provides that the Department of Marine Resources must solicit priorities for monitoring and classification of shellfish growing areas from the Shellfish Advisory Council.

The amendment clarifies that private gifts or bequests to the fund may be directed or advised.

The amendment adds a one-time reporting requirement and an appropriations and allocations section.

The amendment provides that the Department of Environmental Protection may establish procedures and criteria for

Joint Standing Committee on Natural Resources

the grant application process, eligibility for grants and the award and use of grants from the fund.

This amendment was not adopted. Provisions included in this amendment were incorporated into Public Law 2009, chapter 213, Part FFFF.

**LD 1422 Resolve, Directing the Department of Environmental Protection To
Submit a Report and Recommendations Concerning Oil from Tar
Sands, Coal from Mountaintop Removal Mining and Other
High-polluting Energy Sources**

ONTP

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

This resolve directs the Department of Environmental Protection, with input from the Public Utilities Commission, the Governor's Office of Energy Independence and Security and other appropriate entities, to review information and issue a report and recommendations on its findings concerning oil from tar sands, oil shale and coal gasification and coal from mountaintop removal and other forms of mining operations in order to ensure that the State does as much as possible to reduce the environmental impacts caused by the generation and use of energy derived from these sources. In the report, the department is directed to collect information on liquid fuels derived from tar sands, oil shale and coal gasification and mountaintop removal and other forms of coal mining. The department shall submit its report and recommendations to the Legislature. This resolve also requires the department to establish public disclosure requirements for entities that sell electricity generated by facilities that burn coal.

**LD 1423 An Act To Improve Toxics Use Reduction and Reduce Energy Costs by
Maine Businesses**

Carried Over

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

This bill amends the toxic use and hazardous waste reduction laws administered by the Department of Environmental Protection by:

1. Modernizing the statewide toxics use, toxics release and hazardous waste reduction goals by establishing a goal of zero discharge by 2050 and charging the Pollution Prevention Advisory Committee with establishing a schedule and process for continual progress toward this goal;
2. Setting forth a procedure to add new facilities or new chemicals or classes of chemicals to the provisions of the law;
3. Including the State's greenhouse gas reduction goals and encouraging facilities to meet those goals through energy efficiency and other measures;
4. Requiring the department to establish an Internet-based reporting system for facility progress reports that will allow department resources to be devoted to outreach and technical assistance; and
5. Eliminating the requirement that facilities use an activity production index when filing the pollution prevention

Joint Standing Committee on Natural Resources

plan.

LD 1423 was carried over to any special or regular session of the 124th Legislature by Joint Order, H.P. 1053.

LD 1434 An Act Regarding Asbestos Abatement Work

PUBLIC 374

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	OTP-AM MAJ ONTP MIN	S-159 S-272 GOODALL

This bill:

1. Clarifies that persons engaged in an activity affecting more than 3 square feet or 3 linear feet of any asbestos-containing material are subject to licensing, certification, notification and work practice requirements administered by the Department of Environmental Protection;
2. Increases the maximum fee that may be charged by the Department of Environmental Protection to license or certify asbestos professionals; and
3. Increases the maximum fee that must be paid when notifying the Department of Environmental Protection of asbestos abatement activity.

Committee Amendment "A" (S-159)

This amendment is the majority report of the committee. The amendment changes the annual license fee for asbestos abatement contractors and asbestos abatement consultants to \$250 for the first annual license, \$625 for the 2nd annual license and \$1,000 for the 3rd and each subsequent annual license. The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-272)

This amendment reestablishes the annual license fee for asbestos abatement contractors and asbestos abatement consultants to be the same for each year instead of a different amount for the first annual license, the 2nd annual license and the 3rd annual license as proposed by Committee Amendment "A."

This amendment also decreases the annual fee as proposed in the bill for an asbestos abatement contractor from \$1,000 to \$650, an asbestos worker from \$75 to \$50, an asbestos consultant from \$1,000 to \$650, an asbestos analytical laboratory from \$500 to \$400 and other categories of asbestos professionals from \$150 to \$100. The amendment also decreases certain notification fees by \$100.

Enacted Law Summary

Public Law 2009, chapter 374:

1. Clarifies that persons engaged in an activity affecting more than 3 square feet or 3 linear feet of any asbestos-containing material are subject to licensing, certification, notification and work practice requirements administered by the Department of Environmental Protection;
2. Increases the maximum fee that may be charged by the Department of Environmental Protection to license or certify asbestos professionals; and

Joint Standing Committee on Natural Resources

3. Increases the maximum fee that must be paid when notifying the Department of Environmental Protection of asbestos abatement activity.

LD 1471 An Act Concerning Debarment from Contracts with the Department of Environmental Protection

PUBLIC 360

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E	OTP-AM	S-239

This bill defines "direct financial interest" and provides:

1. If an individual is debarred from participation in any contract with the Department of Environmental Protection, any business in which that individual holds a direct financial interest is also debarred; and
2. If a business is debarred from participation in any contract with the Department of Environmental Protection, any individual or business that holds a direct financial interest in that debarred business is also debarred.

Committee Amendment "A" (S-239)

This amendment amends the bill by including findings the Commissioner of Environmental Protection must make prior to debarring an individual or business that has a direct financial interest in a debarred business or prior to debarring a business in which a debarred individual holds a direct financial interest.

Enacted Law Summary

Public Law 2009, chapter 360 authorizes the Commissioner of Environmental Protection, after making findings specified in the law, to debar an individual or business that has a direct financial interest in a debarred business and to debar a business in which a debarred individual holds a direct financial interest.

LD 1476 An Act Regarding the Transfer of Licenses for Energy Recovery Facilities

PUBLIC 380

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	OTP-AM	S-292

This bill prohibits the Department of Environmental Protection from approving the transfer of a solid waste facility license during the stated term of a waste handling contract between a solid waste facility that incinerates solid waste and its host community. Under this bill, the department may not grant a new license to the new owner of a solid waste facility until the expiration of a due diligence review period for the host community, the receipt of written consent of the host community and a public hearing and review conducted by the Board of Environmental Protection.

Committee Amendment "A" (S-292)

This amendment authorizes the Department of Environmental Protection to approve the transfer of a solid waste facility license during the stated term of a waste handling contract between a solid waste facility that incinerates municipal solid waste or special waste and its host community only after the expiration of a due diligence review

Joint Standing Committee on Natural Resources

period for the host community. The amendment removes the provision in the bill that required the proposed new owner to apply for a new license and it removes the provision in the bill that required the written consent of the host community. The amendment gives jurisdiction over transfer applications that are subject to the new requirements to the Board of Environmental Protection and requires the board to hold a public hearing on the transfer application. The amendment clarifies that for purposes of this law "host community" means the town in which the facility is geographically sited and it adds sale of stock as a method of ownership change that is subject to the requirements of the bill. The amendment exempts regional associations and a transfer to the facility's host community from the bill's requirements. The amendment also removes the emergency preamble and clause.

Enacted Law Summary

Public Law 2009, chapter 380 authorizes the Department of Environmental Protection to approve the transfer of a solid waste facility license during the stated term of a waste handling contract between a solid waste facility that incinerates municipal solid waste or special waste and its host community only after the expiration of a due diligence review period for the host community in which the facility is geographically sited. Chapter 380 gives jurisdiction over transfer applications that are subject to the new requirements to the Board of Environmental Protection and requires the board to hold a public hearing on the transfer application. Regional associations and a transfer to the facility's host community are exempt from the requirements of chapter 380.

LD 1479 An Act Relating to Biomass Gasification

PUBLIC 306

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

This bill amends the definition of "coal gasification facility" to make the moratorium on the licensing and permitting of those facilities specific to the gasification of coal or coal-derived materials.

Enacted Law Summary

Public Law 2009, chapter 306 amends the definition of "coal gasification facility" to make the moratorium on the licensing and permitting of those facilities specific to the gasification of coal or coal-derived materials.

LD 1482 An Act to Amend Mercury Standards for Air Emission Sources

PUBLIC 338

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

This bill is submitted by the Joint Standing Committee on Natural Resources pursuant to the Maine Revised Statutes, Title 38, section 585-B, subsection 6. The bill provides an alternative method for an air emission source to comply with mercury standards. It also directs the Department of Environmental Protection to submit an updated report relating to mercury emissions and standards and authorizes the committee to report out legislation to the 124th Legislature in connection with the updated report.

Enacted Law Summary

Public Law 2009, chapter 338 provides an alternative method for an air emission source to comply with mercury standards. It also directs the Department of Environmental Protection to submit an updated report relating to

Joint Standing Committee on Natural Resources

mercury emissions and standards and authorizes the Joint Standing Committee on Natural Resources to report out legislation to the 124th Legislature in connection with the updated report.

Joint Standing Committee on Natural Resources

SUBJECT INDEX

Air Quality

Enacted

LD 1479 An Act Relating to Biomass Gasification PUBLIC 306

Not Enacted

LD 298 An Act Regarding the Labeling of Wood Pellet and Biomass Heating Fuel Sold in the State ACCEPTED REPORT A (ONTP)

Air Quality - Climate Change

Enacted

LD 460 Resolve, To Evaluate Climate Change Adaptation Options for the State RESOLVE 16

Not Enacted

LD 260 An Act To Provide Access to Regional Greenhouse Gas Initiative Auction Funds to Maine Indian Tribes ONTP

LD 363 An Act To Allow State Agencies To Acquire and Sell Carbon Credits under the Regional Greenhouse Gas Initiative ONTP

LD 956 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide Constitutional Protection to the Funds Generated by the Regional Greenhouse Gas Initiative

Air Quality - Outdoor Wood Boilers

Enacted

LD 1171 An Act To Amend the Laws Governing Outdoor Wood Boilers PUBLIC 209

Asbestos

Enacted

LD 1434 An Act Regarding Asbestos Abatement Work PUBLIC 374

Coastal areas

Not Enacted

LD 535	An Act To Allow the Temporary Placement of Structures To Protect Property from Natural Disasters	ONTP
LD 1218	An Act To Allow Barrier Fences To Be Erected To Protect Homes from Coastal Storms	ACCEPTED ONTP REPORT

Department of Environmental Protection

Enacted

LD 476	An Act To Amend Certain Laws Administered by the Department of Environmental Protection	PUBLIC 121
LD 1134	An Act Regarding the Maximum Fee for Processing an Environmental License Application	PUBLIC 160 EMERGENCY
LD 1471	An Act Concerning Debarment from Contracts with the Department of Environmental Protection	PUBLIC 360

Not Enacted

LD 723	Resolve, To Require the Department of Environmental Protection To Amend Its Rules for Hydropower Projects To Require a Detailed Cost-benefit Analysis	ACCEPTED ONTP REPORT
LD 746	An Act To Lower the Cost of State Government in the Departments under the Purview of the Joint Standing Committee on Natural Resources	ONTP

Electronic waste

Enacted

LD 536	An Act To Enhance Maine's Electronic Waste Recycling Law	PUBLIC 397
LD 1156	An Act To Amend the Laws Governing the Recycling of Televisions	PUBLIC 231

Not Enacted

LD 1032	An Act To Ensure That Maine's Electronic Waste Collection and Recycling System Is Self-funded	ONTP
---------	---	------

Excavations

Not Enacted

LD 207	An Act Concerning Regulation of Borrow Pit Excavations	ONTP
LD 686	An Act To Require Semiannual Testing in Certain Gravel Pits	ONTP

Fuels

Not Enacted

LD 644 An Act To Allow the Sale and Use of Fuel Containing MTBE in a Vehicle in a Competitive Event ACCEPTED ONTP REPORT

LD 1422 Resolve, Directing the Department of Environmental Protection To Submit a Report and Recommendations Concerning Oil from Tar Sands, Coal from Mountaintop Removal Mining and Other High-polluting Energy Sources ONTP

Geothermal wells

Enacted

LD 860 An Act Relating to Geothermal Heat Exchange Wells PUBLIC 153

Groundwater

Enacted

LD 1269 An Act To Clarify the Laws Regarding Significant Groundwater Wells PUBLIC 295

LD 1310 Resolve, Relating to a Review of International Trade Agreements and the Management of Groundwater Resources RESOLVE 132 EMERGENCY

Not Enacted

LD 645 An Act To Provide for Municipal Oversight and Authority over Groundwater Extraction ONTP

LD 663 An Act To Clarify A Municipality's Authority To Pass Ordinances That Govern the Extraction of Groundwater ONTP

LD 837 An Act To Protect Maine's Groundwater ONTP

LD 1267 An Act To Establish a Groundwater Withdrawal Program and To Recognize Groundwater as a Public Trust Resource ONTP

Hazardous waste

Not Enacted

LD 515 An Act To Allow a Municipality To Recover Emergency Response Costs from a Natural Gas Utility in Certain Cases ONTP

Land Use

Enacted

LD 1268 An Act To Update the Site Location of Development Laws PUBLIC 293

Not Enacted

LD 199 An Act To Facilitate Wind Power Siting ONTP

LD 431 An Act To Make the Site Location of Development Laws More Development Friendly ONTP

LD 891 An Act To Amend the Site Location of Development Laws To Include Consideration of Greenhouse Gas Emissions

Mercury

Enacted

LD 973 An Act To Provide for the Safe Collection and Recycling of Mercury-containing Lighting PUBLIC 272

LD 986 An Act To Protect the Public Health and the Environment by Prohibiting the Sale of Wheel Weights Containing Lead or Mercury PUBLIC 125

LD 1026 An Act Concerning Mercury-added Button Cell Batteries PUBLIC 86

LD 1042 An Act To Continue To Reduce Mercury Use and Emissions PUBLIC 277

LD 1482 An Act to Amend Mercury Standards for Air Emission Sources PUBLIC 338

Natural Resources Protection Act

Enacted

LD 1333 An Act To Ensure that Replacement Culverts Permit Fish Passage PUBLIC 460

Not Enacted

LD 107 An Act To Change the Classification of Man-made Wetlands ACCEPTED ONTP REPORT

Oils

Enacted

LD 1332 An Act To Continue Coverage of Oil Clean-up Costs and Improve Administration of the Ground Water Oil Clean-up Fund PUBLIC 319

Not Enacted

LD 861 An Act Concerning Deductibles for Underground Oil Storage Facilities and Tanks ACCEPTED ONTP REPORT

LD 880 An Act To Improve the Ground Water Oil Clean-up Fund ACCEPTED ONTP REPORT

LD 991 An Act To Create a Statute of Limitations for Oil Discharge Violations ACCEPTED ONTP REPORT

Oils - Waste Motor Oil

Enacted

LD 1386	An Act Pertaining to Response Costs Incurred by the Department of Environmental Protection under the Waste Motor Oil Disposal Site Remediation Program	PUBLIC 304
---------	--	------------

Solid Waste

Enacted

LD 759	An Act To Require State-owned Solid Waste Disposal Facilities To Demonstrate a Public Benefit	PUBLIC 348
LD 760	An Act To Improve Landfill Capacity	PUBLIC 412
LD 1010	Resolve, To Require the Department of Environmental Protection To Review Emerging Technologies and the Laws Regarding Incinerators	RESOLVE 57
LD 1476	An Act Regarding the Transfer of Licenses for Energy Recovery Facilities	PUBLIC 380

Not Enacted

LD 506	An Act To Protect Public Safety and Provide for the Prudent Use of Landfill Capacity	ONTP
LD 871	An Act To Facilitate Compliance with Solid Waste Management Rules	ONTP
LD 876	Resolve, To Create a Surrounding Community Advisory Panel for the Juniper Ridge Landfill in Old Town	ONTP
LD 1011	An Act To Improve Solid Waste Disposal Quality	ONTP
LD 1017	Resolve, To Improve Recycling in Maine	ONTP

Toxic chemicals

Not Enacted

LD 1423	An Act To Improve Toxics Use Reduction and Reduce Energy Costs by Maine Businesses	
---------	--	--

Wastes

Enacted

LD 367	Resolve, To Convene a Work Group To Design and Implement a Statewide Disposable Checkout Bag Reduction Campaign, with Benchmarks	RESOLVE 54
--------	--	------------

Not Enacted

LD 63	An Act To Reduce Registration Fees for Certain Generators of Biomedical Waste	ONTP
LD 1051	An Act To Encourage Tire Recycling	ONTP

Water Quality

Enacted

LD 330	An Act To Change the Classification of Certain Waters of the State	PUBLIC 163
LD 722	Resolve, Directing a Review of the Management of Risks Associated with Surface Uses on Public Water Supplies	RESOLVE 32
LD 1311	An Act To Enable Municipal Assistance for Purposes of Protecting or Restoring Public Waters	PUBLIC 225

Not Enacted

LD 229	An Act To Promote Clean Waters in the State	ACCEPTED ONTP REPORT
LD 351	An Act Regarding the Regulation of Agricultural Composting Operations	ACCEPTED ONTP REPORT
LD 387	An Act To Protect Groundwater and Surface Water from Contamination	LEAVE TO WITHDRAW
LD 646	An Act To Improve the Water Quality of Maine's Rivers	ONTP
LD 1399	An Act Concerning Water Quality in Watersheds	INDEF PP

Waterbodies - Dams

Enacted

LD 348	An Act To Facilitate the Removal of Dams That Pose a Hazard to Public Safety and the Installation and Repair of Fishways	PUBLIC 75
--------	--	-----------

Not Enacted

LD 208	An Act To Require a Municipality That Abuts a Body of Water To Contribute to the Cost of Upkeep of Municipally Owned Dams on That Body of Water	ONTP
LD 1282	An Act To Protect and Enhance Maine Marine Fisheries	ONTP

STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the First Regular Session of the 124th Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON STATE AND LOCAL
GOVERNMENT**

July 2009

MEMBERS:

SEN. DEBORAH L. SIMPSON, CHAIR
SEN. TROY DALE JACKSON
SEN. JONATHAN T.E. COURTNEY

REP. STEPHEN R. BEAUDETTE, CHAIR
REP. JAMES M. SCHATZ
REP. ANDREA M. BOLAND
REP. TERESEA HAYES
REP. BRYAN T. KAENRATH
REP. MICHAEL J. WILLETTE
REP. H. DAVID COTTA
REP. WILLIAM P. BROWNE *
REP. TYLER CLARK
REP. LANCE EVANS HARVELL

STAFF:

ANNA T. BROOME, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

* Rep. William P. Browne replaced Rep. Michael Celli for part of the First Regular Session. Rep. Celli will return for the Second Regular Session.

Joint Standing Committee on State and Local Government

LD 31 An Act To Amend the Legislative Term Limit Laws

ACCEPTED ONTP
REPORT

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

Current law governing term limits restricts state Senators and members of the state House of Representatives to 4 consecutive 2-year terms. This bill provides that, if a constitutional amendment is adopted and ratified at referendum to increase the length of a legislative term from 2 years to 4 years, the number of permissible consecutive terms would decrease to 2.

Committee Amendment "A" (H-136)

This amendment changes the year that the term limits proposed in the bill would take effect from 2010 to 2014 to coincide with the gubernatorial election. It restricts the terms that Senators and members of the House of Representatives may serve to 2 consecutive 4-year terms or a 10-year consecutive maximum, whichever is longer, to allow for those Senators and Representatives who are elected in 2008 or 2012 or a person who is elected at a special election less than 2 years before the next regular election to serve up to 10 years.

LD 33 An Act To Change the Name of Township 16, Range 4, WELS, to
Madawaska Lake

P & S 7
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THERIAULT	OTP-AM	H-12

This bill authorizes the Aroostook County commissioners to seek approval from the residents of Township 16, Range 4, WELS, to rename the township Madawaska Lake.

Committee Amendment "A" (H-12)

This amendment incorporates a fiscal note.

Enacted Law Summary

Private & Special Law 2009, chapter 7 authorizes the Aroostook County commissioners to seek approval from the residents of Township 16, Range 4, WELS, to rename the township Madawaska Lake.

Private & Special Law 2009, chapter 7 was enacted as an emergency measure effective April 17, 2009.

Joint Standing Committee on State and Local Government

LD 34 An Act To Clarify the Election of Municipal Charter Commission Members

**PUBLIC 52
EMERGENCY**

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

This bill amends the procedure that guides the election of members to a municipal charter commission. In current law, the election of the members can be held at either the same election as the referendum establishing the charter commission or at the next scheduled regular or special municipal or state election if that election is no more than 200 days after the referendum authorizing the charter commission. The bill removes the 200-day limit.

Committee Amendment "A" (H-17)

This amendment adds a retroactivity clause so that the Act is retroactive to January 1, 2009.

Enacted Law Summary

Public Law 2009, chapter 52 amends the procedure that guides the election of members to a municipal charter commission. It removes the requirement that the election of the members of a municipal charter commission must be held within 200 days of the referendum authorizing the charter commission. The law is retroactive to January 1, 2009.

Public Law 2009, chapter 52 was enacted as an emergency measure effective April 22, 2009.

LD 106 An Act To Prohibit Constitutional Officers from Endorsing Candidates for the Legislature

ONTP

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

This bill prohibits constitutional officers from endorsing candidates for the Legislature or using their titles or allowing their titles to be used for political purposes not necessary for the administration of their offices.

LD 108 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Terms for State Senators and Members of the House of Representatives to 4 Years

**ACCEPTED ONTP
REPORT**

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

This bill is a constitutional resolution proposing to amend the Constitution of Maine to change Legislators' terms to 4 years beginning with the general election in 2012. The Legislature would meet every year but the business in the 4th year would be restricted as it is presently in the 2nd year.

Joint Standing Committee on State and Local Government

Committee Amendment "A" (H-139)

This amendment changes the year in which 4-year terms would begin from 2012 to 2014 to coincide with gubernatorial elections.

LD 113 An Act Regarding Construction and Excavation near Burial Sites

**PUBLIC 310
EMERGENCY**

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

This bill amends the law governing construction and excavation near burial sites by adding an exception for construction of a private sewer line connection to a public sewer system.

Committee Amendment "A" (H-416)

This amendment replaces the bill. It allows for the construction of a private sewer line connection to a public sewer system within the 25-foot setback from a cemetery only if the following conditions are met: there is no practical alternative to connecting to the public sewer line; there is no practical alternative to excavation or construction within 25 feet; the construction is approved by the municipality and the regulating division within the Department of Health and Human Services; there is a 2-week opportunity for the public to express opposition to the construction; the construction takes place as far as possible from the cemetery; and the construction equipment is not placed on any part or within 10 feet of the cemetery at any time. This provision is repealed June 30, 2010. The amendment also adds an emergency preamble and emergency clause.

Enacted Law Summary

Public Law 2009, chapter 310 allows for the construction of a private sewer line connection to a public sewer system within the 25-foot setback from a cemetery if the following conditions are met: there is no practical alternative to connecting to the public sewer line; there is no practical alternative to excavation or construction within 25 feet; the construction is approved by the municipality and the regulating division within the Department of Health and Human Services; there is a 2-week opportunity for the public to express opposition to the construction; the construction takes place as far as possible from the cemetery; and the construction equipment is not placed on any part or within 10 feet of the cemetery at any time. This law is repealed June 30, 2010.

Public Law 2009, chapter 310 was enacted as an emergency measure effective June 2, 2009.

LD 117 Resolve, To Facilitate the Creation of a Memorial for the Families and Friends of Children Who Have Died by Violence

RESOLVE 15

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P	OTP-AM MAJ ONTP MIN	H-16

This bill directs the Capitol Planning Commission to construct and maintain a memorial for the families and friends of children who have died by violence. The Capitol Planning Commission may seek assistance in the design of the memorial from a nonprofit organization whose purpose is supporting parents of murdered children. The memorial must be located in the proposed memorial park within the East Campus Zone as described in the Capitol Planning

Joint Standing Committee on State and Local Government

Commission rules. The Capitol Planning Commission may accept state and local funds, gifts and other contributions to meet the costs of the memorial. No General Fund money may be used for the construction of the memorial. If the funds are not raised by June 30, 2010, the memorial is not authorized.

Committee Amendment "A" (H-16)

This amendment clarifies that no General Fund money may be used for design, construction, installation or maintenance of the memorial for families and friends of children who have died by violence. It also directs the Director of the Bureau of General Services within the Department of Administrative and Financial Services to establish an account for the administration of funds, gifts and other contributions accepted by the Capitol Planning Commission for the memorial.

Enacted Law Summary

Resolve 2009, chapter 15 directs the Capitol Planning Commission to construct and maintain a memorial for the families and friends of children who have died by violence. The Capitol Planning Commission may seek assistance in the design of the memorial from a nonprofit organization whose purpose is supporting parents of murdered children. The memorial must be located in the proposed memorial park within the East Campus Zone as described in the Capitol Planning Commission rules. The Capitol Planning Commission may accept state and local funds, gifts and other contributions to meet the costs of the memorial. The Director of the Bureau of General Services within the Department of Administrative and Financial Services is directed to establish an account for the administration of those funds accepted by the Capitol Planning Commission for the memorial. No General Fund money may be used for the design, construction, installation or maintenance of the memorial. If the funds are not raised by June 30, 2010, the memorial is not authorized.

LD 121 An Act To Reduce the Length of the Legislative Sessions

**ACCEPTED ONTP
REPORT**

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

This bill advances the statutory adjournment date of the Legislature by 10 business days in the first regular session and by 5 business days in the second regular session.

Committee Amendment "A" (H-137)

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

LD 130 An Act To Allow a Municipality Greater Flexibility To Disburse State Fees

PUBLIC 6

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

This bill allows a municipality greater flexibility to disburse state fees to the State by reducing municipal processing requirements. This will encourage timely disbursing of state fees to the Department of the Secretary of State, Bureau of Motor Vehicles.

Joint Standing Committee on State and Local Government

Enacted Law Summary

Public Law 2009, chapter 6 allows a municipality greater flexibility to disburse state fees to the State by reducing municipal processing requirements. This will encourage timely disbursing of state fees to the Department of the Secretary of State, Bureau of Motor Vehicles.

**LD 142 An Act To Revise the Boundary between the City of Waterville and the
Town of Oakland**

P & S 2

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

This bill revises the boundary line between the City of Waterville and the Town of Oakland.

Enacted Law Summary

Private & Special Law 2009, chapter 2 revises the boundary line between the City of Waterville and the Town of Oakland.

**LD 143 An Act To Amend the Process for Secession from a County by a
Municipality**

ONTP

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

This bill removes the requirement that a municipality seeking to secede from one county to join another share a border with the county the municipality wishes to join.

**LD 144 RESOLUTION, Proposing an Amendment to the Constitution of Maine
To Reduce the Size of the Legislature**

**DIED BETWEEN
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD	ONTP MAJ OTP-AM MIN	H-135

This bill is a resolution proposing to amend the Constitution of Maine to reduce the size of the House of Representatives from 151 members to 115 members and the size of the Senate from no more than 35 members to no more than 31 members. Under the resolution, the proposal would be presented to the voters for their approval in November 2010, and after voter approval the Legislature that convenes in 2011 would submit a reapportionment plan to implement the reduction in the size of the Legislature. The reduction in the size of each legislative body takes effect in 2013.

Committee Amendment "A" (H-135)

Joint Standing Committee on State and Local Government

This amendment, which is the minority report of the committee, reduces the size of the House of Representatives to 131 members rather than the 115 members in the constitutional resolution. It also removes from the resolution the proposed changes to the size of the Senate so that the Senate would remain at an odd number of Senators between 31 and 35.

House Amendment "A" To Committee Amendment "A" (H-252)

This amendment provides for a reduction in the size of the House of Representatives for the Legislature that convenes in 2015 and thereafter, rather than for the Legislature that convenes in 2013 and thereafter, as provided in the resolution. This would allow for the redistricting to take place at the next regularly scheduled reapportionment in 2013.

LD 194 An Act To Require an Independent Audit of State Government Every 4 Years ACCEPTED ONTP REPORT

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

This bill requires the State Controller within the Department of Administrative and Financial Services to contract with an independent auditor to conduct a single fiscal year financial audit of State Government every 4 years beginning in 2010.

Committee Amendment "A" (H-13)

This amendment, which is the minority report, adds an appropriations and allocations section to the bill.

LD 209 An Act To Abolish the Intergovernmental Advisory Commission PUBLIC 30

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

This bill abolishes the Intergovernmental Advisory Commission.

Enacted Law Summary

Public Law 2009, chapter 30 abolishes the Intergovernmental Advisory Commission.

LD 210 An Act To Change the Name of Columbus Day to Heritage Day ACCEPTED ONTP REPORT

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

Joint Standing Committee on State and Local Government

This bill changes references to the federally named Columbus Day to Heritage Day for use in the State.

**LD 211 RESOLUTION, Proposing an Amendment to the Constitution of Maine
To Change the Schedule for Redistricting** **INDEF PP**

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

This bill is a resolution proposing to amend the Constitution of Maine to move the date of redistricting the congressional districts, Maine Legislature and counties from 2013 to 2012. The apportionment of the congressional districts, Maine Legislature and the counties is described in the Maine Revised Statutes and follow the Constitution of Maine.

Committee Amendment "A" (H-143)

This amendment changes the date of redistricting the congressional districts, Maine Legislature and counties to 2011.

**LD 226 An Act To Require a Vacancy in the Office of United States Senator To
Be Filled by Election** **INDEF PP**

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

This bill changes the way in which a United States Senator is replaced when a vacancy occurs by requiring a special election within 60 days of the vacancy. Currently, the Governor appoints a qualified person to fill the vacancy until the successor is elected and qualified. Having a special election matches the way a vacancy in the office of Representative to Congress is filled.

Committee Amendment "A" (S-52)

This amendment, which is the majority report of the committee, removes the bill's proposed time limit of 60 days in which a primary and special election must be held to fill a vacancy in the office of United States Senator. It amends the language to match the language in statute to fill a vacancy in the office of Representative to Congress. The primary and special elections must be held as soon as reasonably possible if Congress is in session and before the next regular or called session if Congress is not in session.

**LD 236 An Act To Establish the Permanent Commission on the Status of
Women** **PUBLIC 191
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERCY SCHNEIDER	OTP-AM	H-215

Joint Standing Committee on State and Local Government

This bill creates the Permanent Commission on the Status of Women based on the law that created the Maine Commission for Women, which was repealed by Public Law 1991, chapter 622, Part S, sections 5 and 18.

Committee Amendment "A" (H-215)

The amendment makes the following changes to the bill.

1. It changes the membership of the Permanent Commission on the Status of Women. The Governor appoints 7 members rather than 9 and the President of the Senate and the Speaker of the House of Representatives appoint 5 members each rather than 4. Members of the Legislature may not be appointed to the commission. It also adds specific criteria for members appointed by the Governor.
2. It removes the position of executive director from the commission.
3. It provides that the commission will be staffed by the Secretary of State.
4. It moves the commission from the section of Title 5 listing independent advisory boards and places it in the section of boards with minimal authority with no line item in the budget.
5. It adds an emergency preamble and emergency clause.

Enacted Law Summary

Public Law 2009, chapter 191 establishes the Permanent Commission on the Status of Women. The Governor appoints 7 members and the President of the Senate and the Speaker of the House of Representatives appoint 5 members each. Members of the Legislature may not be appointed to the commission. The commission will be staffed by the Secretary of State.

Public Law 2009, chapter 191 was enacted as an emergency measure effective May 22, 2009.

LD 242 An Act To Repeal the Informed Growth Act

**ACCEPTED ONTP
REPORT**

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

This bill repeals the Informed Growth Act.

Committee Amendment "A" (S-162)

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

Joint Standing Committee on State and Local Government

LD 273 An Act To Require a Regional Review of Projects That Affect Areas Outside of the Community in Which the Project Is Proposed ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. It proposes to have a regional review of a project if the project will have an adverse effect on more than the community in which the project will be located.

LD 279 An Act To Amend the Laws Governing the Fund for the Efficient Delivery of Local and Regional Services ONTP

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

This bill removes language that requires any amounts transferred to the Fund for the Efficient Delivery of Local and Regional Services in excess of \$500,000 in any fiscal year to be transferred to General Fund undedicated revenue.

LD 295 An Act To Contract Out the State Single Audit ACCEPTED ONTP REPORT

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

This bill requires the State Controller to contract with an independent auditor to conduct the state single audit of State Government every year beginning in 2010. It repeals the provision of law that currently gives the responsibility for the state single audit to the Department of Audit.

Committee Amendment "A" (H-14)

This amendment, which is the minority report, adds an appropriations and allocations section to the bill.

LD 304 Resolve, To Allow for the Support, Preservation and Maintenance of Maine Monuments in Gettysburg, Pennsylvania RESOLVE 37

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS G	OTP-AM	S-84

Joint Standing Committee on State and Local Government

This bill is a concept draft pursuant to Joint Rule 208. It proposes to establish a commission to support, preserve and maintain Maine monuments at the Civil War battlefield in Gettysburg, Pennsylvania. The commission is to include a former Governor of the State, 2 former state Legislators, and 4 state Legislators, 2 of whom are Senators and 2 of whom are members of the House of Representatives. The commission must also include 3 members who are veterans of the United States Armed Forces and one member who is a member of an organization that represents veterans of the United States Armed Forces. The commission is allowed to seek outside funding to implement its mission.

Committee Amendment "A" (S-84)

This amendment replaces the concept draft. Instead of establishing a commission to preserve and maintain Maine monuments in Gettysburg, Pennsylvania, it requires the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management to establish a nonlapsing special revenue interest-bearing account to receive donations. At appropriate times, the director shall disburse money to the United States Department of the Interior for the purpose of repairing and maintaining Maine monuments in Gettysburg, Pennsylvania.

Enacted Law Summary

Resolve 2009, chapter 37 requires the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management to establish a nonlapsing special revenue interest-bearing account to receive donations to preserve and maintain Maine monuments at the Civil War battlefield in Gettysburg, Pennsylvania. At appropriate times, the director shall disburse money to the United States Department of the Interior to repair and maintain Maine monuments in Gettysburg, Pennsylvania.

LD 327 An Act To Strengthen Maine Small Business by Establishing a Preference Percentage for State Contract Bids ONTP

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

This bill requires the Director of the Bureau of General Services within the Department of Administrative and Financial Services to adopt rules establishing a preference percentage of up to 15% for Maine small businesses bidding for state contracts. The rules are routine technical rules.

LD 331 An Act To Clarify the Duties of Municipal Treasurers, Clerks and Tax Collectors PUBLIC 193

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

This bill prohibits municipal treasurers, clerks and tax collectors from commingling personal and municipal money.

Enacted Law Summary

Public Law 2009, chapter 193 prohibits municipal treasurers, clerks and tax collectors from commingling personal and municipal money.

Joint Standing Committee on State and Local Government

LD 379 An Act To Amend the Notary Public Laws

PUBLIC 74

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST BLISS	OTP-AM	H-50

This bill clarifies that the purpose and function of the Notary Public Review Board is to screen complaints against notaries and recommend appropriate disposition to the Secretary of State.

Committee Amendment "A" (H-50)

This amendment adds a requirement for a notary public to keep an official handwritten signature on file with the Secretary of State and, when performing a notarization, sign by producing that official signature by hand. It also clarifies that a newly appointed notary public must take an oath that mirrors the oath in the Constitution of Maine but without the requirement to be a citizen.

Enacted Law Summary

Public Law 2009, chapter 74 clarifies that the purpose and function of the Notary Public Review Board is to screen complaints against notaries and recommend appropriate disposition to the Secretary of State. It also adds a requirement for a notary public to keep an official handwritten signature on file with the Secretary of State and, when performing a notarization, sign by producing that official signature by hand. It clarifies that a newly appointed notary public must take an oath that mirrors the oath in the Constitution of Maine but without the requirement to be a citizen.

LD 417 An Act To Require State Employees To Pay 15% of Their Health Insurance Costs

DIED IN CONCURRENCE

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

This bill reduces the state share of the individual premium for health insurance costs for state employees from 100% to 95% effective October 1, 2009, 90% effective July 1, 2010 and 85% effective July 1, 2011.

Committee Amendment "A" (H-273)

This amendment is the majority report of the committee. It changes the effective date of the state share of the individual premium for health insurance costs for state employees from July 1, 2010 to July 1, 2011 and eliminates the provision that reduced the state share to 85% effective July 1, 2011.

The state share of the individual premium for health insurance costs for state employees was changed in Public Law 2009, chapter 213, Part GG, the biennial budget.

Joint Standing Committee on State and Local Government

**LD 434 RESOLUTION, Proposing an Amendment to the Constitution of Maine
To Provide for the Reduction in the Size of the Legislature**

ONTP

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

This bill is a resolution proposing to amend the Constitution of Maine to reduce the size of the House of Representatives from 151 members to 105 members and to establish in the Constitution of Maine the size of the Senate at 35 members. The redistricting will be done in 2010 during the Second Regular Session of the 124th Legislature and the adjustments in the size of each legislative body take effect in 2011.

LD 448 An Act To Modify the Informed Growth Act

PUBLIC 260

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAUDETTE SULLIVAN	OTP-AM MAJ OTP-AM MIN	H-232

This bill exempts a municipality that has adopted a review process for large-scale retail development applications that include economic and community impacts from the Informed Growth Act.

Committee Amendment "A" (H-232)

This amendment, which is the majority report, replaces the bill. It clarifies that a municipality is exempt from the Informed Growth Act if the municipality has adopted an ordinance that contains requirements for determining the impact of large-scale retail development and includes an independent study of the community economic impacts of large-scale retail development. The study must be prepared by a preparer determined qualified by the Executive Department, State Planning Office and chosen by the municipality. The study must be presented at a public hearing.

Committee Amendment "B" (H-233)

This amendment, which is the minority report, replaces the bill. It clarifies that a municipality is exempt from the Informed Growth Act if the municipality adopts an ordinance requiring a determination of the impact of a large-scale retail development on the municipality and abutting municipalities and requires an independent study by a qualified preparer. It specifies that the study must consider the impacts on: existing retail operations; sales revenue generated and reinvested in the area; the effects on employment; retail wages and benefits; municipal revenues generated; municipal infrastructure; and the amount of public subsidies including tax increment financing. This amendment was not adopted.

Enacted Law Summary

Public Law 2009, chapter 260 exempts a municipality from the Informed Growth Act if the municipality has adopted an ordinance that contains requirements for determining the impact of large-scale retail development and includes an independent study of the community economic impacts of large-scale retail development. The study must be prepared by a preparer determined qualified by the Executive Department, State Planning Office and chosen by the municipality. The study must be presented at a public hearing.

Joint Standing Committee on State and Local Government

LD 449 Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located at 17 School Street in Benedicta, Aroostook County

RESOLVE 10

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAUDETTE SIMPSON	OTP-AM	H-18

This bill authorizes the State to sell or lease specific land and buildings in the unorganized territories that are no longer necessary to the Department of Education and directs the proceeds of any sale and lease to the Unorganized Territory Education and Services Fund.

Committee Amendment "A" (H-18)

This amendment incorporates a fiscal note.

Enacted Law Summary

Resolve 2009, chapter 10 authorizes the State to sell or lease specific land and buildings in the unorganized territories that are no longer necessary to the Department of Education and directs the proceeds of any sale and lease to the Unorganized Territory Education and Services Fund.

LD 463 An Act To Allow Nonresident Property Owners To Vote on Municipal Budget Matters

ONTP

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

This bill allows a nonresident owner of real property in a municipality to vote on municipal budget matters in that municipality as long as the nonresident property owner is at least 18 years of age and a citizen of the United States.

LD 464 An Act To Suspend the Cost-of-living Adjustment for Legislators' Salaries for the Second Regular Session of the 124th Legislature

INDEF PP

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

This bill suspends the cost-of-living adjustment for salaries of Legislators for the Second Regular Session of the 124th Legislature.

Committee Amendment "A" (S-255)

This amendment includes a General Fund deappropriation to reflect savings resulting from suspension of the cost-of-living adjustment.

Joint Standing Committee on State and Local Government

The cost-of-living adjustment for salaries of Legislators for the Second Regular Session of the 124th Legislature was suspended in Public Law 2009, chapter 213, Part LL, the biennial budget.

LD 473 An Act To Suspend the Cost-of-living Adjustment for Legislators' Salaries for the First Regular Session of the 124th Legislature

**DIED ON
ADJOURNMENT**

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

This bill suspends the cost-of-living adjustment for salaries of Legislators for the First Regular Session of the 124th Legislature.

Committee Amendment "A" (S-236)

This amendment suspends the cost-of-living adjustment for salaries of legislators for the First Regular Session of the 125th Legislature rather than for the First Regular Session of the 124th Legislature. The amendment also adds an appropriations and allocations section.

LD 499 An Act To Require the State To Issue Requests for Proposals for the Shredding of State Documents

ONTP

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

This bill requires that a contract for the service of the destruction of documents of a state agency is subject to the competitive bid process.

LD 538 An Act To Consolidate the Department of Marine Resources and the Department of Inland Fisheries and Wildlife into a New Department of Fish, Wildlife and Marine Resources

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to combine the Department of Marine Resources and the Department of Inland Fisheries and Wildlife to form a new Department of Fish, Wildlife and Marine Resources. The consolidation will be accomplished in a way that retains the core functions of the two departments and promotes cooperation and collaboration among the divisions to ensure that management is integrated.

Joint Standing Committee on State and Local Government

LD 586 An Act To Retain Business in the State By Amending the Law ONTP
Governing State Contract Bids

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

This bill requires the Director of the Bureau of General Services within the Department of Administrative and Financial Services to adopt rules establishing a preference percentage of 5% for Maine businesses bidding for state contracts. The rules are routine technical rules.

LD 587 An Act To Allow a Board of Selectmen To Fill a Vacancy on That Board ONTP

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

This bill amends the law to permit a board of selectmen to determine whether to fill a vacancy on the board by appointment rather than requiring the board to call a town meeting for that purpose if the vacancy occurs more than 60 days before the regularly scheduled annual meeting of the town. If the vacancy occurs within 60 days of the next annual meeting, the selectmen shall provide for the vacancy to be filled by election at the annual meeting.

LD 604 RESOLUTION, Proposing an Amendment to the Constitution of Maine ACCEPTED ONTP
To Provide for the Popular Election of the Attorney General REPORT

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

This bill is a resolution proposing to amend the Constitution of Maine to provide for popular election of the Attorney General in the manner currently provided for the members of the Senate and the House of Representatives, beginning in 2010.

Committee Amendment "A" (S-13)

This amendment, which is the minority report, incorporates a fiscal note.

Joint Standing Committee on State and Local Government

**LD 605 RESOLUTION, Proposing an Amendment to the Constitution of Maine
To Provide for the Popular Election of the Secretary of State**

**ACCEPTED ONTP
REPORT**

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

This bill is a resolution proposing to amend the Constitution of Maine to provide for direct popular election of the Secretary of State in the manner currently provided for the members of the Senate and the House of Representatives, beginning in 2010.

Committee Amendment "A" (S-12)

This amendment, which is the minority report, incorporates a fiscal note.

**LD 619 An Act To Rename Certain Unorganized Townships in Washington
County**

P & S 13

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM	S-26

This bill authorizes the Washington County commissioners to seek approval from the residents of No. 14 Twp. to rename the township Cathance Township; the residents of T 18 ED BPP to rename the township Berry Township; the residents of No. 21 Twp. to rename the township Big Lake Township; the residents of T 27 ED BPP to rename the township Greenlaw Chopping Township; and the residents of T 31 MD BPP to rename the township Day Block Township.

Committee Amendment "A" (S-26)

This amendment removes all the ratification referenda from the bill. The new names will go into effect 90 days after adjournment of the First Regular Session of the 124th Legislature.

Enacted Law Summary

Private & Special Law 2009, chapter 13 changes the names of the following unorganized townships in Washington County: No. 14 Twp. is named Cathance Township; T 18 ED BPP is named Berry Township; No. 21 Twp. is named Big Lake Township; T 27 ED BPP is named Greenlaw Chopping Township; and T 31 MD BPP is named Day Block Township. The new names go into effect on September 12, 2009.

**LD 680 An Act To Hold Municipal Officers Harmless for a Determination That
a Town Way or Public Easement Is Considered Abandoned**

PUBLIC 59

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

Joint Standing Committee on State and Local Government

This bill ensures that municipal officers are not liable for any decision relating to an abandoned road by clarifying that the determination of the municipal officers regarding the status of a town way is a quasi-judicial decision under the Maine Tort Claims Act.

Enacted Law Summary

Public Law 2009, chapter 59 ensures that municipal officers are not liable for any decision relating to an abandoned road by clarifying that the determination of the municipal officers regarding the status of a town way is a quasi-judicial decision under the Maine Tort Claims Act.

**LD 681 An Act To Lower the Cost of State Government in the Departments
under the Purview of the Joint Standing Committee on State and Local
Government**

**ACCEPTED ONTP
REPORT**

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

This bill eliminates one Director of Leased Space position and 9 Public Service Manager positions within the General Government Service Center, Security and Employment Service Center, Natural Resources Service Center and Department of Health and Human Services Service Center. It also eliminates 4 Governor's Special Assistant positions.

Committee Amendment "A" (S-29)

This amendment, which is the minority report of the committee, removes the Director of Leased Space within the Department of Administrative and Financial Services, Bureau of General Services from the positions to be eliminated. It also removes the Deputy Director of Constituent Services from the positions to be eliminated in the Governor's Office and replaces it with the Deputy Chief of Staff.

LD 705 An Act To Clarify the Qualifications for the Position of State Archivist

**ACCEPTED ONTP
REPORT**

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

This bill requires that the State Archivist have specific training and allows the holder of the position to be removed for cause under the Civil Service Law. It also sets compensation for the State Archivist within salary range 88 rather than current salary range 86.

Committee Amendment "A" (H-75)

This amendment, which is the minority report of the committee, removes the sections related to compensation for the State Archivist from the bill. The salary of the State Archivist remains in range 86. The amendment also clarifies that the requirement for specific training and the ability to remove the State Archivist for cause do not affect the current State Archivist.

Joint Standing Committee on State and Local Government

**LD 739 An Act To Clarify That the Assessor and Treasurer Are Incompatible
Municipal Offices**

PUBLIC 57

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-27

This bill prohibits a person from holding the office of treasurer and assessor at the same time for the same municipality.

Committee Amendment "A" (S-27)

This amendment clarifies that the prohibition on a person holding the municipal officer and assessor positions at the same time applies to both elected and appointed assessors.

Enacted Law Summary

Public Law 2009, chapter 57 prohibits a person from holding the office of treasurer and assessor at the same time for the same municipality. The prohibition applies to both elected and appointed assessors.

**LD 741 An Act To Authorize the Annexation of a Portion of Redington
Township in Franklin County to the Town of Carrabassett Valley**

**ACCEPTED ONTP
REPORT**

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

This bill authorizes the annexation of a portion of Redington Township, Township T1 R2, West of Bingham's Kennebec Purchase in Franklin County by the Town of Carrabassett Valley subject to referendum.

Committee Amendment "A" (S-252)

This amendment, which is the majority report of the committee, authorizes the annexation by the Town of Carrabassett Valley of the whole of Redington Township, Township T1 R2, West of Bingham's Kennebec Purchase in Franklin County, rather than a portion of the township. It clarifies that the responsibility for property tax assessment will be the responsibility of the Town of Carrabasset Valley beginning in tax year 2010. It clarifies that a referendum to approve the annexation is required rather than a referendum at a town meeting. The referendum must take place before October 1, 2010. The amendment also strikes the emergency preamble and clause and changes the title.

Committee Amendment "B" (S-253)

The amendment, which is a minority report of the committee, replaces the bill with a resolve. It requires the Maine Land Use Regulation Commission to reexamine its decision to deny the application by Maine Mountain Power, LLC for Zoning Petition 702. The commission must reexamine the decision as soon as possible and may not take into account the scenic character of the area for this particular project.

Joint Standing Committee on State and Local Government

LD 761 An Act To Abolish the Fund for the Efficient Delivery of Local and Regional Services ONTP

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

This bill abolishes the Fund for the Efficient Delivery of Local and Regional Services. Money that otherwise would have been deposited in this fund will be distributed pursuant to the laws governing state-municipal revenue sharing.

LD 762 Resolve, To Increase Reporting Transparency in State Government ONTP

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

This bill requires that, when state agencies provide to Legislators documents that contain complex calculations, they must provide them in Microsoft Excel format or a compatible format according to specific requirements.

LD 763 An Act To Clarify the Warrant Article Petition Process ONTP

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

This bill clarifies that municipal officers may reasonably refuse to advance a petitioned article to the municipal legislative body if the municipal legislative body is not authorized pursuant to federal or state law or municipal charter to act on the article.

LD 785 An Act To Use All Available Technologies To Provide Efficiencies in State Facilities ONTP

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

This bill mandates the use of all energy-saving features that are currently installed or available in facilities owned by the State. It does not require the installation of energy-saving devices. The Department of Administrative and Financial Services, Bureau of General Services shall adopt routine technical rules to implement and enforce the mandated use of energy-saving features.

Joint Standing Committee on State and Local Government

LD 786 An Act To Require That Minutes Be Kept of Municipal Meetings

**ACCEPTED ONTP
REPORT**

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

This bill requires municipalities to keep minutes of municipal meetings.

Committee Amendment "A" (H-138)

This amendment, which is the minority report of the committee, requires minutes of a municipal meeting to be kept unless a majority of the municipal legislative body determines that it is unnecessary by a show of hands at the beginning of the meeting. It also adds a mandate preamble.

**LD 838 RESOLUTION, Proposing an Amendment to the Constitution of Maine
To Elect 2 Senators from Each County and To Increase the Senate
Term from 2 to 4 Years**

**ACCEPTED ONTP
REPORT**

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

This bill is a resolution proposing to amend the Constitution of Maine to reduce the size of the Senate from no more than 35 members to 32 members and increase the Senate term from 2 years to 4 years. The resolution also requires the redrawing of district lines to occur during the regularly scheduled redistricting following the decennial census. The redistricting will be done in 2013.

Committee Amendment "A" (H-77)

This amendment clarifies that the increase in the length of a Senate term would take place in 2010 and the reduction in the size of Senate as a result of reapportioning to 2 Senators per county would take place in 2014 if the proposal in the constitutional referendum is approved.

**LD 890 Resolve, Directing the Department of Administrative and Financial
Services To Develop a Proposed State Policy for the Use of State
Property by the Private Sector**

ONTP

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

This bill directs the Department of Administrative and Financial Services to develop a proposed state policy for the use of state property by the private sector and to submit its proposed policy to the Joint Standing Committee on State and Local Government no later than December 3, 2009.

Joint Standing Committee on State and Local Government

**LD 905 Resolve, Regarding the Sale of Certain Real Property in the City of
Hallowell**

RESOLVE 102

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM	H-358

This bill requires the Department of Administrative and Financial Services to meet and consult with the City of Hallowell prior to selling the property known as the Stevens/Reed Campus in Hallowell. The department shall also schedule a public hearing to discuss the use of the property and whether the use is consistent with the City of Hallowell's comprehensive plan and open space plan.

Committee Amendment "A" (H-358)

The amendment replaces the resolve. It requires the Department of Administrative and Financial Services, prior to sale or transfer of any property in the City of Hallowell authorized for sale by Resolve 2003, chapter 92, to reserve a parcel agreed to by the State and the City of Hallowell for municipal use, reserve a portion of the property for use by School Administrative District 16 or its successor, reserve a portion for open space, condition sale of certain buildings on preservation and rehabilitation according to the Maine Historic Preservation Commission and establish a stakeholder group prior to any transfer of the site. The Commissioner of Administrative and Financial Services shall provide a report to the Joint Standing Committee on State and Local Government on efforts toward sale or transfer by February 1, 2010. The amendment also removes the emergency preamble and clause.

