



**A Summary of Legislation for the  
Joint Standing and Joint Select Committees  
of the 122nd Maine Legislature**

**First Regular and First Special Session**

**Volume II**

**August 2005**

*Prepared for the Maine Legislature  
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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

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:

Table with 2 columns: Abbreviation and Description. Includes terms like CARRIED OVER, CON RES XXX, CONF CMTE UNABLE TO AGREE, DIED BETWEEN BODIES, DIED IN CONCURRENCE, DIED ON ADJOURNMENT, EMERGENCY, FAILED EMERGENCY ENACTMENT/FINAL PASSAGE, FAILED ENACTMENT/FINAL PASSAGE, FAILED MANDATE ENACTMENT, NOT PROPERLY BEFORE THE BODY, INDEF PP, ONTP, OTP ND, OTP ND/NT, P&S XXX, PUBLIC XXX, RESOLVE XXX, UNSIGNED, VETO SUSTAINED.

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

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**122nd LEGISLATURE  
FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Table of Legislative Activity by Committee**

COMMITTEE	Bills/Papers Considered <sup>1</sup>	Carried Over <sup>2</sup>	Bills Rept'd. Out <sup>3</sup>	Unanimous Reports			Divided Reports	Bills/Papers Enacted
				OTP	OTP-AM	ONTP		
<b>ACF</b>	55	4	51	3	28	11	9	34
% of ACF bills	100%	7%	93%	6%	55%	22%	18%	62%
<b>AFA</b>	90	38	52	3	14	20	15	9
% of AFA bills	100%	42%	58%	6%	27%	38%	29%	10%
<b>BEC</b>	107	6	101	8	40	38	15	55
% of BEC bills