Enacted Law Summary

Resolve 2009, chapter 102 requires the Department of Administrative and Financial Services, prior to sale or transfer of any property in the City of Hallowell authorized for sale by Resolve 2003, chapter 92, to reserve a parcel agreed to by the State and the City of Hallowell for municipal use, reserve a portion of the property for use by School Administrative District 16 or its successor, reserve a portion for open space, condition sale of certain buildings on preservation and rehabilitation according to the Maine Historic Preservation Commission and establish a stakeholder group prior to any transfer of the site. The Commissioner of Administrative and Financial Services shall provide a report to the Joint Standing Committee on State and Local Government on efforts toward sale or transfer by February 1, 2010.

**LD 918 An Act To Amend the Informed Growth Act To Provide a Local
Management Option**

ONTP

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

This bill exempts a municipality from the Informed Growth Act if the municipality adopts an ordinance that determines the impact of a large-scale retail development on the surrounding community and requires an independent study by a qualified preparer. It also exempts a municipality that has adopted an ordinance prior to January 1, 2009 for determining the economic and community impacts of a large-scale retail development.

Joint Standing Committee on State and Local Government

LD 1019 An Act To Strengthen the Informed Growth Act

ONTP

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

This bill requires the comprehensive economic impact study under the Informed Growth Act for a large-scale retail development proposal of over 150,000 square feet of gross floor area to provide information concerning the average number of part-time and full-time employees of the prospective tenant who are covered by the prospective tenant's health insurance policy.

LD 1022 An Act To Amend the Laws Governing the Legislative Youth Advisory Council

Carried Over

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

This bill amends the laws governing the Legislative Youth Advisory Council.

1. It expands the duties of the council to include establishing a communication network with other youth groups in the State, facilitating methods of receiving input from youth from geographically diverse areas of the State and developing criteria to be considered when recommending future members for appointment.
2. It directs the appointing authorities to give special consideration to youth who have already served on the council when making appointments and directs the appointing authorities to fill vacancies as soon as practicable.
3. It directs the council to include in its rules of procedure an attendance policy that authorizes revocation of membership for lack of attendance.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, House Paper 1053.

LD 1028 An Act To Enhance Municipal Home Rule Statutes

**ACCEPTED ONTP
REPORT**

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

This bill allows a municipality to adopt an ordinance that denies corporations constitutional rights. It would allow a municipality to adopt an ordinance that states that a corporation may not be recognized as a person.

Joint Standing Committee on State and Local Government

Committee Amendment "A" (H-298)

This amendment, which is the minority report of the committee, clarifies that a municipality may adopt or enforce an ordinance that provides that a corporation or other business entity may not be afforded any constitutional rights, privileges, powers or protections that would enable the corporation or other business entity to avoid the enforcement of an ordinance or challenge an ordinance.

**LD 1029 An Act To Authorize Municipalities To Protect the Habitability of
Rental Housing during Heating Fuel Emergencies**

PUBLIC 135

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CASAVANT SULLIVAN	OTP-AM	H-76

This bill authorizes municipalities to provide for the delivery of heating fuel to rental housing units that are facing an imminent threat of becoming uninhabitable because of a lack of heating fuel. It establishes a set of procedures the municipality must follow before providing for the delivery of heating fuel that are designed to allow the landlord to avert municipal delivery of heating fuel by providing for the necessary delivery of heating fuel. The bill also provides for a municipal lien on the rental property in order to recover the direct and administrative costs associated with providing for the heating fuel.

Committee Amendment "A" (H-76)

This amendment removes the emergency preamble and the emergency clause from the bill.

Enacted Law Summary

Public Law 2009, chapter 135 authorizes municipalities to provide for the delivery of heating fuel to rental housing units that are facing an imminent threat of becoming uninhabitable because of a lack of heating fuel. It establishes a set of procedures the municipality must follow before providing for the delivery of heating fuel that are designed to allow the landlord to avert municipal delivery of heating fuel by providing for the necessary delivery of heating fuel. It also provides for a municipal lien on the rental property in order to recover the direct and administrative costs associated with providing for the heating fuel.

LD 1064 An Act To Increase Efficiency through Regionalization

ONTP

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

This bill allows appropriations of municipalities to be exempt from the property tax levy and appropriations of counties to be exempt from the county assessment limit if the appropriations are to study, initiate or consolidate a regional service for up to 10 years if the Department of Administrative and Financial Services determines that the services are needed and will be more efficient than present services, will save taxpayers money and will be paid for through the savings of consolidation or fees for the service.

Joint Standing Committee on State and Local Government

**LD 1098 Resolve, To Transfer Ownership of the Reed Center on the Stevens
Campus in the City of Hallowell to School Administrative District No.
16**

ONTP

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

This bill allows the Commissioner of Administrative and Financial Services to sell the property known as the Reed Center on the Stevens Campus located in the City of Hallowell to School Administrative District No. 16 or its successor for one dollar.

LD 1100 An Act To Preserve Government Documents

PUBLIC 366

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-207

This bill transfers jurisdiction of campaign finance reports for a candidate for municipal office of a town or city with a population of 15,000 or more from municipal clerks to the Commission on Governmental Ethics and Election Practices. Such municipal candidates will be required to follow the same procedures and guidelines as candidates for state or county office.

Committee Amendment "A" (S-207)

This amendment replaces the bill. It transfers jurisdiction of campaign finance reports for a candidate for municipal office, as well as municipal referenda, of a town or city with a population of 15,000 or more from municipal clerks to the Commission on Governmental Ethics and Election Practices. The transfer affects towns and cities with populations of less than 15,000 that choose to be governed by the campaign finance reporting provisions of the Maine Revised Statutes, Title 21-A to retain campaign finance reports for 8 years. Municipal candidates and political action and ballot question committees will begin reporting to the commission beginning with the elections to take place in November 2011. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2009, chapter 366 transfers jurisdiction of campaign finance reports for a candidate for municipal office of a town or city with a population of 15,000 or more from municipal clerks to the Commission on Governmental Ethics and Election Practices. The records for municipal referenda reports for these cities or towns are also transferred. The transfer of jurisdiction affects towns and cities with populations of less than 15,000 that choose to be governed by the campaign finance reporting provisions of the Maine Revised Statutes, Title 21-A to retain campaign finance reports for 8 years. Municipal candidates and political action and ballot question committees will begin reporting to the commission beginning with the elections to take place in November 2011.

Joint Standing Committee on State and Local Government

LD 1102 An Act To Establish the Maine Science Advisory Board

**ACCEPTED ONTP
REPORT**

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

This bill establishes the Maine Science Advisory Board.

Committee Amendment "A" (S-237)

The amendment, which is the minority report of the committee, replaces the bill. It requires the Maine Innovation Economy Advisory Board to render scientific assessment on questions of science posed by the Governor or any joint standing committee of the Legislature with a question related to proposed legislation rather than establishing the Maine Science Advisory Board. The Maine Innovation Economy Advisory Board would review and summarize scientific studies related to questions, may include outside experts and must include a public comment period before issuing a finding. A member with a conflict of interest in a matter before the advisory board must be recused from any discussion of the subject.

LD 1119 An Act To Clarify the Municipal Jurisdiction of a Portion of Saco Bay

P & S 24

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOGAN	OTP-AM MAJ ONTP MIN	H-375 S-254 SIMPSON

This bill extends the municipal boundary between the Town of Old Orchard Beach and the City of Saco by extending the current easterly boundary of the Town of Old Orchard Beach to 3 miles seaward.

Committee Amendment "A" (H-375)

This amendment clarifies that the islands of Bluff and Stratton remain as part of the City of Saco despite being within the 3-mile seaward boundary of the Town of Old Orchard Beach.

Senate Amendment "A" (S-254)

This amendment requires the Town of Old Orchard Beach to adopt a municipal zoning ordinance relating to marinas that is at least as strict as that adopted in the City of Saco at the time of the passage of this legislation before the boundary change can go into effect. The amendment also authorizes the City of Saco and the Town of Old Orchard Beach to convene a working group to examine regulatory jurisdictions, including zoning, parameters for future development in Saco Bay, uniform environmental regulations for Saco Bay and the feasibility of establishing an oversight group made up of residents from communities bordering Saco Bay. The working group is authorized to submit a report to the Joint Standing Committee on State and Local Government.

Enacted Law Summary

Private & Special Law 2009, chapter 24 extends the municipal boundary between the Town of Old Orchard Beach and the City of Saco by extending the current easterly boundary of the Town of Old Orchard Beach to 3 miles

Joint Standing Committee on State and Local Government

seaward, except that the islands of Bluff and Stratton remain as part of the City of Saco. The change in the municipal boundary may not go into effect until the Town of Old Orchard Beach adopts a municipal zoning ordinance relating to marinas that is at least as strict as that adopted in the City of Saco at the time of the passage of this legislation. The City of Saco and the Town of Old Orchard Beach are authorized to convene a working group to examine regulatory jurisdictions, including zoning, parameters for future development in Saco Bay, uniform environmental regulations for Saco Bay and the feasibility of establishing an oversight group made up of residents from communities bordering Saco Bay. The working group is authorized to submit a report to the Joint Standing Committee on State and Local Government.

**LD 1145 RESOLUTION, Proposing an Amendment to the Constitution of Maine
To Amend the Time Frame for Towns To Certify Citizen Initiative
Signatures**

CON RES 1

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS DAVIS G	OTP-AM	H-176

This bill is a resolution proposing to amend the Constitution of Maine to increase the amount of time provided to officials of cities, towns and plantations to certify that signatures on petitions for a people's veto and on petitions for a direct initiative appear on voting lists for those cities, towns and plantations.

Committee Amendment "A" (H-176)

The constitutional resolution proposed to amend the Constitution of Maine to increase the amount of time provided to officials of cities, towns and plantations to certify that signatures on petitions for a direct initiative or people's veto appear on voting lists for those cities, towns and plantations. This amendment removes the increase with respect to people's vetoes and clarifies the petition process generally, including clarifying that "day" or "days" means any day that is not a Saturday, Sunday or legal holiday. It adds 10 days to the period of time before the written petitions for a direct initiative are due to the Secretary of State's office so that citizens have the same amount of time to collect signatures as they do currently.

Enacted Law Summary

Constitutional Resolution 2009, chapter 1 is a resolution to amend the Constitution of Maine to increase the amount of time provided to officials of cities, towns and plantations to certify that signatures on petitions for a direct initiative appear on voting lists for those cities, towns and plantations. It clarifies that for the petition process generally, "day" or "days" means any day that is not a Saturday, Sunday or legal holiday. The resolution adds 10 days to the period of time before the written petitions for a direct initiative are due to the Secretary of State's office so that citizens have the same amount of time to collect signatures as they do currently. This resolution must be approved by a majority of the legal votes cast at the statewide election in November in order for this amendment to become part of the Constitution of Maine.

**LD 1147 Resolve, To Allow the Secretary of State and the InforME Board To
Facilitate the Payment of Outstanding Parking Tickets When
Registering a Motor Vehicle**

ONTP

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

Joint Standing Committee on State and Local Government

This bill requires the Secretary of State and the InforME Board to develop a program that would allow a municipality to forward information concerning outstanding parking tickets to InforME. The Bureau of Motor Vehicles within the Department of the Secretary of State may use that information to advise a person that the person may pay any outstanding tickets at the time of registration of a motor vehicle.

LD 1172 An Act To Allow a Municipality To Grant a Variance for the Construction of a Parking Structure for a Person with a Permanent Disability

PUBLIC 342

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CASAVANT ALFOND	OTP-AM MAJ OTP-AM MIN	H-299

Current law allows a zoning board of appeals to grant a variance to a person with a disability for the construction of equipment or structures necessary for access to or egress from the dwelling. This bill allows a zoning board, if allowed by the municipal ordinance establishing the zoning board, to grant a variance for the construction of a structure for the storage of a motor vehicle owned by a person with a permanent disability and registered in this State with disability registration plates.

Committee Amendment "A" (H-299)

This amendment, which is the majority report of the committee, removes the provision of the bill that a variance may be granted for the construction of a place of storage and parking for a noncommercial vehicle only if the structure is attached to a dwelling owned by a person with a permanent disability by a foundation and has load-bearing walls. This allows the municipality maximum flexibility when granting a variance for a person with a permanent disability to construct a place of storage and parking for a vehicle owned by that person. The structure may be up to two times the length and width of the vehicle, rather than one and a half times as in the bill.

Committee Amendment "B" (H-300)

This amendment, which is the minority report of the committee, requires that the construction of a structure for the storage of a motor vehicle owned by a person with a permanent disability must be a temporary structure that is removed after that person no longer occupies the dwelling. This amendment was not adopted.

Enacted Law Summary

Public Law 2009, chapter 342 allows a zoning board, if allowed by the municipal ordinance establishing the zoning board, to grant a variance for the construction of a structure for the storage of a motor vehicle owned by a person with a permanent disability and registered in this State with disability registration plates. The structure may be no larger than two times the length and width of the vehicle.

LD 1212 An Act To Clarify the Role of Public Comment in the Agency Decision-making Process

ONTP

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

This bill amends the Maine Administrative Procedure Act to require an agency to report the ratio of the persons submitting comments in support of and persons in opposition to a proposed rule during the public comment period

Joint Standing Committee on State and Local Government

and also to require that the agency provide an explanation to the Legislative Council as to why the rule needs to be adopted as written if the proposed rule was opposed by two-thirds of the persons submitting public comments. It also requires the Maine Land Use Regulation Commission to provide an explanation for a permitting decision that was opposed by two-thirds of the persons submitting comments at a public hearing.

LD 1220 An Act To Create Incentives for the Consolidation of Municipal Services

ONTP

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

This bill creates a challenge grant to be awarded by the Department of Administrative and Financial Services from the Fund for the Efficient Delivery of Local and Regional Services for the start-up costs and first 3 years of the integration of public works services of 3 or more municipalities or 6 years if the municipalities comprise over 60% of the population of the county in which the municipalities are located and the county administers the integrated services.

LD 1232 Resolve, Establishing a Committee To Study the Legislative Confirmation Process

ONTP

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

This bill establishes a committee to examine the legislative confirmation process with the goal of reporting on the best ways to streamline and improve the process. The committee will review the final report of the Committee To Develop a Total Quality Management Plan from September 1, 1992 concerning the legislative confirmation process that resulted in new legislation concerning the subject and review the reasons given for the need for improving the process and what was recommended and what was implemented. The committee will identify the existing issues surrounding the nomination and confirmation process, such as time constraints, the number of confirmations required, background checks and dealing with negative information and confidentiality, and identify ways to improve problems within the process that have been discovered. The committee will report to the Joint Standing Committee on State and Local Government in the Second Regular Session with recommendations and suggested legislation. The joint standing committee is authorized to report out a bill on this subject.

LD 1254 An Act To Repeal Inactive Boards and Commissions

PUBLIC 369

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-328 H-331 PERCY

This bill repeals boards that did not file annual reports in either 2007 or 2008, or that filed a report that indicated inactivity for 2007 and 2008. The boards and commissions being repealed are:

Joint Standing Committee on State and Local Government

1. Citizens' Code of Conduct Working Group;
2. Long-term Care Oversight Committee;
3. Maine HIV Advisory Committee;
4. Publicly Supported Private Secondary School Advisory Council;
5. Tobacco Prevention and Control Advisory Council;
6. Technology Center Coordinating Board;
7. Maine Criminal Justice Commission;
8. Oil Spill Advisory Committee;
9. River Flow Advisory Commission;
10. Advisory Board of the Maine Learning Technology Fund;
11. Aroostook Water and Soil Management Board;
12. Board of Barbering and Cosmetology;
13. Education Commission of the States;
14. Junior Maine Guides and Trip Leaders Curriculum Advisory Board;
15. Maine Agricultural Bargaining Board;
16. Maine Biomedical Research Board;
17. Maine Engineers Recruitment and Retention Advisory Committee;
18. Maine-Canadian Legislative Advisory Commission;
19. Marine Recreational Fishing Advisory Council;
20. New England and Eastern Canada Legislative Commission;
21. Pharmaceutical Cost Management Council;
22. State Compensation Commission; and
23. State House and Capitol Park Commission.

Committee Amendment "A" (H-328)

This amendment removes a number of boards and commissions from the list to be repealed in the bill. Those boards and commissions are:

1. Citizens' Code of Conduct Working Group;
2. Maine HIV Advisory Committee;
3. Publicly Supported Private Secondary School Advisory Council;
4. Tobacco Prevention and Control Advisory Council;
5. Oil Spill Advisory Committee;
6. River Flow Advisory Commission;
7. Advisory Board of the Maine Learning Technology Fund;
8. Education Commission of the States;
9. Maine Agricultural Bargaining Board;
10. Maine Biomedical Research Board;
11. Maine-Canadian Legislative Advisory Commission;
12. New England and Eastern Canada Legislative Commission;
13. State Compensation Commission; and
14. State House and Capitol Park Commission.

The amendment changes the date that the Secretary of State submits the suggested legislation to repeal inactive boards and commissions to January 30th from January 15th. It also prohibits the Secretary of State from including in that legislation the State Compensation Commission, Maine-Canadian Legislative Advisory Commission, New England and Eastern Canada Legislative Commission, State House and Capitol Park Commission and Maine Agricultural Bargaining Board and from requiring annual reports when inactive. These boards and commissions are only active periodically for specific purposes.

The section in the bill repealing the Technology Center Coordinating Board is deleted as the board was eliminated

Joint Standing Committee on State and Local Government

by Public Law 2009, chapter 90, section 1.

The amendment also inserts a new Part B, which establishes the barbering and cosmetology licensing program as a regulatory function within the Department of Professional and Financial Regulation, Office of Licensing and Registration because the Board of Barbering and Cosmetology has been inactive and therefore repealed in the bill. It places responsibility for, and authority over, the licensing and enforcement program of the Board of Barbering and Cosmetology under the oversight and management of the Director of the Office of Licensing and Registration.

House Amendment "A" (H-331)

This amendment retains the number of members on the Marine Resources Advisory Council at 16. It replaces the representative of the Marine Recreational Fishing Advisory Council, which was repealed in the bill, with a person representing recreational saltwater anglers.

Enacted Law Summary

Public Law 2009, chapter 369 repeals certain inactive boards and commissions. Those boards and commissions being repealed are:

1. Long-term Care Oversight Committee;
2. Maine Criminal Justice Commission;
3. Aroostook Water and Soil Management Board;
4. Board of Barbering and Cosmetology;
5. Junior Maine Guides and Trip Leaders Curriculum Advisory Board;
6. Maine Engineers Recruitment and Retention Advisory Committee;
7. Marine Recreational Fishing Advisory Council; and
8. Pharmaceutical Cost Management Council.

It changes the date that the Secretary of State submits the suggested legislation to repeal inactive boards and commissions to January 30th from January 15th. It also prohibits the Secretary of State from including in that legislation the State Compensation Commission, Maine-Canadian Legislative Advisory Commission, New England and Eastern Canada Legislative Commission, State House and Capitol Park Commission and Maine Agricultural Bargaining Board and from requiring annual reports when inactive because they are only active periodically for specific purposes.

The number of members on the Marine Resources Advisory Council remains at 16 by replacing the member from the Marine Recreational Fishing Advisory Council with a person representing recreational saltwater anglers.

It also establishes the barbering and cosmetology licensing program as a regulatory function within the Department of Professional and Financial Regulation, Office of Licensing and Registration and the Board of Barbering and Cosmetology is repealed. The responsibility for, and authority over, the licensing and enforcement program of the Board of Barbering and Cosmetology is placed under the oversight and management of the Director of the Office of Licensing and Registration.

LD 1270 **Resolve, To Realign Maine's Natural Resource Agencies**

ONTP

Sponsor(s)

PIEH

Committee Report

ONTP

Amendments Adopted

Joint Standing Committee on State and Local Government

This bill directs the commissioners of the Department of Conservation, the Department of Agriculture, Food and Rural Resources, the Department of Marine Resources and the Department of Inland Fisheries and Wildlife to reconfigure their departments. The four departments are required to report to the Joint Standing Committee on Agriculture, Conservation and Forestry, the Joint Standing Committee on Marine Resources and the Joint Standing Committee on Inland Fisheries and Wildlife by December 1, 2009 outlining the progress on the reorganization and to submit proposed legislation to the Second Regular Session of the 124th Legislature by March 1, 2010.

LD 1271 An Act To Generate Savings by Changing Public Notice Requirements

PUBLIC 256

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAYES SCHNEIDER	OTP-AM	H-330

This bill requires the Secretary of State to maintain a publicly accessible website for the posting of notices of all proposed and adopted rules. It also changes the requirements for public notice of proposed rules in the newspaper with the intention of making the notices shorter. It removes from the newspaper notice the requirement to refer to the statutory or federal authority for the rule and replaces the requirement for the express terms of the proposed rule with a general statement on the substance. The notices posted on the publicly accessible website must meet the original requirements for the notice.

Committee Amendment "A" (H-330)

This amendment strikes the section from the bill that would have left the publication of adopted rules to the discretion of the agency.

Enacted Law Summary

Public Law 2009, chapter 256 requires the Secretary of State to maintain a publicly accessible website for the posting of notices of all proposed and adopted rules. It also changes the requirements for public notice of proposed rules in the newspaper with the intention of making the notices shorter. It removes from the newspaper notice the requirement to refer to the statutory or federal authority for the rule and replaces the requirement for the express terms of the proposed rule with a general statement on the substance. The notices posted on the publicly accessible website must meet the original requirements for the notice.

LD 1312 An Act To Require a State Agency To Reference the Livable Wage in Information Published by That Agency

**ACCEPTED ONTP
REPORT**

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

This bill directs any state agency that publishes information that refers to the federal poverty level to also refer to the Department of Labor livable wage scale in that publication. It also directs the Maine Council on Poverty and Economic Security to assess alternative measurements to the federal poverty level and to make recommendations for a state-specific poverty measurement to the Governor and the Legislature in its annual report by February 15, 2010.

Committee Amendment "A" (H-381)

Joint Standing Committee on State and Local Government

This amendment, which is the minority report of the committee, removes from the bill the section directing state agencies that publish information that refers to the federal poverty level to also refer to the Department of Labor livable wage scale in that publication.

LD 1313 Resolve, Directing the State Planning Office To Prepare a Reorganization Plan

RESOLVE 89

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	OTP-AM	H-329

This bill directs the Executive Department, State Planning Office to create a plan to reorganize the State Planning Office to only provide planning services to state agencies, with the agencies to provide staff support. It also directs the State Planning Office to study and recommend legislation to transfer certain other powers and duties of the office to other agencies in anticipation of the dissolution. The Joint Standing Committee on State and Local Government is authorized to submit emergency legislation to the Second Regular Session of the 124th Legislature in anticipation of the current organization of the State Planning Office ending on July 1, 2010.

Committee Amendment "A" (H-329)

This amendment replaces the bill with a resolve directing the Executive Department, State Planning Office to prepare a proposed reorganization plan that includes the office remaining responsible for the state-owned landfill.

Enacted Law Summary

Resolve 2009, chapter 89 directs the Executive Department, State Planning Office to prepare a proposed reorganization plan in which the office is nonregulatory in nature, performs planning services for agencies and is the agency responsible for the state-owned landfill. The report must be submitted to the Joint Standing Committee on State and Local Government by February 1, 2010. The committee is authorized to submit legislation related to the report to the Second Regular Session of the 124th Legislature.

LD 1400 An Act To Designate July 12th as Wyeth Day

PUBLIC 210
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KRUGER RECTOR	OTP-AM	H-251

This bill establishes July 12th of each year as Wyeth Day, in honor of the birthday of Andrew Wyeth, to honor one of America's great artists who had long and lasting ties to the State.

Committee Amendment "A" (H-251)

This amendment changes the allocation in the Maine Revised Statutes, Title 1 from section 150-C to section 150-D. Public Law 2009, chapter 51 established Native American Veterans Day in Title 1, section 150-C.

Enacted Law Summary

Public Law 2009, chapter 210 establishes July 12th of each year as Wyeth Day, in honor of the birthday of Andrew Wyeth, to honor one of America's great artists who had long and lasting ties to the State.

Joint Standing Committee on State and Local Government

Public Law 2009, chapter 210 was enacted as an emergency measure effective May 26, 2009.

LD 1410 An Act To Restore the Historical Town Boundary between Harpswell and Brunswick

**DIED ON
ADJOURNMENT**

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

This bill restores the historical boundary line between the Town of Harpswell and the Town of Brunswick.

Committee Amendment "A" (H-417)

This amendment, which is the minority report of the committee, replaces the bill. It requires the Town of Harpswell and the Town of Brunswick to hold at least 4 meetings before January 15, 2010 to discuss issues related to the town boundary, including marine resources management. The 2 towns must report their findings, including points of agreement and disagreement, to the Joint Standing Committee on State and Local Government by January 30, 2010. The Joint Standing Committee on State and Local Government has the authority to report out a bill to the Second Regular Session of the 124th Legislature. It also adds a mandate preamble.

LD 1424 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Unicameral Legislature

**DIED BETWEEN
HOUSES**

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

This bill is a resolution proposing to amend the Constitution of Maine to abolish the Senate and the House of Representatives and to replace them with a unicameral Legislature made up of 105 members who will be referred to as Senators. This reduction requires a reapportionment plan by the Legislature that convenes in December 2012 so that the Legislature elected in November 2014 is unicameral.

Committee Amendment "A" (H-471)

This amendment, which is the minority report of the committee, changes the number of members of a unicameral Legislature from 105 members to 151 members.

LD 1425 An Act Regarding Payment to Municipal and Quasi-municipal Entities for Emergency Response to Hazardous Materials Incidents

ONTP

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

Joint Standing Committee on State and Local Government

This bill provides that the owner or lessee of property to which municipal or quasi-municipal emergency services are dispatched in response to a hazardous materials incident is liable to the municipality or quasi-municipal entity that provides those emergency services for the cost of those emergency services.

LD 1428 An Act Regarding the Pay of Tribal Representatives

**PUBLIC 431
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM	S-256 S-331 DIAMOND

This bill provides that the Tribal Representatives elected to the House are considered House members for compensation and other purposes.

Committee Amendment "A" (S-256)

This amendment clarifies that the member of the Penobscot Indian Nation and the member of the Passamaquoddy Indian Tribe elected to represent their tribes at the Legislature are entitled to receive the same salary and cost-of-living adjustments as members of the House of Representatives. The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-331)

This amendment removes the appropriations and allocations section.

Enacted Law Summary

Public Law 2009, chapter 431 clarifies that the member of the Penobscot Indian Nation and the member of the Passamaquoddy Indian Tribe elected to represent their tribes at the Legislature are entitled to receive the same salary and cost-of-living adjustments as members of the House of Representatives.

Public Law 2009, chapter 431 was enacted as an emergency measure effective June 17, 2009.

LD 1453 An Act To Reform Natural Resources Agencies and Establish the Department of Natural Resources

**ACCEPTED ONTP
REPORT**

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

This bill sets up a process to reorganize the current Department of Agriculture, Food and Rural Resources, Department of Inland Fisheries and Wildlife, Department of Conservation and Department of Marine Resources into one Department of Natural Resources, effective July 1, 2009. The Department of Natural Resources is established to improve agriculture and strengthen rural life; enhance inland fisheries and wildlife resources; enhance the land resources of the State, including through coordinated planning for the future allocation of lands for recreational, forest production, mining and other public and private uses; and conserve and develop marine and estuarine resources, including for coastal fishing industries. The department must include administration of resource development and promotion, resource management and operations and customer service. The bill authorizes the

Joint Standing Committee on State and Local Government

appointment of an acting Commissioner of Natural Resources and directs the acting commissioner to develop a plan for the organization of the new department and implementing legislation. The acting commissioner is also directed as part of the reorganization to implement recommendations 1 to 8 of the 2008 report of the Natural Resource Agency Task Force appointed by the Governor to implement Public Law 2007, chapter 539, Part YY, section 2. The acting Commissioner of Natural Resources shall report implementing legislation for the reorganization to the Legislature by January 1, 2010. Savings from the reorganization must be reinvested in the Department of Natural Resources.

Committee Amendment "A" (S-212)

This amendment, which is the minority report of the committee, replaces the bill with a resolve. It requires the commissioners of the 4 natural resources departments to develop a report that will implement the 8 consensus recommendations of the Governor's natural resources agency task force. The report is due to the Joint Standing Committee on State and Local Government by January 15, 2010, and the committee has the authority to submit legislation to the Second Regular Session of the 124th Legislature.

LD 1480 Resolve, Regarding the Maine State Cultural Building in Augusta

RESOLVE 91

Sponsor(s)

Committee Report

Amendments Adopted

This bill amends Resolve 2007, chapter 151, which directed the Director of the Bureau of General Services within the Department of Administrative and Financial Services to provide a report on the status and future of the Maine State Cultural Building in Augusta and authorized the Joint Standing Committee on State and Local Government to submit legislation to the First Regular Session of the 124th Legislature. This resolve authorizes the joint standing committee to also submit legislation to the Second Regular Session of the 124th Legislature.

Enacted Law Summary

Resolve 2009, chapter 91 amends Resolve 2007, chapter 151, which directed the Director of the Bureau of General Services within the Department of Administrative and Financial Services to provide a report on the status and future of the Maine State Cultural Building in Augusta and authorized the Joint Standing Committee on State and Local Government to submit legislation to the First Regular Session of the 124th Legislature. This resolve authorizes the joint standing committee to also submit legislation to the Second Regular Session of the 124th Legislature.

LD 681	An Act To Lower the Cost of State Government in the Departments under the Purview of the Joint Standing Committee on State and Local Government	ACCEPTED ONTP REPORT
LD 705	An Act To Clarify the Qualifications for the Position of State Archivist	ACCEPTED ONTP REPORT
LD 762	Resolve, To Increase Reporting Transparency in State Government	ONTP
LD 785	An Act To Use All Available Technologies To Provide Efficiencies in State Facilities	ONTP
LD 1270	Resolve, To Realign Maine's Natural Resource Agencies	ONTP
LD 1312	An Act To Require a State Agency To Reference the Livable Wage in Information Published by That Agency	ACCEPTED ONTP REPORT
LD 1453	An Act To Reform Natural Resources Agencies and Establish the Department of Natural Resources	ACCEPTED ONTP REPORT

Informed Growth Act

Enacted

LD 448	An Act To Modify the Informed Growth Act	PUBLIC 260
--------	--	------------

Not Enacted

LD 242	An Act To Repeal the Informed Growth Act	ACCEPTED ONTP REPORT
LD 918	An Act To Amend the Informed Growth Act To Provide a Local Management Option	ONTP
LD 1019	An Act To Strengthen the Informed Growth Act	ONTP

Legislature and Legislative Process

Enacted

LD 1428	An Act Regarding the Pay of Tribal Representatives	PUBLIC 431 EMERGENCY
---------	--	-------------------------

Not Enacted

LD 31	An Act To Amend the Legislative Term Limit Laws	ACCEPTED ONTP REPORT
LD 108	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Terms for State Senators and Members of the House of Representatives to 4 Years	ACCEPTED ONTP REPORT

LD 121	An Act To Reduce the Length of the Legislative Sessions	ACCEPTED ONTP REPORT
LD 144	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature	DIED BETWEEN HOUSES
LD 211	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Schedule for Redistricting	INDEF PP
LD 434	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Reduction in the Size of the Legislature	ONTP
LD 464	An Act To Suspend the Cost-of-living Adjustment for Legislators' Salaries for the Second Regular Session of the 124th Legislature	INDEF PP
LD 473	An Act To Suspend the Cost-of-living Adjustment for Legislators' Salaries for the First Regular Session of the 124th Legislature	DIED ON ADJOURNMENT
LD 838	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Elect 2 Senators from Each County and To Increase the Senate Term from 2 to 4 Years	ACCEPTED ONTP REPORT
LD 1022	An Act To Amend the Laws Governing the Legislative Youth Advisory Council	
LD 1232	Resolve, Establishing a Committee To Study the Legislative Confirmation Process	ONTP
LD 1424	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Unicameral Legislature	DIED BETWEEN HOUSES

Monuments and Memorial Days

Enacted

LD 117	Resolve, To Facilitate the Creation of a Memorial for the Families and Friends of Children Who Have Died by Violence	RESOLVE 15
LD 304	Resolve, To Allow for the Support, Preservation and Maintenance of Maine Monuments in Gettysburg, Pennsylvania	RESOLVE 37
LD 1400	An Act To Designate July 12th as Wyeth Day	PUBLIC 210 EMERGENCY

Not Enacted

LD 210	An Act To Change the Name of Columbus Day to Heritage Day	ACCEPTED ONTP REPORT
--------	---	-------------------------

Municipalities and Quasi-Municipalities

Enacted

LD 33	An Act To Change the Name of Township 16, Range 4, WELS, to Madawaska Lake	P & S 7 EMERGENCY
-------	--	----------------------

LD 34	An Act To Clarify the Election of Municipal Charter Commission Members	PUBLIC 52 EMERGENCY
LD 113	An Act Regarding Construction and Excavation near Burial Sites	PUBLIC 310 EMERGENCY
LD 130	An Act To Allow a Municipality Greater Flexibility To Disburse State Fees	PUBLIC 6
LD 142	An Act To Revise the Boundary between the City of Waterville and the Town of Oakland	P & S 2
LD 331	An Act To Clarify the Duties of Municipal Treasurers, Clerks and Tax Collectors	PUBLIC 193
LD 619	An Act To Rename Certain Unorganized Townships in Washington County	P & S 13
LD 680	An Act To Hold Municipal Officers Harmless for a Determination That a Town Way or Public Easement Is Considered Abandoned	PUBLIC 59
LD 739	An Act To Clarify That the Assessor and Treasurer Are Incompatible Municipal Offices	PUBLIC 57
LD 1029	An Act To Authorize Municipalities To Protect the Habitability of Rental Housing during Heating Fuel Emergencies	PUBLIC 135
LD 1100	An Act To Preserve Government Documents	PUBLIC 366
LD 1119	An Act To Clarify the Municipal Jurisdiction of a Portion of Saco Bay	P & S 24
LD 1145	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Amend the Time Frame for Towns To Certify Citizen Initiative Signatures	CON RES 1
LD 1172	An Act To Allow a Municipality To Grant a Variance for the Construction of a Parking Structure for a Person with a Permanent Disability	PUBLIC 342
<u>Not Enacted</u>		
LD 143	An Act To Amend the Process for Secession from a County by a Municipality	ONTP
LD 273	An Act To Require a Regional Review of Projects That Affect Areas Outside of the Community in Which the Project Is Proposed	ONTP
LD 279	An Act To Amend the Laws Governing the Fund for the Efficient Delivery of Local and Regional Services	ONTP
LD 463	An Act To Allow Nonresident Property Owners To Vote on Municipal Budget Matters	ONTP
LD 587	An Act To Allow a Board of Selectmen To Fill a Vacancy on That Board	ONTP

LD 741	An Act To Authorize the Annexation of a Portion of Redington Township in Franklin County to the Town of Carrabassett Valley	ACCEPTED ONTP REPORT
LD 761	An Act To Abolish the Fund for the Efficient Delivery of Local and Regional Services	ONTP
LD 763	An Act To Clarify the Warrant Article Petition Process	ONTP
LD 786	An Act To Require That Minutes Be Kept of Municipal Meetings	ACCEPTED ONTP REPORT
LD 1028	An Act To Enhance Municipal Home Rule Statutes	ACCEPTED ONTP REPORT
LD 1220	An Act To Create Incentives for the Consolidation of Municipal Services	ONTP
LD 1410	An Act To Restore the Historical Town Boundary between Harpswell and Brunswick	DIED ON ADJOURNMENT
LD 1425	An Act Regarding Payment to Municipal and Quasi-municipal Entities for Emergency Response to Hazardous Materials Incidents	ONTP

Notaries Public

Enacted

LD 379	An Act To Amend the Notary Public Laws	PUBLIC 74
--------	--	-----------

Rulemaking

Enacted

LD 1271	An Act To Generate Savings by Changing Public Notice Requirements	PUBLIC 256
---------	---	------------

Not Enacted

LD 1212	An Act To Clarify the Role of Public Comment in the Agency Decision-making Process	ONTP
---------	--	------

State Contracts and Fiscal Procedures

Not Enacted

LD 327	An Act To Strengthen Maine Small Business by Establishing a Preference Percentage for State Contract Bids	ONTP
LD 499	An Act To Require the State To Issue Requests for Proposals for the Shredding of State Documents	ONTP
LD 586	An Act To Retain Business in the State By Amending the Law Governing State Contract Bids	ONTP

State Government - General

Enacted

LD 209	An Act To Abolish the Intergovernmental Advisory Commission	PUBLIC 30
LD 236	An Act To Establish the Permanent Commission on the Status of Women	PUBLIC 191 EMERGENCY
LD 1254	An Act To Repeal Inactive Boards and Commissions	PUBLIC 369

Not Enacted

LD 226	An Act To Require a Vacancy in the Office of United States Senator To Be Filled by Election	INDEF PP
LD 417	An Act To Require State Employees To Pay 15% of Their Health Insurance Costs	DIED IN CONCURRENCE
LD 1102	An Act To Establish the Maine Science Advisory Board	ACCEPTED ONTP REPORT
LD 1147	Resolve, To Allow the Secretary of State and the InforME Board To Facilitate the Payment of Outstanding Parking Tickets When Registering a Motor Vehicle	ONTTP

State Property

Enacted

LD 449	Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located at 17 School Street in Benedicta, Aroostook County	RESOLVE 10
LD 905	Resolve, Regarding the Sale of Certain Real Property in the City of Hallowell	RESOLVE 102

Not Enacted

LD 890	Resolve, Directing the Department of Administrative and Financial Services To Develop a Proposed State Policy for the Use of State Property by the Private Sector	ONTTP
LD 1098	Resolve, To Transfer Ownership of the Reed Center on the Stevens Campus in the City of Hallowell to School Administrative District No. 16	ONTTP

STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the First Regular Session of the 124th Maine Legislature coming from the

JOINT STANDING COMMITTEE ON TAXATION

July 2009

MEMBERS:

SEN. JOSEPH C. PERRY, CHAIR
SEN. LAWRENCE BLISS
SEN. RICHARD A. NASS

REP. THOMAS R. WATSON, CHAIR
REP. DONALD E. PILON
REP. MARK E. BRYANT
REP. LINDA M. VALENTINO
REP. PATSY CROCKETT
REP. LAWRENCE SIROIS
REP. ELSPETH FLEMINGS
REP. KATHLEEN D. CHASE
REP. L. GARY KNIGHT
REP. BRIAN D. LANGLEY

STAFF:

JULIE S. JONES, SENIOR ANALYST
OFFICE OF FISCAL AND PROGRAM REVIEW
5 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1635

Joint Standing Committee on Taxation

LD 35 Resolve, Directing the State Tax Assessor To Work with Local Law Enforcement Agencies To Improve Tax Collection and Enforcement along the Border of the State

RESOLVE 27

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER BOWMAN	OTP-AM	H-73

This bill requires municipalities to enforce the excise tax laws against residents of the municipalities that register their motor vehicles, aircraft or watercraft outside of the State to avoid the State's excise tax.

Committee Amendment "A" (H-73)

This amendment directs the State Tax Assessor to work with municipal and county officials and law enforcement agencies close to the New Hampshire border to identify residents of the State who register vehicles, aircraft or watercraft in another state to avoid paying excise taxes in the State and otherwise avoid state income and sales tax and report activities pursuant to the resolve to the Joint Standing Committee of the Legislature having jurisdiction over taxation matters by January 15, 2011.

Enacted Law Summary

Resolve 2009, chapter 27 directs the State Tax Assessor to work with municipal and county officials and law enforcement agencies close to the New Hampshire border to identify residents of the State who register vehicles, aircraft or watercraft in another state to avoid paying excise taxes in the State and otherwise avoid state income and sales tax and report activities pursuant to the resolve to the Joint Standing Committee of the Legislature having jurisdiction over taxation matters by January 15, 2011.

LD 51 An Act To Allow Military Personnel Living in Maine To Benefit under the Maine Resident Homestead Property Tax Exemption

**PUBLIC 418
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAZUREK RECTOR	OTP-AM MAJ ONTP MIN	H-6 S-342 DIAMOND

This bill allows a member of the United States Armed Forces who is permanently stationed in Maine but who is not a legal resident of Maine to apply for and obtain the \$13,000 homestead property tax exemption that is currently only available to a permanent resident of Maine.

Committee Amendment "A" (H-6)

This amendment requires a member of the Armed Forces who is permanently stationed in Maine to provide certification from the commander of the member's post, station or base that the member is permanently stationed at that location and provides that members of the National Guard or the Reserves of the United States Armed Forces are not eligible under this provision.

Senate Amendment "A" (S-342)

This amendment adds a mandate preamble to the bill.

Joint Standing Committee on Taxation

Enacted Law Summary

Public Law 2009, chapter 418 allows a member of the United States Armed Forces who is permanently stationed in Maine but who is not a legal resident of Maine to apply for and obtain the \$13,000 homestead property tax exemption that is currently only available to a permanent resident of Maine.

Public Law 2009, chapter 418 was enacted as an emergency measure effective June 17, 2009.

LD 57 An Act To Exempt Small Privately Owned Windmills from the Property Tax **ONTP**

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

This bill provides a property tax exemption for a windmill or wind turbine with a peak generating capacity of no more than 50 kilowatts that is 50 feet or less in height as long as the generated energy is used solely by the owner of the property on which the windmill or wind turbine is located. The exemption is limited to 10 years.

LD 71 An Act To Raise the Property Tax Exemption for Veterans **Carried Over**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS J NUTTING J		H-424

This bill increases the property tax exemption for post-World War I veterans and their eligible survivors from \$6,000 to \$7,000 to match the exemption given to veterans of World War I and earlier wars.

Committee Amendment "A" (H-424)

This amendment, which replaces the bill, provides for an annual 5% increase in the amount of the current \$6,000 property tax exemption for veterans.

This bill, as amended, was removed from the Special Appropriations Table, recommitted to the Joint Standing Committee on Taxation and carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

LD 72 An Act Regarding the Tax on Fuel Used for Commercial Agriculture, Fishing and Forestry **ONTP**

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

Joint Standing Committee on Taxation

This bill allows a person who purchases and uses internal combustion fuel for commercial fishing, forestry or agriculture purposes to apply for a refund of the excise tax paid, less 5¢ per gallon and exempts such fuel from the use tax.

**LD 86 An Act To Conform the Maine Tax Laws for 2008 to the United States
Internal Revenue Code**

INDEF PP

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

This bill updates references to the United States Internal Revenue Code contained in the Maine Revised Statutes, Title 36 to the United States Internal Revenue Code as amended through December 31, 2008, for tax years beginning on or after January 1, 2008 and for any prior years as specifically provided by the United States Internal Revenue Code with the exception of the new additional federal standard deduction for property taxes paid by individual taxpayers who elect not to itemize deductions.

The substance of this bill, adjusted to reflect changes in the United States Internal Revenue Code due to the American Recovery and Reinvestment Act of 2009 is included in Part BBBB of the biennial budget, P.L. 2009, chapter 213.

**LD 87 An Act To Allow the Same Homestead and Veterans' Exemptions to a
Person Who Has a Life Lease as Are Allowed to Those Who Have a Life
Estate**

ONTP

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

This bill extends homestead and veterans' property tax exemptions to persons who occupy their property under a life lease.

**LD 90 Resolve, Authorizing the State Tax Assessor To Convey the Interest of
the State in Certain Real Estate in the Unorganized Territory**

RESOLVE 7

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J	OTP-AM	S-4

This resolve authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory acquired for nonpayment of property taxes.

Committee Amendment "A" (S-4)

This amendment incorporates a fiscal note.

Joint Standing Committee on Taxation

Enacted Law Summary

Resolve 2009, chapter 7 authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory acquired for nonpayment of property taxes.

LD 109 An Act To Exempt Residential Electricity from Sales Tax ONTP

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

This bill exempts from sales tax the sale and delivery of all residential electricity exceeding the current exemption of 750 kilowatt-hours per month.

LD 166 An Act To Exempt Persons 65 Years of Age or Older with Income below the Poverty Line from Property Taxes on Their Homes ONTP

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

This bill provides a property tax exemption for the homestead of a person who is 65 years of age or older and whose annual income is below poverty thresholds as long as the person occupies that home at least 8 months each year. This bill requires the Department of Administrative and Financial Services, Bureau of Revenue Services to adopt major substantive rules to administer the program.

LD 167 An Act To Provide a Sales Tax Exemption for Used Goods Sold To Benefit Food Pantries ONTP

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

This bill provides a sales tax exemption for sales of used goods by a nonprofit organization when the profits from those sales benefit a food pantry.

LD 195 An Act To Base the Excise Tax on Vehicles on a Percentage of the Manufacturer's Suggested Retail Price Carried Over

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

Joint Standing Committee on Taxation

This bill requires the motor vehicle excise tax to be based on 90% of the manufacturer's suggested retail price for the motor vehicle, regardless of the amount actually paid for the motor vehicle.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

LD 196 An Act To Exempt Military Pensions from Income Tax

**DIED BETWEEN
HOUSES**

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

This bill exempts from the state income tax all military pension and survivors' benefits for military personnel received as a result of service in the active or reserve components of the Army, Navy, Air Force, Marines or Coast Guard.

**LD 197 An Act To Provide Tax Relief to Workers Who Lose Their Jobs Due to
Business Closure**

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT PERRY J	OTP-AM	H-118

This bill exempts from income tax severance payments that are required under Maine law if those benefits are received from a commercial or industrial establishment located in the State that employs or has employed at any time in the preceding 12-month period 100 or more persons and terminates operations in the State.

Committee Amendment "A" (H-118)

This amendment clarifies that the proposed income tax deduction for severance pay applies to mandatory severance pay received under the labor laws beginning January 1, 2008 and limits the income tax deduction to 4 years. It is the intent of this amendment that its cost be covered by federal stimulus funds.

LD 197 was placed on the Special Appropriations Table and died on adjournment.

LD 198 An Act To Recouple Maine Estate Tax with the Federal Estate Tax

**ACCEPTED ONTP
REPORT**

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

This bill amends the Maine estate tax to conform to the federal estate tax for the estates of decedents dying on or after January 1, 2009.

Joint Standing Committee on Taxation

LD 212 Resolve, To Study and Develop a Tax Increment Financing Program To Fund the Washington County Development Authority **ONTP**

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

This resolve requires the Department of Administrative and Financial Services, Bureau of Revenue Services to conduct a study to develop a tax increment financing proposal that will support the Washington County Development Authority's economic development programs and to report its findings, along with proposed legislation, to the Legislature and the Joint Standing Committee on Taxation by February 1, 2010.

LD 218 An Act To Exempt the United States Flag from Sales Tax **ONTP**

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

This bill exempts the sale of the United States flag from sales tax.

LD 224 An Act To Exempt Certain Senior Residents from the Income Tax **ONTP**

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

This bill exempts from Maine income tax, including the alternative minimum tax, an individual who is a resident of Maine and at least 75 years of age and whose taxable income is less than \$30,000.

LD 237 An Act To Impose an Excise Tax on the Extraction of Water for Bottling **ONTP**

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

This bill creates an excise tax of one cent per gallon on the extraction of groundwater or surface water from springs or other underground sources by a bottled water operator who extracted more than 1,000,000 gallons in the previous calendar year if the water will be packaged for sale in containers of 5 gallons or less. The revenue from the tax is applied 25% to watershed and water quality protection, 50% to tax relief for Maine residents and 25% to the

Joint Standing Committee on Taxation

municipality where the water was extracted in recognition that persons extracting large amounts of groundwater in Maine for sale benefit from the state and local groundwater protection activities.

LD 265 An Act To Provide a Sales Tax Exemption to Certain Organizations That Provide Assistance to Members of the Military ONTP

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

This bill provides an exemption from Maine sales tax to incorporated, nonprofit organizations that provide assistance to members of the military and their families.

LD 277 An Act To Clarify the Income-producing Requirement for Land in the Farm and Open Space Tax Program PUBLIC 114

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

This bill eliminates the farm income requirement for eligibility for current use valuation of land under the farm and open space tax law.

Committee Amendment "A" (S-89)

This amendment provides that farm income amounts used to demonstrate eligibility under the farm and open space tax laws must be from the sale of agricultural products as defined in the Maine Revised Statutes, Title 7, section 152.

Enacted Law Summary

Public Law 2009, chapter 114 provides that farm income amounts used to demonstrate eligibility under the farm and open space tax laws must be from the sale of agricultural products as defined in the Maine Revised Statutes, Title 7, section 152.

LD 313 An Act To Add a Fuel Oil Benefit to the Circuitbreaker Program ONTP

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

This bill provides relief to homeowners and renters for the cost of petroleum-based heating fuel by adding 50% of those costs to the base used to calculate benefits under the Maine Residents Property Tax Program, also known as the Circuitbreaker Program. Under this bill benefits are made available to persons whose property taxes and heating costs exceed 4% of their income. Income eligibility levels and benefit maximums are not changed.

Joint Standing Committee on Taxation

LD 332 An Act To Amend the Penalty for Withdrawal of Land from the Maine Tree Growth Tax Law Program ONTP

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

This bill specifies that the penalty imposed on land that is withdrawn from taxation under the Maine Tree Growth Tax Law may not exceed the amount of actual taxes that would have been due on the land had it not been taxed under the Maine Tree Growth Tax Law, plus any applicable interest.

LD 342 An Act To Exempt Annuities from Taxation ONTP

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

This bill excludes annuity considerations from the tax imposed on insurance premiums beginning October 1, 2009.

LD 349 An Act To Authorize Arbitration of Property Tax Valuation Disputes ACCEPTED ONTP REPORT

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

This bill allows a property owner to submit the decision of a municipal board of assessment review to binding arbitration and specifies the procedure for selecting a neutral arbitrator and participating in binding arbitration. A decision to submit to binding arbitration stays a municipality's appeal to the Superior Court.

LD 360 An Act To Notify a Lienholder before Property Is Withdrawn from Assessment under the Maine Tree Growth Tax Law ONTP

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

This bill requires a municipal assessor to provide notice to a lienholder on land subject to classification under the Maine Tree Growth Tax Law before withdrawing the land from classification for failure to file a statement regarding a required forest management plan and allow the lienholder to file the statement if the owner does not.

Joint Standing Committee on Taxation

LD 380 An Act To Require Residents of the Unorganized Territories To Pay Excise Taxes To Agents and Not Directly to the Secretary of State ONTP

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

This bill repeals the provision of law that allows the State Tax Assessor to appoint the Secretary of State as an agent for the purpose of collecting excise tax for the unorganized territories.

LD 381 An Act To Base the Motor Vehicle Excise Tax on the Documented Actual Sale Price Rather than on the Maker's List Price ONTP

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

This bill requires that the excise tax for all motor vehicles and campers be based upon the purchase price of the vehicle rather than the maker's list price.

LD 404 An Act To Promote Property Tax Relief for Maine's Senior Citizens ONTP

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

This bill provides that income eligibility for benefits under the Circuitbreaker Program for households in which all members are 65 years of age or older must be determined using federal adjusted gross income rather than the current definition of income that will continue to apply to other households.

LD 406 An Act To Allow a Retailer To Offer To Pay Sales Tax on Items and Services Sold by That Retailer ONTP

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

This bill repeals the law that prohibits a retailer from advertising or offering to pay or refund to a consumer the tax imposed on the sale of goods and services.

Joint Standing Committee on Taxation

**LD 450 An Act To Include Commercial Silvicultural Crop Production in the
Sales Tax Exemption for Certain Products Used in Commercial
Agricultural Crop Production Activities**

PUBLIC 422

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

This bill clarifies that the sales tax exemption for products used in commercial agricultural crop production applies to products used in commercial forestry.

Committee Amendment "A" (H-74)

This amendment changes the application of the sales tax exemption to include all commercial silvicultural crops.

Enacted Law Summary

Pulic Law chapter 422 clarifies that the sales tax exemption for products used in commercial agricultural crop production applies to products used in commercial silviculture.

**LD 459 An Act To Provide Tax Relief for Maine Residents Deployed for
Military Service**

ONTP

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

This bill allows a municipality to exempt from the motor vehicle excise tax vehicles owned by residents of Maine who are deployed for military service, either in the National Guard, the Reserves or the Armed Forces of the United States, for a period of more than 30 days.

**LD 471 An Act To Encourage Alternative Energy and Promote Maine
Businesses**

ONTP

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

This bill allows a person who purchases a wood pellet stove in Maine to apply for a refund of the Maine sales tax paid on that stove. The bill applies to purchases made on or after July 1, 2008. The Department of Administrative and Financial Services, Bureau of Revenue Services is required to administer the refund, including providing the refund in the form of a voucher that may be used only for the purchase of wood pellets from a person in Maine.

Joint Standing Committee on Taxation

**LD 490 An Act To Amend the Laws Regarding Mandatory Electronic Filing of
Certain Tax Returns**

**P & S 12
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R	OTP-AM	S-36

This bill is emergency legislation that suspends implementation by the Department of Administrative and Financial Services, Bureau of Revenue Services of any rule expanding electronic filing of certain tax returns beginning April 1, 2009.

Committee Amendment "A" (S-36)

This amendment replaces the bill and requires the Department of Administrative and Financial Services, Bureau of Revenue Services to continue leniency in the granting of waivers from new electronic filing requirements and to report on the status of electronic filing and waivers by January 15th annually. The reporting requirement ends January 15, 2015.

Enacted Law Summary

Private and Special Law 2009, chapter 12 requires the Department of Administrative and Financial Services, Bureau of Revenue Services to continue leniency in the granting of waivers from new electronic filing requirements and to report on the status of electronic filing and waivers by January 15th annually. The reporting requirement ends January 15, 2015.

Private and Special Law 2009, chapter 12 is enacted as an emergency measure effective April 21, 2009.

**LD 493 An Act To Provide Sensible Options for Tax Increment Financing
Proceeds in Small Towns**

ONTP

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

This bill clarifies the procedure for municipalities to jointly participate in a tax increment financing district and permits municipalities with a population of fewer than 1,500 persons singly or jointly to include certain regional and municipal improvements in project costs.

**LD 539 An Act To Amend the Laws Governing the Allowable Uses of Tax
Increment Financing Funds**

PUBLIC 85

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H JACKSON	OTP-AM	H-93

Joint Standing Committee on Taxation

This bill allows for tax increment financing proceeds reserved for use by municipalities to be used for expenses relating to recreational trails to enhance recreational opportunities to promote economic growth.

Committee Amendment "A" (H-93)

This amendment provides that the allowable uses of tax increment financing proceeds for recreational trails may be located outside the tax increment financing district as long as they are located within the municipality. The amendment also requires that allowable recreational trails must be determined by the Department of Economic and Community Development to have significant potential to promote economic development.

Enacted Law Summary

Public Law 2009, chapter 85 allows for tax increment financing proceeds reserved for use by municipalities to be used for expenses relating to recreational trails to enhance recreational opportunities to promote economic growth. Trails may be located outside the tax increment financing district as long as they are located within the municipality. Trails must be determined by the Department of Economic and Community Development to have significant potential to promote economic development.

LD 540 An Act To Promote Forest Certification and Long-term Forest Management

**DIED ON
ADJOURNMENT**

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

This bill changes the existing income tax credit for owners of forest land who have a management plan prepared by a professional forester from a maximum of \$200 every 10 years to \$400 in any 10-year period and adds forest certification and recertification costs as an allowed credit toward the \$400 cap.

Committee Amendment "A" (H-209)

This amendment reorganizes the language of the credit for clarity.

LD 540 was placed on the Special Appropriations Table and died on adjournment.

LD 545 An Act To Amend the Tax Exemption Regarding Leased Property

PUBLIC 425

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM MAJ ONTP MIN	S-142

This bill amends the tax exemption for the property of institutions and organizations to limit the tax exemption for leased property used by hospitals, health maintenance organizations or blood banks to personal property only.

Committee Amendment "A" (S-142)

This amendment delays until 2012 the implementation of the restriction of the property tax exemption for leased property used by a hospital, health maintenance organization or blood bank.

Joint Standing Committee on Taxation

Enacted Law Summary

Public Law 2009, chapter 425 amends the tax exemption for the property of institutions and organizations to limit the tax exemption for leased property used by hospitals, health maintenance organizations or blood banks to personal property only beginning in 2012.

LD 553 An Act To Amend the Laws Governing Abatement of Property Taxes Due to Infirmity or Poverty ONTP

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

This bill amends the laws governing abatement of property taxes due to infirmity or poverty in 3 ways. The bill clarifies that a decision regarding an application for a poverty abatement may be deferred until the usual period to pay the property taxes has expired and the tax collector takes action to enforce the lien or is within 30 days of taking such action. The bill also clarifies that the value of real and personal property owned by the applicant may be considered as available to contribute to the public charges as long as use of that property for that purpose does not impair the ability of the applicant to remain in the applicant's residence and provide for the applicant's basic needs. The bill also authorizes the municipal officers or the State Tax Assessor to either grant an abatement to an applicant determined eligible for relief or waive the tax lien foreclosure according to the process generally available under law, except that under this type of waiver any subsequent enforcement of the tax lien is available only when the property is sold or transferred.

LD 588 An Act To Amend the Excise Tax on Motor Vehicles To Reflect Depreciation Carried Over

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

This bill changes the formula for calculation of the motor vehicle excise tax and provides that the rate of the motor vehicle excise tax remains unchanged throughout the life of the vehicle but the base depreciates over the same 6-year period from 95% of the maker's list price to 15% of the maker's list price to reflect the depreciating actual value of the vehicle.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

**LD 589 An Act To Encourage the Production of Liquid Biofuels DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUTTERFIELD	OTP-AM	H-119

Joint Standing Committee on Taxation

This bill increases the income tax credit for the production of biofuels from 5¢ per gallon to 15¢ per gallon, enacts an income tax credit equal to 25% of the capital costs of converting an existing wood mass production facility to a facility for the production of wood mass-derived biofuel and appropriates \$500,000 in fiscal year 2009-10 for the Maine Technology Institute to fund research into cost-effective technology to convert forest resources to biofuels.

Committee Amendment "A" (H-119)

This amendment removes from the bill an appropriation for research into cost-effective technology to convert forest resources to biofuels.

LD 589 was placed on the Special Appropriations Table and died on adjournment.

LD 590 An Act To Establish a Wellness Tax Credit

**ACCEPTED ONTP
REPORT**

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

This bill provides an income 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 is paid for with funds from the Fund for a Healthy Maine.

LD 618 An Act To Reduce Income Tax on Capital Gains

**ACCEPTED ONTP
REPORT**

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

This bill excludes from both the individual and corporate income tax one half of net long-term capital gains.

LD 647 An Act To Provide Tax Relief for Retired Veterans Operating Businesses in Maine

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX PERRY J	ONTP	

This bill provides an income tax deduction for 50% of military retirement benefits for a veteran who operates a business in the State with at least one employee who is not related to the veteran.

Joint Standing Committee on Taxation

LD 659 An Act To Remove the Sales Tax on Certain Watercraft

Carried Over

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PILON PERRY J		H-398

This bill amends the sales tax exemption for the sale of watercraft, the sale of materials for watercraft construction and the sale of materials for watercraft repair, alteration, refitting, reconstruction, overhaul and restoration if the sale is made to a nonresident and the watercraft is intended to be transported outside the State by extending the exemption to all persons and without regard to whether the watercraft will remain in the State.

Committee Amendment "A" (H-398)

This amendment changes the sales tax exemption for watercraft and related materials sold to nonresidents to eliminate the requirement that the watercraft be removed from the State immediately upon delivery by the seller.

This bill was placed on the Special Appropriations Table, recommitted to the Taxation Committee and carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

LD 662 An Act To Phase Out the Distribution of the Disproportionate Tax Burden Fund under the State-municipal Revenue Sharing Program over a 5-year Period

Carried Over

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

This bill is a concept draft pursuant to Joint Rule 208.
This bill proposes to gradually restore over a 5-year period the system of distributing state-municipal revenue sharing to the system that was in place prior to 2000 by reestablishing the pre-2000 Local Government Fund system as the sole method of distributing state-municipal revenue sharing on and after fiscal year 2014-15.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

LD 666 An Act To Clarify When the Rental of a Car Is Exempt from Sales and Use Tax

DIED BETWEEN HOUSES

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

This bill provides that the sales tax exemption for the use of a vehicle provided by a new vehicle dealer to a service customer on a short-term basis free of charge pursuant to a warranty applies when the vehicle is provided either by

Joint Standing Committee on Taxation

the dealer directly or through a 3rd-party rental agreement.

LD 670 An Act To Make Health Insurance More Affordable

ONTP

Sponsor(s)

RECTOR

Committee Report

ONTP

Amendments Adopted

This bill provides an income tax deduction for health insurance premiums not otherwise deducted for individual taxpayers and their dependents.

LD 671 An Act To Exempt Clean Fuel Vehicles from Sales Tax

ONTP

Sponsor(s)

RECTOR

Committee Report

ONTP

Amendments Adopted

This bill exempts from sales tax sales and leases of clean fuel motor vehicles.

**LD 740 An Act To Validate the Property Tax Commitments in the Towns That
are Members of Community School District No. 9**

**P & S 6
EMERGENCY**

Sponsor(s)

SHERMAN

Committee Report

OTP

Amendments Adopted

This bill validates the property tax commitments executed by the 6 municipalities that make up Community School District No. 9 in 2008, all of which committed their 2008 taxes late for reasons of financial necessity because the budget of the district had yet to be approved by the voters.

Enacted Law Summary

Private and Special Law 2009, chapter 6 validates the property tax commitments executed by the 6 municipalities that make up Community School District No. 9 in 2008, all of which committed their 2008 taxes late for reasons of financial necessity because the budget of the district had yet to be approved by the voters.

Private and Special Law 2009, chapter 6 was enacted as an emergency measure effective April 16, 2009.

Joint Standing Committee on Taxation

LD 743 An Act To Exempt Fuel Used by Commercial Fishing Vessels from the Sales Tax

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM	S-102

This bill restores a sales tax exemption for diesel engine fuel used by commercial groundfishing boats that expired in 2008 and also exempts diesel engine fuel used for the purpose of operating or propelling a commercial lobstering boat.

Committee Amendment "A" (S-102)

This amendment expands the application of the sales tax refund for depreciable machinery and equipment purchases to include fuel used in all commercial fishing vessels and provides that the refund applies only to the sales tax on the portion of the sales price that exceeds \$3 from July 1, 2009 to June 30, 2010 and \$3.50 thereafter. The amendment also requires the State Tax Assessor to report on the number of persons granted refunds and the amount paid and changes the effective date of the legislation to July 1, 2009.

LD 743 was placed on the Special Appropriations Table and died on adjournment.

LD 744 An Act To Allow a Tax Credit for Tuition Paid to Private Schools

ONTP

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

This bill provides an income tax credit of up to \$2,500 for tuition paid to a private school for a taxpayer or a dependent of the taxpayer.

LD 765 An Act To Allow Towns To Establish Their Own Homestead Exemption Programs

ONTP

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

This bill allows a municipality to adopt a local option homestead property tax exemption program that provides an exemption of up to 20% of the just value of the homestead. Eligibility criteria for the local option homestead property tax exemption must be the same as for the state homestead property tax exemption program. The benefit available under the local homestead exemption is in addition to the benefit available under the state homestead exemption.

Joint Standing Committee on Taxation

LD 769 An Act To Amend the Laws Governing Income Tax To Allow an Age-based Write-off of Capital Losses ONTP

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

This bill is a concept draft pursuant to Joint Rule 208 that proposes, for Maine income tax purposes, to increase the maximum deduction for capital losses based on the individual's age.

LD 787 An Act To Provide an Additional Source of Revenue for the Tax Relief Fund for Maine Residents ONTP

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

This bill provides that, beginning in fiscal year 2011-12, 10% of growth in the sales and use tax and income tax would be transferred to the Tax Relief Fund for Maine Residents to be available for tax relief.

LD 788 An Act To Aid Municipalities and the Unorganized Territory in the Reduction of Property Taxes Carried Over

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

This bill provides that, beginning in fiscal year 2010-11, 10% of sales tax revenue growth, which is the increase in sales tax revenue for that fiscal year over the amount of revenue generated in fiscal year 2010-11, must be returned to the municipality or unorganized territory where the growth occurred. The municipality or unorganized territory must use the amount received to reduce property tax levies.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

LD 799 An Act To Encourage Clean Fuel Vehicle Economic and Infrastructure Development by Extending the Tax Credit DIED ON ADJOURNMENT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM	S-143

Joint Standing Committee on Taxation

This bill extends through 2012 the income tax credit for clean fuel vehicle economic and infrastructure development, which expired January 1, 2009.

Committee Amendment "A" (S-143)

This amendment corrects timing references in the bill and extends the clean fuel vehicle economic and infrastructure development credit through 2014.

LD 799 was placed on the Special Appropriations Table and died on adjournment.

**LD 808 An Act To Capitalize the Municipal Investment Trust Fund with
Municipal Revenue-sharing Resources**

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	OTP-AM	S-144

This bill abolishes the Fund for the Efficient Delivery of Local and Regional Services and redirects its funding to the Municipal Investment Trust Fund beginning October 1, 2009.

Committee Amendment "A" (S-144)

This amendment requires a transfer of all but \$500,000 in fiscal year 2009-10 and \$1,000,000 in fiscal year 2010-11 from the Municipal Investment Trust Fund to the General Fund. It also adds an appropriations and allocations section.

LD 808 was placed on the Special Appropriations Table and died on adjournment.

**LD 839 An Act To Authorize an Alternative Calculation of the Property Growth
Factor for Municipalities with Exempt Personal Property**

Carried Over

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

This bill authorizes a municipality that has a significant amount of personal property in its tax base to include the value of newly introduced personal property in the calculation of the municipality's property growth factor under the property tax limitation system even though that newly introduced personal property may be business equipment that is exempt from property taxation.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

Joint Standing Committee on Taxation

**LD 840 RESOLUTION, Proposing an Amendment to the Constitution of Maine
To Control Property Tax Increases**

**ACCEPTED ONTP
REPORT**

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

This resolution proposes to amend the Constitution of Maine to limit increases in the valuation of property to the amount of inflation except that new property, improvements to property and property that changes ownership must be valued at just value in the first year of assessment.

LD 841 An Act Regarding the State Earned Income Tax Credit

ONTP

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

This bill increases the state earned income credit from 5% to 25% of the federal credit and provides that the state earned income credit is fully refundable. See also LD 1495.

**LD 842 An Act To Exclude Business and Capital Losses from Consideration as
Income under the Circuitbreaker Program**

ONTP

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

This bill amends the definition of "income" under the Circuitbreaker Program to remove the requirement that Maine adjusted gross income be modified by adding back any capital loss or loss from a trade or business.

LD 851 An Act To Exempt Certain Veterans from the Income Tax

ONTP

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

This bill exempts from Maine income tax, including the alternative minimum tax, income earned by an individual who is a resident of the State, a veteran and at least 75 years of age and whose income is less than \$30,000 a year.

Joint Standing Committee on Taxation

LD 855 Resolve, To Establish the Commission To Study the Reform of Taxes and Spending in Maine ONTP

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

This resolve establishes a study commission to review the Brookings Institution report, "Charting Maine's Future: An Action Plan for Promoting Sustainable Prosperity and Quality Places." The commission is directed to report with suggested legislation on tax and spending reform for the State, with a focus on efficiency.

LD 872 An Act To Provide a Tax Credit to Certain Heating Fuel Contract Consumers ONTP

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

This bill allows a person who enters into a contract for the supply of heating fuel at a locked-in price for at least 6 months but no more than 12 months to obtain an income tax credit for the excess cost of that heating fuel if the average actual price of that heating fuel decreases after the parties enter into the contract.

LD 884 An Act To Provide Income Tax Equity for Working Spouses ONTP

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

This bill permits spouses to file separate income tax returns as single individuals rather than being subject to the higher marginal tax rates that may apply if they filed jointly.

LD 906 An Act Relating to Sales Tax on Certain Trailers PUBLIC 207

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO	OTP-AM	H-262

This bill removes that partial sales tax exemption for manufactured housing and corrects cross-references.

Committee Amendment "A" (H-262)

Joint Standing Committee on Taxation

This amendment removes the length restriction on camper trailers for which a sales tax trade-in credit is allowed.

Enacted Law Summary

Public Law 2009, chapter 207 removes the length restriction on camper trailers for which a sales tax trade-in credit is allowed.

**LD 919 An Act To Prevent and Treat Cancer in Maine by Implementing
Critical Portions of the Comprehensive Cancer Program** **ACCEPTED ONTP
REPORT**

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

This bill provides funding for a portion of the cancer prevention and control program plan enacted into law during the First Regular Session of the 123rd Legislature by providing an ongoing Other Special Revenue Funds allocation for a comprehensive cancer screening, detection and prevention program. This bill requires all tobacco products other than cigarettes to be taxed at the rate of \$1 per ounce to provide the funding and any future tax rate increase to be tied to increases in the cigarette tax.

**LD 922 RESOLUTION, Proposing an Amendment to the Constitution of Maine
To Require a Supermajority Approval of the Legislature for Tax
Increases** **ACCEPTED ONTP
REPORT**

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

This resolution proposes to amend the Constitution of Maine to require a 2/3 vote of both Houses of the Legislature to approve an increase in state revenue or a reduction in a tax credit, exemption or refund.

**LD 931 An Act To Expand the Economic Development Benefit of Tax
Increment Financing in Counties That Include Unorganized Territories** **Carried Over**

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

This bill allows a development program for a development district or tax increment financing district located within the unorganized territory of a county to fund the development activity for that county.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

Joint Standing Committee on Taxation

LD 950 Resolve, Related to the Maine Estate Tax

RESOLVE 101

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEARY NASS R	OTP-AM	H-334

This bill amends the Maine estate tax to require adjustment of the unified credit for inflation and to require discharge of personal liability of a personal representative or other filer within 3 months after the filing of an estate tax information return for lien discharge or one year after the filing of an estate tax return unless additional information is required. The maximum period before discharge of a filer is 6 months after the filing of an estate tax information return for lien discharge and 18 months after filing an estate tax return unless the State Tax Assessor is actively contesting the validity of the return filed.

Committee Amendment "A" (H-334)

This amendment replaces the bill with a resolve directing the Department of Administrative and Financial Services, Bureau of Revenue Services to make available forms and explanatory materials related to the discharge of personal liability of personal representatives under the estate tax and to submit a report to the Joint Standing Committee on Taxation related to federal discharge of liability requirements and procedures. The resolve also authorizes the committee to submit related legislation to the Second Regular Session of the 124th Legislature.

Enacted Law Summary

Resolve 2009, chapter 101 directs the Department of Administrative and Financial Services, Bureau of Revenue Services to make available forms and explanatory materials related to the discharge of personal liability of personal representatives under the estate tax and to submit a report to the Joint Standing Committee on Taxation related to federal discharge of liability requirements and procedures. The resolve also authorizes the committee to submit related legislation to the Second Regular Session of the 124th Legislature.

LD 974 An Act To Decrease the Automobile Excise Tax and Promote Energy Efficiency

ONTP

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

This bill is a citizen-initiated bill. The bill decreases the excise tax imposed on motor vehicles for the first year from 24 mills to 12 mills, for the 2nd year from 17 1/2 mills to 8 mills and for the 3rd year from 13 1/2 mills to 4 mills and imposes a 4 mills rate for the 4th and succeeding years. This bill also exempts from the excise tax imposed on motor vehicles the first 3 model years of a hybrid gasoline-electric vehicle, a fuel-cell-fueled or hydrogen-fueled vehicle or a highly energy efficient vehicle that has a highway fuel economy estimate of at least 40 miles to the gallon. After the first 3 years, the rate of excise tax is the same as on other motor vehicles of the same age. This bill also exempts from the sales tax 100% of the sale or lease price of a new hybrid gasoline-electric vehicle, a fuel-cell-fueled or hydrogen-fueled vehicle or a vehicle with a highway fuel economy estimate of at least 40 miles per gallon.

Pursuant to the Maine Constitution, this bill will be placed on the ballot in November 2009.

Joint Standing Committee on Taxation

LD 976 An Act To Provide Tax Relief

**ACCEPTED ONTP
REPORT**

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

This bill is a citizen-initiated bill that imposes expenditure limitations on state and local government and requires voter approval of state tax increases.

The bill requires majority approval by the voters for the annual indexing for inflation of motor fuel taxes.

The bill requires counties and municipalities to use a cost center budget summary format developed by the Department of Audit and requires information in that format to be made available to local voters, filed annually with Maine Revenue Services and posted on any publicly accessible website maintained by the county or municipality as well as on the Maine Revenue Services website.

Pursuant to the Maine Constitution, this measure will be placed on the ballot in November 2009.

LD 993 An Act To Implement the Recommendations of the Commission To Study the Protection of Farms and Farmland Pertaining to Taxation

Carried Over

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

This bill provides that amounts used to demonstrate eligibility under the farm and open space tax laws must be from the sale of agricultural products as defined in the Maine Revised Statutes, Title 7, section 152. It also provides for towns to be reimbursed 90% of the revenue lost for farmland classified under the farm and open space tax laws.

It also provides a transferable income tax credit for voluntary contributions of farmland for conservation and for conservation easements of farmland that qualify as charitable donations under the federal income tax. The credit is equal to 15% of the value of the donation up to \$250,000 for corporate donors and \$100,000 for other donors. The credit is refundable up to 20% per year.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

LD 1013 An Act To Protect the Environment through Promoting the Use of Clean Fuel Vehicles

**ACCEPTED ONTP
REPORT**

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

This bill provides an income tax credit for the purchase of a clean fuel vehicle. It provides that the revenue loss from the credit will be reimbursed from the Energy and Carbon Savings Trust Fund.

Joint Standing Committee on Taxation

LD 1018 An Act To Make the Maine Music Educators Association Tax Exempt

ONTP

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

This bill enacts a sales tax exemption for incorporated nonprofit organizations whose primary purpose is to support and expand music education for elementary and secondary school students.

LD 1033 An Act To Provide a Tax Credit for the Purchase of Small Wind Power Generators

ONTP

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

This bill provides an income tax credit for the cost of purchasing and installing a small wind power generator intended to provide electricity to a household or small business. The credit is a one-time credit of up to \$1,500 and applies to small wind power generators purchased and installed on or after January 1, 2008; however, the credit may not be taken until tax years beginning on or after January 1, 2011.

LD 1045 An Act To Provide a Sales Tax Refund for Fuel Used in Commercial Agricultural Production

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAY SHERMAN	OTP-AM	H-247

This bill permits a purchaser of clear special fuel for off-road use to obtain an annual exemption certificate and pay a fee of 1¢ per gallon estimated to be purchased during the year.

Committee Amendment "A" (H-247)

This amendment removes fuel tax provisions from the bill and includes special fuel under the sales tax refund for certain products used in commercial agricultural production and provides that the refund applies only to the sales tax on the portion of the sale price that exceeds \$3 from July 1, 2009 to June 30, 2010 and \$3.50 thereafter. The amendment also permits a person with a certificate stating that the person is engaged in commercial agricultural production to purchase dyed fuel with the sales tax reduced. The amendment also requires the State Tax Assessor to report on the number of persons granted refunds and the amount of refunds paid during the previous calendar year.

LD 1045 was placed on the Special Appropriations Table and died on adjournment.

Joint Standing Committee on Taxation

LD 1046 An Act To Exempt Cleaning Products for Milking Machines from the Sales Tax

ONTP

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

This bill extends the exemption from the sales and use tax for products used in animal agriculture to products used to clean milking machines.

LD 1060 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict Property Revaluations

ONTP

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

This resolution proposes to amend the Constitution of Maine to:

1. Allow for the change in valuation of real property and the buildings on that real property only upon a change in ownership, a change in type of land use or the expansion of the land use to increase income;
2. Limit the change in valuation to the greater of the just value and the appraised just value of the taxable real property as may be required by the local tax assessor;
3. Require the equalized just value of a municipality to equal 100%; and
4. Require that the change in value be subject to the real estate transfer tax, which must be paid solely by the seller if there is a change in ownership, or by the owner if there is a change or expansion in land use, and require that the tax be paid to the municipality and used only for purpose of property tax relief.

LD 1082 An Act To Create an Income Tax Credit for Certain Renewable Energy Systems

ONTP

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

This bill provides an income tax credit for installations of qualifying wind and solar energy systems. Installation must be certified by the Public Utilities Commission.

Joint Standing Committee on Taxation

**LD 1087 RESOLUTION, Proposing an Amendment to the Constitution of Maine
To Cap the Property Tax on the Primary Residence of a Person 65
Years of Age or Older**

ONTP

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

This resolution proposes to amend the Constitution of Maine to authorize the Legislature to require property taxes on property owned and occupied as a person's primary residence to be capped if that person is at least 65 years of age. The tax would be set at the amount assessed on the property on the date by which the person attained 65 years of age or purchased the property, whichever is later. Upon transfer of the property to someone other than a family member of the owner, the property would assume the just value at the time of transfer.

**LD 1088 An Act To Modernize the Tax Laws and Provide over \$50,000,000 to
Residents of the State in Tax Relief**

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIOTTI PERRY J	OTP-AM MAJ ONTP MIN	H-530 H-537 WATSON

This bill reforms the State's tax structure and reduces the burden of taxes on residents of the State. The bill contains the following provisions.

Part A makes fundamental changes to simplify and reduce the burden of the State's income tax and create an income tax that is intended to be more beneficial to investment and economic growth in the State. The current structure of 4 tax brackets, personal exemptions and deductions is replaced by a flat rate of 6.5% on all taxable income. The progressivity of the current income tax is maintained through a household credit that alleviates the impact of the 6.5% rate on low-income and middle-income households. The alternative minimum tax on individuals is abolished.

Part B broadens the sales tax base by including certain services, including certain amusement, entertainment and recreation services; installation, repair and maintenance services; personal property services; transportation and courier services; and long distance telephone service. Part B also changes the point of imposition of sales tax related to leased property from the sale of that property to the leasing business to the lease payments by the consumer. Part B also increases the sales tax on prepared food and lodging to 8.5% and the sales tax on rentals of automobiles of less than one year to 15%.

Part C changes the real estate transfer tax by providing that residences with a value greater than \$500,000 will be taxed at 1% on the value of the residence that exceeds \$500,000 with the full increase accruing to the General Fund.

Committee Amendment "A" (H-530)

This amendment makes changes to Part A of the bill to add income tax credits for charitable contributions exceeding \$250,000 and an additional credit for persons who are 65 years of age or older. The amendment also adjusts the formulas for calculation of the household credit and indexing for inflation of that credit. The amendment also requires that the State Tax Assessor report to the joint standing committee of the Legislature having jurisdiction over taxation matters by November 1, 2011 regarding the impact of the changes in the tax laws contained in the bill and authorizes the committee to submit legislation to the Second Regular Session of the 125th Legislature.

This amendment makes changes to Part B of the bill to clarify the definitions of taxable services and candy. The

Joint Standing Committee on Taxation

amendment creates sales tax exemptions for meals served at certain retirement facilities, sales of certain taxable services delivered outside the State, sales to affiliates, sales of services by a person that has made less than \$5,000 in sales of such services during the previous year and certain sales to a business that makes snow for skiing, snowmobiling or similar activities. The amendment reduces the sales tax rate for short-term rental of automobiles to 12.5% and makes changes to the taxation of leases. The amendment establishes an airport transportation fee of \$1 for each person transported to a commercial airport by taxicab or limousine. The amendment also requires the State Tax Assessor to report to and consult with the joint standing committee of the Legislature having jurisdiction over taxation matters in the preparation of bulletins, taxpayer guidance materials and major substantive rules relating to the implementation of Part B.

This amendment makes changes in Part C to change the meaning of "residential property."

This amendment adds Part D, which makes the following changes to the Maine Residents Property Tax Program, or Circuitbreaker Program.

It simplifies the income calculation by excluding from household income the income of dependents and certain miscellaneous income.

It gradually changes the time for filing an application and making payments to coincide with income tax filing periods. For application periods beginning on or after August 1, 2010, the benefit will be calculated on the basis of tables provided by the State Tax Assessor utilizing the benefit formula in current law.

Beginning with the 2010 tax year, the Maine individual income tax booklets must contain the Circuitbreaker Program application and instructions.

This amendment adds a Part E to the bill to add an appropriations and allocations section.

This amendment provides a process, through the senior property tax deferral laws, that permits a person 70 years of age or older to defer property taxes on the person's homestead if the person's income does not exceed 300% of federal poverty guidelines and if the person has occupied the homestead as a primary residence for at least 10 years before applying. The State would reimburse municipalities for the deferred taxes and acquire a lien on the property to collect what is owed when the property is sold or otherwise transferred. Collections of deferred property taxes are used to fund the future operation of the program.

House Amendment "A" To Committee Amendment "A" (H-537)

This amendment retains the current sales tax treatment for leased property located at a manufacturing or fabrication facility.

LD 1088 was recalled from the Governor's desk and indefinitely postponed. See LD 1495.

LD 1093 An Act Concerning Technical Changes to the Tax Laws

PUBLIC 434

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON PERRY J	OTP-AM	H-476 S-315 PERRY J S-341 PERRY J

This bill makes the following changes to the laws governing taxation.

1. It corrects the source of funding for the Waste Motor Oil Revenue Fund to reflect changes enacted in the First Special Session of the 123rd Legislature.
2. It repeals provisions relating to educational attainment and recruitment tax credits as required by Public Law 2007, chapter 539, Parts RR and SS, which repealed those credits.
3. It repeals obsolete requirements relating to distributors of fuels and oils that have not been enforced for many years and references to those requirements.

Joint Standing Committee on Taxation

4. It clarifies that debts subject to collection by the State Tax Assessor pursuant to statutes outside of the Maine Revised Statutes, Title 36 are subject to the administrative provisions of Title 36. The proposed change reflects current administrative policy.
5. It requires the production of books and records pertinent to a criminal investigation of certain tax-related crimes. The proposed change reflects current administrative policy.
6. It adds administration of the bulk motor vehicle oil premium under Title 10, section 1020 to the list of additional duties assigned to the State Tax Assessor.
7. It amends the levy statutes to reflect changes enacted in the First Regular Session of the 123rd Legislature.
8. It corrects citations to federal law.
9. It repeals obsolete transitional provisions in the property tax law.
10. It corrects internal references and repeals superfluous effective dates.
11. It corrects spelling and grammatical errors.
12. It corrects a conflict created by Public Law 2007, chapters 541 and 693, which affected the same provision of law, by incorporating changes made by both laws.
13. It clarifies that repair parts used in the performance of repair services on telecommunications equipment pursuant to an extended service contract are not subject to sales tax. The proposed change reflects current administrative policy. It also corrects a conflict created by Public Law 2007, chapters 627 and 693, which affected the same provision of law, by incorporating changes made by both laws.
14. It replaces obsolete terminology.
15. It eliminates redundant language.
16. It repeals an unnecessary statute relating to renumbering of sales tax exemptions.
17. It clarifies a cross-reference.
18. It relocates an exemption in the service provider tax law from the definitions section to the exemptions section. It also corrects a conflict created by Public Law 2007, chapters 539 and 627, which affected the same provision of law, by incorporating the changes made by both laws.
19. It enacts a partial exemption in the service provider tax law for fabrication services for the production of fuel for use at a manufacturing facility. The proposed change reflects current administrative policy.
20. It clarifies the distinction between licensed distributors and registered distributors under the gasoline tax law and eliminates superfluous and archaic language in gasoline tax law definitions.
21. It clarifies that the gasoline inventory tax applies to importers and wholesalers. The proposed change reflects current administrative policy.
22. It restores language limiting the scope of the exemption for internal combustion engine fuel used in international flights that was inadvertently repealed by legislation enacted in the First Special Session of the 123rd Legislature.
23. It clarifies that gasoline wholesalers must obtain and display a certificate issued by the State Tax Assessor. The proposed change reflects current administrative policy.
24. It clarifies filing and tax payment requirements pertaining to licensed distributors and wholesalers of gasoline.
25. It clarifies that persons who become subject to the gasoline tax in special cases are not considered as distributors but are subject to tax on the same basis as licensed distributors.
26. It clarifies the distinction between licensed suppliers and registered suppliers under the special fuel tax law.
27. It clarifies that only licensed suppliers qualify for a shrinkage allowance under the special fuel tax law. The proposed change reflects current administrative policy.
28. It amends the statute imposing a special fuel inventory tax to reflect changes enacted in the First Special Session of the 123rd Legislature.
29. It clarifies that special fuel wholesalers must obtain and display a certificate issued by the State Tax Assessor. The proposed change reflects current administrative policy.
30. It clarifies filing and tax payment requirements pertaining to licensed suppliers and wholesalers of special fuel.
31. It clarifies that certain requirements relating to discontinuance of business apply to wholesalers of special fuel. The proposed change reflects current administrative policy.
32. It clarifies eligibility for a credit for tax paid on worthless accounts under the special fuel tax law. The proposed changes reflect current administrative policy.
33. It repeals a superfluous definition in the milk handling fee law.
34. It clarifies imprecise language regarding the tax imposed on nonresidents and repeals a superfluous effective

Joint Standing Committee on Taxation

date.

35. It repeals an obsolete statute that imposed an income tax surcharge for the 1991 and 1992 tax years.

36. It corrects a provision that deals with the annual inflation adjustment to the household income limits in the Maine Residents Property Tax Program to correct a cross-reference.

37. It adds an income tax modification to exclude municipal property tax assistance program benefits under Title 36, section 6232, subsection 1-A from taxable income. The proposed change reflects current administrative policy.

38. It clarifies the computation of Maine taxable income of a nonresident estate or trust.

Committee Amendment "A" (H-476)

This amendment removes from the bill a provision that requires producing books and records pertinent to a criminal investigation of certain tax-related crimes upon demand of the State Tax Assessor.

Senate Amendment "A" (S-315)

This amendment provides that the definition of "pet" for sales tax purposes has the same meaning as under the animal welfare laws and excludes equines. This amendment also clarifies the application of the Maine income tax to nonresidents.

Senate Amendment "B" (S-341)

This amendment clarifies the factors for determining a business customer for the exemption from the service provider tax on interstate or international telecommunications service.

Enacted Law Summary

Public Law 2009, chapter 434 makes technical changes to the tax laws.

**LD 1120 Resolve, Relating To Review of Certain Changes in the Application of
the Sales and Use Tax Law**

RESOLVE 127

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHASE NASS R	OTP-AM	H-528

This bill requires the State Tax Assessor to report to the joint standing committee of the Legislature having jurisdiction over taxation matters before implementing any significant change in policy or practice of the Bureau of Revenue Services if that change will result in additional revenue. The joint standing committee is authorized to report out legislation reversing or modifying the change.

Committee Amendment "A" (H-528)

This amendment changes the bill to a resolve directing the Department of Administrative and Financial Services, Bureau of Revenue Services to consult with the Office of the Attorney General before implementing a significant change in policy, practice or interpretation of the sales and use tax law that would result in additional revenue to determine if the change represents a policy shift that ought to be reviewed by the appropriate legislative committee of oversight.

Enacted Law Summary

Resolve 2009, chapter 127 directs the Department of Administrative and Financial Services, Bureau of Revenue Services to consult with the Office of the Attorney General before implementing a significant change in policy, practice or interpretation of the sales and use tax law that would result in additional revenue to determine if the change represents a policy shift that ought to be reviewed by the appropriate legislative committee of oversight.

Joint Standing Committee on Taxation

LD 1121 An Act To Protect Elderly Residents from Losing Their Homes Due to Taxes or Foreclosure

Carried Over

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

This bill provides a Senior Property Tax Deferral Program for persons 65 years of age or older.

This bill requires 0.5% of the real estate transfer tax paid to the State to be deposited in a fund to be used to fund the Senior Property Tax Deferral Program.

The bill also provides that a lien for unpaid property taxes may not be foreclosed against the homestead of a person who is at least 65 years of age and has lived in the homestead for at least 10 years until the property is transferred by deed or upon death.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

LD 1124 An Act To Provide Legislative Oversight of Changes to Policies and Practices of the Bureau of Revenue Services

ONTP

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

This bill requires the State Tax Assessor, prior to implementing any significant change in policy or practice by the Bureau of Revenue Services or in interpretation of any law, rule or bulletin, to notify the joint standing committee of the Legislature having jurisdiction over taxation matters and to implement the change through major substantive rulemaking, which is subject to review and approval by the Legislature.

See LD 1120.

LD 1146 An Act To Authorize Municipalities To Impose Service Charges to Tax-exempt Property Owned by Certain Organizations Whose Primary Activities Are Not Charitable

ONTP

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

This bill expands the authority of municipalities to impose service charges on certain property tax exempt properties including charitable and benevolent institutions, literary and scientific organizations, chambers of commerce, boards of trade and property leased by exempt hospitals that do not spend at least 50% of their revenues directly on charitable activities.

Joint Standing Committee on Taxation

See also LD 1290.

LD 1148 An Act To Provide a Sales Tax Holiday Pilot Project

**DIED BETWEEN
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS ROSEN R	ONTP MAJ OTP-AM MIN	H-400

This bill provides an exemption from the sales tax for items sold on Columbus Day weekend in October with certain exceptions. The bill requires the State Tax Assessor to determine the amount of sales tax unpaid, as well as revenue raised from personal and corporate income taxes and other sources as a result of the sales tax holiday weekend. The Bureau of Revenue Services and the Maine Merchants Association are required to consult and present recommendations to the Joint Standing Committee on Taxation for 2 sales tax holiday weekends for the year 2010 and beyond.

Committee Amendment "A" (H-400)

This amendment provides a one-time sales tax holiday over Columbus Day weekend 2009 as a pilot project. The amendment requires the State Tax Assessor to report to the Joint Standing Committee on Taxation regarding the impact of the sales tax holiday on sales over the Columbus Day weekend and the period from September 1, 2009 to November 30, 2009 compared to projections and to past actual sales over the same time periods. The committee is authorized to submit legislation to the Second Regular Session of the 124th Legislature.

**LD 1149 An Act To Amend the Veterans Homestead Exemption To Include
 Certain Medal Winners**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX PERRY J	ONTP	

This bill adds to the list of veterans eligible to receive the property tax exemption those soldiers who were awarded the Global War on Terrorism Expeditionary Medal and, the Iraq Campaign Medal, or the Afghanistan Campaign Medal and removes the requirement that a veteran attain the age of 62 before being eligible to receive the property tax exemption.

**LD 1154 Resolve, To Require a Study of Economic Development Incentives in the
 Unorganized Territory**

RESOLVE 71

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS R	OTP-AM	S-146

This resolve establishes the Commission To Review Tax Increment Financing in the Unorganized Territory. The commission will report its findings concerning tax increment financing in the unorganized territory to the Joint Standing Committee on Taxation, which is authorized to introduce a bill to the Second Regular Session of the 124th

Joint Standing Committee on Taxation

Legislature.

Committee Amendment "A" (S-146)

This amendment removes the emergency preamble and clause and changes the study from a legislative study to an agency study, expands the scope of the study to economic development incentives other than tax increment financing and requires a report to the Joint Standing Committee on Taxation by January 15, 2010.

Enacted Law Summary

Resolve 2009, chapter 71 requires the Department of Economic and Community Development and the State Tax Assessor to convene a study group to study the role of economic development incentives, including tax increment financing in the unorganized territory and report to the Joint Standing Committee on Taxation by January 15, 2009.

LD 1173 An Act To Exempt Sales of Heating Oil and Kerosene to Maine Businesses from Sales Tax **ONTP**

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

This bill expands the sales tax exemption for certain cooking and heating fuels to sales for use in nonresidential buildings.

LD 1213 An Act To Amend the Homestead Exemption for Certain Veterans To Include Certain Military Personnel Stationed at Guantanamo Bay **ONTP**

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

This bill adds to the list of veterans eligible to receive the property tax exemption those military personnel who were stationed at the military base at Guantanamo Bay, Cuba from January 4, 1961, the date Cuba and the United States formally broke off relations, and February 6, 1964, the date on which the military base became self-sufficient and ceased to rely on the Cuban government for water and supplies.

LD 1214 An Act To Amend the Laws Regarding the Taxation of Private and Public Pensions **ONTP**

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

This bill phases out over a 5-year period the reduction for social security and railroad benefits in calculating the income tax deduction for pension benefits.

Joint Standing Committee on Taxation

LD 1215 An Act To Correct Administrative Procedures Regarding the Dental Care Access Credit

**PUBLIC 141
EMERGENCY**

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

This bill makes changes to the administration of the dental care access income tax credit in order to permit timely implementation of the credit. It amends the definition of "oral health program" and gives the Department of Health and Human Services the authority to adopt rules pertaining to the dental care access credit. The bill also corrects a conflict that was created by 2 public laws enacting the same provision of law with substantively different content.

Enacted Law Summary

Public Law 2009, chapter 141 makes changes to the administration of the dental care access income tax credit in order to permit timely implementation of the credit.

Public Law 2009, chapter 141 was enacted as an emergency measure effective May 14, 2009.

LD 1217 An Act To Provide an Income Tax Credit for Property Tax Relief

ONTP

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

This bill provides a refundable income tax credit equal to 25% of property tax paid on a homestead during the tax year up to a maximum of \$500.

LD 1233 An Act To Provide Property Tax Relief to Senior Citizens

ONTP

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

This bill allows a municipality, by vote of its residents, to establish a municipal property tax deferral program. The program would allow a resident who is at least 65 years of age and whose annual income is not more than 300% of the poverty level to pay property taxes on that person's homestead at the rate that was in effect during the year the person attained at least 65 years of age, the date the person purchased the homestead or April 1, 2009, whichever is latest. The payment remains at that level until the residence is sold or transferred, the person elects to stop participating or the person is no longer eligible to participate in the program. At that time, all property taxes assessed on the property but deferred because of participation in the program must be paid to the municipality. Deferred taxes that are not paid within the required time accrue interest.

In order to offset the temporary loss of revenue caused by persons participating in the program, the municipality may, upon approval of its voters, impose an additional assessment of up to 2% of the taxes deferred upon property in

Joint Standing Committee on Taxation

the municipality. The revenue from the additional assessment must be kept in a dedicated escrow account and used solely for the administrative costs of the program.

The bill requires the Department of Administrative and Financial Services, Bureau of Revenue Services to reimburse a municipality and the Unorganized Territory Education and Services Fund for any state-mandated costs.

LD 1235 An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2009-10 and To Make Other Changes Related to the Municipal Cost Components

**PUBLIC 303
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ ONTP MIN	H-422 H-453 WATSON

This bill establishes municipal cost components for state and county services provided to the unorganized territory that would be paid for by a municipality. The municipal cost components form the basis for the property tax for the unorganized territory.

Committee Amendment "A" (H-422)

This amendment increases the municipal cost components for education and the Maine Land Use Regulation Commission - Operations to account for changes made in other legislation. The amendment also expresses the intent of the Legislature to extend the growth limitation for the state component of the municipal cost component by \$1,475,109 and to increase the growth limitation for the state component of the municipal cost component by the remainder required. In addition, this amendment strikes from the bill the notation regarding approved tax enhancement programs and eliminates the language in the statutes that requires such notations.

House Amendment "A" To Committee Amendment "A" (H-453)

This amendment corrects clerical errors.

Enacted Law Summary

Public Law 2009, chapter 303 establishes municipal cost components for state and county services provided to the unorganized territory that would be paid for by a municipality. The municipal cost components form the basis for the property tax for the unorganized territory.

Public Law 2009, chapter 303 was enacted as an emergency measure effective June 8, 2009.

LD 1251 An Act To Reduce the Cost of Permitting of Business Development

ONTP

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

This bill provides an income tax credit for certain studies, analyses and natural resource inventories required as part of certain major state environmental permitting laws. The credit is allowed only if the permit is granted and is based on the cost of the qualifying expenditures and the amount of new property value created. The results of studies must be available to the public.

Joint Standing Committee on Taxation

LD 1252 An Act To Create the Maine Fishery Infrastructure Tax Credit

ONTP

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

This bill provides an income tax credit for contributions to eligible public fishery infrastructure projects in the State. Eligible projects must be certified by the Department of Inland Fisheries and Wildlife, which is required to adopt rules for determination of eligibility. Tax certificates may be issued for up to \$5,000,000 per project. Credits must be taken in increments of 25% over 4 years and may not exceed 50% of the total tax imposed on the contributor for the applicable year. Unused credits may be carried forward for up to 15 years.

LD 1253 An Act To Establish a Local Option Sales Tax

Carried Over

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

This bill allows a municipality to impose a local option sales tax of 3% or less by local referendum. Revenue from the local option sales tax is distributed as follows: 50% to the municipality, 25% to the county in which the municipality is located and 25% to the General Fund. The revenue received by the municipality and county must be used to reduce the property tax, either through specific programs, such as by funding a municipal property tax assistance program or funding the portion of the homestead property tax exemptions not funded by the State or generally stabilizing or lowering the projected property tax rate of the municipality or the county tax assessment.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

LD 1272 An Act To Establish an Income Tax Credit for the Purchase of Certain Wood-burning Boilers and Stoves

LEAVE TO WITHDRAW

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

This bill extends the income tax credit for pollution-reducing boilers and furnace systems to include wood and pellet stoves and permits individuals as well as businesses to take the credit. It also repeals the provision that would have eliminated this credit on December 31, 2009.

Joint Standing Committee on Taxation

**LD 1273 An Act To Simplify the Application for Benefits under the
Circuitbreaker Program**

Carried Over

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

This bill amends the Maine Residents Property Tax Program, also known as the Circuitbreaker Program, by allowing an individual to apply for a benefit using the individual income tax form. The filing period for benefits under the Circuitbreaker Program is changed to January 1st to the following June 30th, beginning with benefit years beginning after 2009. This bill allows the individual to take the benefit directly or apply it as a credit against income taxes owed by that individual. See also LD 1495.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

**LD 1279 An Act To Reduce Income Tax to 4.5% and Remove Low-income
Families from Taxation**

Carried Over

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

This bill requires the transfer to the Tax Relief Fund for Maine Residents, beginning in fiscal year 2010-11, of any growth in revenues over the previous fiscal year adjusted by the growth limitation factor. Money in the fund is to be used to reduce the overall individual income tax burden by reducing the tax rates until the top rate is reduced to 4.5% and increasing to \$30,000 the income threshold below which families will not pay income tax.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

LD 1284 An Act To Create a Scholarship Granting Organization Tax Credit

**ACCEPTED ONTP
REPORT**

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

This bill provides an income tax credit for contributions to a nonprofit organization that grants scholarships to students at public or private elementary and secondary schools. The school must grant at least as many scholarships to students whose family income is no more than the income eligibility guidelines for free lunch program as the county average of such students. The organization must demonstrate financial accountability and file annual reports with MRS. Scholarships may not be limited to students at a particular school. The credit may not exceed 50% of the taxes due.

Joint Standing Committee on Taxation

LD 1288 An Act To Reduce Income Tax Rates

**ACCEPTED ONTP
REPORT**

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

This bill reduces by four percentage points over a 3-year period the income tax rates imposed on individuals and corporations and eliminates the state alternative minimum tax.

LD 1290 An Act To Amend the Law Authorizing the Application of Service Charges to the Owners of Certain Real Property Exempt from Property Taxation

ONTP

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

This bill amends the laws regarding the municipal assessment of service charges to certain tax-exempt institutions.

1. It narrows the list of the types of municipal services that may be considered in the application of service charges to include just fire protection services, police protection services and road-related services .
 2. It sets out a methodology for calculating the appropriate service charge for each service.
 3. It expands the list of tax-exempt institutions that may be subject to service charges to include those institutions that own property that has an assessed value of \$1,000,000 or more and institutions that generate gross annual revenues related to those institutions' activities within the municipality that exceed \$1,000,000.
- See also LD 1146.

LD 1296 An Act To Strengthen the Job Creation Through Educational Opportunity Program

Carried Over

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

This bill amends provisions of the educational opportunity credit enacted in 2007 to improve administration. Participating students would enter the credit program by registering electronically for the “job credit through educational opportunity program” rather than signing an “opportunity contract.” The bill makes provisions for partial benefits for students transferring to an eligible Maine institution. The bill also clarifies or provides needed definitions, requires additional promotion of the program and requires institutions to report to the Department of Education in 2010 and 2011 on how the program is working.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

Joint Standing Committee on Taxation

LD 1314 **An Act To Reform and Lower Maine Taxes**

ONTP

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

Part A allows persons eligible for benefits under the Maine Residents Property Tax Program, also known as the Circuitbreaker Program, to file for a refundable credit using the individual income tax form.

Part B decreases the top individual income tax rate from 8.5% to 7.5%, conforms the personal exemption to the federal personal exemption and increases the earned income tax credit from 5% to 20% over a 5-year period and allows the credit to exceed the amount of income taxes actually paid.

Part C expands the ability of a municipality to impose service charges on tax-exempt properties located in that municipality by expanding the categories of property which may be charged, providing caps on the amount of charges, phasing in application of the charges and establishing a commission to develop additional criteria.

Part D expands the definition of "taxable service" for purposes of the imposition of sales tax to include amusement, recreational and personal services and consumer purchases of transportation services and professional, club or fraternal memberships. Part D eliminates all the current statutory sales tax exemptions except those that are required by the Constitution of the United States, federal law or the Constitution of Maine and sales to the State or the Federal Government and any political subdivisions of the State or the United States, and increases the sales tax on "lodging" from 7% to 10%.

LD 1321 **Resolve, To Facilitate Disclosure of Information to Taxpayer
Representatives**

RESOLVE 126

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM	S-297

This bill authorizes the disclosure of taxpayer information to an authorized representative of the taxpayer under a power of attorney, federally authorized release form under the Privacy Act of 1974, 5 United States Code, Section 552a, notarized statement or other verifiable statement of authority.

Committee Amendment "A" (S-297)

This amendment changes the bill to a resolve directing the State Tax Assessor to develop a simplified form to authorize the disclosure of taxpayer information to a designated representative of the taxpayer and to submit the form to the Joint Standing Committee on Taxation by January 15, 2010.

Enacted Law Summary

Resolve 2009, chapter 126 directs the State Tax Assessor to develop a simplified form to authorize the disclosure of taxpayer information to a designated representative of the taxpayer and to submit the form to the Joint Standing Committee on Taxation by January 15, 2010.

Joint Standing Committee on Taxation

LD 1335 An Act To Exempt from the Sales Tax Meals Provided at Retirement Facilities

Carried Over

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J		S-150

This bill exempts from the sales tax meals provided to residents of full-service retirement facilities. This bill also allows a retirement facility that has been audited to claim a credit against future sales tax payments for sales tax, including any interest or penalties on that sales tax, paid by that facility back to January 1, 2007 on meals that will now be exempt from the sales and use tax pursuant to this bill. The credit must be provided in equal installments over a 10-year period.

Committee Amendment "A" (S-150)

This amendment clarifies the definition of "retirement facility," removes the retroactive credit proposed in the bill and applies the exemption retroactively to transactions for which an assessment was not made before April 1, 2009. See also LD 1495.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

LD 1347 An Act To Deter Initiation of Tobacco Use by Increasing the Tax on Tobacco Products

ONTP

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

This bill:

1. Increases the cigarette tax from \$2.00 to \$3.00 per pack;
2. Reclassifies certain little cigars that are, in content, design, size and shape, substantially similar to traditional cigarettes and taxes them as cigarettes;
3. Adjusts the tax on roll-your-own tobacco; and
4. Increases the tax on smokeless tobacco to 132% from 78% of the wholesale sales price or a minimum tax per container of \$2.67, whichever is greater, and increases the tax on cigars, pipe tobacco and other tobacco intended for smoking to 30% from 20% of the wholesale sales price.

LD 1352 An Act To Exempt from Taxation Biodiesel Fuel Produced for Personal Use

PUBLIC 288

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-224

This bill exempts from the tax imposed on special fuels biodiesel fuel produced and used by the same individual or a member of that individual's immediate family.

Joint Standing Committee on Taxation

Committee Amendment "A" (S-224)

This amendment removes the emergency provisions from the bill and provides that the bill applies to sales made on or after October 1, 2009.

Enacted Law Summary

Public Law 2009, chapter 288 exempts from the tax imposed on special fuels biodiesel fuel produced and used by the same individual or a member of that individual's immediate family.

LD 1367 An Act To Increase the Homestead Property Tax Exemption **ONTP**

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

This bill allows a municipality to approve a higher exemption amount of \$25,000 under the Maine resident homestead property tax exemption program.

LD 1368 An Act To Broaden and Increase the Sales Tax, Increase the Earned Income Tax Credit and Amend the Application Process for the Circuitbreaker Program. **ONTP**

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

Part A broadens the sales tax base by adding amusement, entertainment and recreation services and including foods, such as candy, potato chips and bakery products within the definition of prepared foods. This bill also increases the general sales tax rate from 5% to 6% and the sales tax on prepared food and lodging from 7% to 8%.

Part B increases the state earned income credit from 5% to 25% of the federal credit and provides that the state earned income credit is fully refundable.

Part C amends the Maine Residents Property Tax Program, also known as "the Circuitbreaker Program," by allowing an individual to apply for a benefit using the individual income tax form.

LD 1381 An Act To Allow Counties To Provide Property Tax Relief by Enacting a County Option Meals and Lodging Tax **ONTP**

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

This bill allows a county to impose a county option meals and lodging tax of 2% or less by approval at local referendum. Seventy-five percent of the revenue from the county option meals and lodging tax would be retained by the county and used to reduce the annual tax assessments on municipalities located in that county. The balance of

Joint Standing Committee on Taxation

the revenue, 25%, would be deposited in the General Fund.

LD 1385 An Act To Create an Energy Conservation Measures Tax Credit

ONTP

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

This bill provides an income tax credit of up to \$250 annually, for tax years beginning on or after January 1, 2009 but before January 1, 2011, to a person who pays out-of-pocket costs to purchase and install energy conservation measures for a residence occupied by that person, such as insulation and caulking, energy-conserving windows and doors and automatic energy control systems.

**LD 1390 Resolve, Directing the State Tax Assessor To Adjust the State Valuation
for the Town of Topsham**

**RESOLVE 116
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-188

This resolve directs the State Tax Assessor to adjust the 2009 state valuation for the Town of Topsham to correct an error that resulted in the valuation being lower than it should be.

Committee Amendment "A" (S-188)

This amendment incorporates a fiscal note.

Enacted Law Summary

Resolve 2009, chapter 116 directs the State Tax Assessor to adjust the 2009 state valuation for the Town of Topsham to correct an error that resulted in the valuation being lower than it should be.

Resolve 2009, chapter 116 was enacted as an emergency measure effective June 9, 2009.

**LD 1392 An Act To Promote Economic Development and Reduce Reliance on
Automobiles through Transit-oriented Tax Increment Financing
Districts**

PUBLIC 314

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM MAJ OTP-AM MIN	S-295

This bill establishes authority for creation of transit-oriented development districts under the tax increment financing laws to define the parameters for transit districts and the permissible transit-oriented uses of TIF funds.

Committee Amendment "A" (S-295)

Joint Standing Committee on Taxation

This amendment makes changes to clarify and simplify the provisions of the bill.

Enacted Law Summary

Public Law 2009, chapter 314 establishes authority for creation of transit-oriented development districts under the tax increment financing laws to define the parameters for transit districts and the permissible transit-oriented uses of TIF funds.

LD 1401 An Act To Make Minor Substantive Changes to the Tax Laws

PUBLIC 361

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON PERRY J	OTP-AM	H-482

This bill makes the following changes to the laws governing taxation.

It changes procedures for certification of eligibility for the income tax credit for rehabilitation of historic properties including moving language regarding the responsibility of the Maine State Housing Authority to the Maine Revised Statutes, Title 30-A, chapter 201, which establishes and controls the Maine State Housing Authority.

It authorizes the State Tax Assessor to enter into agreements with other states or the Federal Government to set off tax refunds payable by each state or the Federal Government against tax debts owed to the other state or the Federal Government, and clarifies that restitution payable to the Department of Administrative and Financial Services, Bureau of Revenue Services as part of a sentence imposed for a criminal or tax law violation is a tax debt for purposes of such a setoff or a setoff against a federal tax refund.

It establishes a consistent method for treating certain tax law violations as a prior conviction when determining a sentence for a subsequent tax law violation.

It clarifies that amounts payable by the State to a person may be assigned to the State Tax Assessor and applied to restitution payable to the Bureau of Revenue Services as part of a sentence imposed for a criminal or tax law violation.

It provides authority for the State Tax Assessor to disclose to duly authorized officers of the Federal Government and of other state governments information necessary to administer a set-off agreement with those governments. It also corrects a numbering problem created by Public Law 2007, chapters 539, 693 and 694, which enacted 4 substantively different provisions with the same paragraph letter.

It enacts an exemption from the service provider tax for sales to an incorporated nonprofit medical clinic, for consistency with a change to the sales and use tax law enacted in the First Regular Session of the 123rd Legislature. It designates the document filed by a distributor when obtaining cigarette stamps as a tax return, allows a licensed distributor to sell unstamped cigarettes to another licensed distributor with appropriate documentation and establishes a consistent rule for treating certain tax law violations as a prior conviction when determining a sentence for a subsequent tax law violation.

It clarifies the types of business entities that qualify for an exemption from real estate transfer tax on deeds made pursuant to a merger or consolidation.

It allows a dealer owing no more than \$1,000 per year for the tax on mahogany quahogs to file annual returns.

It clarifies the procedures for calculating and certifying the income tax credit for rehabilitation of historic properties.

It clarifies that income tax refunds may be set off and applied to restitution payable to the Bureau of Revenue Services as part of a sentence imposed for a tax law violation.

It repeals a requirement for annual reporting of the projected costs of benefits for the current biennium and ensuing 2 biennia under the business equipment tax reimbursement program.

It simplifies and clarifies the State's procedures for payment of employment tax increment financing reimbursements.

It simplifies and clarifies the State's procedures for payment of media production reimbursements.

It corrects a cross-reference and authorizes Internet publication by the State Tax Assessor of certain information

Joint Standing Committee on Taxation

obtained from real estate transfer tax declarations of value.

It adds a provision to the service provider tax ensuring that the tax is paid when a taxable service is purchased for resale but is then used by the purchaser rather than being resold.

It waives the requirement to file a Maine income tax return for individuals who filed a federal income tax return solely in order to claim a federal earned income credit. It authorizes the State Tax Assessor to identify by rule other exceptions to that requirement to file a Maine income tax return.

It provides that an extension of time to file a Maine income tax return does not extend the period for filing a claim for credit or refund of an overpayment of Maine income tax.

Committee Amendment "A" (H-482)

This amendment restores the exemption to its application by Maine Revenue Services prior to the recent Maine Law Court decision, *John T. Cyr & Sons, Inc. v. State Tax Assessor*, 2009 ME 52, by codifying Maine Revenue Services Rule 318(3) and clarifying that the exemption is not limited only to situations when the Commerce Clause requires an exemption from the sales or use tax.

The amendment modifies the sales tax exemption for watercraft sold to nonresidents to provide that the exemption applies as long as the watercraft is removed from the State within 30 days of sale.

The amendment removes changes to the income tax credit for rehabilitation of historic properties that applies the maximum credit limitation to certified historic structures rather than to a certified historic project.

The amendment removes a section that provides that an extension of time to file a Maine income tax return does not extend the period for filing a claim for an income tax credit or refund.

Enacted Law Summary

Public Law 2009, chapter 361 makes minor substantive changes to the tax laws.

LD 1426 An Act To Allow Municipalities To Impose a Local Option Lodging or Meals Tax ONTP

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

This bill allows a municipality to impose a local option lodging tax or a local option meals tax, or both, of 4% or less by local referendum. Revenue from the local option tax is distributed as follows: 75% to the municipality and 25% to the county in which the municipality is located.

LD 1427 An Act To Compensate Maine Residents for the Impacts of High-voltage Transmission Lines ONTP

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

This bill imposes a state excise tax on certain high-voltage electric transmission property at the rate of 10 mills multiplied by the just value of that property. This bill also creates the Maine Transmission Mitigation Trust, which manages the Maine Transmission Mitigation Trust Fund, also created in this bill. The revenue from the excise tax is deposited in the Maine Transmission Mitigation Trust Fund. Annual distributions from the fund of 20% of the trust fund, up to \$10,000,000 annually, are made to municipalities that submit winning bids for electricity infrastructure

Joint Standing Committee on Taxation

projects placing transmission lines underground. The remainder of the Maine Transmission Mitigation Trust Fund must be paid to Maine electricity ratepayers in proportion to each customer's purchases of electricity transmitted over the State's transmission and distribution utilities.

LD 1449 An Act To Expand Tax Incentives for Visual Media Productions

Carried Over

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON RECTOR		H-554

This bill makes changes to the State's tax incentives for attracting visual media productions. The existing income tax credit and reimbursement for certain production wages are replaced with a refundable income tax credit that is a percentage of direct production expenditures in the State. Eligible productions must be certified by the Department of Economic and Community Development. Productions with expenditures of more than \$50,000 but less than \$750,000 are eligible for an income tax credit of 10% of expenditures or 15% if the production company has been incorporated in the State for at least 2 years. A production company with eligible expenses of \$750,000 or more is eligible for a base credit of 20% of eligible expenditures with incremental increases if the company hires at least 15% of its cast and crew in the State, spends at least 25% of the project time in certain counties or participates in an internship program overseen by the Department of Economic and Community Development, Office of Tourism, Maine State Film Office. The Finance Authority of Maine is directed to establish a low-interest loan program for visual media production companies with visual media production expenses of \$750,000 or greater that receive a visual media production certificate.

Committee Amendment "A" (H-554)

This amendment changes the line between the Level 1 credit and the Level 2 credit from \$750,000 to \$500,000, changes the conditions for increases in the amount of credit and changes the annual limit on credit certificates from \$5,000,000 to \$3,000,000. The amendment also clarifies the audit authority of the State Tax Assessor and requires an annual report by the Department of Economic and Community Development, Office of Tourism, Maine State Film Office to the joint standing committee of the Legislature having jurisdiction over taxation matters regarding implementation and administration of the credit.

This bill was removed from the Special Appropriations Table, recommitted to the Taxation Committee and carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

LD 1463 An Act To Provide Equitable Property Tax Relief To Maintain Traditional Communities

ONTP

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

This bill provides property tax relief for the purpose of maintaining the State's traditional communities through 2 methods.

The first method allows municipalities to enter into arrangements with natural resources support businesses through which the business grants a time-limited easement to the municipality to limit the use of property to natural resources business support in exchange for payments from the municipality to alleviate a portion of the property tax burden.

Joint Standing Committee on Taxation

The 2nd method provides a system for municipalities to adopt an ordinance to permit persons 65 years of age or older to choose to defer property taxes on homesteads until the property is transferred in order to enable traditional families to remain in their homes despite increasing property values and taxes. Eligibility may be income-limited. The bill also extends Pine Tree Development Zone benefits to natural resources support businesses located in a Pine Tree Development Zone.

LD 1495 **An Act To Implement Tax Relief and Tax Reform**

PUBLIC 382

Sponsor(s)

Committee Report

Amendments Adopted

This bill is a Governor's bill replacing Legislative Document 1088, "An Act To Modernize the Tax Laws and Provide over \$50,000,000 to Residents of the State in Tax Relief," as amended by Committee Amendment "A" and House Amendment "A" to Committee Amendment "A." This bill reforms the State's tax structure and reduces the burden of taxes on residents of the State. The bill contains the following provisions.

Part A makes fundamental changes to simplify and reduce the burden of the State's income tax and create an income tax that is intended to be more beneficial to investment and economic growth in the State. The current structure of 4 tax brackets, personal exemptions and standard and itemized deductions is replaced by a flat rate of 6.5% on all taxable income. The progressivity of the current income tax is maintained through a household credit and an elderly credit that alleviate the impact of the 6.5% rate on low-income and middle-income households. The alternative minimum tax on individuals is abolished. A surcharge of 0.35% is applied to taxable income exceeding \$250,000. The earned income tax credit is made partially refundable beginning in 2010.

Part B broadens the sales tax base by including certain amusement, entertainment and recreation services; installation, repair and maintenance services; personal property services; and transportation and courier services. Part B also changes the point of imposition of sales tax related to leased property from the sale of that property to the leasing business to the lease payments by the consumer. Part B also increases the sales tax on prepared food and lodging to 8.5% and the sales tax on rentals of automobiles of less than one year to 12.5%. The service provider tax is extended to interstate and international telecommunications service. This Part establishes an airport transportation fee of \$1 for each person transported to a commercial airport by taxicab or limousine. Part B also increases funding for tourism promotion.

Part C simplifies the income calculation under the Maine Residents Property Tax Program, also known as the "Circuitbreaker Program" by excluding from household income the income of dependents and certain miscellaneous income. It gradually changes the time for filing an application and making payments to coincide with income tax filing periods. For application periods beginning on or after August 1, 2010, the benefit will be calculated on the basis of tables provided by the State Tax Assessor utilizing the benefit formula in current law. Beginning with the 2010 tax year, the Maine individual income tax booklets must contain the Circuitbreaker Program application and instructions.

See also LD 1088.

Enacted Law Summary

Public Law 2009, chapter 382 reforms the State's tax structure and reduces the burden of taxes on residents of the State. The bill contains the following provisions.

Joint Standing Committee on Taxation

Part A makes fundamental changes to simplify and reduce the burden of the State's income tax and create an income tax that is intended to be more beneficial to investment and economic growth in the State. The current structure of 4 tax brackets, personal exemptions and standard and itemized deductions is replaced by a flat rate of 6.5% on all taxable income. The progressivity of the current income tax is maintained through a household credit and an elderly credit that alleviate the impact of the 6.5% rate on low-income and middle-income households. The alternative minimum tax on individuals is abolished. A surcharge of 0.35% is applied to taxable income exceeding \$250,000. The earned income tax credit is made partially refundable beginning in 2010.

Part B broadens the sales tax base by including certain amusement, entertainment and recreation services; installation, repair and maintenance services; personal property services; and transportation and courier services. Part B also changes the point of imposition of sales tax related to leased property from the sale of that property to the leasing business to the lease payments by the consumer. Part B also increases the sales tax on prepared food and lodging to 8.5% and the sales tax on rentals of automobiles of less than one year to 12.5%. The service provider tax is extended to interstate and international telecommunications service. This Part establishes an airport transportation fee of \$1 for each person transported to a commercial airport by taxicab or limousine. Part B also increases funding for tourism promotion.

Part C simplifies the income calculation under the Maine Residents Property Tax Program, also known as the "Circuitbreaker Program" by excluding from household income the income of dependents and certain miscellaneous income. It gradually changes the time for filing an application and making payments to coincide with income tax filing periods. For application periods beginning on or after August 1, 2010, the benefit will be calculated on the basis of tables provided by the State Tax Assessor utilizing the benefit formula in current law. Beginning with the 2010 tax year, the Maine individual income tax booklets must contain the Circuitbreaker Program application and instructions.

See also LD 1088.

Joint Standing Committee on Taxation

SUBJECT INDEX

Administration of Tax Laws

Enacted

LD 490	An Act To Amend the Laws Regarding Mandatory Electronic Filing of Certain Tax Returns	P & S 12 EMERGENCY
LD 1093	An Act Concerning Technical Changes to the Tax Laws	PUBLIC 434
LD 1120	Resolve, Relating To Review of Certain Changes in the Application of the Sales and Use Tax Law	RESOLVE 127
LD 1321	Resolve, To Facilitate Disclosure of Information to Taxpayer Representatives	RESOLVE 126
LD 1401	An Act To Make Minor Substantive Changes to the Tax Laws	PUBLIC 361

Not Enacted

LD 1124	An Act To Provide Legislative Oversight of Changes to Policies and Practices of the Bureau of Revenue Services	ONTP
---------	--	------

Income Tax - General

Enacted

LD 1215	An Act To Correct Administrative Procedures Regarding the Dental Care Access Credit	PUBLIC 141 EMERGENCY
---------	---	-------------------------

Not Enacted

LD 86	An Act To Conform the Maine Tax Laws for 2008 to the United States Internal Revenue Code	INDEF PP
LD 196	An Act To Exempt Military Pensions from Income Tax	DIED BETWEEN HOUSES
LD 197	An Act To Provide Tax Relief to Workers Who Lose Their Jobs Due to Business Closure	DIED ON ADJOURNMENT
LD 224	An Act To Exempt Certain Senior Residents from the Income Tax	ONTP
LD 540	An Act To Promote Forest Certification and Long-term Forest Management	DIED ON ADJOURNMENT

LD 589	An Act To Encourage the Production of Liquid Biofuels	DIED ON ADJOURNMENT
LD 590	An Act To Establish a Wellness Tax Credit	ACCEPTED ONTP REPORT
LD 618	An Act To Reduce Income Tax on Capital Gains	ACCEPTED ONTP REPORT
LD 647	An Act To Provide Tax Relief for Retired Veterans Operating Businesses in Maine	ONTP
LD 670	An Act To Make Health Insurance More Affordable	ONTP
LD 744	An Act To Allow a Tax Credit for Tuition Paid to Private Schools	ONTP
LD 769	An Act To Amend the Laws Governing Income Tax To Allow an Age-based Write-off of Capital Losses	ONTP
LD 799	An Act To Encourage Clean Fuel Vehicle Economic and Infrastructure Development by Extending the Tax Credit	DIED ON ADJOURNMENT
LD 841	An Act Regarding the State Earned Income Tax Credit	ONTP
LD 851	An Act To Exempt Certain Veterans from the Income Tax	ONTP
LD 872	An Act To Provide a Tax Credit to Certain Heating Fuel Contract Consumers	ONTP
LD 884	An Act To Provide Income Tax Equity for Working Spouses	ONTP
LD 1013	An Act To Protect the Environment through Promoting the Use of Clean Fuel Vehicles	ACCEPTED ONTP REPORT
LD 1033	An Act To Provide a Tax Credit for the Purchase of Small Wind Power Generators	ONTP
LD 1082	An Act To Create an Income Tax Credit for Certain Renewable Energy Systems	ONTP
LD 1214	An Act To Amend the Laws Regarding the Taxation of Private and Public Pensions	ONTP
LD 1217	An Act To Provide an Income Tax Credit for Property Tax Relief	ONTP
LD 1251	An Act To Reduce the Cost of Permitting of Business Development	ONTP
LD 1252	An Act To Create the Maine Fishery Infrastructure Tax Credit	ONTP

LD 1272	An Act To Establish an Income Tax Credit for the Purchase of Certain Wood-burning Boilers and Stoves	LEAVE TO WITHDRAW
LD 1279	An Act To Reduce Income Tax to 4.5% and Remove Low-income Families from Taxation	
LD 1284	An Act To Create a Scholarship Granting Organization Tax Credit	ACCEPTED ONTP REPORT
LD 1288	An Act To Reduce Income Tax Rates	ACCEPTED ONTP REPORT
LD 1296	An Act To Strengthen the Job Creation Through Educational Opportunity Program	
LD 1385	An Act To Create an Energy Conservation Measures Tax Credit	ONTP
LD 1449	An Act To Expand Tax Incentives for Visual Media Productions	

Miscellaneous Taxes

Enacted

LD 35	Resolve, Directing the State Tax Assessor To Work with Local Law Enforcement Agencies To Improve Tax Collection and Enforcement along the Border of the State	RESOLVE 27
LD 950	Resolve, Related to the Maine Estate Tax	RESOLVE 101
LD 1352	An Act To Exempt from Taxation Biodiesel Fuel Produced for Personal Use	PUBLIC 288

Not Enacted

LD 72	An Act Regarding the Tax on Fuel Used for Commercial Agriculture, Fishing and Forestry	ONTP
LD 195	An Act To Base the Excise Tax on Vehicles on a Percentage of the Manufacturer's Suggested Retail Price	
LD 198	An Act To Recouple Maine Estate Tax with the Federal Estate Tax	ACCEPTED ONTP REPORT
LD 237	An Act To Impose an Excise Tax on the Extraction of Water for Bottling	ONTP
LD 342	An Act To Exempt Annuities from Taxation	ONTP
LD 380	An Act To Require Residents of the Unorganized Territories To Pay Excise Taxes To Agents and Not Directly to the Secretary of State	ONTP

LD 381	An Act To Base the Motor Vehicle Excise Tax on the Documented Actual Sale Price Rather than on the Maker's List Price	ONTP
LD 459	An Act To Provide Tax Relief for Maine Residents Deployed for Military Service	ONTP
LD 588	An Act To Amend the Excise Tax on Motor Vehicles To Reflect Depreciation	
LD 662	An Act To Phase Out the Distribution of the Disproportionate Tax Burden Fund under the State-municipal Revenue Sharing Program over a 5-year Period	
LD 808	An Act To Capitalize the Municipal Investment Trust Fund with Municipal Revenue-sharing Resources	DIED ON ADJOURNMENT
LD 919	An Act To Prevent and Treat Cancer in Maine by Implementing Critical Portions of the Comprehensive Cancer Program	ACCEPTED ONTP REPORT
LD 974	An Act To Decrease the Automobile Excise Tax and Promote Energy Efficiency	ONTP
LD 993	An Act To Implement the Recommendations of the Commission To Study the Protection of Farms and Farmland Pertaining to Taxation	
LD 1045	An Act To Provide a Sales Tax Refund for Fuel Used in Commercial Agricultural Production	DIED ON ADJOURNMENT
LD 1347	An Act To Deter Initiation of Tobacco Use by Increasing the Tax on Tobacco Products	ONTP
LD 1427	An Act To Compensate Maine Residents for the Impacts of High-voltage Transmission Lines	ONTP

Property Tax - Current Use

Enacted

LD 277	An Act To Clarify the Income-producing Requirement for Land in the Farm and Open Space Tax Program	PUBLIC 114
--------	--	------------

Not Enacted

LD 332	An Act To Amend the Penalty for Withdrawal of Land from the Maine Tree Growth Tax Law Program	ONTP
LD 360	An Act To Notify a Lienholder before Property Is Withdrawn from Assessment under the Maine Tree Growth Tax Law	ONTP

Property Tax - Exemptions

Enacted

LD 51	An Act To Allow Military Personnel Living in Maine To Benefit under the Maine Resident Homestead Property Tax Exemption	PUBLIC 418 EMERGENCY
-------	---	-------------------------

LD 545 **An Act To Amend the Tax Exemption Regarding Leased
Property** PUBLIC 425

Not Enacted

LD 57 **An Act To Exempt Small Privately Owned Windmills from the
Property Tax** ONTP

LD 71 **An Act To Raise the Property Tax Exemption for Veterans**

LD 87 **An Act To Allow the Same Homestead and Veterans' Exemptions
to a Person Who Has a Life Lease as Are Allowed to Those Who
Have a Life Estate** ONTP

LD 166 **An Act To Exempt Persons 65 Years of Age or Older with Income
below the Poverty Line from Property Taxes on Their Homes** ONTP

LD 765 **An Act To Allow Towns To Establish Their Own Homestead
Exemption Programs** ONTP

LD 1146 **An Act To Authorize Municipalities To Impose Service Charges
to Tax-exempt Property Owned by Certain Organizations Whose
Primary Activities Are Not Charitable** ONTP

LD 1149 **An Act To Amend the Veterans Homestead Exemption To
Include Certain Medal Winners** ONTP

LD 1213 **An Act To Amend the Homestead Exemption for Certain
Veterans To Include Certain Military Personnel Stationed at
Guantanamo Bay** ONTP

LD 1290 **An Act To Amend the Law Authorizing the Application of
Service Charges to the Owners of Certain Real Property Exempt
from Property Taxation** ONTP

LD 1367 **An Act To Increase the Homestead Property Tax Exemption** ONTP

Property Tax - General

Enacted

LD 90 **Resolve, Authorizing the State Tax Assessor To Convey the
Interest of the State in Certain Real Estate in the Unorganized
Territory** RESOLVE 7

LD 740 **An Act To Validate the Property Tax Commitments in the Towns
That are Members of Community School District No. 9** P & S 6
EMERGENCY

LD 1235 **An Act To Establish Municipal Cost Components for
Unorganized Territory Services To Be Rendered in Fiscal Year
2009-10 and To Make Other Changes Related to the Municipal
Cost Components** PUBLIC 303
EMERGENCY

Not Enacted

LD 349	An Act To Authorize Arbitration of Property Tax Valuation Disputes	ACCEPTED ONTP REPORT
LD 553	An Act To Amend the Laws Governing Abatement of Property Taxes Due to Infirmity or Poverty	ONTP
LD 839	An Act To Authorize an Alternative Calculation of the Property Growth Factor for Municipalities with Exempt Personal Property	

Property Tax - Valuation

Enacted

LD 1390	Resolve, Directing the State Tax Assessor To Adjust the State Valuation for the Town of Topsham	RESOLVE 116 EMERGENCY
---------	---	--------------------------

Not Enacted

LD 840	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Control Property Tax Increases	ACCEPTED ONTP REPORT
LD 1060	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict Property Revaluations	ONTP

Property Tax Relief Programs

Not Enacted

LD 313	An Act To Add a Fuel Oil Benefit to the Circuitbreaker Program	ONTP
LD 404	An Act To Promote Property Tax Relief for Maine's Senior Citizens	ONTP
LD 842	An Act To Exclude Business and Capital Losses from Consideration as Income under the Circuitbreaker Program	ONTP
LD 1087	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Cap the Property Tax on the Primary Residence of a Person 65 Years of Age or Older	ONTP
LD 1121	An Act To Protect Elderly Residents from Losing Their Homes Due to Taxes or Foreclosure	
LD 1233	An Act To Provide Property Tax Relief to Senior Citizens	ONTP
LD 1273	An Act To Simplify the Application for Benefits under the Circuitbreaker Program	
LD 1463	An Act To Provide Equitable Property Tax Relief To Maintain Traditional Communities	ONTP

Sales Tax

Enacted

LD 450	An Act To Include Commercial Silvicultural Crop Production in the Sales Tax Exemption for Certain Products Used in Commercial Agricultural Crop Production Activities	PUBLIC 422
LD 906	An Act Relating to Sales Tax on Certain Trailers	PUBLIC 207
<u>Not Enacted</u>		
LD 109	An Act To Exempt Residential Electricity from Sales Tax	ONTP
LD 167	An Act To Provide a Sales Tax Exemption for Used Goods Sold To Benefit Food Pantries	ONTP
LD 218	An Act To Exempt the United States Flag from Sales Tax	ONTP
LD 265	An Act To Provide a Sales Tax Exemption to Certain Organizations That Provide Assistance to Members of the Military	ONTP
LD 406	An Act To Allow a Retailer To Offer To Pay Sales Tax on Items and Services Sold by That Retailer	ONTP
LD 471	An Act To Encourage Alternative Energy and Promote Maine Businesses	ONTP
LD 659	An Act To Remove the Sales Tax on Certain Watercraft	
LD 666	An Act To Clarify When the Rental of a Car Is Exempt from Sales and Use Tax	DIED BETWEEN HOUSES
LD 671	An Act To Exempt Clean Fuel Vehicles from Sales Tax	ONTP
LD 743	An Act To Exempt Fuel Used by Commercial Fishing Vessels from the Sales Tax	DIED ON ADJOURNMENT
LD 788	An Act To Aid Municipalities and the Unorganized Territory in the Reduction of Property Taxes	
LD 1018	An Act To Make the Maine Music Educators Association Tax Exempt	ONTP
LD 1046	An Act To Exempt Cleaning Products for Milking Machines from the Sales Tax	ONTP
LD 1148	An Act To Provide a Sales Tax Holiday Pilot Project	DIED BETWEEN HOUSES
LD 1173	An Act To Exempt Sales of Heating Oil and Kerosene to Maine Businesses from Sales Tax	ONTP
LD 1253	An Act To Establish a Local Option Sales Tax	

LD 1335	An Act To Exempt from the Sales Tax Meals Provided at Retirement Facilities	
LD 1381	An Act To Allow Counties To Provide Property Tax Relief by Enacting a County Option Meals and Lodging Tax	ONTP
LD 1426	An Act To Allow Municipalities To Impose a Local Option Lodging or Meals Tax	ONTP

Tax Increment Financing

Enacted

LD 539	An Act To Amend the Laws Governing the Allowable Uses of Tax Increment Financing Funds	PUBLIC 85
LD 1154	Resolve, To Require a Study of Economic Development Incentives in the Unorganized Territory	RESOLVE 71
LD 1392	An Act To Promote Economic Development and Reduce Reliance on Automobiles through Transit-oriented Tax Increment Financing Districts	PUBLIC 314

Not Enacted

LD 212	Resolve, To Study and Develop a Tax Increment Financing Program To Fund the Washington County Development Authority	ONTP
LD 493	An Act To Provide Sensible Options for Tax Increment Financing Proceeds in Small Towns	ONTP
LD 931	An Act To Expand the Economic Development Benefit of Tax Increment Financing in Counties That Include Unorganized Territories	

Tax Reform - Restructuring

Enacted

LD 1495	An Act To Implement Tax Relief and Tax Reform	PUBLIC 382
---------	---	------------

Not Enacted

LD 1088	An Act To Modernize the Tax Laws and Provide over \$50,000,000 to Residents of the State in Tax Relief	INDEF PP
LD 1314	An Act To Reform and Lower Maine Taxes	ONTP
LD 1368	An Act To Broaden and Increase the Sales Tax, Increase the Earned Income Tax Credit and Amend the Application Process for the Circuitbreaker Program.	ONTP

Tax Reform - Tax and Spending Limits

Not Enacted

LD 787	An Act To Provide an Additional Source of Revenue for the Tax Relief Fund for Maine Residents	ONTP
LD 855	Resolve, To Establish the Commission To Study the Reform of Taxes and Spending in Maine	ONTP
LD 922	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a Supermajority Approval of the Legislature for Tax Increases	ACCEPTED ONTP REPORT
LD 976	An Act To Provide Tax Relief	ACCEPTED ONTP REPORT

STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the First Regular Session of the 124th Maine Legislature coming from the

JOINT STANDING COMMITTEE ON TRANSPORTATION

July 2009

STAFF:

KAREN NADEAU-DRILLEN, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
&
SUZANNE ROY, LEGISLATIVE ANALYST
OFFICE OF FISCAL AND PROGRAM REVIEW
5 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1635

MEMBERS:

SEN. DENNIS S. DAMON, CHAIR
SEN. JOSEPH C. PERRY
SEN. WALTER R. GOOLEY

REP. EDWARD J. MAZUREK, CHAIR
REP. GEORGE HOGAN
REP. ANN E. PEOPLES.
REP. CHARLES KENNETH THERIAULT
REP. CHARLES W. HARLOW
REP. MICHAEL E. CAREY
REP. WILLIAM P. BROWNE
REP. DOUGLAS A. THOMAS
REP. RICHARD M. CEBRA
REP. KIMBERLEY C. ROSEN

Joint Standing Committee on Transportation

LD 6 An Act To Establish a Distracted Driver Law

PUBLIC 446

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-126

This bill makes driving while distracted a moving violation. It prohibits engaging in an activity that impairs the driver's ability to drive. It also allows the Department of Transportation to adopt rules.

Committee Amendment "A" (S-126)

The amendment, which replaces the bill, makes failure to maintain control of a motor vehicle a traffic infraction. The amendment defines "operation of a motor vehicle while distracted" as the operation of a motor vehicle by a person who, while operating the vehicle, is engaged in an activity that is not necessary to the operation of the vehicle and that actually impairs, or would reasonably be expected to impair, the ability of the person to safely operate the vehicle.

The amendment provides that a person commits the traffic infraction of failure to maintain control of a motor vehicle if the person commits either a traffic infraction under the motor vehicle laws or commits the crime of driving to endanger and, at the time the traffic infraction or crime occurred, the person was engaged in the operation of a motor vehicle while distracted or the person is determined to have been the operator of a motor vehicle that was involved in a reportable accident that resulted in property damage and, at the time the reportable accident occurred, the operator was engaged in the operation of a motor vehicle while distracted.

Enacted Law Summary

Public Law 2009, chapter 446 makes failure to maintain control of a motor vehicle a traffic infraction. The law defines "operation of a motor vehicle while distracted" as the operation of a motor vehicle by a person who, while operating the vehicle, is engaged in an activity that is not necessary to the operation of the vehicle and that actually impairs, or would reasonably be expected to impair, the ability of the person to safely operate the vehicle.

It provides that a person commits the traffic infraction of failure to maintain control of a motor vehicle if the person commits either a traffic infraction under the motor vehicle laws or commits the crime of driving to endanger and, at the time the traffic infraction or crime occurred, the person was engaged in the operation of a motor vehicle while distracted or the person is determined to have been the operator of a motor vehicle that was involved in a reportable accident that resulted in property damage and, at the time the reportable accident occurred, the operator was engaged in the operation of a motor vehicle while distracted.

LD 7 An Act To Amend the Instruction Permit Process

PUBLIC 43

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-7

This bill allows a person whose license was canceled or suspended in the immediately preceding 2 years for any reason to accompany a person with an instruction permit if the person acting as the accompanying operator is at least 20 years of age, sits beside the permittee and has a valid license.

Joint Standing Committee on Transportation

Committee Amendment "A" (S-7)

This amendment, which replaces the bill, requires the person acting as the accompanying operator for a permit holder to have held a valid license for at least 2 years.

Enacted Law Summary

Public Law 2009, chapter 43 requires the person acting as the accompanying operator for a permit holder to have held a valid license for at least 2 years.

LD 8 **An Act To Deter Road Rage**

ONTP

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

This bill defines road rage and establishes it as a Class E crime. A person who commits road rage is subject to the loss of that person's license for 90 days and is required to complete an anger management course.

LD 15 **An Act To Prohibit the Sale of a Road Sign Originally Placed by the State, a County or a Municipality**

**DIED BETWEEN
HOUSES**

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

This bill provides that a person may not sell or offer to sell a sign that had been placed by the State, a county or a municipality on a highway or street. A person who violates this provision commits a Class E crime.

LD 36 **An Act To Reopen Certain Rest Stops on Route 1**

ONTP

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

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

This bill proposes to reopen closed rest areas along Route 1 in Fort Kent and in Grand Isle. Under this bill, the cost of reopening and maintaining those rest areas would be shared with the affected communities.

Joint Standing Committee on Transportation

LD 37 An Act To Allow a Weight Tolerance for Vehicle Auxiliary Power Units

PUBLIC 3

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

This bill extends a weight tolerance for vehicle auxiliary power units in the laws governing highway weight limits for vehicles.

Enacted Law Summary

Public Law 2009, chapter 3 extends a weight tolerance for vehicle auxiliary power units in the laws governing highway weight limits for vehicles.

LD 38 An Act To Allow the Use of Only 2 Studded Tires on Front-wheel-drive Vehicles

ACCEPTED ONTP REPORT

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

This bill allows a front-wheel-drive vehicle to have studded snow tires on its front wheels only.

LD 39 An Act To Enhance Motorcycle Safety

PUBLIC 441

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P GERZOFKY	OTP-AM	H-39

This bill requires the Department of Transportation to erect informational signs on roads where rumble strips are located to enhance motorcycle safety.

Committee Amendment "A" (H-39)

This amendment, which replaces the bill, requires the Department of Transportation to install signs on any state highway where centerline rumble strips are located to inform a driver that the driver is approaching a rumble strip and specifies that the signs must comply with the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration.

Enacted Law Summary

Public Law 2009, chapter 441 requires the Department of Transportation to install signs on any state highway where centerline rumble strips are located to inform a driver that the driver is approaching a rumble strip and

Joint Standing Committee on Transportation

specifies that the signs must comply with the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration.

LD 40 An Act To Prohibit Certain Uses of Cellular Telephones and Handheld Electronic Devices while Operating a Motor Vehicle

**ACCEPTED ONTP
REPORT**

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

This bill prohibits the use of a handheld cellular telephone and a handheld electronic device while operating a motor vehicle. The bill clarifies that law enforcement officers, corrections officers, firefighters, drivers of authorized emergency vehicles, holders of commercial driver's licenses, physicians, municipal public works personnel, Maine Turnpike Authority personnel and state transportation personnel, including all employees and contractors of the Department of Transportation, may use handheld cellular telephones while driving within the scope of their employment. The bill makes the offense a traffic infraction.

Committee Amendment "A" (H-31)

This amendment, which is the minority report of the Joint Standing Committee on Transportation, expands the list of those exempt from the prohibition against using a handheld cellular telephone and a handheld electronic device while operating a motor vehicle to include personnel of a public utility within the scope of their employment.

The amendment also provides that the definition of "handheld electronic device" does not include a radio licensed by the Federal Communications Commission, including, but not limited to, a citizen band or amateur radio, a change that has the effect of allowing persons to use radios while driving. The amendment prohibits the use of a radio while driving in an area designated by the Department of Transportation or the Maine Turnpike Authority as a construction zone but allows workers within construction zones to continue to use handheld cellular telephones, handheld electronic devices or radios licensed by the Federal Communications Commission if it is within the scope of their employment.

The amendment also adds an appropriations and allocations section.

LD 41 An Act To Prohibit the Use of a Handheld Cellular Telephone While Operating a Motor Vehicle

ONTP

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

This bill prohibits the use of a handheld cellular telephone and text messaging while operating a motor vehicle. The bill clarifies that law enforcement officers, corrections officers, firefighters, drivers of authorized emergency vehicles, holders of commercial driver's licenses, physicians, municipal public works personnel, Maine Turnpike Authority personnel and state transportation personnel, including all employees and contractors of the Department of Transportation, may use handheld cellular telephones while driving within the scope of their employment. The bill makes the offense a traffic infraction.

Joint Standing Committee on Transportation

LD 42 An Act To Increase the Time Period for Motor Vehicle Inspections to 2 Years

**ACCEPTED ONTP
REPORT**

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

This bill changes the annual inspection requirement for motor vehicles, except for commercial vehicles, trailers and semitrailers, to a biennial inspection requirement. This bill also changes the annual enhanced inspection requirement for vehicles registered in Cumberland County to a biennial requirement. Finally, this bill changes the annual partial inspection requirement for farm trucks, fish trucks and woods tractors to a biennial requirement.

Committee Amendment "A" (H-27)

This amendment, which is the minority report of the Joint Standing Committee on Transportation, replaces the bill and provides that a new motor vehicle, but not including a commercial vehicle, trailer or semitrailer, that has had an inspection is not required to have another inspection until 2 years from the last day of the month in which it was initially registered. The amendment also directs the Department of Public Safety, Bureau of State Police to undertake a comprehensive review of current motor vehicle inspection rules.

LD 48 Resolve, To Delay the Sustainability of the Highway Fund

ONTP

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

This resolve suspends for 2 years, beginning July 1, 2009 and ending June 30, 2011, the annual indexing of the excise tax imposed on internal combustion engine fuel and distillates.

LD 49 An Act To Require the Secretary of State To Provide Notice of License Revocation or Suspension by Certified Mail

**ACCEPTED ONTP
REPORT**

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

This bill requires the notice of license suspension or revocation mailed by the Secretary of State to be done by certified mail.

Committee Amendment "A" (H-5)

The amendment adds an appropriations and allocations section.

Joint Standing Committee on Transportation

LD 60 **Resolve, To Rename the Father Curran Bridge in Augusta**

RESOLVE 4

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P MITCHELL E	OTP	

This resolve changes the name of the Father Curran Bridge in Augusta to the Calumet Bridge at Old Fort Western.

Enacted Law Summary

Resolve 2009, chapter 4 changes the name of the Father Curran Bridge in Augusta to the Calumet Bridge at Old Fort Western.

LD 61 **An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2009**

**PUBLIC 7
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAZUREK DAMON	OTP-AM	H-4

Part A makes allocations of funds for the fiscal year ending June 30, 2009.

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

Part C lapses \$12,652 in projected salary savings in the Personal Services line category in the Compensation and Benefit Plan, Highway Fund account in the Department of Administrative and Financial Services to the Highway Fund at the close of fiscal year 2008-09.

Committee Amendment "A" (H-4)

Part A makes allocations of funds for the fiscal year ending June 30, 2009.

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

Part C lapses \$12,652 in projected salary savings in the Personal Services line category in the Compensation and Benefit Plan, Highway Fund account in the Department of Administrative and Financial Services to the Highway Fund at the close of fiscal year 2008-09.

Under existing law, a road commissioner may, with the written consent of the municipal officers, exceed the road appropriation authorized by the local legislative body by 15% for road repairs. Part D clarifies that the road commissioner may exceed the appropriation to maintain the roads as well.

Enacted Law Summary

Public Law 2009, chapter 7 does the following:

Joint Standing Committee on Transportation

Part A makes allocations of funds for the fiscal year ending June 30, 2009.

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

Part C lapses \$12,652 in projected salary savings in the Personal Services line category in the Compensation and Benefit Plan, Highway Fund account in the Department of Administrative and Financial Services to the Highway Fund at the close of fiscal year 2008-09.

Under existing law, a road commissioner may, with the written consent of the municipal officers, exceed the road appropriation authorized by the local legislative body by 15% for road repairs. Part D clarifies that the road commissioner may exceed the appropriation to maintain the roads as well.

Public Law 2009, chapter 7 was enacted as an emergency measure effective March 17, 2009.

**LD 110 An Act To Allow School Buses To Travel at the Posted Speed Limit on
the Interstate and the Maine Turnpike**

PUBLIC 9

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

The bill allows school buses to travel at the posted speed limit on Maine's portion of the Interstate Highway System, including the Maine Turnpike.

Enacted Law Summary

Public Law 2009, chapter 9 allows school buses to travel at the posted speed limit on Maine's portion of the Interstate Highway System, including the Maine Turnpike.

LD 111 Resolve, To Name Part of Route 16 the Alton E. Worcester Highway

RESOLVE 5

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

This resolve names the part of Route 16 that runs through Kingsbury Plantation from Mayfield Township to the Town of Abbot the Alton E. Worcester Highway.

Enacted Law Summary

Resolve 2009, chapter 5 names the part of Route 16 that runs through Kingsbury Plantation from Mayfield Township to the Town of Abbot the Alton E. Worcester Highway.

Joint Standing Committee on Transportation

LD 112 An Act To Prohibit the Use of Handheld Cellular Telephones while Driving

ONTP

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

This bill prohibits the use of a handheld cellular telephone while operating a motor vehicle and makes the offense a traffic infraction. The bill clarifies that law enforcement officers, corrections officers, firefighters, drivers of authorized emergency vehicles, holders of commercial driver's licenses, physicians, municipal public works personnel, Maine Turnpike Authority personnel and state transportation personnel, including all employees and contractors of the Department of Transportation, may use handheld cellular telephones while driving within the scope of their employment.

LD 126 An Act To Amend Certain Laws Affecting Transportation

PUBLIC 315

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOGAN	OTP-AM MAJ ONTP MIN	H-477

The bill:

1. Clarifies language pertaining to the responsibility of private culvert replacement and repair on a state right-of-way;
2. Extends to all Maine roads a weight tolerance for vehicle auxiliary power units that was previously authorized for interstate highways under the federal Energy Policy Act of 2005;
3. Defines "auxiliary power unit," "combination vehicle" and "heavy duty vehicle"; and
4. Clarifies that the exemption of the Maine Turnpike and Interstate 95 in Kittery from the definition of "interstate highway," "interstate system" and "interstate highway system" applies only to weight limits.

Committee Amendment "A" (H-477)

This amendment, which is the majority report of the Joint Standing Committee on Transportation, further clarifies language pertaining to the responsibility of private culvert replacement and repair on a state right-of-way. When the department determines a culvert replacement is required for an existing driveway, entrance or approach located within the highway limits as part of a capital highway or ditching project or emergency response effort where the culvert replacement is required to reestablish access to an abutting property, the department is responsible for the cost of the replacement. When the department determines a culvert replacement is not required for an existing driveway, entrance or approach located within the highway limits, the abutter is responsible for the cost of any replacement.

The amendment eliminates the sections of the bill relating to auxiliary power units. The amendment eliminates from the bill the section defining "heavy duty vehicle." The amendment also further clarifies the definition of "interstate highway," "interstate system" and "interstate highway system."

Joint Standing Committee on Transportation

Enacted Law Summary

Public Law 2009, chapter 315 clarifies the responsibility of private culvert replacement and repair on a state right-of-way. When the department determines a culvert replacement is required for an existing driveway, entrance or approach located within the highway limits as part of a capital highway or ditching project or emergency response effort where the culvert replacement is required to reestablish access to an abutting property, the department is responsible for the cost of the replacement. When the department determines a culvert replacement is not required for an existing driveway, entrance or approach located within the highway limits, the abutter is responsible for the cost of any replacement.

The law also clarifies the definition of "interstate highway," "interstate system" and "interstate highway system."

LD 133 An Act To Allow a Duplicate Vanity License Plate in a Different Classification of Plate ONTP

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

This bill repeals the prohibition that vanity plates may not duplicate vanity plates issued in another class of plate.

LD 145 An Act To Require the Secretary of State To Notify Vehicle Owners of Impending Registration Expiration ONTP

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

This bill requires the Secretary of State to notify the owner or owners of a registered vehicle at least 30 days prior to the expiration of the vehicle's annual registration. The bill also increases the annual registration fee for an automobile, pickup truck or sport utility vehicle by \$1, from \$35 to \$36.

LD 152 An Act Relating to Autocycles PUBLIC 55

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONNOR DAMON	OTP-AM	H-25

This bill defines an autocycle as an enclosed, 3-wheeled motorcycle with certain additional safety equipment and establishes provisions for registration, operator licensing and limitations on operation of an autocycle. An autocycle would be allowed to operate only on roads with a posted speed limit of 45 miles per hour or less. An autocycle may not be designed or used primarily for the transport of cargo or materials.

Committee Amendment "A" (H-25)

Joint Standing Committee on Transportation

This amendment provides that an autocycle may be equipped with a roll bar or enclosed cab in order to meet the general safety inspection standards. The amendment provides that an autocycle may only transport cargo in compliance with manufacturer specifications. The amendment removes the requirement for protective headgear. The amendment removes the requirement that a person operating an autocycle must possess a valid operator's license of any class with a motorcycle endorsement or a motorcycle operator's license, and clarifies that a person operating an autocycle must possess a valid operator's license. Finally, the amendment requires the Secretary of State to submit a report to the 125th Legislature regarding autocycles and repeals the provisions of law regarding autocycles 90 days after adjournment of the First Regular Session of the 125th Legislature.

Enacted Law Summary

Public Law 2009, chapter 55 provides that an autocycle may be equipped with a roll bar or enclosed cab in order to meet the general safety inspection standards. It provides that an autocycle may only transport cargo in compliance with manufacturer specifications. It also clarifies that a person operating an autocycle must possess a valid operator's license. Finally, it requires the Secretary of State to submit a report to the 125th Legislature regarding autocycles and repeals the provisions of law regarding autocycles 90 days after adjournment of the First Regular Session of the 125th Legislature.

LD 169 An Act To Allow a Newly Licensed Driver To Transport a Foreign Exchange Student Who Lives with That Driver's Family

**PUBLIC 10
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN DIAMOND	OTP	S-3 PLOWMAN

This bill allows a person under 18 years of age to transport a foreign exchange student that is living with that person's family.

Senate Amendment "A" (S-3)

This amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2009, chapter 10 allows a person under 18 years of age to transport a foreign exchange student that is living with that person's family.

Public Law 2009, chapter 10 was enacted as an emergency measure effective March 23, 2009.

LD 178 An Act To Create the Support Animal Welfare Registration Plate

PUBLIC 73

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	S-8

This bill creates the Support Animal Welfare special registration plate. Proceeds from the plate would be divided equally between the animal welfare auxiliary fund and the Companion Animal Sterilization Fund, both of which are administered by the Department of Agriculture, Food and Rural Resources.

Joint Standing Committee on Transportation

Committee Amendment "A" (S-8)

The amendment adds an appropriations and allocations section. This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2009, chapter 73 creates the Support Animal Welfare special registration plate. Proceeds from the plate will be divided equally between the animal welfare auxiliary fund and the Companion Animal Sterilization Fund, both of which are administered by the Department of Agriculture, Food and Rural Resources.

LD 213 An Act To Allow Military Reenlistees To Obtain a Veterans Registration Plate

PUBLIC 80

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	H-66

This bill allows a person who served at least one tour of duty in the United States Armed Forces and who reenlists into the United States Armed Forces to be eligible to receive veterans registration plates for vehicles and motorcycles upon application. It also adds reenlistees to those eligible to receive the special commemorative decals for medals awarded.

Committee Amendment "A" (H-66)

This amendment, which replaces the bill, provides that any person who has served in the United States Armed Forces for at least 3 years and who continues to serve qualifies for special veterans registration plates for motor vehicles and a motorcycle. The amendment also directs the Secretary of State to recall the special veterans registration plate of a recipient who has been less than honorably discharged from the United States Armed Forces.

The amendment also provides that the Secretary of State is not required to purchase or manufacture additional special veterans registration plates if the demand by applicants who qualify for the plates exceeds the annual supply. If the demand exceeds the annual supply, the amendment directs the Secretary of State to maintain a waiting list for those who qualify for special veterans registration plates and to issue plates at the earliest date on which plates are available.

Enacted Law Summary

Public Law 2009, chapter 80 provides that any person who has served in the United States Armed Forces for at least 3 years and who continues to serve qualifies for special veterans registration plates for motor vehicles and a motorcycle. It directs the Secretary of State to recall the special veterans registration plate of a recipient who has been less than honorably discharged from the United States Armed Forces.

It also provides that the Secretary of State is not required to purchase or manufacture additional special veterans registration plates if the demand by applicants who qualify for the plates exceeds the annual supply. If the demand exceeds the annual supply, the law directs the Secretary of State to maintain a waiting list for those who qualify for special veterans registration plates and to issue plates at the earliest date on which plates are available.

Joint Standing Committee on Transportation

LD 221 **An Act To Modify the Laws Regarding Seat Belts**

PUBLIC 34

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM MAJ ONTP MIN	S-9

This bill adds newspaper delivery persons engaged in the delivery of newspapers to the list of people who do not need to be secured in a seat belt.

Committee Amendment "A" (S-9)

This amendment, which is the majority report of the Joint Standing Committee on Transportation, clarifies that a newspaper delivery person must be engaged in the actual delivery of newspapers from a vehicle or is performing newspaper delivery duties that require frequent entry into and exit from a vehicle to be exempt from the seat belt requirement in current law.

Enacted Law Summary

Public Law 2009, chapter 34 clarifies that a newspaper delivery person must be engaged in the actual delivery of newspapers from a vehicle or is performing newspaper delivery duties that require frequent entry into and exit from a vehicle to be exempt from the seat belt requirement in current law.

LD 240 **An Act To Extend the Exception to Axle Fines during the Midwinter Season**

**PUBLIC 444
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM	S-10

This bill removes the repeal date of the law that allows exceptions to axle fines during the midwinter.

Committee Amendment "A" (S-10)

The committee amendment adds a sunset of September 15, 2011 to that portion of law in the Maine Revised Statutes, Title 29-A, section 2360-A that eliminates axle weight fine violations during the months of January and February on most state roads.

Enacted Law Summary

Public Law 2009, chapter 444 adds a sunset of September 15, 2011 to that portion of law in the Maine Revised Statutes, Title 29-A, section 2360-A that eliminates axle weight fine violations during the months of January and February on most state roads.

Public Law 2009, chapter 444 was enacted as an emergency measure effective June 18, 2009.

Joint Standing Committee on Transportation

**LD 243 Resolve, To Direct the Department of Transportation To Establish a
Memorial Park Honoring Veterans in Topsham**

**LEAVE TO
WITHDRAW**

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

This resolve directs the Department of Transportation to establish and designate with appropriate signs and notices a memorial park off Route 196 in the Town of Topsham to honor the memory of those who have served in the military and lost their lives in Iraq or Afghanistan.

LD 261 An Act To Increase Safety in Construction Zones

ONTP

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

This bill provides that a person may not operate a motor vehicle while using a mobile telephone or handheld electronic device in an area in which the Commissioner of Transportation or the Executive Director of the Maine Turnpike Authority has restricted the speed limit for construction or maintenance activity. The bill also provides that the penalty for a violation of this provision is at least \$50 for the first offense and at least \$250 for the 2nd or subsequent offense.

**LD 262 Resolve, Directing the Department of Transportation To Install a
Flashing Light in Charleston**

ONTP

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

This resolve directs the Department of Transportation to install a flashing red and yellow traffic signal at the intersection of Route 11A, School Road and Atkinson Road in Charleston.

**LD 263 An Act To Provide Placards to Drivers Who for Medical Reasons Are
Not Required To Wear Seat Belts**

PUBLIC 436

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H JACKSON	OTP-AM MAJ ONTP MIN	H-11

Joint Standing Committee on Transportation

This bill allows a driver who for medical reasons cannot wear a seat belt to receive a placard indicating the driver is not required to wear a seat belt.

Committee Amendment "A" (H-11)

This amendment, which is the majority report of the Joint Standing Committee on Transportation, provides that a certificate from a physician, which documents a person's medical condition and the opinion of the physician, is valid for the period designated by the physician and may not exceed one year.

Enacted Law Summary

Public Law 2009, chapter 436 allows a driver who for medical reasons cannot wear a seat belt to receive a placard indicating the driver is not required to wear a seat belt. It also provides that a certificate from a physician, which documents a person's medical condition and the opinion of the physician, is valid for the period designated by the physician and may not exceed one year.

LD 269 An Act To Appropriate Funds To Equip State Trooper Cars with Cages ONTP

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

This bill includes a one-time General Fund appropriation of \$73,950 and a one-time Highway Fund allocation of \$71,050 to equip each state trooper vehicle with a security cage and an ongoing General Fund appropriation of \$15,300 and an ongoing Highway Fund allocation of \$14,700 to move the units from old vehicles to new vehicles.

LD 296 Resolve, To Name the Gorham Bypass RESOLVE 6

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

This resolve names the new Gorham bypass the Bernard P. Rines Bypass.

Enacted Law Summary

Resolve 2009, chapter 6 names the new Gorham bypass the Bernard P. Rines Bypass.

LD 297 An Act To Ensure That Medical Equipment Found in a Repossessed Vehicle Is Returned to the Owner PUBLIC 45

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAY SHERMAN	OTP-AM	H-26

Joint Standing Committee on Transportation

This bill provides that the lienholder of a repossessed vehicle must return medical equipment found within that vehicle to the owner of the vehicle.

Committee Amendment "A" (H-26)

This amendment, which replaces the bill, provides that if a consumer notifies a debt collector that unsecured property taken with a repossessed vehicle includes a medical device or equipment necessary for health and welfare and that the consumer does not have practicable means to retrieve the medical device or equipment, then the debt collector is required to make arrangements to have the medical device or equipment promptly returned to the consumer if the consumer has made a reasonable request that the medical device or equipment be returned. It also provides that the debt collector can add the cost of returning the medical device or equipment to the consumer's debt.

Enacted Law Summary

Public Law 2009, chapter 45 provides that if a consumer notifies a debt collector that unsecured property taken with a repossessed vehicle includes a medical device or equipment necessary for health and welfare and that the consumer does not have practicable means to retrieve the medical device or equipment, then the debt collector is required to make arrangements to have the medical device or equipment promptly returned to the consumer if the consumer has made a reasonable request that the medical device or equipment be returned. It also provides that the debt collector can add the cost of returning the medical device or equipment to the consumer's debt.

**LD 333 An Act Making Unified Highway Fund and Other Funds Allocations for
the Expenditures of State Government and Changing Certain
Provisions of the Law Necessary to the Proper Operations of State
Government for the Fiscal Years Ending June 30, 2009, June 30, 2010
and June 30, 2011**

**PUBLIC 413
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAZUREK DAMON	OTP-AM MAJ ONTP MIN	H-539 H-582 PIOTTI

Part A makes appropriations and allocations of funds for the 2009-2010 biennium.

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

Part C recognizes projected additional Personal Services savings in the Statewide Attrition account in the Department of Administrative and Financial Services for Highway Fund departments and agencies statewide from an increase in the attrition rate from 1.6% to 5% for the 2010-2011 biennium. It authorizes the State Budget Officer to transfer funds and adjust the allocations to the affected departments and agencies.

Part D requires the State Budget Officer to calculate the savings in each Highway Fund account for the Executive Branch Departments and Independent Agencies Statewide from not granting a 4% salary increase effective January 1, 2009 to unclassified employees whose salaries are subject to the Governor's adjustment or approval. It authorizes the transfer of the savings by financial order upon approval of the Governor. These transfers are considered adjustments to allocations in fiscal years 2009-10 and 2010-11.

Part E authorizes the Commissioner of Administrative and Financial Services to offer an employee retirement incentive program, designed to encourage employees who are eligible to retire to do so. It requires the State Budget Officer to calculate the savings and transfer the amounts by financial order upon approval of the Governor. It requires that the vacated positions remain vacant from August 1, 2009 to June 30, 2011.

Joint Standing Committee on Transportation

Part F authorizes the Maine Municipal Bond Bank to issue up to \$50,000,000 of GARVEE bonds for transportation projects programmed in fiscal years 2009-10 and 2010-11.

Part G authorizes the State Controller to transfer amounts exceeding \$100,000 from the unallocated balance in the Highway Fund after all commitments to the Highway and Bridge Capital and Maintenance and Operations programs within the Department of Transportation for capital needs.

Part H allows the transfer of Personal Services savings in the Highway and Bridge Capital and Maintenance and Operations programs within the Department of Transportation for capital needs.

Part I requires the Chief Information Officer to review the current organizational structure, systems and operations of information technology units to improve organizational efficiency and cost-effectiveness. It authorizes the Chief Information Officer to manage and operate all information technology systems in the executive branch and to approve all information technology expenditures from a consolidated account. It requires the Chief Information Officer to identify savings and position eliminations to the Highway Fund and other funds from efficiencies. It requires the State Budget Officer to transfer position counts and available balances by financial order upon approval of the Governor to the Office of Information Technology consolidated account for the provision of those services. These transfers are considered adjustments to authorized position count, appropriations and allocations in fiscal years 2009-10 and 2010-11.

Part J transfers the savings to the Highway Fund from changing the Highway Fund and General Fund allocations in the State Police account to the TransCap Trust Fund in accordance with Public Law 2007, chapter 682, section 3.

Part K changes the portion of the employee health insurance premium that is paid by the State. Historically, the State has contributed 100% of the premium cost for each employee. The contribution will be reduced for employees earning at least \$50,000 annually, declining to 95% for employees earning at least \$50,000 but less than \$90,000 yearly, and to 90% for employees earning \$90,000 or more each year. It requires the State Budget Officer to calculate the savings and transfer those amounts by financial order upon approval of the Governor.

Committee Amendment "A" (H-539)

Part A provides appropriations and allocations necessary for the operation of State Government for the fiscal years ending June 30, 2010 and June 30, 2011.

Part B provides appropriations and allocations to provide funding for approved reclassifications and range changes.

Part C recognizes projected additional Personal Services savings in the Statewide Attrition account in the Department of Administrative and Financial Services for Highway Fund departments and agencies statewide from an increase in the attrition rate from 1.6% to 5% for the 2010-2011 biennium. It authorizes the State Budget Officer to transfer funds and adjust the allocations to the affected departments and agencies.

Part D requires the State Budget Officer to calculate the savings in each Highway Fund account for the Executive Branch Departments and Independent Agencies - Statewide account from not granting a 4% salary increase effective January 1, 2009 to unclassified employees whose salaries are subject to the Governor's adjustment or approval. It authorizes the transfer of the savings by financial order upon approval of the Governor. These transfers are considered adjustments to allocations in fiscal years 2009-10 and 2010-11.

Part E requires the State Budget Officer to calculate the savings that have occurred as a result of the retirement incentive program authorized by Public Law 2009, chapter 213, Part Y and transfer the amounts by financial order upon approval of the Governor.

Part F authorizes the Maine Municipal Bond Bank to issue up to \$50,000,000 of GARVEE bonds for transportation

Joint Standing Committee on Transportation

projects programmed in fiscal years 2009-10 and 2010-11.

Part G authorizes the State Controller to transfer amounts exceeding \$100,000 from the unallocated balance in the Highway Fund after all commitments to the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation for capital needs.

Part H allows the transfer of Personal Services savings in the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation for capital and all other needs.

Part I requires the Chief Information Officer to review the current organizational structure, systems and operations of information technology units to improve organizational efficiency and cost-effectiveness. It authorizes the Chief Information Officer to manage and operate all information technology systems in the executive branch in accordance with a memorandum of agreement with each agency. It authorizes the Chief Information Officer to approve all information technology expenditures from a consolidated account. It requires the Chief Information Officer to identify savings and position eliminations to the Highway Fund and other funds from efficiencies. It requires the State Budget Officer to transfer position counts and available balances by financial order where allowable upon approval of the Governor to the Department of Administrative and Financial Services, Office of Information Technology consolidated account for the provision of those services, such that all the information technology services that are funded by the Highway Fund are reflected in future Highway Fund budgets as Highway Fund allocations. These transfers are considered adjustments to authorized position count, appropriations and allocations in fiscal years 2009-10 and 2010-11. It requires an annual reconciliation between actual services rendered and services budgeted and directs that any savings be returned to the Highway Fund as unallocated surplus. It provides for an annual report to the joint standing committee of the Legislature having jurisdiction over transportation matters and allows an agency to request more frequent reconciliations regarding information technology services specific to that agency.

Part J transfers the savings to the Highway Fund from changing the Highway Fund and General Fund allocations in the State Police account to the TransCap' Trust Fund in accordance with Public Law 2007, chapter 682, section 3.

Part K requires the State Budget Officer to calculate the savings achieved from changes made to employee health insurance and transfer those amounts by financial order upon approval of the Governor.

Part L requires that the State Budget Officer calculate the amount of savings that applies against each Highway Fund account for all departments and agencies from savings associated with eliminating merit increases and transfer the amounts by financial order upon the approval of the Governor.

Part M requires the State Budget Officer to calculate the savings achieved from the shutdown of State Government for 10 days in each year of the 2010-2011 biennium.

Part N authorizes the State Controller to transfer \$5,341,830 from the Highway Fund Compensation and Benefit Plan account to the unallocated surplus of the Highway Fund at the close of the fiscal year ending June 30, 2009.

Part O authorizes a decrease in the allocation for the Urban-Rural Initiative Program in fiscal year 2009-10 due to the decrease in the Highway Fund allocation to the Department of Transportation for highway purposes for fiscal year 2008-09.

This Part provides for a reduction in funding to the Urban-Rural Initiative Program of \$5,000,000 in fiscal year 2010-11.

Part P provides that a total of \$104,431 in fiscal year 2009-10 from Highway Fund accounts in the Legislature and the Office of Program Evaluation and Government Accountability lapses to the unallocated surplus of the Highway Fund in fiscal year 2009-10.

Joint Standing Committee on Transportation

Part Q clarifies that the bridge TransCap Trust Fund revenue bonds authorized by Public Law 2007, chapter 647 can be used for the removal or related capital costs of bridges.

This Part permits bond issuers to place limits on the amount of borrowing based on revenue streams and provides that capital projects funded with TransCap revenue bonds have a useful life as long as the bond term.

Part R recognizes savings in the Statewide Salary Adjustment account from implementing a decrease in charges made by the Department of Administrative and Financial Services, Division of Financial and Personnel Services for its services. It authorizes the State Budget Officer to transfer funds and adjust the allocations to the affected departments and agencies.

Part S requires the State Budget Officer to calculate the amount of savings that applies against each Highway Fund account for all departments and agencies from savings associated with eliminating longevity payments and transfer the amounts by financial order upon the approval of the Governor.

Part T authorizes the Department of Transportation, in cooperation with interested parties, to study the highway system classification for the purposes of simplification. The department shall report its results to the Joint Standing Committee on Transportation by January 15, 2010.

Part U makes adjustments to Highway Fund allocations in fiscal year 2008-09.

Part V provides for funding in fiscal year 2009-10 for reimbursement of sand and salt storage facilities to the Town of Trenton and the City of Bath.

Part W amends the gasoline and special fuel tax statutes to apply the gasoline and diesel fuel tax rates to blended fuels containing more than 10% gasoline or less than 90% biodiesel and removes redundant language. It also amends the indexing statute to prevent an inflation index from being less than one.

Part X clarifies that any grants issued from the TransCap Trust Fund must be used for capital projects with a useful life of at least 10 years and that bonds may be used only for capital projects that have an anticipated useful life of at least as long as the bond term. It authorizes the Department of Transportation to request and the Maine Municipal Bond Bank to issue a revenue bond in an amount whereby the resulting annual debt service cost does not exceed \$10,000,000 to be used for highway reconstruction projects with an estimated useful life of 10 years or greater.

House Amendment "D" To Committee Amendment "A" (H-582)

This amendment replaces \$5,000,000 of the Highway Fund allocation for the municipal Urban-Rural Initiative Program with TransCap Trust Fund revenues, and allocates the Highway Funds previously to be used for the Urban-Rural Initiative Program to the Department of Transportation's Highway and Bridge Light Capital program to fund an estimated 135 miles of maintenance paving statewide over 2 years. Pursuant to the Maine Revised Statutes, Title 23, section 1802-A, subsection 1-A and section 1803-B, rural Urban-Rural Initiative Program funds must be used for capital improvements that have a life expectancy of at least 10 years.

The amendment removes the authorization of TransCap Trust Fund revenue bonds in Part X, section 2 and replaces it with the authorization to issue up to \$30,000,000 of TransCap Trust Fund revenue bonds for capital highway projects with an estimated useful life of 10 years or greater. The amendment allocates \$25,000,000 of the bond proceeds for capital projects having a useful life of at least 10 years and \$5,000,000 to eliminate the proposed reduction of municipal Urban-Rural Initiative Program funds in fiscal year 2010-11.

The amendment further ensures that the Department of Transportation may use all funds available in the TransCap Trust Fund for its Highway and Bridge Capital program for projects with an estimated useful life of 10 years or greater.

Joint Standing Committee on Transportation

The amendment also requires the Joint Standing Committee on Transportation to find a solution to fund 600 miles of maintenance surface treatment paving per year without further impacts to the TransCap Trust Fund and to submit a bill to implement the solution.

Enacted Law Summary

Public Law 2009, chapter 413 provides appropriations and allocations necessary for the operation of State Government for the fiscal years ending June 30, 2010 and June 30, 2011. It provides appropriations and allocations to provide funding for approved reclassifications and range changes. It recognizes projected additional Personal Services savings in the Statewide Attrition account in the Department of Administrative and Financial Services for Highway Fund departments and agencies statewide from an increase in the attrition rate from 1.6% to 5% for the 2010-2011 biennium. It authorizes the State Budget Officer to transfer funds and adjust the allocations to the affected departments and agencies.

It requires the State Budget Officer to calculate the savings in each Highway Fund account for the Executive Branch Departments and Independent Agencies - Statewide account from not granting a 4% salary increase effective January 1, 2009 to unclassified employees whose salaries are subject to the Governor's adjustment or approval. It authorizes the transfer of the savings by financial order upon approval of the Governor. These transfers are considered adjustments to allocations in fiscal years 2009-10 and 2010-11.

It requires the State Budget Officer to calculate the savings that have occurred as a result of the retirement incentive program authorized by Public Law 2009, chapter 213, Part Y and transfer the amounts by financial order upon approval of the Governor.

It authorizes the Maine Municipal Bond Bank to issue up to \$50,000,000 of GARVEE bonds for transportation projects programmed in fiscal years 2009-10 and 2010-11.

It authorizes the State Controller to transfer amounts exceeding \$100,000 from the unallocated balance in the Highway Fund after all commitments to the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation for capital needs.

It allows the transfer of Personal Services savings in the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation for capital and all other needs.

It requires the Chief Information Officer to review the current organizational structure, systems and operations of information technology units to improve organizational efficiency and cost-effectiveness. It authorizes the Chief Information Officer to manage and operate all information technology systems in the executive branch in accordance with a memorandum of agreement with each agency. It authorizes the Chief Information Officer to approve all information technology expenditures from a consolidated account. It requires the Chief Information Officer to identify savings and position eliminations to the Highway Fund and other funds from efficiencies. It requires the State Budget Officer to transfer position counts and available balances by financial order where allowable upon approval of the Governor to the Department of Administrative and Financial Services, Office of Information Technology consolidated account for the provision of those services, such that all the information technology services that are funded by the Highway Fund are reflected in future Highway Fund budgets as Highway Fund allocations. These transfers are considered adjustments to authorized position count, appropriations and allocations in fiscal years 2009-10 and 2010-11. It requires an annual reconciliation between actual services rendered and services budgeted and directs that any savings be returned to the Highway Fund as unallocated surplus. It provides for an annual report to the joint standing committee of the Legislature having jurisdiction over transportation matters and allows an agency to request more frequent reconciliations regarding information technology services specific to that agency.

It transfers the savings to the Highway Fund from changing the Highway Fund and General Fund allocations in the

Joint Standing Committee on Transportation

State Police account to the TransCap Trust Fund in accordance with Public Law 2007, chapter 682, section 3.

It requires the State Budget Officer to calculate the savings achieved from changes made to employee health insurance and transfer those amounts by financial order upon approval of the Governor.

It requires that the State Budget Officer calculate the amount of savings that applies against each Highway Fund account for all departments and agencies from savings associated with eliminating merit increases and transfer the amounts by financial order upon the approval of the Governor.

It requires the State Budget Officer to calculate the savings achieved from the shutdown of State Government for 10 days in each year of the 2010-2011 biennium.

It authorizes the State Controller to transfer \$5,341,830 from the Highway Fund Compensation and Benefit Plan account to the unallocated surplus of the Highway Fund at the close of the fiscal year ending June 30, 2009.

It provides that a total of \$104,431 in fiscal year 2009-10 from Highway Fund accounts in the Legislature and the Office of Program Evaluation and Government Accountability lapses to the unallocated surplus of the Highway Fund in fiscal year 2009-10.

It clarifies that the bridge TransCap Trust Fund revenue bonds authorized by Public Law 2007, chapter 647 can be used for the removal or related capital costs of bridges. It also permits bond issuers to place limits on the amount of borrowing based on revenue streams and provides that capital projects funded with TransCap revenue bonds have a useful life as long as the bond term.

It recognizes savings in the Statewide Salary Adjustment account from implementing a decrease in charges made by the Department of Administrative and Financial Services, Division of Financial and Personnel Services for its services. It authorizes the State Budget Officer to transfer funds and adjust the allocations to the affected departments and agencies.

It requires the State Budget Officer to calculate the amount of savings that applies against each Highway Fund account for all departments and agencies from savings associated with eliminating longevity payments and transfer the amounts by financial order upon the approval of the Governor.

It authorizes the Department of Transportation, in cooperation with interested parties, to study the highway system classification for the purposes of simplification. The department shall report its results to the Joint Standing Committee on Transportation by January 15, 2010.

It makes adjustments to Highway Fund allocations in fiscal year 2008-09.

It provides for funding in fiscal year 2009-10 for reimbursement of sand and salt storage facilities to the Town of Trenton and the City of Bath.

It amends the gasoline and special fuel tax statutes to apply the gasoline and diesel fuel tax rates to blended fuels containing more than 10% gasoline or less than 90% biodiesel and removes redundant language. It also amends the indexing statute to prevent an inflation index from being less than one.

The law replaces \$5,000,000 of the Highway Fund allocation for the municipal Urban-Rural Initiative Program with TransCap Trust Fund revenues, and allocates the Highway Funds previously to be used for the Urban-Rural Initiative Program to the Department of Transportation's Highway and Bridge Light Capital program to fund an estimated 135 miles of maintenance paving statewide over 2 years. Pursuant to the Maine Revised Statutes, Title 23, section 1802-A, subsection 1-A and section 1803-B, rural Urban-Rural Initiative Program funds must be used for capital improvements that have a life expectancy of at least 10 years.

Joint Standing Committee on Transportation

The law authorizes the issuance of up to \$30,000,000 of TransCap Trust Fund revenue bonds for capital highway projects with an estimated useful life of 10 years or greater. It allocates \$25,000,000 of the bond proceeds for capital projects having a useful life of at least 10 years and \$5,000,000 to eliminate the proposed reduction of municipal Urban-Rural Initiative Program funds in fiscal year 2010-11.

The law further ensures that the Department of Transportation may use all funds available in the TransCap Trust Fund for its Highway and Bridge Capital program for projects with an estimated useful life of 10 years or greater.

It also requires the Joint Standing Committee on Transportation to find a solution to fund 600 miles of maintenance surface treatment paving per year without further impacts to the TransCap Trust Fund and to submit a bill to implement the solution.

Public Law 2009, chapter 413 was enacted as an emergency measure effective June 16, 2009.

LD 338 An Act To Improve the Visibility of Automobiles ONTP

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

This bill requires that a motor vehicle's headlights must be on during atmospheric conditions unfavorable to visibility.

LD 343 An Act To Establish a Specialty License Plate To Increase Funding for Autism Programs ONTP

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

This bill establishes a specialty license plate to increase funding for autism programs.

LD 356 An Act To Increase the Safety of Automobile Drivers ACCEPTED ONTP REPORT

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

This bill requires an operator of a vehicle to be properly secured in the operator's seat belt instead of simply secured. This requires the chest strap to be used by operators in addition to the lap belt.

Joint Standing Committee on Transportation

Committee Amendment "A" (S-11)

This amendment incorporates a fiscal note.

LD 383 An Act To Ensure That All Toll and Intermodal Transportation ONTP
Facilities and Roadway Lighting within the Maine Turnpike Corridor
Are Consistent with Maine's Quality of Place Goals

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

This bill provides that all contracts and agreements relating to the construction or reconstruction of toll facilities and intermodal transportation facilities and to the replacement or installation of permanent outdoor luminaires within the Maine Turnpike corridor must be certified by the Executive Department, State Planning Office as meeting quality of place goals as established by the State Planning Office by rule.

LD 386 An Act To Establish a Process for the Determination of a Reasonable ACCEPTED ONTP
Price in the Use of Eminent Domain by the Maine Turnpike Authority REPORT

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

This bill requires that, when taking property by eminent domain, the Maine Turnpike Authority determine the fair market value of property or interests to be one of the following, whichever yields the highest value:

1. The average fair market value of the property or interests over the previous 5 years;
2. The average fair market value of the property or interests over the previous 10 years; or
3. The average fair market value of the property or interests over the previous number of years equal to the number of years between the previous 2 municipal property valuations for property tax purposes.

The bill also provides that the Maine Turnpike Authority may not acquire by eminent domain any property or interests unless the authority publicly documents that no other site or design is consistent with public convenience and necessity. The bill also provides that the Maine Turnpike Authority may not use the cost of a site or design as a factor when determining whether a site or design is consistent with public convenience and necessity.

Committee Amendment "A" (H-67)

This amendment incorporates a fiscal note.

Joint Standing Committee on Transportation

LD 388 An Act To Ensure That Fair and Actual Funds from Maine Turnpike Authority Toll Receipts Be Given to the Department of Transportation Annually ONTP

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

This bill requires that the Maine Turnpike Authority submit to an annual audit by the State Auditor to determine compliance with the law governing the use of turnpike revenues.

LD 412 An Act To Create an Animal Welfare Trailer License Plate ONTP

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

This bill establishes a specialty license plate for trailers to support animal welfare. The registration and renewal fees would support the Animal Welfare Fund, which helps support the expenses of furnishing animal license blanks, stickers and tags, travel expenses and salaries for animal welfare personnel, costs and payments to animal shelters and other expenses necessary in the administration of the laws concerning animal welfare.

LD 432 An Act To Ensure That the Maine Turnpike Authority Conducts Public Hearings for Construction and Reconstruction Projects and That All Public Records of the Maine Turnpike Authority Are Open for Inspection ONTP

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

This bill provides that all public records, as defined in Maine's freedom of access laws, of the Maine Turnpike Authority must be open for public inspection.

The bill also directs the Maine Turnpike Authority to conduct public hearings that give municipalities and other political subdivisions of the State and members of the public notice of and opportunity to comment on transportation planning, capital investment and project decisions prior to any construction or reconstruction project on the turnpike.

Joint Standing Committee on Transportation

LD 435 Resolve, Directing the Department of Transportation To Install a Traffic Light at an Intersection in Sabattus

ONTP

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

This resolve directs the Department of Transportation to install a traffic signal at the intersection of Route 132 and Route 126 where they connect to Pleasant Hill Road in the Town of Sabattus.

LD 436 An Act To Include Trucks in the Definition of "Low-speed Vehicle"

PUBLIC 42

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THERIAULT JACKSON	OTP-AM	H-24

This bill amends the definition of "low-speed vehicle" to mean a 4-wheeled motor vehicle so that it includes trucks as well as automobiles. This bill removes language regarding ATVs, since the definition of "motor vehicle" already excludes ATVs.

Committee Amendment "A" (H-24)

This amendment retains language regarding ATVs to clarify that low-speed vehicles do not include ATVs. This amendment also increases the weight limit for low-speed vehicles to the maximum permitted by federal rule.

Enacted Law Summary

Public Law 2009, chapter 42 amends the definition of "low-speed vehicle" to mean a 4-wheeled motor vehicle so that it includes trucks as well as automobiles. It also increases the weight limit for low-speed vehicles to the maximum permitted by federal rule.

LD 437 An Act To Require a Person under 18 Years of Age To Wear a Helmet While on a Motorcycle

PUBLIC 50

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

This bill changes the age under which a motorcycle operator or passenger is required to wear protective headgear from under 15 years of age to under 18 years of age. This change would bring the headgear requirements for motorcycle operators or passengers into conformity with the headgear requirements for snowmobile operators or passengers on trails funded by the Snowmobile Trail Fund and ATV operators or passengers.

Enacted Law Summary

Public Law 2009, chapter 50 changes the age under which a motorcycle operator or passenger is required to wear

Joint Standing Committee on Transportation

protective headgear from under 15 years of age to under 18 years of age. This change brings the headgear requirements for motorcycle operators or passengers into conformity with the headgear requirements for snowmobile operators or passengers on trails funded by the Snowmobile Trail Fund and ATV operators or passengers.

LD 451 An Act To Clarify the Law Regarding Reinstatement of a Driver's License

PUBLIC 58

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRIGGS BRYANT B	OTP-AM	H-38

This bill requires that upon the suspension of a driver's license, the court or the Secretary of State inform the driver that the license will be reinstated only upon payment of the reinstatement fee.

Committee Amendment "A" (H-38)

This amendment, which replaces the bill, excludes a conviction for "operating after suspension" as an offense used to define "habitual offender" when the suspension upon which the conviction is predicated is based solely on failure to pay a reinstatement fee.

Enacted Law Summary

Public Law 2009, chapter 58 excludes a conviction for "operating after suspension" as an offense used to define "habitual offender" when the suspension upon which the conviction is predicated is based solely on failure to pay a reinstatement fee.

LD 452 An Act To Include the Town of Falmouth as a Member of the Greater Portland Transit District

**PUBLIC 18
EMERGENCY**

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

This bill includes the Town of Falmouth as a member of the Greater Portland Transit District. The bill authorizes other municipalities located wholly or partially in the Portland Area Comprehensive Transportation System to apply and be accepted for membership in the Greater Portland Transit District. The bill also authorizes the representation of those municipalities on the board of directors of the Greater Portland Transit District to be determined by mutual agreement between the municipality and the board of directors of the Greater Portland Transit District. The bill also defines "Portland Area Comprehensive Transportation System."

Enacted Law Summary

Public Law 2009, chapter 18 includes the Town of Falmouth as a member of the Greater Portland Transit District. It authorizes other municipalities located wholly or partially in the Portland Area Comprehensive Transportation System to apply and be accepted for membership in the Greater Portland Transit District. It also authorizes the representation of those municipalities on the board of directors of the Greater Portland Transit District to be determined by mutual agreement between the municipality and the board of directors of the Greater Portland Transit District. The law also defines "Portland Area Comprehensive Transportation System."

Public Law 2009, chapter 18 was enacted as an emergency measure effective April 3, 2009.

Joint Standing Committee on Transportation

LD 453 An Act To Require Motorcyclists To Wear Helmets

**ACCEPTED ONTP
REPORT**

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

This bill makes statutory changes to require operators and passengers of motorcycles on public ways to wear protective helmets. This bill also corrects cross-references.

Committee Amendment "A" (H-297)

This amendment adds an appropriations and allocations section.

**LD 485 An Act To Allow Public-private Investment in Transportation
Infrastructure Projects**

ONTP

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

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

This bill authorizes the Department of Transportation to pursue public-private partnerships for the construction of certain transportation facilities. The bill establishes a process for entering into a public-private agreement and authorizes both solicited and unsolicited proposals for public-private partnerships for the construction of infrastructure projects, including highways and bridges. Finally, the bill provides that infrastructure projects must have the concurrence of the department and be consistent with the Sensible Transportation Policy Act.

**LD 486 An Act To Make Allocations from Maine Turnpike Authority Funds for
the Maine Turnpike Authority for the Calendar Year Ending December
31, 2010**

P & S 16

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ OTP-AM MIN	H-109

This bill makes allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2010 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

Committee Amendment "B" (H-110)

Effective February 1, 2009, the Maine Turnpike Authority increased turnpike toll rates, raising \$20,100,000 in revenue for the authority's operating expenses. This amendment, which is the minority report, directs the Maine

Joint Standing Committee on Transportation

Turnpike Authority to roll back the toll increase of February 1, 2009 and decreases the Maine Turnpike Authority's operating budget by \$20,100,000. The amendment makes allocations from Maine Turnpike Authority funds of \$24,536,751 for the authority's operating expenses for the calendar year ending December 31, 2010.

Committee Amendment "A" (H-109)

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

Enacted Law Summary

Private and Special Law 2009, chapter 16 makes allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2010 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

LD 513 An Act To Update the Casco Bay Island Transit District Enabling Law

P & S 3

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

This bill amends the charter of the Casco Bay Island Transit District by giving the district authority to provide support services, such as parking for inhabitants of the islands comprising the district as well as other passengers served by the district. This bill also clarifies that the director from the Town of Chebeague Island must be a resident or property owner, the same as any of the others directors.

Enacted Law Summary

Private and Special Law 2009, chapter 3 amends the charter of the Casco Bay Island Transit District by giving the district authority to provide support services, such as parking for inhabitants of the islands comprising the district as well as other passengers served by the district. It also clarifies that the director from the Town of Chebeague Island must be a resident or property owner, the same as any of the others directors.

LD 537 Resolve, To Return Two-thirds of the Purchase Cost of Sears Island to the People of Maine

**DIED BETWEEN
HOUSES**

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

This resolve directs the Department of Administrative and Financial Services, Bureau of Revenue Services to rebate 2/3 of either the amount of state funds used to purchase 931 acres on Sears Island or the current market value of the 931-acre state-owned portion of Sears Island, whichever is higher, to taxpayers who are residents of the State.

Joint Standing Committee on Transportation

LD 541 Resolve, Regarding the Retention of Dealer Plates in Light of Recent Economic Conditions

**RESOLVE 14
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROWNE GOOLEY	OTP-AM	H-10

This resolve places a moratorium from February 1, 2009 to August 31, 2010 on reducing the number of dealer plates a motor vehicle dealer may have based on a failure to make minimum sales requirements.

Committee Amendment "A" (H-10)

This amendment places a moratorium from February 1, 2009 to August 31, 2010 on denial of a renewal of a dealer's license solely because the dealer failed to meet minimum sales requirements. The amendment also adds an emergency preamble and emergency clause to the resolve.

Enacted Law Summary

Resolve 2009, chapter 14 places a moratorium from February 1, 2009 to August 31, 2010 on denial of a renewal of a dealer's license solely because the dealer failed to meet minimum sales requirements.

Resolve 2009, chapter 14 was enacted as an emergency measure effective April 21, 2009.

LD 542 An Act Pertaining to the TransCap Trust Fund in the Maine Municipal Bond Bank

ONTP

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

This bill:

1. Eliminates a reference to a section of law that does not exist and cites within the TransCap Trust Fund statute the correct sections that concern the transfer by the Treasurer of State of certain fees to the fund; and
2. Clarifies that any grants issued from the fund must be used for capital projects with a useful life of at least 15 years.

LD 554 Resolve, To Allow the Department of Transportation To Transfer Certain Land to the Greater Grand Isle Historical Society

RESOLVE 9

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

Joint Standing Committee on Transportation

This resolve authorizes the transfer of certain land to the Greater Grand Isle Historical Society.

Committee Amendment "A" (H-9)

This amendment authorizes the Governor, upon recommendation of the Commissioner of Transportation, to transfer certain land to the Greater Grand Isle Historical Society. The resolve directed the Commissioner of Transportation to make that transfer.

Enacted Law Summary

Resolve 2009, chapter 9 authorizes the Governor, upon recommendation of the Commissioner of Transportation, to transfer certain land to the Greater Grand Isle Historical Society. It also directs the Commissioner of Transportation to make that transfer.

LD 592 An Act To Increase Mandatory Minimum Insurance Requirements for Vehicles for Hire ONTP

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

This bill increases the required minimum insurance coverage for vehicles for hire, including emergency vehicles and rental vehicles.

LD 593 Resolve, To Require the Department of Transportation To Improve the Safety of the Intersection of Route 4 and the Dill Road in the Town of Phillips ONTP

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

This resolve requires the Department of Transportation to take whatever steps are necessary to make the intersection of Route 4 and the Dill Road in the Town of Phillips safer.

LD 602 An Act To Permit Wrecker Services To Charge for Storage while a Vehicle Is under an Order of Impoundment ONTP

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

This bill permits wrecker services to charge for storage while a vehicle is under an order of impoundment.

Joint Standing Committee on Transportation

LD 648 An Act To Allow the Operation of Low-speed Vehicles on Higher-speed Roads ONTP

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

This bill allows a low-speed vehicle to be operated on a road or street with a maximum posted speed limit of 45 miles per hour, instead of the present limit of 35 miles per hour. This bill also repeals the ability of the Department of Transportation to prohibit the operation of low-speed vehicles on a highway in the interest of public safety.

LD 649 An Act To Reimburse Communities That Have Constructed Sand and Salt Sheds Rated Priority 3 and 4 ONTP

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

This bill allocates \$1,275,500 from the Highway Fund for the purpose of providing funds to municipalities for the construction of Priority 3 and Priority 4 sand and salt sheds.

LD 661 Resolve, To Provide Equitable Tolls on the Maine Turnpike ONTP

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

This resolve requires the Maine Turnpike Authority, beginning January 1, 2010, to implement a method of toll collecting that levies a standard and equal cost per mile for the miles driven on the Maine Turnpike by drivers using a commuter pass, also known as an E-Z Pass. Failure to do so will result in the rollback of turnpike tolls to the schedules used in fiscal year 2007-08, which must remain in effect until such time as the Maine Turnpike Authority demonstrates to the joint standing committee of the Legislature having jurisdiction over transportation matters that the standard and equal cost per mile driven rate for drivers using a commuter pass has been implemented.

LD 664 Resolve, Directing the Department of Transportation and the Maine Turnpike Authority To Find Efficiencies in the Maine Transportation System ONTP

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

Joint Standing Committee on Transportation

This resolve directs the Department of Transportation to conduct a transportation study, with assistance from the Maine Turnpike Authority, that will review operations of the Maine Turnpike Authority and compare its costs with the costs of the Department of Transportation, report on the positive and negative aspects of consolidating the Maine Turnpike Authority with the Department of Transportation, report on the positive and negative aspects of privatization of the Maine Turnpike Authority and report on the availability of new funding sources, such as GARVEE bonds through the Maine Municipal Bond Bank and federal grants. This resolve directs the department to submit a report with suggested legislation to the Joint Standing Committee on Transportation. The joint standing committee is authorized to submit legislation to the Second Regular Session of the 124th Legislature.

LD 665 An Act To Enhance Safety on Maine's Bridges

ONTP

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

This bill prohibits a pedestrian from loitering or remaining, without right, on a bridge that has no sidewalk. A person who violates the prohibition commits a civil violation for which a fine of not less than \$75 and not more than \$100 may be adjudged for the first violation, a fine of not less than \$100 and not more than \$500 may be adjudged for a 2nd violation and a fine of not less than \$500 and not more than \$1,000 may be adjudged for a 3rd or subsequent violation. This prohibition is modeled in part on a similar provision for railroad track and railroad bridge safety.

LD 706 An Act To Impose a Maximum Speed Limit of 45 Miles Per Hour on Roads on Which a School Bus Stop Is Located

ONTP

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

This bill imposes a maximum speed limit of 45 miles per hour on a public way on which a school bus stop is located and allows a municipality to petition to exempt a portion of that public way from the speed limit upon a showing that there is no school bus stop located in that portion and the portion is an appropriately safe distance from the nearest school bus stop.

LD 707 An Act To Settle a Dispute between Andrea LaPointe and Michael Barden and the State

ONTP

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

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

This bill proposes to require the Department of Transportation to enter into an agreement with Andrea LaPointe and Michael Barden, owners of 10 Academy Street in Hallowell. The agreement must include the following terms:

Joint Standing Committee on Transportation

1. The Department of Transportation shall move its fence at 10 Academy Street in Hallowell 4 feet closer to the adjacent railroad tracks than the present position of the fence;
2. Andrea LaPointe and Michael Barden may have access to the area between the house at 10 Academy Street and the Department of Transportation fence only for purposes of maintenance on the house;
3. Andrea LaPointe and Michael Barden will amend the homeowner's insurance policy on the house at 10 Academy Street to conform to reasonable Department of Transportation specifications;
4. Andrea LaPointe and Michael Barden may lower the Department of Transportation fence at 10 Academy Street at their own expense;
5. Andrea LaPointe and Michael Barden may not park any vehicles in the area between the driveway at 10 Academy Street and the railroad tracks; and
6. The agreement may not be used as evidence in a subsequent legal hearing and does not allocate any rights between the parties concerning ownership or property or create an easement.

**LD 736 Resolve, Directing the Department of Transportation To Secure
Funding To Complete the Aroostook North-South Highway Project**

RESOLVE 139

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM	H-575 MARTIN J L S-60

This resolve directs the Department of Transportation to request all available federal funding included in the American Recovery and Reinvestment Act of 2009 or any successor or substantially similar legislation enacted by Congress for the purpose of extending and completing Interstate 95.

Committee Amendment "A" (S-60)

This amendment, which replaces the resolve, directs the Department of Transportation to secure full funding to complete the Aroostook North-South Highway project beginning with segments in Caribou and Presque Isle through all available funding options, including federal funding through stimulus legislation and the reauthorization of federal surface transportation legislation, bonds, Highway Fund allocations and public-private partnerships.

House Amendment "B" To Committee Amendment "A" (H-575)

This amendment removes the emergency preamble and emergency clause from the committee amendment. This amendment also removes the requirement that the Department of Transportation secure full funding to complete the Aroostook North-South Highway and instead requires the department to secure funding for the projects listed as "significant new capacity projects of all modes and extraordinary bridge replacement, removal or rehabilitation projects" in Public Law 2007, chapter 470, which includes the Aroostook North-South Highway.

Enacted Law Summary

Resolve 2009, chapter 139 directs the Department of Transportation to secure funding for the projects listed as "significant new capacity projects of all modes and extraordinary bridge replacement, removal or rehabilitation projects" in Public Law 2007, chapter 470, which includes the Aroostook North-South Highway.

Joint Standing Committee on Transportation

LD 745 An Act To Allow the Operation of Modified Utility Vehicles on Public Ways

**ACCEPTED ONTP
REPORT**

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

This bill allows a modified utility vehicle, commonly known as a utility vehicle, recreational utility vehicle or multipurpose utility vehicle, to be registered and operated in Maine with certain limitations.

A modified utility vehicle that meets specified equipment requirements may be operated on Maine roads with a posted speed limit of 45 miles per hour or less. Due to its modifications, a modified utility vehicle is not an ATV or off-road vehicle. Like a low-speed vehicle, a modified utility vehicle is exempt from inspection requirements and is registered by application to the Secretary of State, which application must be accompanied by proof of ownership, proof of financial responsibility and proof of payment of excise tax.

In order to avoid the cost of printing a new registration plate specifically for modified utility vehicles, a modified utility vehicle is issued a motorcycle registration plate.

Committee Amendment "A" (S-80)

This amendment, which is the minority report of the Joint Standing Committee on Transportation, clarifies the definition of "modified utility vehicle" and provides that a modified utility vehicle may be a modified all-terrain or off-road vehicle.

LD 767 An Act To Promote Fairness and Protect Economic Development in Transportation Projects Undertaken by the State

PUBLIC 454

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-213

This bill provides a mechanism for a property owner to sell land to the State that has been identified in a transportation planning process as likely to be taken in a pending eminent domain proceeding.

Committee Amendment "A" (S-213)

This amendment provides that if the Department of Transportation is preparing an environmental impact statement as required by the federal National Environmental Protection Act of 1969 for permitting for the location of a new bypass highway project, and property will be affected by the limits of the final bypass right-of-way, and the property owner submits a request in writing that the department acquire that portion of property determined necessary for the new bypass highway project, the department is directed to acquire that property if the following 2 conditions are met. First, the department must have received a least environmentally damaging practicable alternative determination from the United States Army Corps of Engineers that will be incorporated into the environmental impact statement for corridor alignment indicating that certain property will be necessary. Secondly, the fair market value must be determined according to current law under the laws governing the State Claims Commission.

The amendment further directs the department to acquire affected properties within 2 years from the date of issuance

Joint Standing Committee on Transportation

of the least environmentally damaging practicable alternative determination from the United States Army Corps of Engineers. The amendment provides that if funding for the new bypass highway project is not available or if state or federal regulations preclude the department from acquiring real property, the department may extend the time period for acquisition of affected properties up to 2 years. Any extension must be submitted to the joint standing committee of the Legislature having jurisdiction over transportation matters for its review and comment.

Enacted Law Summary

Public Law 2009, chapter 454 provides that if the Department of Transportation is preparing an environmental impact statement as required by the federal National Environmental Protection Act of 1969 for permitting for the location of a new bypass highway project, and property will be affected by the limits of the final bypass right-of-way, and the property owner submits a request in writing that the department acquire that portion of property determined necessary for the new bypass highway project, the department is directed to acquire that property if the following 2 conditions are met. First, the department must have received a least environmentally damaging practicable alternative determination from the United States Army Corps of Engineers that will be incorporated into the environmental impact statement for corridor alignment indicating that certain property will be necessary. Secondly, the fair market value must be determined according to current law under the laws governing the State Claims Commission.

The law further directs the department to acquire affected properties within 2 years from the date of issuance of the least environmentally damaging practicable alternative determination from the United States Army Corps of Engineers. The law provides that if funding for the new bypass highway project is not available or if state or federal regulations preclude the department from acquiring real property, the department may extend the time period for acquisition of affected properties up to 2 years. Any extension must be submitted to the joint standing committee of the Legislature having jurisdiction over transportation matters for its review and comment.

LD 798 Resolve, Requiring the Department of Transportation To Replace All Property Markers along the 85-mile Stretch of the Calais Branch Corridor from Washington Junction to Ayers Junction

LEAVE TO WITHDRAW

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

This resolve requires the Department of Transportation to replace all of the property markers defining the property lines of both the former railroad property and the adjoining landowners that have been destroyed as a result of the multiuse recreational trail project currently underway and sometimes referred to as the Calais Branch Corridor Rehabilitation Project.

LD 843 Resolve, To Designate the Great South Bridge in the Town of Milbridge as the Harold West Bridge

RESOLVE 17

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

This resolve directs the Department of Transportation to designate the Great South Bridge in the Town of Milbridge as the Harold West Bridge to honor a town citizen.

Joint Standing Committee on Transportation

Enacted Law Summary

Resolve 2009, chapter 17 directs the Department of Transportation to designate the Great South Bridge in the Town of Milbridge as the Harold West Bridge to honor a town citizen.

LD 846 Resolve, Directing the Department of Transportation To Study Ways To Reduce Energy Use and Promote Efficiency along Major Transportation Corridors RESOLVE 42

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

This resolve directs the Department of Transportation to study ways to reduce energy use and promote efficiency along major transportation corridors.

Enacted Law Summary

Resolve 2009, chapter 42 directs the Department of Transportation to study ways to reduce energy use and promote efficiency along major transportation corridors.

LD 862 An Act To Improve the Health of Maine Citizens and Safety of Pedestrians PUBLIC 91

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

This bill requires the operator of a motor vehicle, when passing a pedestrian on a public way, to provide that pedestrian with at least 3 feet of clearance and allows the operator to pass the pedestrian when it is safe to do so, even in a no-passing zone. This bill is based on the current law regarding the requirements for passing a bicycle on a public way.

Enacted Law Summary

Public Law 2009, chapter 91 requires the operator of a motor vehicle, when passing a pedestrian on a public way, to provide that pedestrian with at least 3 feet of clearance and allows the operator to pass the pedestrian when it is safe to do so, even in a no-passing zone. This law is based on the recently enacted law regarding the requirements for passing a bicycle on a public way.

LD 873 An Act To Improve Wheelchair-dependent Parking Access ONTP

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

Joint Standing Committee on Transportation

This bill prohibits a person who possesses a disability registration plate or removable windshield placard from parking in a van accessible disability parking space as described under 28 Code of Federal Regulations, Part 36, Appendix A, Standards for Accessible Design, Section 4.1.2(5). This provision does not apply if the parking lot has only one designated disability parking space.

LD 874 An Act To Amend the Laws Governing Axle Weights

PUBLIC 442

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS JACKSON	OTP-AM	H-223

This bill provides that if a vehicle that exceeds the axle weight limits and axle weight tolerance restrictions imposed under state law is within the maximum gross vehicle weight, the applicable fine must be reduced by 50%. This bill also amends existing law regarding the reduction of fines following the successful redistribution of loads to bring vehicles into compliance with axle limits.

Committee Amendment "A" (H-223)

This amendment provides that if a vehicle that exceeds the axle weight limits and axle weight tolerance restrictions imposed under state law by less than 5,000 pounds is within the maximum gross vehicle weight, the applicable fine must be reduced by 50%. The amendment also clarifies that this provision does not apply to vehicles traveling on the Interstate Highway System except for that portion of Interstate 95 designated as the Maine Turnpike.

Enacted Law Summary

Public Law 2009, chapter 442 provides that if a vehicle that exceeds the axle weight limits and axle weight tolerance restrictions imposed under state law by less than 5,000 pounds is within the maximum gross vehicle weight, the applicable fine must be reduced by 50%. It also clarifies that this provision does not apply to vehicles traveling on the Interstate Highway System except for that portion of Interstate 95 designated as the Maine Turnpike.

**LD 875 An Act To Promote Fuel Conservation by Allowing the Use of
Mini-trucks on Public Ways**

**ACCEPTED ONTP
REPORT**

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

This bill permits mini-trucks to be operated on public ways, but only within 100 miles of the address at which the mini-truck is registered. The mini-truck, a 4-wheeled motor vehicle with a maximum speed of 60 miles per hour and a maximum weight of 2,000 pounds, must be registered and meet the same inspection standards as other motor vehicles in order to be operated on a public way.

Joint Standing Committee on Transportation

**LD 878 An Act To Change the Status of the Road System at the Loring
Development Authority**

**ACCEPTED ONTP
REPORT**

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

This bill allows the Loring Development Authority to enter into service contracts and to participate in the Rural Road Initiative with the Department of Transportation.

Committee Amendment "A" (H-140)

This amendment, which is the minority report of the Joint Standing Committee on Transportation, clarifies that the Loring Development Authority may participate in the Urban-Rural Initiative Program with the Department of Transportation and that the authority's eligibility is not contingent upon acceptance of its roads as town ways by the Town of Limestone.

LD 907 An Act To Amend the Speed Limits for Low-speed Vehicles

**ACCEPTED ONTP
REPORT**

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

This bill amends the law regarding low-speed vehicles.

1. It increases the minimum and maximum speeds for low-speed vehicles to 30 and 35 miles per hour, respectively. It also eliminates a cross-reference to the federal regulations concerning low-speed vehicles since under those regulations the maximum attainable speed is 25 miles per hour.
2. It allows low-speed vehicles to be operated on streets or roads having a maximum posted speed limit of 45 miles per hour, instead of the current limit of 35 miles per hour.
3. It requires the operator of a low-speed vehicle to move to the side of the road, when it is safe and practicable to do so, to allow a line of 7 or more vehicles directly behind the low-speed vehicle to pass.

LD 920 An Act To Reduce Noise Pollution

ONTP

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

Joint Standing Committee on Transportation

This bill establishes maximum allowable noise level standards for motorcycle mufflers and exhaust systems. The bill also provides that a person who violates noise level standards may be subject to a fine of \$250 unless the person brings the motorcycle into compliance within 14 days after the citation.

LD 951 **An Act Relating to the TransCap Trust Fund**

**PUBLIC 411
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAZUREK DIAMOND	OTP-AM	H-123

Current law requires, beginning July 1, 2009, that 7.5% of the net excise tax imposed on internal combustion engine fuel be deposited in the TransCap Trust Fund, the purpose of which is to provide financial assistance for the planning, design, acquisition, reconstruction and rehabilitation of transportation capital improvements. This bill requires that at least 20%, but no more than 35%, of the revenue be allocated for capital improvements to bridges and the balance to highways and prioritizes the use of the funds for the highway capital improvements.

Committee Amendment "A" (H-123)

This amendment clarifies that any grants issued from the TransCap Trust Fund must be used for capital projects with a useful life of at least 10 years and that bonds may be used only for capital projects that have an anticipated useful life of at least as long as the bond term. The amendment also corrects cross-references regarding the transfer of certain fees to the TransCap Trust Fund.

Enacted Law Summary

Public Law 2009, chapter 411 clarifies that any grants issued from the TransCap Trust Fund must be used for capital projects with a useful life of at least 10 years and that bonds may be used only for capital projects that have an anticipated useful life of at least as long as the bond term. The law also corrects cross-references regarding the transfer of certain fees to the TransCap Trust Fund.

Public Law 2009, chapter 411 was enacted as an emergency measure effective June 16, 2009.

LD 952 **An Act Relating to Disability Plates and Placards**

PUBLIC 143

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

This bill allows a permanently disabled person to submit proof of the permanent disability once instead of the current requirement of having to submit a new form every 4 years. It also makes a 2nd or subsequent violation of the law against misusing a disability plate or placard a Class E crime, with the potential for doubled fines.

Committee Amendment "A" (H-141)

This amendment allows a person to request that the person's disability parking plate or placard expire at the same time as the person's driver's license or nondriver identification card.

Enacted Law Summary

Joint Standing Committee on Transportation

Public Law 2009, chapter 143 allows a permanently disabled person to request that the person's disability parking plate or placard expire at the same time as the person's driver's license or nondriver identification card.

**LD 967 An Act To Implement the Recommendations of the Governor's
Interagency Transportation Coordinating Committee**

PUBLIC 130

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

This bill establishes in statute the Interagency Transportation Coordinating Committee, which provides oversight and promotes efficiency, cooperative effort and strategic planning for public transportation between the Department of Transportation, the Department of Labor and the Department of Health and Human Services.

Enacted Law Summary

Public Law 2009, chapter 130 establishes in statute the Interagency Transportation Coordinating Committee, which provides oversight and promotes efficiency, cooperative effort and strategic planning for public transportation between the Department of Transportation, the Department of Labor and the Department of Health and Human Services.

**LD 992 An Act To Increase Highway Safety by Requiring Daytime Headlight
Use**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX GERZOFKY	ONTP	

This bill requires that the driver of a motor vehicle manufactured after 2010 use headlights any time the motor vehicle is operated on a way. The bill also adds a provision allowing enforcement of the mandatory headlights provision only when a vehicle is stopped for a suspected violation of another law.

**LD 1043 Resolve, To Establish a Blue Ribbon Commission To Study On-ramp
Speed Limits**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H BRYANT B	ONTP	

This resolve establishes a blue ribbon commission to study highway on-ramp usage and determine the best methods for eliminating speeding on on-ramps and promoting proper vehicle yielding on highways.

Joint Standing Committee on Transportation

LD 1094 Resolve, To Study Safety Measures Relating to Open Trenches and Excavations

RESOLVE 70

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONNOR	OTP-AM	H-269

This bill requires an excavator to mark and erect a barrier or other safeguard around an unattended excavation to prevent a person, animal or motor vehicle from unintentionally falling into the excavation.

Committee Amendment "A" (H-269)

The amendment, which replaces the bill, directs the Department of Transportation, in conjunction with the Department of Public Safety, to establish a working group to examine issues relating to unattended trenches and excavations on both public and private property. The working group is required to submit a report to the Joint Standing Committee on Transportation no later than the first business day in February 2010. The Joint Standing Committee on Transportation may report out a bill to the Second Regular Session of the 124th Legislature concerning the subject matter of this resolve.

Enacted Law Summary

Resolve 2009, chapter 70 directs the Department of Transportation, in conjunction with the Department of Public Safety, to establish a working group to examine issues relating to unattended trenches and excavations on both public and private property. The working group is required to submit a report to the Joint Standing Committee on Transportation no later than the first business day in February 2010. The Joint Standing Committee on Transportation may report out a bill to the Second Regular Session of the 124th Legislature concerning the subject matter of this resolve.

LD 1123 An Act To Improve the Safety of Minors by Collecting Data on Vehicle Collision Rates

ONTP

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

This bill requires the Department of the Secretary of State to collect data regarding the motor vehicle collisions involving students taught by driver education schools and driver education instructors. The department shall gather the data and publish a list of the collision rates by October 1st of each year.

LD 1131 An Act To Clarify the Law Regarding the Passing of School Buses by Bicyclists

PUBLIC 212

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

Joint Standing Committee on Transportation

This bill prohibits a person operating a bicycle, motorized bicycle, motorized tricycle or a motorized scooter from passing or overtaking a stopped school bus that has its red lights flashing. This change parallels the law as it applies to operators of motor vehicles.

Enacted Law Summary

Public Law 2009, chapter 212 prohibits a person operating a bicycle, motorized bicycle, motorized tricycle or a motorized scooter from passing or overtaking a stopped school bus that has its red lights flashing. This change parallels the law as it applies to operators of motor vehicles.

**LD 1150 Resolve, To Establish a Pilot Project To Issue Conditional Titles for
Certain Automobiles and Trucks That Are More than 25 Years Old** **ONTP**

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

This resolve directs the Secretary of State to establish a pilot project under which a conditional title may be issued to a Maine resident owner of an automobile or a truck that is more than 25 years old. Under the pilot project, the owner of a vehicle may convert the conditional title to a certificate of title for an antique auto upon certification that the vehicle meets the statutory definition of "antique auto." The Secretary of State is directed to submit a report on the pilot project, along with any recommendations, to the Joint Standing Committee on Transportation by February 1, 2010.

**LD 1151 An Act To Prohibit the Use of Engine Brakes on All State Roads under
Certain Circumstances** **ONTP**

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

This bill prohibits the use of engine brakes on state highways and on the interstate highway, including the Maine Turnpike, from 11 p.m. until 7 a.m., except in the case of an emergency.

LD 1174 An Act To Allow the Use of Cameras To Enforce Traffic Violations **ONTP**

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

Current law requires a police officer to observe a violation of a traffic control device, stop the violator, issue a summons and complaint and often go to court.

This bill is based on laws in other states that permit the use of evidence obtained from unmanned, automatic cameras to prosecute and prove traffic violations. Traffic light violation monitoring systems may be installed by the State or

Joint Standing Committee on Transportation

a municipality. The owner of the vehicle photographed or otherwise recorded violating a traffic control device is rebuttably presumed to be the violator, similar to current Maine law regarding passing a stopped school bus or a traffic violation at an emergency scene.

This bill also requires the revenue generated by a traffic light violation monitoring system to be returned to the municipality that purchased, installed and was operating the system at the time of the enforcement action but only until such time as the municipality has been reimbursed for its expense. After that, the revenue is deposited in the Courthouse Security Fund to be used to improve security and improve public safety at court facilities.

LD 1175 An Act To Add Combat Action Badges and Ribbons to the Special Commemorative Decals for Veterans License Plates

PUBLIC 437

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLETCHER SHERMAN	OTP-AM	H-264

This bill adds 6 commemorative decals to the list of decals issued for veterans license plates and also requires the Secretary of State to review the 2007 and 2008 data for the number of decals issued for those years, as well as the cost of acquiring and distributing the decals along with the revenue received. The Secretary of State is to report with recommendations to the Joint Standing Committee on Transportation, which is authorized to submit a bill on the findings.

Committee Amendment "A" (H-264)

This amendment doesn't change the number of commemorative decals added to the list of decals that may be issued for veterans license plates by the bill, but makes a number of technical corrections. The amendment places a moratorium on any special commemorative decals that are not already authorized by law for use with special veterans registration plates for a period of 5 years, October 1, 2009 to October 1, 2014. The amendment changes the Secretary of States report due date from January 1, 2010 to February 28, 2010. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2009, chapter 437 adds 5 commemorative decals to the list of decals issued for veterans license plates. It also places a moratorium on any special commemorative decals that are not already authorized by law for use with special veterans registration plates for a period of 5 years, October 1, 2009 to October 1, 2014. The law directs the Secretary of State to review the number of decals issued, as well as the cost of acquiring and distributing the decals along with the revenue received, and report back with findings and recommendations to the Joint Standing Committee on Transportation no later than February 28, 2010.

LD 1190 An Act To Amend the Motor Vehicle Laws

PUBLIC 435

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-176

This bill makes several changes to the motor vehicle laws. The bill:

1. Amends the weight limitation for a low-speed vehicle;

Joint Standing Committee on Transportation

2. Allows the Secretary of State to issue agricultural education plates to Department of Agriculture, Food and Rural Resources vehicles and lobster plates to Department of Marine Resources vehicles;
3. Exempts antique farm tractors from registration requirements when used in parades and charitable events;
4. Makes adjustments to the commercial vehicle excise tax reimbursement laws;
5. Clarifies that a title issued for manufactured housing remains in effect unless cancelled, allows a manufactured housing title to be cancelled if the home is permanently affixed to real property and allows rather than requires the Secretary of State to issue a title on used manufactured housing;
6. Allows the Secretary of State to recall an offensive vanity plate;
7. Extends titling requirements to most motor vehicles and trailers to vehicles manufactured in 1995 and after. Currently, only vehicles less than 15 years old are required to be titled;
8. Provides that a duplicate title is not required to be issued until 15 days after the previous title was issued;
9. Clarifies the process for managing additional security interests;
10. Modifies the release of lien process for manufactured housing;
11. Makes adjustments to the dealer plate reduction law;
12. Modifies the attended sales promotion procedures to provide for shorter permit periods at a reduced fee;
13. Increases the maximum weight of a light wrecker from 24,000 to 26,000 pounds for the purpose of determining the dealer plate fee to coincide with commercial driver's license limits;
14. Defines mobile crushers and requires them to be licensed;
15. Increases the time within which a person is obligated to notify the Secretary of State of an address or name change from 10 to 20 days; and
16. Makes a technical correction to the seatbelt requirements.

Committee Amendment "A" (S-176)

The amendment eliminates the section of the bill relating to low-speed vehicles.

The amendment also eliminates the sections of the bill that proposed to make adjustments to the commercial vehicle excise tax reimbursement laws.

The bill modifies the attended sales promotion procedures to provide for shorter permit periods at a reduced fee. The amendment also provides that a dealer who operates an attended sales promotion at a charitable event where a vehicle is displayed or offered as a prize for fund-raising purposes is exempt from the permit requirements.

The amendment increases the time within which a person is obligated to notify the Secretary of State of an address change from 10 to 30 days.

The amendment makes a technical correction relating to title fees.

Joint Standing Committee on Transportation

The amendment repeals the "bingo stamp" operating authority program for identification of intrastate and interstate motor carriers as the program has been superseded by the federal Uniform Carrier Registration program. Under current law, a first-time OUI offender may be eligible for a special license once the offender is engaged in an alcohol or other drug-related treatment program. The amendment decreases the time within which a person must complete an alcohol or other drug-related program from 6 to 3 months after receiving the special license, after which the Secretary of State is required to suspend the special license until the person completes the program.

The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2009, chapter 435 makes several changes to the motor vehicle laws. The law:

1. Allows the Secretary of State to issue agricultural education plates to Department of Agriculture, Food and Rural Resources vehicles and lobster plates to Department of Marine Resources vehicles;
2. Exempts antique farm tractors from registration requirements when used in parades and charitable events;
3. Clarifies that a title issued for manufactured housing remains in effect unless cancelled, allows a manufactured housing title to be cancelled if the home is permanently affixed to real property and allows rather than requires the Secretary of State to issue a title on used manufactured housing;
4. Allows the Secretary of State to recall an offensive vanity plate;
5. Extends titling requirements to most motor vehicles and trailers to vehicles manufactured in 1995 and after. Currently, only vehicles less than 15 years old are required to be titled;
6. Provides that a duplicate title is not required to be issued until 15 days after the previous title was issued;
7. Clarifies the process for managing additional security interests;
8. Modifies the release of lien process for manufactured housing;
9. Makes adjustments to the dealer plate reduction law;
10. Modifies the attended sales promotion procedures to provide for shorter permit periods at a reduced fee and provides that a dealer who operates an attended sales promotion at a charitable event where a vehicle is displayed or offered as a prize for fund-raising purposes is exempt from the permit requirements;
11. Increases the maximum weight of a light wrecker from 24,000 to 26,000 pounds for the purpose of determining the dealer plate fee to coincide with commercial driver's license limits;
12. Defines mobile crushers and requires them to be licensed;
13. Increases the time within which a person is obligated to notify the Secretary of State of an address or name change from 10 to 30 days;
14. Repeals the "bingo stamp" operating authority program for identification of intrastate and interstate motor carriers as the program has been superseded by the federal Uniform Carrier Registration program; and
15. Decreases the time within which a person must complete an alcohol or other drug-related program from 6 to 3 months after receiving the special license, after which the Secretary of State is required to suspend the special license until the person completes the program.

Joint Standing Committee on Transportation

LD 1234 An Act To Regulate the Use of Traffic Surveillance Cameras

PUBLIC 223

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA	OTP-AM	H-225

This bill prohibits the use of a traffic surveillance camera to prove or enforce a violation of the motor vehicle laws.

Committee Amendment "A" (H-225)

The amendment provides that the prohibition of the use of traffic surveillance cameras does not apply to a photo-monitoring system used by the Maine Turnpike Authority for toll enforcement purposes.

Enacted Law Summary

Public Law 2009, chapter 223 prohibits the use of a traffic surveillance camera to prove or enforce a violation of the motor vehicle laws. It provides that the prohibition of the use of traffic surveillance cameras does not apply to a photo-monitoring system used by the Maine Turnpike Authority for toll enforcement purposes.

LD 1274 An Act To Establish a Gold Star Family Member License Plate

ONTP

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

This bill establishes the Gold Star Family Member license plate for gold star medal recipients. Gold star medals are awarded by the Adjutant General to express formally condolence and appreciation to the closest surviving family members of members of the United States Armed Forces who, since September 11, 2001, are killed in action or die as a consequence of injuries that result in the award of a Purple Heart medal.

LD 1315 An Act To Amend the Private Way Laws with Regard to Road Associations

PUBLIC 239

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE GOODALL	OTP-AM MAJ ONTP MIN	H-316

This bill clarifies the reasons why a group of property owners benefited by a private way may call a meeting of a road association, what issues a road association may address and the ability of a road association to negotiate an easement for storm water management infrastructure. This bill also allows a town to use town equipment on a private way for water quality management.

Committee Amendment "A" (H-316)

This amendment, which is the majority report of the Joint Standing Committee on Transportation, eliminates a

Joint Standing Committee on Transportation

provision in the bill that specified the reasons that a meeting may be called by a road association. The amendment also allows a town to use town equipment on private roads, private ways or bridges for the purposes of protecting or restoring a great pond.

Enacted Law Summary

Public Law 2009, chapter 239 clarifies a road association may continue until the association is dissolved by a majority vote of its members. It clarifies the ability of a road association to negotiate an easement for storm water management infrastructure. It also allows a town to use town equipment on private roads, private ways or bridges for the purposes of protecting or restoring a great pond.

LD 1316 An Act To Limit the Transport of Water for Export

ONTP

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

This bill precludes the use of any new transportation infrastructure, including a road, railroad, pipeline or port facility, to be used to transport water with a final destination of any port.

LD 1341 An Act To Reform Maine's Motor Fuel Tax Laws

**ACCEPTED ONTP
REPORT**

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

This bill restructures the excise tax imposed on motor fuels by:

1. Reducing the motor fuel excise tax imposed on gasoline from the current inflation adjusted rate of 28.4¢ per gallon to 21¢ per gallon and on diesel fuel from the current inflation adjusted rate of 29.6¢ per gallon to 21¢ per gallon;
2. Creating a price-based excise tax component to be added to the excise tax on gasoline and diesel fuel. The new component is determined annually beginning in 2010 and is based on the average retail price of gasoline or diesel fuel for New England for the previous year. The maximum increase in the overall excise tax is limited to 10% annually, except for the first year of implementation;
3. Repealing the annual indexing of motor fuels to the rate of inflation; and
4. Transferring 8¢ per gallon and 70% of the amount in excess of 8¢ of the price-based excise tax component to the TransCap Trust Fund.

Committee Amendment "A" (H-382)

This amendment incorporates a fiscal note.

Joint Standing Committee on Transportation

LD 1351 **Resolve, To Name the Bridge in Orland the Ralston C. Gray Bridge**

RESOLVE 44

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

This resolve names the State Route 175 bridge crossing the Narramissic River in Orland, which is being rebuilt and is due to be completed next year, after the late lifelong Orland resident Ralston C. Gray.

Enacted Law Summary

Resolve 2009, chapter 44 names the State Route 175 bridge crossing the Narramissic River in Orland after the late lifelong Orland resident Ralston C. Gray.

LD 1355 **An Act To Make Permanent the Allowance of Certain Commercial Vehicles between the United States-Canada Border and Certain Points in Maine**

**PUBLIC 326
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM	S-192

This bill makes permanent the allowance of commercial vehicles at Canadian weight limits to travel from the Canadian border at Calais to Baileyville and from the Canadian border at Van Buren to a rail yard in Van Buren.

Committee Amendment "A" (S-192)

The bill makes permanent the allowance of commercial vehicles at Canadian weight limits to travel from the United States-Canada border at Calais to Baileyville and from the United States-Canada border at Van Buren to a rail yard in Van Buren.

This amendment extends the allowance to commercial vehicles at Canadian weight limits to travel from the United States-Canada border at Madawaska to the Fraser Papers facility or its successor in Madawaska.

The amendment gives the Secretary of State rulemaking authority to implement these provisions and directs the Secretary of State to adopt rules no later than July 1, 2009.

The amendment directs the Department of Transportation to monitor and evaluate the effects of the allowance on road conditions and to report to the joint standing committee of the Legislature having jurisdiction over transportation matters with an initial report to the Second Regular Session of the 126th Legislature and a final report to the First Regular Session of the 129th Legislature.

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

Enacted Law Summary

Public Law 2009, chapter 326 makes permanent the allowance of commercial vehicles at Canadian weight limits to travel from the United States-Canada border at Calais to Bailyville, from the United States-Canada border at Van Buren to a railyard in Van Buren, and from the United States-Canada border at Madawaska to the Fraser Papers

Joint Standing Committee on Transportation

facility or its successor in Madawaska. It gives the Secretary of State rulemaking authority to implement these provisions and directs the Secretary of State to adopt rules no later than July 1, 2009.

The law directs the Department of Transportation to monitor and evaluate the effects of the allowance on road conditions and to report to the joint standing committee of the Legislature having jurisdiction over transportation matters with an initial report to the Second Regular Session of the 126th Legislature and a final report to the First Regular Session of the 129th Legislature.

Public Law 2009, chapter 326 was enacted as an emergency measure effective June 9, 2009.

LD 1357 An Act To Protect the Privacy of Maine Residents under the Driver's License Laws

VETO SUSTAINED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM MAJ ONTP MIN	S-215 S-247 DAMON

This bill is a partial repeal of current Maine law enacted to comply with the requirements of the federal REAL ID Act of 2005.

This bill:

1. Repeals the requirement that the Secretary of State issue driver's licenses and nondriver identification cards only to individuals who present documentary evidence of legal presence in the United States;
2. Exempts social security numbers in the possession of the Secretary of State from the definition of public records under Maine's Freedom of Access Law;
3. Provides that the Secretary of State may not disseminate social security numbers to any entity without legislative authorization;
4. Restricts the distribution and retention of digital information used to produce a license;
5. Prohibits the Secretary of State from use of biometric technology, such as retinal scans, facial recognition or fingerprint technology but not including digital photographs in the production or storing of license information;
6. Repeals the requirement that the Secretary of State participate in the federal Systematic Alien Verification for Entitlements Program, the centralized database system used and maintained by the United States Citizenship and Immigration Services;
7. Repeals the requirement that the Secretary of State study the most cost-effective facial recognition or fingerprint technology;
8. Provides that cost savings as a result of this Act must be allocated to the Highway and Bridge Capital Program within the Department of Transportation; and
9. Does not change the current requirement that an applicant for a Maine driver's license or state identification card must provide proof of residency.

Joint Standing Committee on Transportation

Committee Amendment "A" (S-215)

The amendment, which is the majority report of the Joint Standing Committee on Transportation, provides that the Secretary of State may not disseminate social security numbers to any entity without legislative authorization unless it is required by federal law.

The amendment also provides that digital information used to produce a license or nondriver identification card is confidential. The amendment further clarifies that the Secretary of State may store, record and retain digital information used to produce a driver's license or nondriver identification card solely for the purpose of producing duplicate driver's licenses or nondriver identification cards and for renewal of driver's licenses or nondriver identification cards. Finally, the amendment provides that digital information used to produce a driver's license or nondriver identification card may be distributed only to a law enforcement agency.

The amendment also adds an appropriations and allocations section to the bill.

Senate Amendment "A" To Committee Amendment "A" (S-247)

This amendment specifies the federal law that provides an exemption to the provision that prohibits the Secretary of State from disseminating social security numbers collected from applicants for a driver's license or nondriver identification card.

It provides that digital images and digitized signatures, as opposed to digital information in Committee Amendment "A," used to produce a driver's license or nondriver identification card are confidential, and it specifies the federal law that provides an exemption to this provision.

LD 1357, as amended, was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions of laws governing public records.

LD 1383 An Act To Provide Support to Municipal Government by Imposing a Municipal Surcharge on Traffic Violations

ONTP

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

This bill imposes a \$30 municipal surcharge on every fine or forfeiture imposed for a violation of the motor vehicle laws. The surcharge accrues to the municipality in which the violation occurred, less a small administrative fee.

LD 1440 An Act To Clarify the Purpose of the Notice Requirement of Land Taking by the Department of Transportation

PUBLIC 265

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS G	OTP-AM	S-184

This bill allows a party to appeal an award by the State Claims Commission to the Superior Court although the party failed to designate to the commission the award or awards from which an appeal will be taken within 30 days of the commission forwarding the award.

Joint Standing Committee on Transportation

Committee Amendment "A" (S-184)

The amendment, which replaces the bill, clarifies the appeals process from an award by the State Claims Commission. The amendment requires the State Claims Commission to state by letter the date it issues its decision of an award. Current law provides that any party or parties aggrieved by an award by the State Claims Commission may appeal to the Superior Court within 30 days of the issuance of the commission award. The amendment provides that the party appealing must provide a copy of the complaint to be filed in the Superior Court to the other party or parties within the same 30 days, and not to the State Claims Commission.

The amendment also provides that this legislation applies to appeals from an award of the State Claims Commission that were pending on or after January 1, 2009, except that an appeal for which notice was provided in accordance with the law prior to the effective date of this Act may not be dismissed by the Superior Court for failure to comply with the new notice requirements of this legislation.

Enacted Law Summary

Public Law 2009, chapter 265 clarifies the appeals process from an award by the State Claims Commission. It requires the State Claims Commission to state by letter the date it issues its decision of an award. The law provides that the party appealing must provide a copy of the complaint to be filed in the Superior Court to the other party or parties within the same 30 days, and not to the State Claims Commission. The law applies to appeals from an award of the State Claims Commission that were pending on or after January 1, 2009, except that an appeal for which notice was provided in accordance with the law prior to the effective date of this Act may not be dismissed by the Superior Court for failure to comply with the new notice requirements of this legislation.

LD 1445 **An Act To Clarify and Strengthen the State's Motor Vehicle Laws**

PUBLIC 251

Sponsor(s)

DAMON

Committee Report

OTP-AM

Amendments Adopted

S-167

This bill provides that the Department of Public Safety, Bureau of State Police may not adopt any rule that exempts motor carriers, vehicles or drivers transporting certain hazardous materials from any federal regulations adopted and incorporated by reference into a bureau rule.

It provides that a person who violates the Maine Revised Statutes, Title 29-A, chapter 5, subchapter 2, or a rule adopted pursuant to that subchapter, commits a civil violation if the violation is discovered during a compliance review as that term is defined in 49 Code of Federal Regulations, Part 385.3, unless the compliance review occurs during the course or as a result of a criminal investigation. Any such violation is subject to a civil fine, which must be determined with due consideration of the Federal Motor Carrier Safety Administration's uniform fine assessment program.

It clarifies and amends the laws concerning reflective and tinted glass and tires and wheels.

It provides flexibility to the State Police in taking administrative action against a motor vehicle inspection station's license or motor vehicle inspection mechanic's license when the inspection station or inspection mechanic violates Maine law or the rules adopted by the State Police.

It allows Department of Public Safety vehicles operated by motor vehicle inspectors to be equipped with auxiliary lights that emit amber light.

Joint Standing Committee on Transportation

It makes it a crime for a motor vehicle operator or pedestrian to knowingly refuse to follow the direction of a sign clearly posted by a law enforcement officer to temporarily close a way to vehicular traffic or to vehicles of a certain description or to divert pedestrian or vehicular traffic during a fire, accident, emergency or special event.

It amends the law applicable to school bus inspections.

It clarifies the law regarding signs that must be posted at weighing points designated by the Chief of the State Police or a person designated by the chief.

Committee Amendment "A" (S-167)

This amendment eliminates the section of the bill that provides flexibility to the State Police in taking administrative action against a motor vehicle inspection station's license or motor vehicle inspection mechanic's license when the inspection station or inspection mechanic violates Maine law or the rules adopted by the State Police.

The amendment further clarifies the legal requirements concerning tires and wheels.

The bill makes it a crime for a motor vehicle operator or pedestrian to knowingly refuse to follow the direction of a sign clearly posted by a law enforcement officer to temporarily close a way to vehicular traffic or to vehicles of a certain description or to divert pedestrian or vehicular traffic during a fire, accident, emergency or special event. The amendment provides that the posted sign must include language sufficiently describing the restriction or prohibition and the fact that a violation is a Class E crime.

The amendment further clarifies the law regarding signs that must be posted at weighing points designated by the Chief of the State Police or a person designated by the chief. The amendment provides that the operator of a bus or truck with a registered weight or gross vehicle weight rating greater than 10,000 pounds or subject to the Federal Motor Carrier Safety Administration regulations who fails to stop at a weighing point when the signs are operating commits a traffic infraction.

Enacted Law Summary

Public Law 2009, chapter 251 provides that the Department of Public Safety, Bureau of State Police may not adopt any rule that exempts motor carriers, vehicles or drivers transporting certain hazardous materials from any federal regulations adopted and incorporated by reference into a bureau rule.

It provides that a person who violates the Maine Revised Statutes, Title 29-A, chapter 5, subchapter 2, or a rule adopted pursuant to that subchapter, commits a civil violation if the violation is discovered during a compliance review as that term is defined in 49 Code of Federal Regulations, Part 385.3, unless the compliance review occurs during the course or as a result of a criminal investigation. Any such violation is subject to a civil fine, which must be determined with due consideration of the Federal Motor Carrier Safety Administration's uniform fine assessment program.

It clarifies and amends the laws concerning reflective and tinted glass and tires and wheels.

It allows Department of Public Safety vehicles operated by motor vehicle inspectors to be equipped with auxiliary lights that emit amber light.

It makes it a crime for a motor vehicle operator or pedestrian to knowingly refuse to follow the direction of a sign clearly posted by a law enforcement officer to temporarily close a way to vehicular traffic or to vehicles of a certain description or to divert pedestrian or vehicular traffic during a fire, accident, emergency or special event. It also provides that the posted sign must include language sufficiently describing the restriction or prohibition and the fact that a violation is a Class E crime.

Joint Standing Committee on Transportation

It amends the law applicable to school bus inspections.

It clarifies the law regarding signs that must be posted at weighing points designated by the Chief of the State Police or a person designated by the chief. It provides that the operator of a bus or truck with a registered weight or gross vehicle weight rating greater than 10,000 pounds or subject to the Federal Motor Carrier Safety Administration regulations who fails to stop at a weighing point when the signs are operating commits a traffic infraction.

LD 1487 **An Act To Provide Funding for the Highway Fund Biennial Budget**

INDEF PP

Sponsor(s)

MAZUREK
DAMON

Committee Report

Amendments Adopted

This bill adds a surcharge of 5¢ per gallon on gasoline and special fuels, such as diesel, for a period of 2 years, beginning July 1, 2009 and ending July 1, 2011. The surcharge provides funding to the Department of Transportation for highway and bridge capital purposes. It also makes technical corrections to the Special Fuel Tax Act in the Maine Revised Statutes, Title 36.

Joint Standing Committee on Transportation

SUBJECT INDEX

Bridges

Enacted

LD 60	Resolve, To Rename the Father Curran Bridge in Augusta	RESOLVE 4
LD 843	Resolve, To Designate the Great South Bridge in the Town of Milbridge as the Harold West Bridge	RESOLVE 17
LD 1351	Resolve, To Name the Bridge in Orland the Ralston C. Gray Bridge	RESOLVE 44

Not Enacted

LD 665	An Act To Enhance Safety on Maine's Bridges	ONTP
--------	---	------

General Highway Fund

Enacted

LD 61	An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2009	PUBLIC 7 EMERGENCY
LD 333	An Act Making Unified Highway Fund and Other Funds Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2009, June 30, 2010 and June 30, 2011	PUBLIC 413 EMERGENCY

Not Enacted

LD 48	Resolve, To Delay the Sustainability of the Highway Fund	ONTP
LD 269	An Act To Appropriate Funds To Equip State Trooper Cars with Cages	ONTP
LD 649	An Act To Reimburse Communities That Have Constructed Sand and Salt Sheds Rated Priority 3 and 4	ONTP
LD 1341	An Act To Reform Maine's Motor Fuel Tax Laws	ACCEPTED ONTP REPORT
LD 1487	An Act To Provide Funding for the Highway Fund Biennial Budget	INDEF PP

Insurance

Not Enacted

LD 592 **An Act To Increase Mandatory Minimum Insurance Requirements for Vehicles for Hire** ONTP

Miscellaneous

Not Enacted

LD 537 **Resolve, To Return Two-thirds of the Purchase Cost of Sears Island to the People of Maine**

LD 1316 **An Act To Limit the Transport of Water for Export** ONTP

Motor Carriers

Enacted

LD 37 **An Act To Allow a Weight Tolerance for Vehicle Auxiliary Power Units** PUBLIC 3

LD 240 **An Act To Extend the Exception to Axle Fines during the Midwinter Season** PUBLIC 444
EMERGENCY

LD 874 **An Act To Amend the Laws Governing Axle Weights** PUBLIC 442

LD 1355 **An Act To Make Permanent the Allowance of Certain Commercial Vehicles between the United States-Canada Border and Certain Points in Maine** PUBLIC 326
EMERGENCY

Not Enacted

LD 1151 **An Act To Prohibit the Use of Engine Brakes on All State Roads under Certain Circumstances** ONTP

Motor Vehicles

Enacted

LD 152 **An Act Relating to Autocycles** PUBLIC 55

LD 297 **An Act To Ensure That Medical Equipment Found in a Repossessed Vehicle Is Returned to the Owner** PUBLIC 45

LD 436 **An Act To Include Trucks in the Definition of "Low-speed Vehicle"** PUBLIC 42

LD 1190 **An Act To Amend the Motor Vehicle Laws** PUBLIC 435

LD 1445 **An Act To Clarify and Strengthen the State's Motor Vehicle Laws** PUBLIC 251

Not Enacted

LD 38	An Act To Allow the Use of Only 2 Studded Tires on Front-wheel-drive Vehicles	ACCEPTED ONTP REPORT
LD 42	An Act To Increase the Time Period for Motor Vehicle Inspections to 2 Years	ACCEPTED ONTP REPORT
LD 145	An Act To Require the Secretary of State To Notify Vehicle Owners of Impending Registration Expiration	ONTP
LD 602	An Act To Permit Wrecker Services To Charge for Storage while a Vehicle Is under an Order of Impoundment	ONTP
LD 648	An Act To Allow the Operation of Low-speed Vehicles on Higher-speed Roads	ONTP
LD 745	An Act To Allow the Operation of Modified Utility Vehicles on Public Ways	ACCEPTED ONTP REPORT
LD 875	An Act To Promote Fuel Conservation by Allowing the Use of Mini-trucks on Public Ways	ACCEPTED ONTP REPORT
LD 920	An Act To Reduce Noise Pollution	ONTP
LD 1123	An Act To Improve the Safety of Minors by Collecting Data on Vehicle Collision Rates	ONTP
LD 1150	Resolve, To Establish a Pilot Project To Issue Conditional Titles for Certain Automobiles and Trucks That Are More than 25 Years Old	ONTP

Operator's License

Enacted

LD 7	An Act To Amend the Instruction Permit Process	PUBLIC 43
LD 169	An Act To Allow a Newly Licensed Driver To Transport a Foreign Exchange Student Who Lives with That Driver's Family	PUBLIC 10 EMERGENCY
LD 451	An Act To Clarify the Law Regarding Reinstatement of a Driver's License	PUBLIC 58

Not Enacted

LD 49	An Act To Require the Secretary of State To Provide Notice of License Revocation or Suspension by Certified Mail	ACCEPTED ONTP REPORT
LD 1357	An Act To Protect the Privacy of Maine Residents under the Driver's License Laws	VETO SUSTAINED

Public Transportation

Enacted

LD 452	An Act To Include the Town of Falmouth as a Member of the Greater Portland Transit District	PUBLIC 18 EMERGENCY
LD 513	An Act To Update the Casco Bay Island Transit District Enabling Law	P & S 3

Registration Plates

Enacted

LD 178	An Act To Create the Support Animal Welfare Registration Plate	PUBLIC 73
LD 213	An Act To Allow Military Reenlistees To Obtain a Veterans Registration Plate	PUBLIC 80
LD 541	Resolve, Regarding the Retention of Dealer Plates in Light of Recent Economic Conditions	RESOLVE 14 EMERGENCY
LD 952	An Act Relating to Disability Plates and Placards	PUBLIC 143
LD 1175	An Act To Add Combat Action Badges and Ribbons to the Special Commemorative Decals for Veterans License Plates	PUBLIC 437

Not Enacted

LD 133	An Act To Allow a Duplicate Vanity License Plate in a Different Classification of Plate	ONTP
LD 343	An Act To Establish a Specialty License Plate To Increase Funding for Autism Programs	ONTP
LD 412	An Act To Create an Animal Welfare Trailer License Plate	ONTP
LD 873	An Act To Improve Wheelchair-dependent Parking Access	ONTP
LD 1274	An Act To Establish a Gold Star Family Member License Plate	ONTP

Roads

Enacted

LD 111	Resolve, To Name Part of Route 16 the Alton E. Worcester Highway	RESOLVE 5
LD 296	Resolve, To Name the Gorham Bypass	RESOLVE 6
LD 1315	An Act To Amend the Private Way Laws with Regard to Road Associations	PUBLIC 239

Not Enacted

LD 878 **An Act To Change the Status of the Road System at the Loring
Development Authority** **ACCEPTED ONTP
REPORT**

Signs

Enacted

LD 39 **An Act To Enhance Motorcycle Safety** **PUBLIC 441**

Not Enacted

LD 15 **An Act To Prohibit the Sale of a Road Sign Originally Placed by
the State, a County or a Municipality** **DIED BETWEEN
HOUSES**

Traffic Regulations

Enacted

LD 6 **An Act To Establish a Distracted Driver Law** **PUBLIC 446**

LD 110 **An Act To Allow School Buses To Travel at the Posted Speed
Limit on the Interstate and the Maine Turnpike** **PUBLIC 9**

LD 221 **An Act To Modify the Laws Regarding Seat Belts** **PUBLIC 34**

LD 263 **An Act To Provide Placards to Drivers Who for Medical Reasons
Are Not Required To Wear Seat Belts** **PUBLIC 436**

LD 437 **An Act To Require a Person under 18 Years of Age To Wear a
Helmet While on a Motorcycle** **PUBLIC 50**

LD 862 **An Act To Improve the Health of Maine Citizens and Safety of
Pedestrians** **PUBLIC 91**

LD 1131 **An Act To Clarify the Law Regarding the Passing of School
Buses by Bicyclists** **PUBLIC 212**

LD 1234 **An Act To Regulate the Use of Traffic Surveillance Cameras** **PUBLIC 223**

Not Enacted

LD 8 **An Act To Deter Road Rage** **ONTP**

LD 40 **An Act To Prohibit Certain Uses of Cellular Telephones and
Handheld Electronic Devices while Operating a Motor Vehicle** **ACCEPTED ONTP
REPORT**

LD 41 **An Act To Prohibit the Use of a Handheld Cellular Telephone
While Operating a Motor Vehicle** **ONTP**

LD 112 **An Act To Prohibit the Use of Handheld Cellular Telephones
while Driving** **ONTP**

LD 261	An Act To Increase Safety in Construction Zones	ONTP
LD 338	An Act To Improve the Visibility of Automobiles	ONTP
LD 356	An Act To Increase the Safety of Automobile Drivers	ACCEPTED ONTP REPORT
LD 453	An Act To Require Motorcyclists To Wear Helmets	ACCEPTED ONTP REPORT
LD 706	An Act To Impose a Maximum Speed Limit of 45 Miles Per Hour on Roads on Which a School Bus Stop Is Located	ONTP
LD 907	An Act To Amend the Speed Limits for Low-speed Vehicles	ACCEPTED ONTP REPORT
LD 992	An Act To Increase Highway Safety by Requiring Daytime Headlight Use	ONTP
LD 1043	Resolve, To Establish a Blue Ribbon Commission To Study On-ramp Speed Limits	ONTP
LD 1174	An Act To Allow the Use of Cameras To Enforce Traffic Violations	ONTP
LD 1383	An Act To Provide Support to Municipal Government by Imposing a Municipal Surcharge on Traffic Violations	ONTP

Transportation Department

Enacted

LD 126	An Act To Amend Certain Laws Affecting Transportation	PUBLIC 315
LD 554	Resolve, To Allow the Department of Transportation To Transfer Certain Land to the Greater Grand Isle Historical Society	RESOLVE 9
LD 736	Resolve, Directing the Department of Transportation To Secure Funding To Complete the Aroostook North-South Highway Project	RESOLVE 139
LD 767	An Act To Promote Fairness and Protect Economic Development in Transportation Projects Undertaken by the State	PUBLIC 454
LD 846	Resolve, Directing the Department of Transportation To Study Ways To Reduce Energy Use and Promote Efficiency along Major Transportation Corridors	RESOLVE 42
LD 951	An Act Relating to the TransCap Trust Fund	PUBLIC 411 EMERGENCY
LD 967	An Act To Implement the Recommendations of the Governor's Interagency Transportation Coordinating Committee	PUBLIC 130
LD 1094	Resolve, To Study Safety Measures Relating to Open Trenches and Excavations	RESOLVE 70

LD 1440 **An Act To Clarify the Purpose of the Notice Requirement of
Land Taking by the Department of Transportation** PUBLIC 265

Not Enacted

LD 36 **An Act To Reopen Certain Rest Stops on Route 1** ONTP

LD 243 **Resolve, To Direct the Department of Transportation To
Establish a Memorial Park Honoring Veterans in Topsham** LEAVE TO
WITHDRAW

LD 262 **Resolve, Directing the Department of Transportation To Install a
Flashing Light in Charleston** ONTP

LD 435 **Resolve, Directing the Department of Transportation To Install a
Traffic Light at an Intersection in Sabattus** ONTP

LD 485 **An Act To Allow Public-private Investment in Transportation
Infrastructure Projects** ONTP

LD 542 **An Act Pertaining to the TransCap Trust Fund in the Maine
Municipal Bond Bank** ONTP

LD 593 **Resolve, To Require the Department of Transportation To
Improve the Safety of the Intersection of Route 4 and the Dill
Road in the Town of Phillips** ONTP

LD 664 **Resolve, Directing the Department of Transportation and the
Maine Turnpike Authority To Find Efficiencies in the Maine
Transportation System** ONTP

LD 707 **An Act To Settle a Dispute between Andrea LaPointe and
Michael Barden and the State** ONTP

LD 798 **Resolve, Requiring the Department of Transportation To Replace
All Property Markers along the 85-mile Stretch of the Calais
Branch Corridor from Washington Junction to Ayers Junction** LEAVE TO
WITHDRAW

Turnpike Authority

Enacted

LD 486 **An Act To Make Allocations from Maine Turnpike Authority
Funds for the Maine Turnpike Authority for the Calendar Year
Ending December 31, 2010** P & S 16

Not Enacted

LD 383 **An Act To Ensure That All Toll and Intermodal Transportation
Facilities and Roadway Lighting within the Maine Turnpike
Corridor Are Consistent with Maine's Quality of Place Goals** ONTP

LD 386 **An Act To Establish a Process for the Determination of a
Reasonable Price in the Use of Eminent Domain by the Maine
Turnpike Authority** ACCEPTED ONTP
REPORT

LD 388	An Act To Ensure That Fair and Actual Funds from Maine Turnpike Authority Toll Receipts Be Given to the Department of Transportation Annually	ONTP
LD 432	An Act To Ensure That the Maine Turnpike Authority Conducts Public Hearings for Construction and Reconstruction Projects and That All Public Records of the Maine Turnpike Authority Are Open for Inspection	ONTP
LD 661	Resolve, To Provide Equitable Tolls on the Maine Turnpike	ONTP

STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the First Regular Session of the 124th Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON UTILITIES AND
ENERGY**

July 2009

STAFF:

LUCIA A. NIXON, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

MEMBERS:

SEN. BARRY J. HOBBS, CHAIR
SEN. PETER B. BOWMAN
SEN. ROGER L. SHERMAN

REP. JON HINCK, CHAIR
REP. HERBERT C. ADAMS
REP. RICHARD D. BLANCHARD
REP. STACY T. DOSTIE
REP. SEAN FLAHERTY
REP. DAVID A. VAN WIE
REP. JOSEPH ANDREW WAGNER
REP. KENNETH C. FLETCHER
REP. STACEY ALLEN FITTS
REP. MICHAEL D. THIBODEAU

Joint Standing Committee on Utilities and Energy

LD 43 An Act To Promote Consumer Fairness in Alternative Energy

ONTP

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

This bill requires transmission and distribution utilities to compensate a customer that generates electricity from renewable resources for any excess electricity generated by the customer beyond the customer's actual electricity usage.

LD 44 An Act Regarding Requirements for Approval of a Transmission Line

PUBLIC 309

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO HOBBINS	OTP-AM	H-369

This bill requires that high-voltage transmission lines capable of operating at 115 kilovolts or more be placed underground when such lines are constructed, rebuilt or relocated on or after October 1, 2009 near areas that are frequently used by children, including residential areas, public playgrounds, schools, child care facilities and children's camps. The bill directs the Public Utilities Commission to adopt rules regarding this requirement, and it provides an exemption from the requirement if a transmission and distribution utility can demonstrate to the Public Utilities Commission that it is technologically infeasible to place the transmission line underground.

Committee Amendment "A" (H-369)

This amendment replaces the bill. The amendment adds specificity and additional requirements to current law regarding a certificate of public convenience and necessity to construct a transmission line and the Public Utilities Commission's determination of public need for the proposed line. Specifically, the amendment requires that a petition for approval of a proposed transmission line provide information regarding the effects of the proposed line on public health and safety, scenic, historic, recreational and environmental values and the proximity of the proposed line to inhabited dwellings, as well as justification of the route selected and results of investigations of alternatives to construction of the proposed line including energy conservation, distributed generation or load management. The amendment also requires the Public Utilities Commission, in determining public need for a proposed transmission line, take into account economics, reliability, public health and safety, scenic, historic and recreational values and alternatives to construction of the transmission line including conservation, distributed generation or load management. The amendment clarifies that the Public Utilities Commission shall, as necessary, consider the findings of and any modifications ordered by the Department of Environmental Protection to lessen the impact of the proposed transmission line on the environment. The amendment directs the Public Utilities Commission to amend its rules governing the construction of new transmission lines in accordance with the provisions contained in the amendment.

Enacted Law Summary

Public Law 2009, chapter 309 adds specificity and additional requirements to current law regarding a certificate of public convenience and necessity to construct a transmission line and the Public Utilities Commission's determination of public need for the proposed line. Specifically, it requires that a petition for approval of a proposed transmission line provide information regarding the effects of the proposed line on public health and safety, scenic,

Joint Standing Committee on Utilities and Energy

historic, recreational and environmental values and the proximity of the proposed line to inhabited dwellings, as well as justification of the route selected and results of investigations of alternatives to construction of the proposed line including energy conservation, distributed generation or load management. It also requires the Public Utilities Commission, in determining public need for a proposed transmission line, take into account economics, reliability, public health and safety, scenic, historic and recreational values and alternatives to construction of the transmission line including conservation, distributed generation or load management. It clarifies that the Public Utilities Commission shall, as necessary, consider the findings of and any modifications ordered by the Department of Environmental Protection to lessen the impact of the proposed transmission line on the environment. It also directs the Public Utilities Commission to amend its rules governing the construction of new transmission lines in accordance with the provisions of this law.

LD 55 An Act To Prohibit the Commercial Sale of Water by a Water District

ONTP

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

This bill prohibits any water district from selling water for profit outside of its territory or for commercial purposes.

LD 73 An Act To Protect the Right To Use Solar Energy

PUBLIC 273

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK	OTP-AM MAJ OTP-AM MIN	H-370

This bill prohibits restriction by law, ordinance, regulation, deed, covenant or contract on the installation and use of solar collectors, clothes lines and other equipment for the solar drying of clothing.

Committee Amendment "A" (H-370)

This amendment is the majority report of the committee. The amendment replaces the bill with more specific provisions regarding protections for the installation and use of solar energy devices, including solar collectors and solar clothes-drying devices, on residential property. The amendment specifies that a legal instrument adopted or created after September 30, 2009 that defines or limits the rights or privileges of owners or renters with respect to the use of residential property may not prohibit a person from installing or using a solar energy device on residential property owned by that person or from installing or using a solar clothes-drying device on residential property leased or rented by that person. Under the amendment, "legal instrument" includes municipal ordinances, bylaws or regulations and rules, bylaws or regulations of an association of property owners as well as deed restrictions, restrictive covenants and other similar binding agreements. The amendment specifies that a legal instrument may prohibit the installation and use of solar energy devices on residential property in common ownership with 3rd parties or common elements of a condominium. The amendment permits certain reasonable restrictions on the installation and use of solar energy devices to protect public health and safety, shorelands, buildings and historic or aesthetic values.

Committee Amendment "B" (H-371)

This amendment is the minority report of the committee. This amendment specifies that an ordinance, bylaw or

Joint Standing Committee on Utilities and Energy

regulation adopted by a municipality or political subdivision on or after September 30, 2009 that directly regulates the installation or use of solar energy devices may not unnecessarily prohibit or restrict an owner of residential property from installing or using a solar energy device on the owner's property, subject to reasonable restrictions. Reasonable restrictions are permitted as necessary to protect public health and safety, buildings, shorelands and historic or aesthetic values, to comply with state regulations and to ensure safe access to buildings.

Enacted Law Summary

Public Law 2009, chapter 273 specifies that a legal instrument adopted or created after September 30, 2009 that defines or limits the rights or privileges of property owners or renters with respect to the use of residential property may not prohibit a person from installing or using solar energy devices, including solar collectors and solar clothes-drying devices, on residential property owned by that person or from installing using a solar clothes-drying devices on residential property leased or rented by that person. Under this law, "legal instrument" includes municipal ordinances, bylaws or regulations and rules, bylaws or regulations of an association of property owners as well as deed restrictions, restrictive covenants and other similar binding agreements. The law specifies that a legal instrument may prohibit the installation and use of solar energy devices on residential property in common ownership with third parties or common elements of a condominium. It also permits certain reasonable restrictions on the installation and use of a solar energy device that protect public health and safety, shorelands, buildings and historic or aesthetic values.

LD 120 **An Act Regarding Assistance to Low-income Customers of Gas Utilities**

PUBLIC 35

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS	OTP-AM	S-23

This bill clarifies that criteria other than eligibility for federal or state fuel assistance may be used as eligibility criteria to qualify low-income customers of natural gas utilities for assistance. The bill also allows the Public Utilities Commission to approve recovery of the costs of this low-income assistance for natural gas customers through base distribution rates or through the cost-of-gas adjustment rate.

Committee Amendment "A" (S-23)

This amendment replaces the bill. The amendment requires gas utilities in the State that serve 5,000 or more residential customers to offer low-income assistance programs for residential customers. It requires the gas utilities, in the adoption and implementation of low-income assistance programs, to encourage conservation in the use of gas. The bill provides for the recovery of costs through rates. It authorizes the Public Utilities Commission to adopt rules to implement these provisions and requires the commission to report on low-income assistance programs in the commission's annual report.

Enacted Law Summary

Public Law 2009, chapter 35 requires gas utilities in the State that serve 5,000 or more residential customers to offer low-income assistance programs for residential customers. It requires the gas utilities, in the adoption and implementation of low-income assistance programs, to encourage conservation in the use of gas, and it provides for the recovery of costs through rates. It authorizes the Public Utilities Commission to adopt rules to implement these provisions and requires the commission to report on low-income assistance programs in the commission's annual report.

Joint Standing Committee on Utilities and Energy

LD 127 An Act To Prohibit Telephone Charges Not Representing Services or Fees Requested by the Customer or Authorized by the Government

PUBLIC 36

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS BOWMAN	OTP-AM	H-32

This bill prohibits a telephone utility from including line-item charges on telephone bills, except those that represent actual services that are requested by a customer or that are specifically required by federal or state law.

Committee Amendment "A" (H-32)

This amendment replaces the bill. The amendment prohibits a telephone utility from charging a customer for any service, tax or fee that is not authorized by the customer or authorized or required by the State or the Federal Government. It specifies that a charge may only be listed as a separate line-item charge on the bill when the charge represents a service or fee authorized by the customer or a tax, fee or charge authorized or required by the State or the Federal Government. It also adds language to prohibit a telephone utility from including in a line-item charge anything that is charged for elsewhere on the customer's bill and requires that a clear description of line-item charges be included on telephone bills.

The amendment also authorizes the Public Utilities Commission to impose an administrative penalty for violations up to \$1,000 per violator for violations arising out of the same incident or complaint. It requires the commission to provide a simple process for a customer to report a line-item charge the customer believes may be in violation. Finally, it clarifies that this provision is not intended to limit any enforcement action or penalty pursued by the Attorney General under the Maine Unfair Trade Practices Act.

Enacted Law Summary

Public Law 2009, chapter 36 prohibits a telephone utility from charging a customer for any service, tax or fee that is not authorized by the customer or authorized or required by the State or the Federal Government. It specifies that a charge may only be listed as a separate line-item charge on the bill when the charge represents a service or fee authorized by the customer or a tax, fee or charge authorized or required by the State or the Federal Government. It also adds language to prohibit a telephone utility from including in a line-item charge anything that is charged for elsewhere on the customer's bill and requires that a clear description of line-item charges be included on telephone bills.

Public Law 2009, chapter 36 authorizes the Public Utilities Commission to impose an administrative penalty for violations up to \$1,000 per violator for violations arising out of the same incident or complaint. It requires the commission to provide a simple process for a customer to report a line-item charge the customer believes may be in violation. Finally, it clarifies that this provision is not intended to limit any enforcement action or penalty pursued by the Attorney General under the Maine Unfair Trade Practices Act.

LD 131 An Act To Amend the Charter of the Athens Standard Water District

P & S 1

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

Joint Standing Committee on Utilities and Energy

Under the current charter of the Athens Standard Water District, a trustee of the district must be a taxpayer of the Town of Athens and a ratepayer of the district. Under this bill, a trustee of the district must be a taxpayer of the Town of Athens or a ratepayer of the district.

Enacted Law Summary

Private and Special Law 2009, chapter 1 changes the eligibility requirements for trustees of the Athens Standard Water District. Under this law, a trustee must be a taxpayer of the Town of Athens or a ratepayer of the district.

LD 146 An Act To Require Telephone Directories To Include Cellular Telephone Numbers for Businesses ONTP

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

This bill requires telephone directories published by telephone utilities to include, at the request of a business customer, the cellular telephone number for the business.

LD 147 An Act To Facilitate the Protection of Electric Utility Consumer Interests in Public Utility Commission Cases Involving the Construction, Rebuilding or Relocating of Transmission Lines PUBLIC 26

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK HOBBINS	OTP-AM	H-23

This bill provides the Office of the Public Advocate with authority, similar to existing authority of the Public Utilities Commission, to receive a filing fee from the applicant for a certificate of public convenience and necessity. While the filing fee for the Public Utilities Commission is equal to either 2/100 of 1 percent or 4/100 of 1 percent of the estimated cost to erect, rebuild or relocate the transmission line, the bill provides a filing fee for the Public Advocate equal to 1/100 of 1 percent or 2/100 of 1 percent of the estimated cost. The bill allows the Office of the Public Advocate to assess a filing fee on an applicant for a certificate of public convenience and necessity who is not otherwise subject to an assessment to support the work of the Office of the Public Advocate.

Committee Amendment "A" (H-23)

This amendment makes the following changes to the bill.

1. It conditions the payment of a filing fee to the Office of the Public Advocate upon the payment of a filing fee to the Public Utilities Commission.
2. It sets the amount of the filing fee to the Office of the Public Advocate at 1/100 of 1 percent of the estimated project cost in all cases.
3. It clarifies the purposes for the expenditures of the filing fee by the Office of the Public Advocate to include public outreach.
4. It requires the Office of the Public Advocate to report to the joint standing committee of the Legislature having

Joint Standing Committee on Utilities and Energy

jurisdiction over utilities and energy matters by January 15, 2012 regarding its experience with the collection and expenditure of filing fees.

5. It adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2009, chapter 26 provides the Office of the Public Advocate with authority similar to that of the Public Utilities Commission to receive a filing fee from an applicant for a certificate of public convenience and necessity. This law sets the amount of the filing fee to the Office of the Public Advocate at 1/100 of 1 percent of the estimated project cost and conditions the payment of a filing fee to the Office of the Public Advocate upon the payment of a filing fee to the Public Utilities Commission. It specifies the purposes for the expenditures of the filing fee by the Office of the Public Advocate to include representing the interests of consumers in the proceeding before the commission and conducting public outreach to inform consumers about the proceeding. This law requires the Office of the Public Advocate to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2012 regarding its experience with the collection and expenditure of filing fees.

LD 200 **An Act To Amend the Charter of the Caribou Utilities District**

P & S 8

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDGECOMB	OTP-AM	H-34

This bill amends several provisions in the charter of the Caribou Utilities District, including the provisions regarding eminent domain, trustee compensation, trustee retirement eligibility, the acquisition of the Caribou Water Works Corporation, the authority to borrow and issue bonds, the determination of rates, liens for payment of rates and sewer connections and extensions.

Committee Amendment "A" (H-34)

This amendment makes a series of technical changes to the bill to provide cross-references to relevant provisions in the Maine Revised Statutes, Title 35-A, with respect to water functions of the district, and to relevant provisions in Title 38, with respect to sewer functions of the district.

Enacted Law Summary

Private and Special Law 2009, chapter 8 amends several provisions in the charter of the Caribou Utilities District, including the provisions regarding eminent domain, trustee compensation, trustee retirement eligibility, the acquisition of the Caribou Water Works Corporation, the authority to borrow and issue bonds, the determination of rates, liens for payment of rates and sewer connections and extensions.

LD 220 **An Act To Increase the Availability of Solar and Wind Power**

**PUBLIC 88
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-90

Joint Standing Committee on Utilities and Energy

This bill raises the upper limit of the assessments on transmission and distribution utilities to fund the solar and wind energy rebate program from 0.005 cent per kilowatt-hour to 0.01 cent per kilowatt-hour. The bill also repeals the provision in current law that repeals the solar and wind energy rebate on December 31, 2010.

Committee Amendment "A" (S-90)

This amendment replaces the bill. The amendment delays the repeal of the solar and wind energy rebate program from December 1, 2010 to December 1, 2015. The amendment directs the Public Utilities Commission to use federal stimulus funds made available to the commission under the American Recovery and Reinvestment Act of 2009 to increase funding for the solar and wind energy rebate program by \$500,000 per year for a 2-year period and to report the results of the funding expansion and recommendations regarding future funding of the program in the commission's December 1, 2010 annual report of the solar and wind energy rebate program. The amendment also directs the commission to amend the rules governing the solar and wind energy rebate program to include performance standards as an educational tool for program applicants and to require applicants to complete a simple payback period calculation as part of the rebate application form.

Enacted Law Summary

Public Law 2009, chapter 88 delays the sunset on the solar and wind energy rebate program from December 1, 2010 to December 1, 2015, and directs the Public Utilities Commission to use federal stimulus funds made available under the American Recovery and Reinvestment Act of 2009 to increase funding for the solar and wind energy rebate program by \$500,000 per year for a 2-year period. It requires the commission to report the results of the funding expansion and recommendations regarding future funding of the program in the December 1, 2010 annual report of the solar and wind energy rebate program. This law also directs the commission to amend the rules governing the solar and wind energy rebate program to include performance standards as an educational tool for program applicants and to require applicants to complete a simple payback period calculation as part of the application form.

Public Law 2009, chapter 88 was enacted as an emergency measure effective May 8, 2009.

LD 238 An Act Regarding Consumer-owned Water Utilities and Contracts for Large-scale Extraction and Transportation of Water

PUBLIC 37

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEGG SULLIVAN	OTP-AM	H-35

This bill requires a consumer-owned water utility to hold a public hearing and to secure approval of a majority of voters in a referendum vote before entering into a contract with any entity that involves:

1. The sale of water for purposes other than on-site use or consumption by the purchasing entity;
2. The sale or lease of any water rights held by the utility, including the right to extract water from sources from which the utility is authorized to obtain water; or
3. The sale of any water or sale or lease of any water rights on terms different than those available to any other similarly situated entity.

Committee Amendment "A" (H-35)

This amendment replaces the bill. The amendment prohibits a consumer-owned water utility from entering into a contract that involves large-scale extraction and transportation of water until the utility has:

Joint Standing Committee on Utilities and Energy

1. Held a public meeting that includes opportunity for public comment at least 30 days before entering into such contract;
2. Provided public notice of the meeting and the proposed contract to each of the utility's customers, the Public Utilities Commission, the Office of the Public Advocate and affected municipalities, and in a newspaper of general circulation in the area served by the utility, at least 30 days prior to the meeting; and
3. Made a copy of the proposed contract available for public inspection prior to the meeting.

The amendment specifies that the requirements do not apply to any contract between a consumer-owned water utility and another entity that involves large-scale extraction and transportation of water when the entity contracting with the utility is an existing customer of the utility or is a water utility, or when the transportation of water to be provided under the contract qualifies as one of several exceptions in the laws governing restrictions on bulk transport of water.

Enacted Law Summary

Public Law 2009, chapter 37, prohibits a consumer-owned water utility from entering into a contract that involves large-scale extraction and transportation of water until the utility has:

1. Held a public meeting that includes opportunity for public comment at least 30 days before entering into such contract;
2. Provided public notice of the meeting and the proposed contract to each of the utility's customers, the Public Utilities Commission, the Office of the Public Advocate and affected municipalities, and in a newspaper of general circulation in the area served by the utility, at least 30 days prior to the meeting; and
3. Made a copy of the proposed contract available for public inspection prior to the meeting.

The law specifies that these requirements do not apply to any contract between a consumer-owned water utility and another entity that involves large-scale extraction and transportation of water when the entity contracting with the utility is an existing customer of the utility or is a water utility, or when the transportation of water to be provided under the contract qualifies as one of several exceptions in the laws governing restrictions on bulk transport of water.

Public Law 2009, chapter 37 was enacted as an emergency measure effective April 17, 2009.

LD 264 **An Act To Amend the Surcharge for the E-9-1-1 System**

**PUBLIC 416
EMERGENCY**

Sponsor(s)

CLEARY

Committee Report

OTP-AM

Amendments Adopted

H-437

This bill increases the statewide E-9-1-1 surcharge from 30¢ to 50¢ per month.

Committee Amendment "A" (H-437)

This amendment increases the E-9-1-1 surcharge from 30¢ to 37¢ effective July 1, 2009, and 52¢ effective July 1, 2010. The amendment also authorizes the Joint Standing Committee on Utilities and Energy to submit legislation regarding the E-9-1-1 surcharge to the Second Regular Session of the 124th Legislature. If the committee elects to submit legislation under this authority, the committee is required to consider certain information regarding the

Joint Standing Committee on Utilities and Energy

E-9-1-1 surcharge and the E-9-1-1 fund, including surcharge revenue history and projections, expenditure history and projections, unexpended amounts in the E-9-1-1 fund, opportunities to reduce expenditures related to the configuration of public safety answering points and designated uses of the E-9-1-1 fund. The amendment adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2009, chapter 416 increases the E-9-1-1 surcharge from 30¢ to 37¢ effective July 1, 2009, and 52¢ effective July 1, 2010. It authorizes the Joint Standing Committee on Utilities and Energy to submit legislation regarding the E-9-1-1 surcharge to the Second Regular Session of the 124th Legislature. If the committee elects to submit legislation under this authority, the committee is required to consider certain information regarding the E-9-1-1 surcharge and the E-9-1-1 fund, including surcharge revenue history and projections, expenditure history and projections, unexpended amounts in the E-9-1-1 fund, opportunities to reduce expenditures related to the configuration of public safety answering points and designated uses of the E-9-1-1 fund.

Public Law 2009, chapter 416 was enacted as an emergency measure effective June 17, 2009.

LD 275 An Act To Amend the Charter of the Limestone Water and Sewer District

**P & S 5
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L	OTP-AM	H-33

This bill establishes a board of directors for the Greater Limestone Wastewater Treatment Facility with responsibility for the regulation, management, operation and maintenance of the Greater Limestone Wastewater Treatment Facility and for rate changes and changes in the terms and conditions of service to the Loring Development Authority of Maine. The provisions of the bill establishing the board do not take effect unless the Limestone Water and Sewer District acquires title to the Greater Limestone Wastewater Treatment Facility by July 1, 2010. This bill also increases the district's debt limit from \$1,500,000 to \$5,000,000.

Committee Amendment "A" (H-33)

This amendment makes the following changes to the bill.

1. It clarifies the language in the bill regarding the responsibilities of the board and the board membership for the Greater Limestone Wastewater Treatment Facility Board.
2. It also increases the district's debt limit to \$8,000,000 rather than to \$5,000,000 as proposed in the bill.
3. It adds an emergency preamble and an emergency clause so that the Limestone Water and Sewer District can take advantage of federal funding for wastewater projects that is available under the American Recovery and Reinvestment Act of 2009, and it clarifies the effective date of the provisions regarding the Greater Limestone Wastewater Treatment Facility Board.

Enacted Law Summary

Private and Special Law 2009, chapter 5 establishes the Greater Limestone Wastewater Treatment Facility Board. The wastewater treatment facility board consists of the 3 members of the board of trustees of the Limestone Water and Sewer District and 2 appointed members. The wastewater treatment facility board is responsible for the regulation, management, operation and maintenance of the Greater Limestone Wastewater Treatment Facility and for rate changes and changes in the terms and conditions of service to the Loring Development Authority of Maine. The provisions of the law establishing the wastewater treatment facility board do not take effect unless the

Joint Standing Committee on Utilities and Energy

Limestone Water and Sewer District acquires title to the Greater Limestone Wastewater Treatment Facility by July 1, 2010. This law also increases the district's debt limit from \$1,500,000 to \$8,000,000.

Private and Special Law 2009, chapter 5 was enacted as an emergency measure effective April 16, 2009.

LD 276 An Act To Protect the Integrity of the State's Carbon Dioxide Budget Trading Program and Auction Process and To Provide Allocations to the Energy and Carbon Savings Trust Fund

**PUBLIC 200
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-138 HOBBS S-42

This bill provides a "public records exception" to exclude certain information submitted to the Department of Environmental Protection or its agent by parties in order to participate in carbon dioxide emission allowance auctions held under the Regional Greenhouse Gas Initiative. The identified purpose of the exception is to protect the integrity of the auctions.

The bill also repeals the requirement that rules adopted by the Department of Environmental Protection under Title 38 chapter 3-B establish a system under which proceeds from the sale of CO2 allowances may be returned to electric customers as direct credits on bills at times of heightened price pressure in regional carbon emission allowance markets.

Finally, the bill establishes allocations for the Energy and Carbon Savings Trust Fund for the disbursement of auction revenues.

Committee Amendment "A" (S-42)

This amendment makes the following changes to the bill:

1. It moves the language in Public Law 2007, chapter 317, regarding rulemaking to provide credits to electric ratepayers at times of heightened price pressure in the regional carbon dioxide allowance markets, which is repealed by the bill, into the statutes governing the Energy and Carbon Savings Trust and shifts responsibility for rulemaking from the Department of Environmental Protection to the Public Utilities Commission.
2. It adds a provision to the bill that changes the Energy and Carbon Savings Trust's expenditure limit for administrative costs from 2 percent of trust fund receipts to no more than \$800,000 per year.
3. It adds a provision to the bill to insert a necessary cross-reference to the voluntary renewable market set aside in the Regional Greenhouse Gas Initiative Act of 2007.
4. It adds a provision to the bill to require the Department of Environmental Protection and the Energy and Carbon Savings Trust to report on the revenues and expenditures of the Energy and Carbon Savings Trust Fund as part of the annual report to the Legislature.
5. It amends the public records exception contained in the bill by clarifying the specific records that are confidential, the time period of confidentiality and exceptions to the confidentiality requirements. It clarifies and provides certain definitions and moves the public records exception language to the section of law governing the Regional Greenhouse Gas Initiative Act of 2007.

Joint Standing Committee on Utilities and Energy

This amendment was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

Senate Amendment "A" To Committee Amendment "A" (S-138)

This amendment corrects the appropriations and allocations section by providing the allocation to the Public Utilities Commission rather than to the Department of Environmental Protection and by correcting a spelling error.

Enacted Law Summary

Public Law 2009, chapter 200 provides a public records exception for certain information submitted to the Department of Environmental Protection or its agent by parties in order to participate in auctions held under the Regional Greenhouse Gas Initiative. The identified purpose of the exception is to protect the integrity of the auctions.

The law also amends certain language in Public Law 2007, chapter 317, regarding rulemaking to provide credits to electric ratepayers at times of heightened price pressure in the regional carbon dioxide allowance markets and enacts appropriate language to shift the responsibility for this rulemaking from the Department of Environmental Protection to the Public Utilities Commission.

The law changes the Energy and Carbon Savings Trust's expenditure limit for administrative costs from 2 percent of trust fund receipts to no more than \$800,000 per year and establishes allocations for the Energy and Carbon Savings Trust Fund for the disbursement of auction revenues. It also requires the Department of Environmental Protection and the Energy and Carbon Savings Trust to report on the revenues and expenditures of the Energy and Carbon Savings Trust Fund as part of the annual report to the Legislature.

Public Law 2009, chapter 200 was enacted as an emergency measure effective May 26, 2009.

LD 314 Resolve, Directing the Public Utilities Commission To Study the Feasibility of the Merger of Certain Utilities ONTP

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

This bill directs the Public Utilities Commission to study the feasibility of the merger of the Maine Public Service Company with New Brunswick Power and submit a report of the results of the study to the Joint Standing Committee on Utilities and Energy by December 2, 2009.

LD 334 An Act To Clarify the So-called Dig Safe Law ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to clarify the so-called dig safe law to assist property owners and others in recognizing appropriate dig safe situations.

Joint Standing Committee on Utilities and Energy

LD 335 Resolve, Regarding Legislative Review of Chapter 2: Administration of Trust, Budgeting, Project Selection Criteria and Procedures, Monitoring and Evaluation Requirements, a Major Substantive Rule of the Energy and Carbon Savings Trust

**RESOLVE 19
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-57

This resolve provides for legislative review of portions of Chapter 2: Administration of Trust, Budgeting, Project Selection Criteria and Procedures, Monitoring and Evaluation Requirements, a major substantive rule of the Energy and Carbon Savings Trust.

Committee Amendment "A" (H-57)

This amendment authorizes the final adoption of Chapter 2: Administration of Trust, Budgeting, Project Selection Criteria and Procedures, Monitoring and Evaluation Requirements, a provisionally adopted major substantive rule of the Energy and Carbon Savings Trust, as long as the rule is amended to clarify that the trust may calculate reductions in greenhouse gas emissions and reductions in consumption of electricity on a basis other than simply reductions from current levels when the trust determines it is appropriate to calculate reductions from the level of greenhouse gas emissions or consumption of electricity that would exist if alternative, less energy efficient technologies were used for the program or project instead of the technologies proposed by the applicant.

Enacted Law Summary

Resolve 2009, chapter 19 authorizes the final adoption of Chapter 2: Administration of Trust, Budgeting, Project Selection Criteria and Procedures, Monitoring and Evaluation Requirements, a provisionally adopted major substantive rule of the Energy and Carbon Savings Trust. The resolve requires that the rule be amended to clarify that the trust may calculate reductions in greenhouse gas emissions and reductions in consumption of electricity on a basis other than simply reductions from current levels when the trust determines it is appropriate to calculate reductions from the level of greenhouse gas emissions or consumption of electricity that would exist if alternative, less energy efficient technologies were used for the program or project instead of the technologies proposed by the applicant.

Resolve 2009, chapter 19 was finally passed as an emergency measure effective April 30, 2009.

LD 336 Resolve, Regarding Legislative Review of Chapter 313: Net Energy Billing Rule To Allow Shared Ownership, a Major Substantive Rule of the Public Utilities Commission

**RESOLVE 20
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-63

This resolve provides for legislative review of portions of Chapter 313: Net Energy Billing Rule to Allow Shared Ownership, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-63)

Joint Standing Committee on Utilities and Energy

This amendment authorizes the final adoption of Chapter 313: Net Energy Billing Rule to Allow Shared Ownership, a provisionally adopted major substantive rule of the Public Utilities Commission, as long as the rule is amended to include micro-combined heat and power systems within the definition of "eligible facility" and to change the installed capacity limit for eligible facilities from 500 kilowatts to 660 kilowatts.

Enacted Law Summary

Resolve 2009, chapter 20 authorizes the final adoption of Chapter 313: Net Energy Billing Rule to Allow Shared Ownership, a provisionally adopted major substantive rule of the Public Utilities Commission. The resolve requires that the rule be amended to include micro-combined heat and power systems within the definition of "eligible facility" and to change the installed capacity limit for eligible facilities from 500 kilowatts, in the proposed rule, to 660 kilowatts.

Resolve 2009, chapter 20 was finally passed as an emergency measure effective April 30, 2009.

LD 389 An Act To Facilitate the State's Existing Commitment to the Production of Liquid Biofuels

PUBLIC 124

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUTTERFIELD BRYANT B	OTP-AM	H-116

This bill eliminates the Agriculturally Derived Fuel Fund and amends the Clean Fuel Vehicle Fund to include biofuel projects. The bill also prohibits franchise agreements that infringe on a retail dealer's ability to deal with suppliers of alternative motor fuel other than the franchisor. The bill also directs the Governor's Office of Energy Independence and Security within the Executive Department, in consultation with the Executive Department, State Planning Office, the Department of Environmental Protection and the Department of Conservation, to study and make recommendations to the Legislature regarding policies to encourage the sustainability of biofuels.

Committee Amendment "A" (H-116)

This amendment makes the following changes to the bill.

1. It removes the requirement that the Governor's Office of Energy Independence and Security within the Executive Department provide direct oversight of the Clean Fuel Vehicle Fund and instead requires that, in administering the fund, the Finance Authority of Maine consult and accept input from the Governor's Office of Energy Independence and Security.
2. It amends the bill to focus on "sustainable biofuel," replaces the term "biofuel" with "sustainable biofuel" and changes the related definition.
3. It adds a provision to allow the Secretary of State to develop and administer a cost-effective method for a person to contribute to the fund through an online process.
4. It eliminates the provisions of the bill relating to prohibitions on franchise agreements between suppliers and retail fuel dealers; requirements for a voluntary contribution to the Clean Fuel Vehicle Fund as part of the regular motor vehicle registration process and as a checkoff on an income tax return; and the requirement for a study of biofuels sustainability by the Governor's Office of Energy Independence and Security.

Enacted Law Summary

Public Law 2009, chapter 124 eliminates the Agriculturally Derived Fuel Fund and amends the Clean Fuel Vehicle Fund to include sustainable biofuel projects. This law requires the Finance Authority of Maine to consult and accept

Joint Standing Committee on Utilities and Energy

input from the Governor's Office of Energy Independence and Security in administering the Clean Fuel Vehicle Fund. The law also authorizes the Secretary of State to develop and administer a cost-effective method for a person to contribute to the Clean Fuel Vehicle fund through an online process.

LD 396 An Act Regarding Installation of Solar Energy Systems under the Solar and Wind Energy Rebate Program

ONTP

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

To qualify for a rebate under current law governing the solar and wind energy rebate program, a solar photovoltaic system must be installed by a master electrician who has been certified by a North American board of certified energy practitioners or by a master electrician working in conjunction with a person who has been certified by a North American board of certified energy practitioners, and a solar thermal system designed to heat water must be installed by a qualified solar thermal water system installer. This bill amends the law to allow for a rebate when the owner or tenant of a residential or commercial property performs the installation of a solar photovoltaic system or a solar thermal system designed to heat water, as long as the installation has been inspected and approved by a municipal electrical inspector, in the case of solar photovoltaic systems, or a municipal plumbing inspector in the case of solar thermal systems designed to heat water.

LD 407 Resolve, To Identify Funding Available To Promote the Use of Energy-efficient Furnaces

**RESOLVE 18
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN	OTP-AM	S-39

This resolve directs the Public Utilities Commission to amend its rules governing conservation programs to provide funding to promote the use of more efficient furnaces by low-income residents.

Committee Amendment "A" (S-39)

This amendment replaces the resolve. The amendment directs the Public Utilities Commission to identify funding sources available to the State and strategies to use such funding to promote the use of energy-efficient furnaces, particularly among low-income residents.

Enacted Law Summary

Resolve 2009, chapter 18 directs the Public Utilities Commission to identify funding sources available to the State and strategies to use such funding to promote the use of energy-efficient furnaces, particularly among low-income residents.

Resolve 2009, chapter 18 was finally passed as an emergency measure effective April 30, 2009.

Joint Standing Committee on Utilities and Energy

LD 418 An Act To Facilitate the Development of Ocean Wind Power

ONTP

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

This bill includes an appropriation of \$200,000 to the Executive Department, State Planning Office in fiscal years 2009-10 and 2010-11 to provide funds to the Gulf of Maine Research Institute to organize meetings of marine stakeholders along the coast of the State regarding the development of ocean wind energy.

LD 543 An Act Concerning the Allocation of Power Generated by GNE, LLC

Carried Over

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

This bill requires electricity generated by GNE, LLC hydropower facilities to be first allocated to the paper production facilities located in Millinocket and East Millinocket.

LD 543 was carried over to any special or regular session of the 124th Legislature pursuant to Joint Order, H.P. 1053.

LD 555 An Act To Promote Public Safety Answering Point Efficiency

PUBLIC 219

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLETCHER MCCORMICK	OTP-AM	H-254

This bill requires the E-9-1-1 Council to assist the Public Utilities Commission, Emergency Services Communication Bureau in resolving service-related complaints regarding the E-9-1-1 system. It requires the bureau to include in its annual report to the Joint Standing Committee on Utilities and Energy information regarding the performance of each of the public safety answering points during the reporting period. The bill directs the bureau to prepare and submit a report to the Joint Standing Committee on Utilities and Energy regarding the optimum configuration of public safety answering points in the State and the benefits and consequences of expanding the statewide E-9-1-1 surcharge to fund all E-9-1-1 system costs. The bill authorizes the committee to submit legislation relating to the report to the Second Regular Session of the 124th Legislature.

Committee Amendment "A" (H-254)

This amendment makes the following changes to the bill.

1. It adds a provision to require the Public Utilities Commission, Emergency Services Communication Bureau, prior to implementing a reduction in the number of public safety answering points, to make a finding regarding the need

Joint Standing Committee on Utilities and Energy

for the reduction based on an evaluation of the costs and benefits of the reduction, taking into account impacts on ratepayers, each of the affected municipalities and the State.

2. It amends the provision of the bill that requires the bureau to prepare and submit a report regarding public safety answering points and the E-9-1-1 system. It clarifies the issues to be taken into account when reporting on the optimum configuration of public safety answering points. It adds to the report an assessment of how to implement and regulate the optimum configuration, including the regulation of changes to public safety answering point locations initiated by municipalities, taking into consideration the cost implications for municipalities and the State.
3. It adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2009, chapter 219 amends the laws governing the E-9-1-1 system as follows.

1. It requires the Public Utilities Commission, Emergency Services Communication Bureau, prior to implementing a reduction in the number of public safety answering points, to make a finding regarding the need for the reduction based on an evaluation of the costs and benefits of the reduction, taking into account impacts on ratepayers, each of the affected municipalities and the State.
2. It requires the E-9-1-1 Council to assist the Public Utilities Commission, Emergency Services Communication Bureau (ESCB) in resolving service-related complaints regarding the E-9-1-1 system.
3. It requires the ESCB to include in its annual report to the Joint Standing Committee on Utilities and Energy information regarding the performance of each of the public safety answering points during the reporting period.
4. It directs the ESCB to prepare and submit a report to the Joint Standing Committee on Utilities and Energy regarding the optimum configuration of public safety answering points in the State and the benefits and consequences of expanding the statewide E-9-1-1 surcharge to fund all E-9-1-1 system costs. The report must also include an assessment of how to implement and regulate the optimum configuration, including the regulation of changes to public safety answering point locations initiated by municipalities. The bill authorizes the committee to submit legislation relating to the report to the Second Regular Session of the 124th Legislature.

**LD 596 An Act To Allow Electricity Customers Who Operate Generating
Facilities To Be Paid in Cash for Excess Net Energy Produced**

ONTP

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

This bill requires transmission and distribution utilities to compensate a customer that generates electricity from renewable resources for any excess electricity generated by the customer beyond the customer's actual electricity usage. It requires the compensation to be in the form of either a cash payment or kilowatt-hour credits that do not expire for 24 months. The bill directs the Public Utilities Commission to adopt routine technical rules to implement these requirements.

Joint Standing Committee on Utilities and Energy

LD 597 An Act To Amend the Laws Governing Public Safety Answering Points

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish requirements that must be met prior to any consolidation or reconfiguration of public safety answering points. Under the bill, prior to the consolidation or reconfiguration of any public safety answering points:

1. A study must be conducted and submitted to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters. The report must include an analysis of the costs and benefits of the proposed configuration of public safety answering points, including but not limited to an analysis of:
 - A. The anticipated total system costs, including but not limited to maintenance, training and operating expenses;
 - B. The impact on direct dispatch of emergency services, transfer routing and relay routing; and
 - C. The specific benefits and costs to individual affected municipalities and communities; and
2. Each municipality or community that is affected by the proposed consolidation or reconfiguration of public safety answering points must be afforded the opportunity to vote to accept or reject the proposed consolidation or reconfiguration.

LD 608 An Act To Protect Electricity Consumers in Northern Maine

PUBLIC 285

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

This bill prohibits the Public Utilities Commission from issuing a certificate of public convenience and necessity for a transmission line that has the effect of eliminating the independent system administrator for northern Maine or eliminating or modifying the scope of responsibilities of the independent system administrator for northern Maine unless the certificate is subject to a requirement for full compensation for an adverse effect on customer costs. The bill requires that the compensation be paid to affected customers through a rebate or reduction in rates charged by transmission and distribution utilities serving the area that is administered by the independent system administrator for northern Maine for a period of not less than 10 years.

Committee Amendment "A" (S-50)

This amendment makes several changes to the bill to specify that the compensation to be provided to affected ratepayers: (1) is specifically for net adverse effects on ratepayers, rather than adverse effects; (2) may be provided through an appropriate compensation mechanism other than a rebate or rate reduction; and (3) must be for the benefit of affected ratepayers in the area covered by the Northern Maine Independent System Administrator. Additionally, the amendment limits the period over which the compensation is calculated and provided to affected ratepayers to a period of not more than 10 years.

Joint Standing Committee on Utilities and Energy

Enacted Law Summary

Public Law 2009, chapter 285 prohibits the Public Utilities Commission from issuing a certificate of public convenience and necessity for a transmission line that has the effect of eliminating the independent system administrator for northern Maine or materially modifying the scope of responsibilities of the independent system administrator for northern Maine unless the certificate is subject to a requirement for full compensation for the net adverse effects on ratepayers as determined by the commission. The law requires that the compensation be paid to affected customers through a rebate, reduction in rates or other appropriate compensation mechanism benefiting affected ratepayers in the area of the State in which the retail electricity market is administered by the independent system administrator for northern Maine. It also requires that the compensation be calculated for and provided to affected ratepayers over a period of not more than 10 years.

LD 650 An Act To Create a Funding Structure for Sustainable Investment in Public Water and Wastewater Infrastructure in the State

PUBLIC 377

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY BARTLETT	OTP-AM	H-455

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to create a sustainable funding mechanism for water and wastewater infrastructure in the State.

Committee Amendment "A" (H-455)

This amendment replaces the bill. The amendment establishes a funding structure for capital investment in public water and wastewater infrastructure in the State, but does not provide actual funds at this time. The funding structure established by the amendment consists of: (1) the State Water and Wastewater Infrastructure Fund within the Maine Municipal Bond Bank; (2) the Maine Drinking Water Fund within the Department of Health and Human Services, which is designed for capital investment and improvement of public water systems, drinking water supplies and water treatment facilities; and (3) the Maine Clean Water Fund within the Department of Environmental Protection, which is designed for capital investment and improvement of public wastewater systems and treatment facilities and water pollution abatement systems.

The amendment directs the Department of Health and Human Services and the Department of Environmental Protection to convene a stakeholder group to review and make recommendations regarding funding needs and sources for the State Water and Wastewater Infrastructure Fund, taking into account the intent to use that fund as a state match for federal funds and to transfer funds from that fund to the Maine Drinking Water Fund and the Maine Clean Water Fund. The amendment requires the departments to report the results of the stakeholder group to the Joint Standing Committee on Utilities and Energy and authorizes the committee to submit legislation related to the report to the Second Regular Session of the 124th Legislature.

Enacted Law Summary

Public Law 2009, chapter 377 establishes a funding structure for capital investment in public water and wastewater infrastructure in the State, but does not provide actual funds at this time. The funding structure established by the law consists of: (1) the State Water and Wastewater Infrastructure Fund within the Maine Municipal Bond Bank; (2) the Maine Drinking Water Fund within the Department of Health and Human Services, which is designed for capital investment and improvement of public water systems, drinking water supplies and water treatment facilities; and (3) the Maine Clean Water Fund within the Department of Environmental Protection, which is designed for capital investment and improvement of public wastewater systems and treatment facilities and water pollution abatement systems.

Joint Standing Committee on Utilities and Energy

This law also directs the Department of Health and Human Services and the Department of Environmental Protection to convene a stakeholder group to review and make recommendations regarding funding needs and sources for the State Water and Wastewater Infrastructure Fund, taking into account the intent to use that fund as a state match for federal funds and to transfer funds from that fund to the Maine Drinking Water Fund and the Maine Clean Water Fund. It requires the departments to report the results of the stakeholder group to the Joint Standing Committee on Utilities and Energy and authorizes the committee to submit legislation related to the report to the Second Regular Session of the 124th Legislature.

LD 651 An Act To Amend the Wind Energy Rebate Program Eligibility Requirements

ONTP

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

This bill makes changes to the eligibility requirements and rebate levels for wind energy system rebates under the solar and wind energy rebate program. The bill establishes the rebate amount for wind energy systems in statute as an increasing function of the kilowatt capacity of the wind energy system and the classification of the wind resource at the site of the installation. The bill also amends the law to require that the wind energy system be installed by a factory trained or approved installer under the supervision of a master electrician.

The bill places certain limitations on the eligibility requirements that the Public Utilities Commission may establish for wind energy rebates under the program. Specifically, the bill: prohibits the commission from requiring a residential applicant to demonstrate a minimum wind speed of 9.8 miles per hour or more at the site; prohibits the commission from requiring a minimum tower height for the wind energy system installation; establishes 20 feet as the minimum allowed distance between the wind energy system's blade and any structure or trees within a 200-foot radius; and requires the applicant for the rebate to enter into a net energy billing agreement with the transmission and distribution utility.

LD 717 An Act To Ensure Proper Oversight of Propane Facilities

ONTP

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

This bill removes the oversight of certain propane facilities from the Public Utilities Commission and places the oversight of such facilities under the jurisdiction of the Propane and Natural Gas Board.

LD 764 An Act To Allow Municipalities To Offer Access to the Internet through Digital Subscriber Lines

ONTP

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

Joint Standing Committee on Utilities and Energy

This bill allows a municipality to provide digital subscriber line, or DSL, service through itself or through a third party to an area of the municipality that does not receive Internet service if the telecommunications utility servicing the municipality refuses to provide the service to the area.

LD 766 An Act To Promote Telecommunications Availability for the Deaf and Hard of Hearing

PUBLIC 68

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WAGNER J BOWMAN	OTP-AM	H-65

This bill clarifies that the 70% rate reduction in intrastate toll calls established by the Public Utilities Commission for deaf, hard-of-hearing and speech-impaired persons applies when there are toll charges assessed for the calls. The bill also replaces certain references in the law to teletypewriters with references to telecommunications devices for the deaf and updates several definitions to reflect the new ways in which the deaf and hard-of-hearing community uses telecommunications services. The bill also clarifies that an entity can qualify as a telecommunications relay service provider even if there are parts of the State where it is not technologically feasible to provide the service. The bill clarifies that the Division of Deafness is within the Department of Labor not the Department of Education, and it clarifies the membership of the Telecommunications Relay Services Advisory Council.

Committee Amendment "A" (H-65)

This amendment makes several technical changes to the bill for clarification and consistency. It replaces the term "hearing impaired person" with "hard-of-hearing person" for consistency with language in the bill, and it provides a more detailed definition of "hard-of-hearing person" than is included in the bill.

Enacted Law Summary

Public Law 2009, chapter 68 clarifies that the 70% rate reduction in intrastate toll calls established by the Public Utilities Commission for deaf, hard-of-hearing and speech-impaired persons applies when there are toll charges assessed for the calls. The law also replaces certain references to teletypewriters with references to telecommunications devices for the deaf and updates several definitions to reflect the new ways in which the deaf and hard-of-hearing community uses telecommunications services. This law also clarifies that an entity can qualify as a telecommunications relay service provider even if there are parts of the State where it is not technologically feasible to provide the service. Finally, it clarifies that the Division of Deafness is within the Department of Labor not the Department of Education, and it clarifies the membership of the Telecommunications Relay Services Advisory Council.

LD 789 An Act To Make Certain Changes to the Laws Regarding E-9-1-1 Surcharge Collection from Prepaid Wireless and Voice over Internet Protocol Providers

ACCEPTED ONTP REPORT

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

This bill makes several changes to the laws governing the collection of the E911 surcharge for prepaid wireless service and voice over Internet protocol, or VOIP, service.

Joint Standing Committee on Utilities and Energy

This bill makes two changes to this provision of law regarding the determination of a cellular or wireless service customer's place of residence. For post-paid customers, it specifies that the customer's place of primary use, rather than place of residence, must be determined by the sourcing rules in Title 36, section 2556. For prepaid wireless service customers, it specifies that the customer's nexus to Maine must be determined by the sourcing rules in Title 36, section 2556, and authorizes the Public Utilities Commission by rule to establish additional criteria to determine nexus, including the assignment of prepaid wireless service to a telephone number within Maine's area code.

The bill modifies the law relating to the point of sale collection method for the surcharge on pre-paid wireless service to authorize the collection of the surcharge from a "purchaser" in addition to from a "customer."

This bill also modifies the law relating to the average revenue per user, or ARPU, collection method for the surcharge on pre-paid wireless service. Specifically it amends the formula for determining the total surcharge that is collected indirectly from prepaid wireless telephone customers.

Committee Amendment "A" (H-202)

This amendment is the minority report of the committee. The amendment replaces the bill with a resolve. The amendment directs the Public Utilities Commission to:

1. Form and participate in a stakeholder group to design a method of collecting an E-9-1-1 surcharge on prepaid wireless telecommunications service that is comprehensive, convenient and least burdensome, taking into account the perspectives of prepaid wireless telecommunications service providers, retailers and end users; and
2. Develop recommendations regarding the best method of protecting the integrity of the E-9-1-1 fund under the Maine Revised Statutes, Title 25, section 2927 and ensuring access to federal grant funds related to the E-9-1-1 system.

The amendment requires the commission to report to the Joint Standing Committee on Utilities and Energy by January 15, 2010 on both of these matters and authorizes the Joint Standing Committee on Utilities and Energy to report out legislation on these matters to the Second Regular Session of the 124th Legislature.

LD 790 An Act To Waive Public Utilities Commission Approval of Special Contracts When the Contracts Apply to Detariffed Rates or Terms

PUBLIC 66

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK	OTP-AM	H-58

This bill exempts a telephone utility from the requirement to obtain approval from the Public Utilities Commission for a special contract and changes in the rates under such a contract, when that utility has been granted an exemption from the requirement to file rate schedules or terms and conditions, or tariffs, with the commission. The exemption from the special contract approval requirement is limited to the same extent of the exemption from the tariff filing requirement. This means that if a telephone utility has some services exempt from tariff filing, it is only exempt from the special contract approval requirement for those specific services.

Committee Amendment "A" (H-58)

This amendment clarifies the language in the bill regarding the exemption from the requirement for Public Utilities Commission approval of special contracts for certain telephone utilities that are already exempted from the requirement to file rate schedules or terms and conditions.

Enacted Law Summary

Joint Standing Committee on Utilities and Energy

Public Law 2009, chapter 66 exempts a telephone utility from the requirement to obtain approval from the Public Utilities Commission for a special contract and changes in the rates under such a contract, when that utility has been granted an exemption from the requirement to file rate schedules or terms and conditions, or tariffs, with the commission. The exemption from the special contract approval requirement is limited to the same extent of the exemption from the tariff filing requirement. This means that if a telephone utility has some services exempt from tariff filing, it is only exempt from the special contract approval requirement for those specific services.

LD 792 Resolve, Regarding On-bill Financing Programs for Energy Efficiency

RESOLVE 49

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM	S-111

This bill directs the Public Utilities Commission to develop on-bill financing programs for energy efficiency improvements for small businesses. The bill also authorizes the Public Utilities Commission to direct investor-owned transmission and distribution utilities to implement on-bill financing programs for small business customers. On-bill financing is a method by which energy efficiency improvements are financed through the monthly electricity bill at 0% interest.

Committee Amendment "A" (S-111)

This amendment replaces the bill with a resolve. The amendment directs the Public Utilities Commission to examine options for establishing an on-bill financing program for the purchase and installation of energy efficiency measures and energy-efficient technologies by small businesses. The amendment also authorizes the commission to consider on-bill financing programs for residential electricity customers. The amendment requires the commission to submit a report of its findings and recommendations regarding on-bill financing to the Joint Standing Committee on Utilities and Energy by January 15, 2010, and it authorizes the committee to submit legislation concerning this subject to the Second Regular Session of the 124th Legislature.

Enacted Law Summary

Resolve 2009, chapter 49 directs the Public Utilities Commission to examine options for establishing an on-bill financing program for the purchase and installation of energy efficiency measures and energy-efficient technologies by small businesses and authorizes the commission to consider on-bill financing programs for residential electricity customers. The resolve requires the commission to submit a report of its findings and recommendations regarding on-bill financing to the Joint Standing Committee on Utilities and Energy by January 15, 2010, and it authorizes the committee to submit legislation concerning this subject to the Second Regular Session of the 124th Legislature.

**LD 844 An Act To Reduce Costs for Customers of Northern Maine
Consumer-owned Utilities**

PUBLIC 108

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEARY COURTNEY	OTP-AM	H-85

Under current law a consumer-owned transmission and distribution utility (COU) may sale retail generation service in its own service territory. A COU, however, may not sell wholesale generation service except for incidental sales

Joint Standing Committee on Utilities and Energy

necessary to reduce the cost of retail service. This bill removes that limitation for COUs located within the territory administered by the independent system administrator for northern Maine and authorizes those COUs to sell wholesale generation services, without limitation, for the purpose of reducing its customers' costs.

Committee Amendment "A" (H-85)

This amendment changes the provision in the bill regarding the sale of wholesale generation service by a consumer-owned transmission and distribution utility (COU). The amendment specifies that a COU located within the territory administered by the independent system administrator for northern Maine may sell wholesale generation service in excess of its retail generation service when that sale of wholesale generation service is made as part of providing retail service.

Enacted Law Summary

Public Law 2009, chapter 108 authorizes a consumer-owned transmission and distribution utility located within the territory administered by the independent system administrator for northern Maine to sell wholesale generation service in excess of its retail generation service when that sale of wholesale generation service is made as part of providing retail service.

LD 845 **Resolve, To Expand Access to Renewable Energy Programs**

**RESOLVE 131
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS	OTP-AM	H-158 S-328 DIAMOND

This bill amends the solar and wind energy rebate program administered by the Public Utilities Commission to set aside 50% of the funds available for rebates to owners or tenants of residential or commercial property during the first 6 months of each fiscal year specifically for rebates to residential applicants whose household income is at or below the state median household income. During the remainder of the year, the bill authorizes the commission to distribute the remaining funds available for rebates without reference to the applicant's income level or property type.

Committee Amendment "A" (H-158)

This amendment replaces the bill with a resolve. The resolve directs the Public Utilities Commission, in cooperation with the University of Maine Cooperative Extension Service, to conduct a 2-year outreach and education program to provide information to Maine residents regarding renewable energy technology and systems for residential use and renewable energy programs and incentives available through federal, state and local agencies. The resolve requires the Public Utilities Commission, in cooperation with the University of Maine Cooperative Extension Service, to submit an interim report and a final report on this outreach and education program to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and authorizes the commission to adopt routine technical rules as necessary to implement the program. The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-328)

This amendment strikes an appropriations and allocations section in committee amendment "A" (H-158) as it is duplicative of appropriations and allocations provided in Resolve 2009, chapter 46.

Enacted Law Summary

Resolve 2009, chapter 131 directs the Public Utilities Commission, in cooperation with the University of Maine

Joint Standing Committee on Utilities and Energy

Cooperative Extension Service, to conduct a 2-year outreach and education program to provide information to Maine residents regarding renewable energy technology and systems for residential use and renewable energy programs and incentives available through federal, state and local agencies. The resolve requires the Public Utilities Commission, in cooperation with the University of Maine Cooperative Extension Service, to submit an interim report and a final report on this outreach and education program to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and authorizes the commission to adopt routine technical rules as necessary to implement the program.

Resolve 2009, chapter 131 was finally passed as an emergency measure effective June 15, 2009.

LD 848 An Act To Encourage Green Commerce

ONTP

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

This bill requires the Maine Technology Institute to establish a new grant program to award funds on a competitive basis to businesses that install or operate green technology that improves energy efficiency and uses renewable resources. The bill authorizes the Maine Technology Institute to apply for funds for this grant program from the conservation program fund of the Public Utilities Commission. It also authorizes the Public Utilities Commission to award funds from the conservation program fund to the Maine Technology Institute's program to support incentives for green technology.

LD 850 An Act To Ensure Local Broadband Coverage

**PUBLIC 63
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE DAMON	OTP-AM	H-64

This bill gives the Public Utilities Commission the authority to adopt rules to require a communications service provider that is providing broadband coverage within at least 50 percent of a municipality's geographic area to expand its broadband coverage to all of the geographic area within that municipality.

Committee Amendment "A" (H-64)

This amendment replaces the bill. The amendment requires the ConnectME Authority, in awarding grants, to give priority to proposals that, relative to other proposals, extend access to broadband service to a higher percentage of an unserved area. The amendment also requires the ConnectME Authority to consider the percentage of households with access to broadband service when establishing criteria to define unserved and underserved areas.

Enacted Law Summary

Public Law 2009, chapter 63 requires the ConnectME Authority, in awarding grants, to give priority to proposals that, relative to other proposals, extend access to broadband service to a higher percentage of an unserved area. The law also requires the ConnectME Authority to consider the percentage of households with access to broadband service when establishing criteria to define unserved and underserved areas.

Public Law 2009, chapter 63 was enacted as an emergency measure effective April 30, 2009.

Joint Standing Committee on Utilities and Energy

LD 883 **An Act To Amend the Charter of the Tenants Harbor Standard Water District**

P & S 15
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM	S-53

This bill amends the charter of the Tenants Harbor Standard Water District by changing the way the board of trustees is elected. Under the bill, trustees are elected at large by a plurality vote of the voters of the district at the annual meeting of the district. The amendment to the charter is made retroactive to January 1, 1999.

Committee Amendment "A" (S-53)

This amendment clarifies the language in the bill regarding the election of trustees of the Tenants Harbor Standard Water District.

Enacted Law Summary

Private and Special Law 2009, chapter 15 amends the charter of the Tenants Harbor Standard Water District by changing the way the board of trustees is elected, so that trustees are elected at large by a plurality vote of the voters of the district at the annual meeting of the district. This change to the charter is made retroactive to January 1, 1999.

Private and Special Law 2009, chapter 15 was enacted as an emergency measure effective May 8, 2009.

LD 908 **Resolve, To Encourage Regional Energy Conservation and Renewable Energy Initiatives**

RESOLVE 75

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO	OTP-AM	H-308

This resolve authorizes Efficiency Maine, within the Public Utilities Commission, to develop a pilot conservation program for the customers served by the Saco Bay transmission line, similar to programs in other states, in order to alleviate the need for large transmission lines in the Saco Bay area. It requires Efficiency Maine to report to the Utilities and Energy committee by February 15, 2010 on the status of the development of the pilot conservation program and implementation plans for program.

Committee Amendment "A" (H-308)

This amendment replaces the resolve. The amendment directs the Public Utilities Commission to encourage collaboration between municipalities in the development and implementation of regional energy conservation and renewable energy projects. The amendment requires the commission to report on its efforts to encourage such projects as part of its December 1, 2009 annual report on conservation programs.

Enacted Law Summary

Resolve 2009, chapter 75 directs the Public Utilities Commission to encourage collaboration between municipalities in the development and implementation of regional energy conservation and renewable energy projects. The resolve requires the commission to report on its efforts to encourage such projects as part of its December 1, 2009 annual report on conservation programs.

Joint Standing Committee on Utilities and Energy

LD 935 **Resolve, Regarding Building Energy Efficiency and Carbon Performance Ratings**

**RESOLVE 134
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-155 S-329 DIAMOND

This bill establishes a building energy performance rating program for the purpose of evaluating and rating buildings in terms of energy efficiency and carbon emissions. The program includes a uniform building energy performance evaluation and rating system and report cards. The program is mandatory for state-owned buildings and buildings that lease space to the State. The program is voluntary for other buildings, except that disclosure of report cards is required at the time of the sale of certain private buildings beginning January 1, 2011. The program is administered by the Department of Public Safety, Technical Building Codes and Standards Board with administrative and technical support from the Department of Public Safety, Bureau of Building Codes and Standards.

Committee Amendment "A" (S-155)

This amendment replaces the bill with a resolve. The amendment directs the Public Utilities Commission in consultation with a stakeholder group, to develop or select a standardized rating system and reporting form for building energy efficiency and carbon performance, to take several steps to encourage the use of the selected rating system and reporting form and to develop a voluntary library of results. The amendment requires the commission to submit a report on these efforts to the Joint Standing Committee on Utilities and Energy and authorizes the commission to use up to \$50,000 in federal funds received by the commission under the federal American Recovery and Reinvestment Act of 2009 for the purposes of this resolve. The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-329)

This amendment strikes an appropriations and allocations section that is duplicative of appropriations and allocations provided in Resolve 2009, chapter 46.

Enacted Law Summary

Resolve 2009, chapter 134 directs the Public Utilities Commission in consultation with a stakeholder group, to develop or select a standardized rating system and reporting form for building energy efficiency and carbon performance, to take several steps to encourage the use of the selected rating system and reporting form and to develop a voluntary library of results. The resolve requires the commission to submit a report on these efforts to the Joint Standing Committee on Utilities and Energy and authorizes the commission to use up to \$50,000 in federal funds received by the commission under the federal American Recovery and Reinvestment Act of 2009 for the purposes of this resolve.

This resolve was finally passed as an emergency measure effective June 16, 2009.

Joint Standing Committee on Utilities and Energy

LD 953 An Act To Amend the Charter of the Winterport Water District

**P & S 11
EMERGENCY**

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

This bill repeals language that would discontinue the Winterport Water District's authority to disconnect water of the users of the district's sewer system for nonpayment of sewer service.

Enacted Law Summary

Private and Special Law 2009, chapter 11 repeals language that would discontinue the Winterport Water District's authority to disconnect water of the users of the district's sewer system for nonpayment of sewer service.

Private and Special Law 2009, chapter 11 was enacted as an emergency measure effective April 17, 2009.

LD 954 An Act To Clarify the Role of the Public Advocate

PUBLIC 399

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU	OTP-AM MAJ ONTP MIN	H-165 S-260 HOBBS

Under current law, the duties and responsibilities of the Public Advocate are to represent the public in matters within the jurisdiction of the Public Utilities Commission. This bill provides that the Public Advocate must be unencumbered by direction from or approval of the executive branch in fulfilling those duties and responsibilities.

Committee Amendment "A" (H-165)

This amendment is the majority report of the committee. The amendment replaces the bill. The amendment changes the position of the Public Advocate from serving at the pleasure of the Governor to serving a 4-year term that begins and ends midway through the Governor's term of office, effective January 31, 2013. The amendment specifies that the Public Advocate may be removed by the Governor for willful violation of the laws governing the Office of the Public Advocate.

The amendment also directs the Public Utilities Commission to convene and host a working group to evaluate and make recommendations regarding the feasibility and appropriateness of changing the organizational relationship of the Office of the Public Advocate to the Executive Department, for the purpose of ensuring that the Public Advocate has the necessary independence from other influences to fulfill the advocate's statutory duties and responsibilities without compromise. The working group is required to report its findings and recommendations to the Joint Standing Committee on Utilities and Energy by January 15, 2010. The committee is authorized to report out legislation on the subject of the report to the Second Regular Session of the 124th Legislature.

Senate Amendment "A" To Committee Amendment "A" (S-260)

This amendment applies the provisions of Committee Amendment "A" regarding the appointment and removal of the Public Advocate to the current Public Advocate, except that this amendment specifies that the term of office of

Joint Standing Committee on Utilities and Energy

the current Public Advocate expires January 31, 2013. This amendment also removes the working group proposed in Committee Amendment "A."

Enacted Law Summary

Public Law 2009, chapter 399 changes the position of the Public Advocate from serving at the pleasure of the Governor to serving a 4-year term that begins and ends midway through the Governor's term of office. The law specifies that the Public Advocate may be removed by the Governor for willful violation of the laws governing the Office of the Public Advocate. The law applies these changes to the current Public Advocate and specifies that the term of office of the current Public Advocate expires January 31, 2013.

LD 968 **Resolve, Regarding New Utility Line Extension Construction**

RESOLVE 69

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLETCHER NUTTING J	OTP-AM	H-253

This bill directs the Public Utilities Commission to establish by rule standards for estimating the cost of construction of a new line extension by a transmission and distribution utility. The rules must require that a transmission and distribution utility provide a detailed quote that includes all costs to each residential, commercial or industrial customer seeking the construction of a new line extension. It prohibits a transmission and distribution utility from using average, per-unit costs based on the length of the line extension or the number of poles.

Committee Amendment "A" (H-253)

This amendment replaces the bill with a resolve. The amendment directs the Public Utilities Commission to convene a stakeholder group to study the practices of investor-owned transmission and distribution utilities with respect to new utility line extension construction and how these practices affect private line extension contractors. The amendment requires the commission to report to the Joint Standing Committee on Utilities and Energy no later than February 15, 2010 regarding the findings and recommendations of the stakeholder group. After receipt and review of the report, the committee is authorized to report out legislation to the Second Regular Session of the 124th Legislature, as necessary, to direct the Public Utilities Commission to amend its rules governing private line extensions.

Enacted Law Summary

Resolve 2009, chapter 69 directs the Public Utilities Commission to convene a stakeholder group to study the practices of investor-owned transmission and distribution utilities with respect to new utility line extension construction and how these practices affect private line extension contractors. The resolve requires the commission to report to the Joint Standing Committee on Utilities and Energy no later than February 15, 2010 regarding the findings and recommendations of the stakeholder group. After receipt and review of the report, the committee is authorized to report out legislation to the Second Regular Session of the 124th Legislature, as necessary, to direct the Public Utilities Commission to amend its rules governing private line extensions.

Joint Standing Committee on Utilities and Energy

LD 994 An Act To Amend the Charter of the Milo Water District

P & S 10

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

This bill changes the territory of the Milo Water District to include the whole town of Milo.

Enacted Law Summary

Private and Special Law 2009, chapter 10 changes the territory of the Milo Water District to include the whole town of Milo.

LD 1012 **Resolve, Directing the ConnectME Authority To Create the Broadband Strategy Council**

**RESOLVE 108
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL HOBBINS	OTP-AM	H-229

The bill establishes the Maine Broadband Commission to advise the University of Maine System on the issue of the transition of the broadband spectrum from analog to digital and to lease or sell excess broadband capacity resulting from the conversion. The bill requires the commission to negotiate and to enter into lease or sales agreements with service providers and ensure the leases and sales potentials and revenues are fully realized for the benefit of the educational system and the State and to work to the goal of broadband access for everyone in the State.

This bill directs the Commissioner of Administrative and Financial Services to ascertain, in consultation with appropriate entities, the maximum funds available from the federal stimulus plan to carry out the purposes of this bill.

Committee Amendment "A" (H-229)

This amendment replaces the bill with a resolve. The amendment directs the ConnectME Authority to establish the Broadband Strategy Council to advise the authority on all matters pertaining to broadband opportunities available under the American Recovery and Reinvestment Act of 2009, as well as advise the University of Maine System with respect to matters pertaining to the lease or sale of excess broadband capacity as a result of the conversion of the educational broadband spectrum from analog to digital. The amendment specifies that the Broadband Strategy Council consists of 11 members, including 2 members of the Senate and 3 members of the House of Representatives, and is staffed by the ConnectME Authority. It also adds an appropriations and allocations section.

Enacted Law Summary

Resolve 2009, chapter 108 directs the ConnectME Authority to establish the Broadband Strategy Council to advise the authority on all matters pertaining to broadband opportunities available under the American Recovery and Reinvestment Act of 2009, as well as advise the University of Maine System with respect to matters pertaining to the lease or sale of excess broadband capacity as a result of the conversion of the educational broadband spectrum from analog to digital. The resolve specifies that the Broadband Strategy Council consists of 11 members, including 2 members of the Senate and 3 members of the House of Representatives, and is staffed by the ConnectME Authority.

Joint Standing Committee on Utilities and Energy

Resolve 2009, chapter 108 was finally passed as an emergency measure effective June 9, 2009.

LD 1030 An Act Establishing a Wind and Solar Energy Loan Guarantee Program

ONTP

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

This bill directs the Public Utilities Commission to implement the Domestic Wind and Solar Energy Loan Guarantee Program and the associated Domestic Wind and Solar Energy Fund, which is a revolving fund account. The program is established to guarantee loans originated and held privately for the purposes of acquiring wind and solar power generation equipment. The loan guarantee must be secured by the equipment purchased with the loan. Residential and small commercial projects may be granted a loan under the program and specific qualifications for the program must be established by the commission by rule. Under the bill, an applicant for a loan guarantee for solar equipment must submit a comprehensive energy audit and an applicant for a loan guarantee for wind equipment must submit reliability and capacity test results of wind power potential.

LD 1044 Resolve, To Promote Cogeneration of Energy at Maine Sawmills

RESOLVE 81

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLETCHER SMITH D	OTP-AM	H-302

This bill allows a group of manufacturing facilities, including at least one sawmill, to petition the Public Utilities Commission to designate the area surrounding the facilities as a Pine Tree Energy Zone. Within a designated Pine Tree Energy Zone, the bill provides an exemption from the statutory requirements for the construction of transmission lines in the public way for a person who constructs a private transmission line to transmit electricity generated by a cogeneration facility located at a sawmill in the zone. The bill also directs the Public Utilities Commission to amend its rules governing net energy billing to allow sawmills located in Pine Tree Energy Zones to elect net energy billing for a cogeneration facility with an installed capacity of up to 10 megawatts.

Committee Amendment "A" (H-302)

This amendment replaces the bill with a resolve. The amendment directs the Executive Department, Governor's Office of Energy Independence and Security to convene a stakeholder group to examine and make recommendations regarding the concept of cogeneration energy zones, which are described as designated geographic areas including a sawmill with an on-site cogeneration facility. The amendment requires the Governor's Office of Energy Independence and Security to report to the Joint Standing Committee on Utilities and Energy no later than February 15, 2010 regarding the findings and recommendations of the stakeholder group. After receipt and review of the report, the committee is authorized to report out legislation on the subject of cogeneration energy zones to the Second Regular Session of the 124th Legislature.

Enacted Law Summary

Resolve 2009, chapter 81 directs the Executive Department, Governor's Office of Energy Independence and Security to convene a stakeholder group to examine and make recommendations regarding the concept of cogeneration energy zones, which are described as designated geographic areas including a sawmill with an on-site cogeneration

Joint Standing Committee on Utilities and Energy

facility. The resolve requires the Governor's Office of Energy Independence and Security to report to the Joint Standing Committee on Utilities and Energy no later than February 15, 2010 regarding the findings and recommendations of the stakeholder group. After receipt and review of the report, the committee is authorized to report out legislation on the subject of cogeneration energy zones to the Second Regular Session of the 124th Legislature.

LD 1052 An Act To Allow the Use of Net Metering for Energy Production by Consumers

ONTP

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

This bill defines "net metering" as a service under which electricity produced by a customer is delivered to the customer's transmission and distribution utility and the transmission and distribution utility offsets the value of that electricity from the electricity provided to the customer by the transmission and distribution utility. This bill requires a transmission and distribution utility to offer net metering to a customer who produces alternative or renewable energy and to pay the customer the wholesale rate for electricity for any credit owed the customer annually.

LD 1056 An Act To Simplify the Assessment of E-9-1-1 Surcharges on Prepaid Wireless Telecommunications Service

PUBLIC 400

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM MAJ OTP-AM MIN	H-270

This bill modifies the current method for collecting E-9-1-1 surcharges for prepaid wireless services to require retailers of prepaid wireless services to collect the E-9-1-1 surcharge from purchasers at the point of sale in a manner similar the collection of sales taxes on those services at the point of sale.

Committee Amendment "A" (H-270)

This amendment is the majority report of the committee. Like the bill, the amendment modifies the current method for collecting E-9-1-1 surcharges to require retailers of prepaid wireless services to collect the E-9-1-1 surcharge from purchasers at the point of sale. The amendment makes the following changes to the bill.

1. It adds language to the provision of law governing the E-9-1-1 surcharge clarify the separate collection and remittance procedures for the statewide E-9-1-1 surcharge and the prepaid wireless E-9-1-1 surcharge.
2. It changes the prepaid wireless E-9-1-1 surcharge amount from 15 cents per retail transaction, as proposed in the bill, to 30 cents per retail transaction.
3. It amends the provision in the bill regarding disclosure of the prepaid wireless E-9-1-1 surcharge to address those instances when it is not practicable to state the surcharge separately on an invoice, receipt or similar document.
4. It clarifies the provision in the bill regarding remittance of the prepaid wireless E-9-1-1 surcharge to ensure it is parallel to statutory requirements and rules governing sales tax remittance, particularly with respect to remittance on a basis other than monthly for certain sellers.

Joint Standing Committee on Utilities and Energy

5. It clarifies that the State Tax Assessor rather than the Public Utilities Commission shall establish procedures for a seller to document that a sale is not a retail transaction for the purposes of the prepaid wireless E-9-1-1 surcharge.
6. It limits the allowance for the State Tax Assessor to retain up to 2 percent of remitted prepaid wireless E-9-1-1 surcharges to the first two years after the effective date of this law, and it provides \$10,000 from the E-9-1-1 fund for the State Tax Assessor to establish procedures for administering the collection and remittance of the prepaid wireless E-9-1-1 surcharges.
7. It eliminates the provisions in the bill regarding absolute immunity for prepaid wireless telecommunications service providers and sellers.
8. It amends the provision in the bill regarding the E-9-1-1 funding obligation imposed with respect to telecommunications services to apply to both the statewide E-9-1-1 surcharge and the prepaid wireless E-9-1-1 surcharge.

Committee Amendment "B" (H-271)

This amendment is the minority report of the committee. The amendment replaces the bill. The amendment makes certain changes to the law governing collection of the E-9-1-1 surcharge on prepaid wireless telecommunications service to clarify the determination of whether a prepaid wireless customer has a nexus to the State and to clarify the calculation of an approximate number of customers that is included in one of the methods for determining the surcharge amount that a prepaid wireless telecommunications service provider must remit to the State.

The amendment also directs the Public Utilities Commission to make recommendations to the Joint Standing Committee on Utilities and Energy by January 15, 2010 regarding the best method of protecting the integrity of the E-9-1-1 fund and ensuring access to federal grant funds related to the E-9-1-1 system, and it authorizes the committee to report out legislation on this subject to the Second Regular Session of the 124th Legislature.

Enacted Law Summary

Public Law 2009, chapter 400 modifies the method for collecting E-9-1-1 surcharges for prepaid wireless services to require retail sellers of prepaid wireless services to collect the E-9-1-1 surcharge from purchasers at the point of sale. The law establishes the prepaid wireless E-9-1-1 surcharge amount as 30 cents per retail transaction, which is consistent with the surcharge of 30 cents per month per line or number for other telecommunications services, and requires that the surcharge be separately stated on an invoice, receipt or similar document provided to the purchaser when practicable. This law adds language to the statute governing the E-9-1-1 surcharge clarify the separate collection and remittance procedures for the statewide E-9-1-1 surcharge and the prepaid wireless E-9-1-1 surcharge. This law requires that prepaid wireless E-9-1-1 surcharges be remitted to the Treasurer of the State consistent with the remittance of sales taxes. It allows the State Tax Assessor to retain up to 2 percent of remitted prepaid wireless E-9-1-1 surcharges to the first two years after the effective date of the law, and it provides \$10,000 from the E-9-1-1 fund for the State Tax Assessor to establish procedures for administering the collection and remittance of the prepaid wireless E-9-1-1 surcharges.

Public Law 2009, chapter 400 takes effect January 1, 2010.

LD 1061 **Resolve, Regarding Maine's Renewable Resource Portfolio Requirements**

RESOLVE 51

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM	S-124

Joint Standing Committee on Utilities and Energy

This bill requires that a competitive electricity provider of a new renewable capacity resource in the portfolio of supply sources for retail electricity sales in the State must supply all of the electricity from its renewable resource generation facility to the New England Power Pool or the northern Maine independent system for a minimum period of one year. Under the bill, a competitive electricity provider that imports its electricity from a generating facility located outside of the New England Power Pool or the northern Maine independent system may not subject the delivery of electricity to economic withholding or curtailment except for a transmission line outage or when the interpool tie lines are operating at full transfer capacity. A competitive electricity provider that fails to comply with the provisions of this bill may not be considered eligible as a new renewable capacity resource for 12 months.

Committee Amendment "A" (S-124)

This amendment replaces the bill with a resolve. The amendment directs the Public Utilities Commission to review and make recommendations for improvements to the portfolio requirements for new renewable capacity resources that must be met by competitive electricity providers in this State. The amendment specifically requires the commission to examine the costs and benefits of imposing additional requirements on owners and operators of new renewable capacity resources used to satisfy the new renewable portfolio requirements, which was proposed in the bill, and to develop recommendations to strengthen incentives for the development of new renewable resources within the State.

The amendment requires the commission to submit a report of its findings and recommendations for the portfolio requirements for new renewable capacity resources to the Joint Standing Committee on Utilities and Energy by January 15, 2010, and it authorizes the committee to submit legislation concerning this subject to the Second Regular Session of the 124th Legislature.

Enacted Law Summary

Resolve 2009, chapter 51 directs the Public Utilities Commission to review and make recommendations for improvements to the portfolio requirements for new renewable capacity resources that must be met by competitive electricity providers in this State. The resolve specifically requires the commission to examine the costs and benefits of imposing additional requirements on owners and operators of new renewable capacity resources used to satisfy the new renewable portfolio requirements and to develop recommendations to strengthen incentives for the development of new renewable resources within the State.

The resolve requires the commission to submit a report of its findings and recommendations for the portfolio requirements for new renewable capacity resources to the Joint Standing Committee on Utilities and Energy by January 15, 2010, and it authorizes the committee to submit legislation concerning this subject to the Second Regular Session of the 124th Legislature.

LD 1075 An Act To Establish the Community-based Renewable Energy Pilot Program

PUBLIC 329

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD	OTP-AM	H-463

This bill includes a number of provisions designed to encourage the development of community-based energy facilities and to achieve a goal of having 5 percent of electricity consumed by retail customers produced by community-based energy facilities by 2017.

1. It requires the State to give preference to community-based energy facilities in purchasing electricity for state-owned buildings and facilities.

Joint Standing Committee on Utilities and Energy

2. It increases the value of renewable energy credits for electricity generated by community-based energy facilities to 150 percent of the amount of the electricity.
3. It requires standard-offer service providers to purchase a minimum amount of electricity from community-based energy facilities.
4. It requires the Executive Department, State Planning Office to develop a model legal organizational structure for community-based energy facilities.
5. It requires the Public Utilities Commission and the Executive Department, Governor's Office of Energy Independence and Security to develop and administer a system to track the development of community-based energy facilities.
6. It requires those state agencies that have energy-related responsibilities to develop a plan to consolidate and integrate state-level energy policy and program functions and responsibilities within a single state entity.
7. It authorizes funding from the Energy and Carbon Savings Trust Fund to be used for the development of community-based energy facilities.

Committee Amendment "A" (H-463)

This amendment replaces the bill. Like the bill, the amendment is designed to encourage the development of community-based renewable energy in the State.

Part A establishes the community-based renewable energy pilot program, administered by the Public Utilities Commission, to encourage the sustainable development of community-based renewable energy in the State. The program has a sunset date of December 31, 2015. Participation in the program is limited to 50 megawatts of generating capacity across all projects and each individual project is limited to 10 megawatts of generating capacity. To participate in the program, a community-based renewable energy project must have demonstrated support in the form of a local resolution of support.

A community-based renewable energy project that participates in the program may elect one of two program incentives: a long-term contract for energy generated by the project or a 150 percent multiplier on the value of renewable energy credits for electricity generated by the project, which must be accounted for when renewable energy credits are used to satisfy the State's renewable resource portfolio requirements. For the long-term contract option, the amendment establishes a maximum contract term of 20 years, establishes a cap of 10 cents per kilowatt-hour on the average price per kilowatt-hour within each contract year and requires the commission to ensure that mechanisms are established to protect electricity ratepayers over the contract term. The amendment authorizes the commission to direct investor-owned transmission and distribution utilities to enter into long-term contracts with program participants and authorizes consumer-owned transmission and distribution utilities, at their own option, to enter such contracts.

The amendment requires the commission to report biennially to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters regarding the implementation and effectiveness of the community-based renewable energy pilot program and the overall development of community-based renewable energy projects in the State. In the first biennial report, the commission is required to include recommendations for policy options to encourage the development of community-based renewable energy projects in economically disadvantaged areas of the State. The amendment requires the commission to submit an interim progress report no later than February 15, 2010 regarding the development and implementation of the program.

Part A also authorizes, but does not require, the State to give preference to electricity generated by community-based renewable energy projects when purchasing electricity for the State and authorizes, but does not require, the

Joint Standing Committee on Utilities and Energy

commission to incorporate energy generated by community-based renewable energy projects into the supply of standard-offer service.

Part B requires the commission to arrange for a green power offer that is composed of electricity or renewable energy credits for electricity generated from renewable resources, including electricity generated by community-based renewable energy projects. It requires the commission to administer a competitive bid process to select a green power offer provider or providers. The amendment requires the commission to arrange the green power offer for the service territory of an investor-owned transmission and distribution utility and enables a consumer-owned transmission and distribution utility to elect to have the commission arrange a green power offer if the commission arranges standard-offer service for that utility. The amendment requires the commission to inform consumers about the opportunity to purchase the green power offer and adds language to current law to allow for information regarding the green power offer to be presented through inserts in customer bills under the process that currently exists for other green power supply products. The amendment provides a sunset date of December 31, 2015 for the green power offer and for the existing law regarding bill inserts to inform consumers about green power supply products, which is currently repealed July 1, 2010.

Enacted Law Summary

Public Law 2009, chapter 329 is designed to encourage the development of community-based renewable energy in the State.

Part A establishes the community-based renewable energy pilot program, administered by the Public Utilities Commission, to encourage the sustainable development of community-based renewable energy in the State. The program has a sunset date of December 31, 2015. Participation in the program is limited to 50 megawatts of generating capacity across all projects and each individual project is limited to 10 megawatts of generating capacity. To participate in the program, a community-based renewable energy project must have demonstrated support in the form of a local resolution of support.

A community-based renewable energy project that participates in the program may elect one of 2 program incentives: a long-term contract for energy generated by the project or a 150 percent multiplier on the value of renewable energy credits for electricity generated by the project, which must be accounted for when renewable energy credits are used to satisfy the State's renewable resource portfolio requirements. For the long-term contract option, the law establishes a maximum contract term of 20 years, establishes a cap of 10 cents per kilowatt-hour on the average price per kilowatt-hour within each contract year and requires the commission to ensure that mechanisms are established to protect electricity ratepayers over the contract term. This law authorizes the commission to direct investor-owned transmission and distribution utilities to enter into long-term contracts with program participants and authorizes consumer-owned transmission and distribution utilities, at their own option, to enter such contracts.

The law requires the commission to report biennially to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters regarding the implementation and effectiveness of the community-based renewable energy pilot program and the overall development of community-based renewable energy projects in the State. In the first biennial report, the commission is required to include recommendations for policy options to encourage the development of community-based renewable energy projects in economically disadvantaged areas of the State. The law requires the commission to submit an interim progress report no later than February 15, 2010 regarding the development and implementation of the program.

Part A also authorizes, but does not require, the State to give preference to electricity generated by community-based renewable energy projects when purchasing electricity for the State and authorizes, but does not require, the commission to incorporate energy generated by community-based renewable energy projects into the supply of standard-offer service.

Part B requires the commission to arrange for a green power offer that is composed of electricity or renewable

Joint Standing Committee on Utilities and Energy

energy credits for electricity generated from renewable resources, including electricity generated by community-based renewable energy projects. It requires the commission to administer a competitive bid process to select a green power offer provider or providers. The law also requires the commission to arrange the green power offer for the service territory of an investor-owned transmission and distribution utility and enables a consumer-owned transmission and distribution utility to elect to have the commission arrange a green power offer if the commission arranges standard-offer service for that utility. It requires the commission to inform consumers about the opportunity to purchase the green power offer and adds language to current law to allow for information regarding the green power offer to be presented through inserts in customer bills under the process that currently exists for other green power supply products. The law provides a sunset date of December 31, 2015 for the green power offer and for the existing law regarding bill inserts to inform consumers about green power supply products, which is currently repealed July 1, 2010.

LD 1095 An Act To Provide Affordable Installation of Alternative Energy Systems

ONTP

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

Under current law governing the solar and wind energy rebate program, an owner or tenant of residential or commercial property may receive a rebate for a qualified solar energy system that is installed on the property. This bill amends the law to provide that the installer of a qualified solar energy system or the owner or tenant of the property on which the qualified solar energy system is installed may receive the rebate. If the installer receives the rebate, the installer is required to pass through 100 percent of the rebate to the property owner or tenant.

LD 1114 An Act To Facilitate the Marketing of Power Produced by Small Generators

PUBLIC 197

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VAN WIE	OTP-AM	H-226

This bill allows a transmission and distribution utility to aggregate electric power from multiple small generators and administer on behalf of those generators the purchase and sale of electricity to a competitive electricity provider. The parties to any resulting sale must be the generators and the competitive electricity provider.

Committee Amendment "A" (H-226)

This amendment replaces the bill and makes the following changes.

1. It clarifies the specific types of small generators whose power may be aggregated for sale to a competitive electricity provider by defining "eligible small generator" as a generator that has a generating capacity of up to 5 megawatts and generates electricity using a renewable resource or an efficient combined heat and power system.
2. It provides for sale of aggregated output from eligible small generators to the standard-offer service provider in the event that a transmission and distribution utility is unable to sell the aggregated output to a competitive electricity provider.
3. It permits, rather than requires as in the bill, the Public Utilities Commission to adopt rules to implement the sale

Joint Standing Committee on Utilities and Energy

of aggregated output of eligible small generators to competitive electricity providers, including rules to allow a transmission and distribution utility to collect an administrative fee from participating eligible small generators to cover reasonable costs incurred by the transmission and distribution utility. It classifies the rules as routine technical rather than major substantive as in the bill.

Enacted Law Summary

Public Law 2009, chapter 197 allows a transmission and distribution utility to aggregate electric power from eligible small generators and administer on behalf of those generators the purchase and sale of electricity to a competitive electricity provider. The law defines an "eligible small generator" as a generator that has a generating capacity of up to 5 megawatts and generates electricity using a renewable resource or an efficient combined heat and power system. The law provides for sale of aggregated output from eligible small generators to the standard-offer service provider in the event that a transmission and distribution utility is unable to sell the aggregated output to a competitive electricity provider. The law authorizes the Public Utilities Commission to adopt routine technical rules to implement the sale of aggregated output of eligible small generators to competitive electricity providers, including rules to allow a transmission and distribution utility to collect an administrative fee from participating eligible small generators to cover reasonable costs incurred by the transmission and distribution utility.

**LD 1152 An Act To Amend the Laws Governing Certain Reports and Reviews
Related to Utilities and Energy and Certain Positions at the Public
Utilities Commission**

PUBLIC 122

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

This bill makes several changes to the laws governing Public Utilities Commission reports and reviews and the titles of positions at the commission.

1. This bill synchronizes the State Government Evaluation Act review reporting requirements for the Public Utilities Commission and the Emergency Services Communication Bureau within the commission. The commission review and the Emergency Services Communication Bureau review, under current law, are due in different years.
2. The bill incorporates the annual report on the gas conservation programs, natural gas rate-making mechanisms, electric restructuring, electric incentive ratemaking and low-income assistance programs and oxygen pump and ventilator benefits into the annual report of the commission. Under current law these annual reports have separate statutory reporting deadlines.
3. The bill clarifies that the Emergency Services Communication Bureau and public interest payphone annual reports, which under current law have the same statutory due date as the commission's annual report, are submitted as part of the commission's annual report as opposed to being submitted separately.
4. The bill eliminates the requirement that the commission report every four years to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on the appropriateness of the maximum fee for blocking or unblocking access to audiotext services and any recommendations for changing the fee.
5. Finally, the bill makes changes to the description of certain existing positions at the commission.

Enacted Law Summary

Public Law 2009, chapter 122 makes several changes to the laws governing Public Utilities Commission reports and reviews and the titles of positions at the commission.

Joint Standing Committee on Utilities and Energy

1. It synchronizes the State Government Evaluation Act review reporting requirements for the Public Utilities Commission and the Emergency Services Communication Bureau within the commission. The commission review and the Emergency Services Communication Bureau review, under current law, are due in different years.
2. It incorporates the annual report on the gas conservation programs, natural gas rate-making mechanisms, electric restructuring, electric incentive ratemaking and low-income assistance programs and oxygen pump and ventilator benefits into the annual report of the commission. Under current law these annual reports have separate statutory reporting deadlines.
3. It clarifies that the Emergency Services Communication Bureau and public interest payphone annual reports, which under current law have the same statutory due date as the commission's annual report, are submitted as part of the commission's annual report as opposed to being submitted separately.
4. It eliminates the requirement that the commission report every four years to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on the appropriateness of the maximum fee for blocking or unblocking access to audiotext services and any recommendations for changing the fee.
5. Finally, this law makes changes to the description of certain existing positions at the commission.

LD 1155 An Act To Make Certain Changes to the Laws Governing Approval for Transmission Lines

PUBLIC 123

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

Public Law 2007, chapter 575 lowered the threshold for requiring a certificate of public convenience and necessity for a transmission line from 100 kilovolts to 69 kilovolts. This bill removes certain language rendered unnecessary by the change in the threshold.

Enacted Law Summary

Public Law 2009, chapter 123 removes certain language rendered unnecessary by the change in the threshold for requiring a certificate of public convenience and necessity for a transmission line from 100 kilovolts to 69 kilovolts that was contained in Public Law 2007, chapter 575.

LD 1176 An Act To Revise the Charter of the Portland Water District

P & S 18

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

This bill revises several aspects of the charter of the Portland Water District. The bill makes a series of fairly technical changes related to bonding and financing. It amends the charter to change the election date for the trustees serving Windham and Raymond, so that trustee is elected at general elections in November. It also changes the meeting at which the trustees determine and declare successful candidates from the annual meeting to the first regular business meeting after the election. It adds a provision to the charter to authorize the district to enter into

Joint Standing Committee on Utilities and Energy

contracts with municipalities outside the district, governmental entities or water or sewer utilities to provide administrative services such as billing, accounting and other administrative services related to water and sewer operations.

Enacted Law Summary

Private and Special Law 2009, chapter 18 revises several aspects of the charter of the Portland Water District. It makes a series of fairly technical changes related to bonding and financing. It amends the charter to change the election date for the trustees serving Windham and Raymond, so that trustee is elected at general elections in November. It also changes the meeting at which the trustees determine and declare successful candidates from the annual meeting to the first regular business meeting after the election. It adds a provision to the charter to authorize the district to enter into contracts with municipalities outside the district, governmental entities or water or sewer utilities to provide administrative services such as billing, accounting and other administrative services related to water and sewer operations.

LD 1222 An Act To Promote Geothermal Energy in the State

Carried Over

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to create a tax incentive program for geothermal energy, similar to the federal Energy Improvement and Extension Act of 2008 and the state solar and wind energy rebate program, to address the needs of residents who live in areas where solar or wind power are not viable options. Under proposed incentive program, homeowners who install geothermal heating and cooling systems would be eligible for a one-time tax credit of a percentage of the total investment for residential ground loop or ground water geothermal heat pump installations, with a maximum credit for a single residence.

LD 1222 was carried over to any special or regular session of the 124th Legislature pursuant to Joint Order H.P. 1053.

LD 1317 An Act To Amend the Charter of the Addison Point Water District

**P & S 21
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TILTON RAYE	OTP-AM	H-296

This bill amends the charter of the Addison Point Water District. It allows the district to have an annual meeting at the discretion of the trustees and requires that the trustees are elected at the annual meeting or at a special meeting if a vacancy occurs before the term of a trustee expires. It gives the trustees the authority to elect a treasurer and set the compensation for the treasurer. It requires the district to set rates in accordance with the Maine Revised Statutes, Title 35-A, chapter 61, and it authorizes the district to issue bonds and other indebtedness in accordance with Title 35-A, chapter 9 and section 6413.

Committee Amendment "A" (H-296)

This amendment clarifies the provision in the bill regarding the election of trustees of the Addison Point Water District and the transition of those trustees in office on the effective date of this Act. The amendment makes a

Joint Standing Committee on Utilities and Energy

technical change to the provision of the bill regarding borrowing and issuance of bonds by substituting the language in the bill with a cross-reference to identical language contained in the Standard Water District Enabling Act.

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

Enacted Law Summary

Private and Special Law 2009, chapter 21 amends the charter of the Addison Point Water District. It allows the district to have an annual meeting at the discretion of the trustees and requires that the trustees are elected at the annual meeting or at a special meeting if a vacancy occurs before the term of a trustee expires. It gives the trustees the authority to elect a treasurer and set the compensation for the treasurer. It requires the district to set rates in accordance with the Maine Revised Statutes, Title 35-A, chapter 61, and it authorizes the district to issue bonds and other indebtedness in accordance with Title 35-A, chapter 9 and section 6413.

Private and Special Law 2009, chapter 21 was enacted as an emergency measure effective June 2, 2009.

LD 1318 An Act To Create the Hancock Pond Water District

**P & S 20
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CURTIS	OTP-AM	H-303

This bill creates the Hancock Pond Water District as a standard water district consisting of the inhabitants and territory of the Towns of Madison and Anson. The Hancock Pond Water District is created by combining the Madison Water District and the Anson Water District. The establishment of the Hancock Pond Water District is subject to approval at a referendum held within two years of the effective date of this Act.

Committee Amendment "A" (H-303)

This amendment removes the provision in the bill that authorizes the Hancock Pond Water District to provide sewerage services. It also makes technical changes to clarify language and to correct cross-references to the Standard Water District Enabling Act in the section of the bill regarding the powers of the district to take water, construct and maintain necessary infrastructure and to supply water and in the section of the bill regarding the board of trustees, including the nomination and election of trustees, the first board, terms of office and eligibility requirements.

Enacted Law Summary

Private and Special Law 2009, chapter 20 creates the Hancock Pond Water District as a standard water district consisting of the inhabitants and territory of the Towns of Madison and Anson. The Hancock Pond Water District is created by combining the Madison Water District and the Anson Water District. The establishment of the Hancock Pond Water District is subject to approval at a referendum held within two years of the effective date of this Act.

Private and Special Law 2009, chapter 20 was enacted as an emergency measure effective June 2, 2009, for the purpose of permitting its submission to the voters of the district in a referendum.

Joint Standing Committee on Utilities and Energy

LD 1334 **An Act To Ensure Continued Access to Emergency Information in the State by Allowing Governments To Build Federally Licensed Television Translators**

PUBLIC 117

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

This bill permits municipalities and counties to receive federal funds for the construction and operation of broadcast television translator stations.

Enacted Law Summary

Public Law 2009, chapter 117 permits municipalities and counties to receive federal funds for the construction and operation of broadcast television translator stations.

LD 1348 **Resolve, To Provide Grants to Public Educational and Municipal Entities for Feasibility Studies of Renewable Energy Projects**

**RESOLVE 65
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS	OTP-AM	H-227

This bill requires the Public Utilities Commission to establish and administer a program to provide grants to public educational and municipal entities to conduct feasibility studies for the installation and operation of renewable energy projects on public property. The bill authorizes the commission to apply for funding from the Energy and Carbon Savings Trust Fund to fund the grant program.

Committee Amendment "A" (H-227)

This amendment replaces the bill with a resolve. The resolve directs the Public Utilities Commission to utilize federal stimulus funds made available under the federal American Recovery and Reinvestment Act of 2009 to provide grants to public educational and municipal entities to conduct feasibility studies for the installation and operation of cost-effective renewable energy projects on public property. The amendment directs the commission to give priority to applicants that commit to fund 10% of the cost of the feasibility study either in a financial commitment or the equivalent value of volunteer or in-kind contributions. The amendment authorizes the commission to adopt rules as necessary to administer the grants and directs the Public Utilities Commission to submit an interim report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by April 1, 2010 and a final report no later than December 31, 2011 regarding the grants provided.

Enacted Law Summary

Resolve 2009, chapter 65 directs the Public Utilities Commission to utilize federal stimulus funds made available under the federal American Recovery and Reinvestment Act of 2009 to provide grants to public educational and municipal entities to conduct feasibility studies for the installation and operation of cost-effective renewable energy projects on public property. It directs the commission to give priority to applicants that commit to fund 10% of the cost of the feasibility study either in a financial commitment or the equivalent value of volunteer or in-kind contributions. It authorizes the commission to adopt rules as necessary to administer the grants and directs the Public Utilities Commission to submit an interim report to the joint standing committee of the Legislature having

Joint Standing Committee on Utilities and Energy

jurisdiction over utilities and energy matters by April 1, 2010 and a final report no later than December 31, 2011 regarding the grants provided.

Resolve 2009, chapter 65 was finally passed as an emergency measure effective May 22, 2009.

LD 1349 **An Act To Streamline Ratemaking for Consumer-owned Water Utilities**

PUBLIC 237

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHARD SHERMAN	OTP-AM	H-320

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to give a consumer-owned water utility the authority to decrease its rates or to increase its rates between 3 percent and 5 percent without the changes being subject to investigation and suspension by the Public Utilities Commission before the changes go into effect. The bill proposes to limit such increases or decreases in rates to a total of 10 percent during a 5-year period.

Committee Amendment "A" (H-320)

This amendment replaces the bill. The amendment allows a consumer-owned water utility that has negative net income in two consecutive fiscal years to file for a limited rate increase under a streamlined process. The rate increase that a consumer-owned water utility may propose is limited to 2, 3.5 or 5 percent of current rates depending on the size of the utility as measured by annual revenues, and the cumulative total of rate increases over 5 years is limited to 10 percent. Under the streamlined process, a consumer-owned water utility is required to hold a public meeting regarding the proposed rate increase and provide a public comment period at that meeting. After the public meeting, the governing body of the consumer-owned water utility is required to hold a meeting to deliberate and vote on the proposed rate increase. The consumer-owned water utility is required to record and file with the Public Utilities Commission minutes of the public meeting and the meeting of the governing body, which must include a record of the public comment, the vote of the governing body and responses of the governing body to the public comment received. The amendment requires the utility to file its changed rates with the commission within 30 days of the vote of the governing body and not sooner than 10 days following the vote.

Enacted Law Summary

Public Law 2009, chapter 237 allows a consumer-owned water utility that has negative net income in 2 consecutive fiscal years to file for a limited rate increase under a streamlined process. The rate increase that a consumer-owned water utility may propose is limited to 2, 3.5 or 5 percent of current rates depending on the size of the utility as measured by annual revenues, and the cumulative total of rate increases over 5 years is limited to 10 percent. Under the streamlined process, a consumer-owned water utility is required to hold a public meeting regarding the proposed rate increase and provide a public comment period at that meeting. After the public meeting, the governing body of the consumer-owned water utility is required to hold a meeting to deliberate and vote on the proposed rate increase. The consumer-owned water utility is required to record and file with the Public Utilities Commission minutes of the public meeting and the meeting of the governing body, which must include a record of the public comment, the vote of the governing body and responses of the governing body to the public comment received. This law requires the utility to file its changed rates with the commission within 30 days of the vote of the governing body and not sooner than 10 days following the vote.

Joint Standing Committee on Utilities and Energy

LD 1350 An Act To Establish the Maine Transmission Mitigation Trust Fund

Carried Over

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

This bill imposes a state excise tax per megawatt hour of electricity transmitted over certain high-voltage electric transmission property. The bill also creates the Maine Transmission Mitigation Trust and the Maine Transmission Mitigation Trust Fund. The revenue from the imposition of the state excise tax on certain high-voltage electric transmission property is deposited in the trust fund, which is managed by the trust. The trustees of the trust are required to distribute 20% of the trust fund, up to \$10,000,000, annually to municipalities that have submitted winning bids to the trust for projects to install underground utility infrastructure. The remainder of the trust fund must be paid to electricity customers in proportion to each customer's purchases of electricity transmitted over the State's transmission and distribution utilities transmission lines.

LD 1350 was carried over to any special or regular session of the 124th Legislature pursuant to Joint Order H.P. 1053.

LD 1369 An Act To Amend the Charter of the Clinton Water District

P & S 22

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS MARRACHE	OTP-AM	H-338

This bill amends the charter of the Clinton Water District. It amends the territorial limits of the district. It changes trustees from being appointed to being elected, amends the salaries of the trustees and the treasurer and amends date of the annual meeting of the district.

Committee Amendment "A" (H-338)

This amendment changes the provision of the bill regarding the trustees of the Clinton Water District. The amendment clarifies the language regarding trustee compensation by establishing the level of trustee compensation at \$700 each per year beginning October 1, 2009. The amendment replaces the language in the bill regarding nominations and elections of trustees with a cross-reference to the corresponding language in the Standard Water District Enabling Act and incorporates by reference a provision for filling vacancies on the board which was omitted from the bill. The amendment provides language regarding the transition from appointed to elected trustees.

Enacted Law Summary

Private and Special Law 2009, chapter 22 amends the charter of the Clinton Water District. It amends the territorial limits of the district. It changes trustees from being appointed to being elected, amends the salaries of the trustees and the treasurer and amends date of the annual meeting of the district. It establishes the level of trustee compensation at \$700 each per year beginning October 1, 2009. This law also provides for the transition from appointed to elected trustees.

Joint Standing Committee on Utilities and Energy

LD 1430 An Act To Ensure Electric Capacity To Serve Maine Consumers

Carried Over

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

This bill amends the laws governing electric utilities to define "capacity resource" to include distributed generation resource. It specifies that determinations relating to capability responsibility, which is defined in the bill as the amount of electric generation capacity required to meet the needs of electricity users within the State, must be made by the State. It establishes a goal of supporting the integrated use of demand response programs and distributed generation resources in order to fulfill the State's capability responsibility. Finally, it amends the law to require, rather than permit, the Public Utilities Commission to enter into contracts for interruptible, demand response or energy efficiency capacity resources.

LD 1430 was carried over to any special or regular session of the 124th Legislature pursuant to Joint Order H.P. 1053.

LD 1450 An Act To Establish the Renewable Energy Resources Program

ONTP

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

This bill creates Title 35-A, Chapter 36, Renewable Energy Resources. The bill requires Public Utilities Commission to establish by rule a renewable energy resources program to encourage the rapid and sustainable development of renewable energy resources and technology for environmentally healthy generation of electricity. The bill defines an eligible electric generator under the program as a generator that contributes no net carbon addition to the atmosphere, generates electricity from certain specified renewable resources, has a maximum generating capacity of 20 megawatts and is majority owned by person owning less than 20 megawatts of generating capacity in the state.

The bill requires the commission to create a standard contract for the purchase of electricity from an eligible electric generator by a grid operator. Under the bill, upon request of an eligible electric generator, a grid operator must enter power purchase agreement using the standard contract to purchase all electricity from that generator for at least 20 years. The bill requires the commission to set the rates paid to eligible electric generators for electricity under the standard contract and establishes additive incentive premiums to be paid in addition to the established rates. It requires the commission to establish a surcharge that must be imposed on all electricity customers sufficient to pay the costs of electricity purchased from eligible electric generators and interconnection costs.

The bill requires the commission to review rates paid under the program every two years and make adjustments as necessary and to report on the program to the Governor and the Legislature by January 1, 2010, January 1, 2011, and every four years thereafter.

Joint Standing Committee on Utilities and Energy

LD 1465 **An Act To Facilitate Testing and Demonstration of Renewable Ocean
Energy Technology**

**PUBLIC 270
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS	OTP-AM	S-249

This bill contains several provisions to facilitate research and development and demonstration of renewable ocean energy technologies.

Part A streamlines state permitting of offshore wind energy demonstration projects by creating a general permit administered by the Department of Environmental Protection for qualified projects located in specific identified offshore areas.

Part B streamlines the process for issuance of a state submerged lands lease for an offshore wind energy demonstration project granted a general permit in accordance with Part A of the bill or a tidal energy demonstration project granted a general permit under Part D of the bill.

Part C calls for a public process to identify up to 5 specific offshore areas in which an offshore wind energy demonstration project may be granted a general permit as provided in Part A of the bill based on consideration of potential effects on natural resources and existing uses, community support and other factors. Part C further provides for designation of one of these areas as the Maine Offshore Wind Energy Research Center to facilitate offshore wind energy-related research and development conducted by or in cooperation with the University of Maine System.

Part D streamlines state permitting of tidal energy demonstration projects by creating a general permit administered by the Department of Environmental Protection for projects eligible for a pilot project license from the Federal Energy Regulatory Commission.

Committee Amendment "A" (S-249)

The amendment makes the following changes to the bill:

1. It clarifies the language in the bill regarding the specification of an exclusion zone around an offshore wind energy demonstration project.
2. It adds the lobster management policy council for the lobster management zone in which an offshore wind energy project is proposed to the list of required entities with whom an applicant for a general permit for an offshore wind energy demonstration project must consult in the development of plans required as part of the general permit application;
3. It adds a provision to allow the University of Maine System to hold more than one general permit for an offshore wind energy project in the Maine Offshore Wind Energy Research Center as long as the projects employ differing wind energy technologies;
4. It clarifies the provisions in the bill regarding the application review period, the term of a general permit, permit extensions and the termination of offshore wind energy developments and adds language to provide an initial 5-year project period for projects in the Maine Offshore Wind Energy Research Center, as compared with the initial 3-year project period for projects located elsewhere;

Joint Standing Committee on Utilities and Energy

5. It adds language to limit the number of ocean energy generating units in the Maine Offshore Wind Energy Research Center to 6 units in operation at any one time in that area and it provides a definition of ocean energy generating units;
6. It clarifies the language in the bill regarding the initial identification of offshore wind energy test areas by the Department of Environmental Protection and subsequent modification of the initial list of identified areas;
7. It adds language to provide that identification of an offshore wind energy test area or areas constitutes final agency action of the Department of Conservation; and
8. It adds an emergency preamble and emergency clause.

Enacted Law Summary

Public Law 2009, chapter 270 contains several provisions to facilitate research and development and demonstration of renewable ocean energy technologies.

Part A of this law streamlines state permitting of offshore wind energy demonstration projects by creating a general permit administered by the Department of Environmental Protection for qualified offshore wind energy demonstration projects located in specific identified offshore areas.

Part B of this law streamlines the process for issuance of a state submerged lands lease for an offshore wind energy demonstration project granted a general permit in accordance with Part A of the bill or a tidal energy demonstration project granted a general permit under Part D of the bill.

Part C of this sets forth a public process to identify up to 5 specific offshore areas in which an offshore wind energy demonstration project may be granted a general permit as provided in Part A of the bill based on consideration of potential effects on natural resources and existing uses, community support and other factors. The law specifies that identification of an offshore wind energy test area or areas constitutes final agency action of the Department of Conservation.

Part C further provides for designation of one of these areas as the Maine Offshore Wind Energy Research Center to facilitate offshore wind energy-related research and development conducted by or in cooperation with the University of Maine System. The law allows the University of Maine System to hold more than one general permit for an offshore wind energy project in the Maine Offshore Wind Energy Research Center as long as the projects employ differing wind energy technologies, and it limits the number of ocean energy generating units in the Maine Offshore Wind Energy Research Center to 6 units in operation at any one time in that area.

Part D of this law streamlines state permitting of tidal energy demonstration projects by creating a general permit administered by the Department of Environmental Protection for projects eligible for a pilot project license from the Federal Energy Regulatory Commission.

Public Law 2009, chapter 270 was enacted as an emergency measure effective June 4, 2009.

LD 1467 An Act Relating to the Carrabassett Valley Sanitary District

ONTP

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

Joint Standing Committee on Utilities and Energy

This bill provides that the common-law rule that holds that a claim of adverse possession or prescriptive easement may not be maintained against land owned by the government or a quasi-governmental entity does not apply in the limited case where a transmission line from a generating facility is located on or over property owned by the Carrabassett Valley Sanitary District and within 300 feet of a utility substation. The bill also shortens the prescriptive period from 20 to 10 years in this limited case.

LD 1494 An Act To Amend the Charter of the Limestone Water and Sewer District

P & S 26

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

This bill prohibits a person serving an appointed member of the Greater Limestone Wastewater Treatment Facility Board from serving as an officer of the elected board of trustees of the Limestone Water and Sewer District. The bill also limits the jurisdiction of the wastewater treatment facility board to the operation and maintenance of the facility, compliance with environmental regulations applicable to that facility, rate changes and changes in the terms and conditions of wastewater service provided by the district to the Loring Development Authority of Maine. It also clarifies that the elected board of trustees of the district remains vested with authority over all other affairs of the district, including the authority to borrow money and issue bonds in the name of the district.

Enacted Law Summary

Private and Special Law 2009, chapter 26 prohibits a person serving an appointed member of the Greater Limestone Wastewater Treatment Facility Board from serving as an officer of the elected board of trustees of the Limestone Water and Sewer District. This law also limits the jurisdiction of the wastewater treatment facility board to the operation and maintenance of the facility, compliance with environmental regulations applicable to that facility, rate changes and changes in the terms and conditions of wastewater service provided by the district to the Loring Development Authority of Maine. It also clarifies that the elected board of trustees of the district remains vested with authority over all other affairs of the district, including the authority to borrow money and issue bonds in the name of the district.

Joint Standing Committee on Utilities and Energy

SUBJECT INDEX

E911

Enacted

LD 264	An Act To Amend the Surcharge for the E-9-1-1 System	PUBLIC 416 EMERGENCY
LD 555	An Act To Promote Public Safety Answering Point Efficiency	PUBLIC 219
LD 1056	An Act To Simplify the Assessment of E-9-1-1 Surcharges on Prepaid Wireless Telecommunications Service	PUBLIC 400

Not Enacted

LD 597	An Act To Amend the Laws Governing Public Safety Answering Points	ONTP
LD 789	An Act To Make Certain Changes to the Laws Regarding E-9-1-1 Surcharge Collection from Prepaid Wireless and Voice over Internet Protocol Providers	ACCEPTED ONTP REPORT

Electricity

Enacted

LD 44	An Act Regarding Requirements for Approval of a Transmission Line	PUBLIC 309
LD 147	An Act To Facilitate the Protection of Electric Utility Consumer Interests in Public Utility Commission Cases Involving the Construction, Rebuilding or Relocating of Transmission Lines	PUBLIC 26
LD 336	Resolve, Regarding Legislative Review of Chapter 313: Net Energy Billing Rule To Allow Shared Ownership, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 20 EMERGENCY
LD 608	An Act To Protect Electricity Consumers in Northern Maine	PUBLIC 285
LD 792	Resolve, Regarding On-bill Financing Programs for Energy Efficiency	RESOLVE 49
LD 844	An Act To Reduce Costs for Customers of Northern Maine Consumer-owned Utilities	PUBLIC 108
LD 968	Resolve, Regarding New Utility Line Extension Construction	RESOLVE 69
LD 1044	Resolve, To Promote Cogeneration of Energy at Maine Sawmills	RESOLVE 81

LD 1114	An Act To Facilitate the Marketing of Power Produced by Small Generators	PUBLIC 197
LD 1155	An Act To Make Certain Changes to the Laws Governing Approval for Transmission Lines	PUBLIC 123
<u>Not Enacted</u>		
LD 43	An Act To Promote Consumer Fairness in Alternative Energy	ONTP
LD 314	Resolve, Directing the Public Utilities Commission To Study the Feasibility of the Merger of Certain Utilities	ONTP
LD 543	An Act Concerning the Allocation of Power Generated by GNE, LLC	
LD 596	An Act To Allow Electricity Customers Who Operate Generating Facilities To Be Paid in Cash for Excess Net Energy Produced	ONTP
LD 1052	An Act To Allow the Use of Net Metering for Energy Production by Consumers	ONTP
LD 1350	An Act To Establish the Maine Transmission Mitigation Trust Fund	
LD 1430	An Act To Ensure Electric Capacity To Serve Maine Consumers	

Energy

Enacted

LD 276	An Act To Protect the Integrity of the State's Carbon Dioxide Budget Trading Program and Auction Process and To Provide Allocations to the Energy and Carbon Savings Trust Fund	PUBLIC 200 EMERGENCY
LD 335	Resolve, Regarding Legislative Review of Chapter 2: Administration of Trust, Budgeting, Project Selection Criteria and Procedures, Monitoring and Evaluation Requirements, a Major Substantive Rule of the Energy and Carbon Savings Trust	RESOLVE 19 EMERGENCY
LD 407	Resolve, To Identify Funding Available To Promote the Use of Energy-efficient Furnaces	RESOLVE 18 EMERGENCY

Energy Conservation

Enacted

LD 908	Resolve, To Encourage Regional Energy Conservation and Renewable Energy Initiatives	RESOLVE 75
LD 935	Resolve, Regarding Building Energy Efficiency and Carbon Performance Ratings	RESOLVE 134 EMERGENCY

Miscellaneous - Utilities and Energy

Enacted

LD 954	An Act To Clarify the Role of the Public Advocate	PUBLIC 399
LD 1152	An Act To Amend the Laws Governing Certain Reports and Reviews Related to Utilities and Energy and Certain Positions at the Public Utilities Commission	PUBLIC 122

Not Enacted

LD 334	An Act To Clarify the So-called Dig Safe Law	ONTP
LD 717	An Act To Ensure Proper Oversight of Propane Facilities	ONTP

Natural Gas

Enacted

LD 120	An Act Regarding Assistance to Low-income Customers of Gas Utilities	PUBLIC 35
--------	--	-----------

Renewable Resources

Enacted

LD 73	An Act To Protect the Right To Use Solar Energy	PUBLIC 273
LD 220	An Act To Increase the Availability of Solar and Wind Power	PUBLIC 88 EMERGENCY
LD 389	An Act To Facilitate the State's Existing Commitment to the Production of Liquid Biofuels	PUBLIC 124
LD 845	Resolve, To Expand Access to Renewable Energy Programs	RESOLVE 131 EMERGENCY
LD 1061	Resolve, Regarding Maine's Renewable Resource Portfolio Requirements	RESOLVE 51
LD 1075	An Act To Establish the Community-based Renewable Energy Pilot Program	PUBLIC 329
LD 1348	Resolve, To Provide Grants to Public Educational and Municipal Entities for Feasibility Studies of Renewable Energy Projects	RESOLVE 65 EMERGENCY
LD 1465	An Act To Facilitate Testing and Demonstration of Renewable Ocean Energy Technology	PUBLIC 270 EMERGENCY

Not Enacted

LD 396	An Act Regarding Installation of Solar Energy Systems under the Solar and Wind Energy Rebate Program	ONTP
LD 418	An Act To Facilitate the Development of Ocean Wind Power	ONTP
LD 651	An Act To Amend the Wind Energy Rebate Program Eligibility Requirements	ONTP

LD 848	An Act To Encourage Green Commerce	ONTP
LD 1030	An Act Establishing a Wind and Solar Energy Loan Guarantee Program	ONTP
LD 1095	An Act To Provide Affordable Installation of Alternative Energy Systems	ONTP
LD 1222	An Act To Promote Geothermal Energy in the State	
LD 1450	An Act To Establish the Renewable Energy Resources Program	ONTP

Telecommunications

Enacted

LD 127	An Act To Prohibit Telephone Charges Not Representing Services or Fees Requested by the Customer or Authorized by the Government	PUBLIC 36
LD 766	An Act To Promote Telecommunications Availability for the Deaf and Hard of Hearing	PUBLIC 68
LD 790	An Act To Waive Public Utilities Commission Approval of Special Contracts When the Contracts Apply to Detariffed Rates or Terms	PUBLIC 66
LD 850	An Act To Ensure Local Broadband Coverage	PUBLIC 63 EMERGENCY
LD 1012	Resolve, Directing the ConnectME Authority To Create the Broadband Strategy Council	RESOLVE 108 EMERGENCY
LD 1334	An Act To Ensure Continued Access to Emergency Information in the State by Allowing Governments To Build Federally Licensed Television Translators	PUBLIC 117

Not Enacted

LD 146	An Act To Require Telephone Directories To Include Cellular Telephone Numbers for Businesses	ONTP
LD 764	An Act To Allow Municipalities To Offer Access to the Internet through Digital Subscriber Lines	ONTP

Water/Sewer - Charters

Enacted

LD 131	An Act To Amend the Charter of the Athens Standard Water District	P & S 1
LD 200	An Act To Amend the Charter of the Caribou Utilities District	P & S 8
LD 275	An Act To Amend the Charter of the Limestone Water and Sewer District	P & S 5 EMERGENCY

LD 883	An Act To Amend the Charter of the Tenants Harbor Standard Water District	P & S 15 EMERGENCY
LD 953	An Act To Amend the Charter of the Winterport Water District	P & S 11 EMERGENCY
LD 994	An Act To Amend the Charter of the Milo Water District	P & S 10
LD 1176	An Act To Revise the Charter of the Portland Water District	P & S 18
LD 1317	An Act To Amend the Charter of the Addison Point Water District	P & S 21 EMERGENCY
LD 1318	An Act To Create the Hancock Pond Water District	P & S 20 EMERGENCY
LD 1369	An Act To Amend the Charter of the Clinton Water District	P & S 22
LD 1494	An Act To Amend the Charter of the Limestone Water and Sewer District	P & S 26

Not Enacted

LD 1467	An Act Relating to the Carrabassett Valley Sanitary District	ONTP
---------	--	------

Water/Sewer - General

Enacted

LD 238	An Act Regarding Consumer-owned Water Utilities and Contracts for Large-scale Extraction and Transportation of Water	PUBLIC 37
LD 650	An Act To Create a Funding Structure for Sustainable Investment in Public Water and Wastewater Infrastructure in the State	PUBLIC 377
LD 1349	An Act To Streamline Ratemaking for Consumer-owned Water Utilities	PUBLIC 237

Not Enacted

LD 55	An Act To Prohibit the Commercial Sale of Water by a Water District	ONTP
-------	---	------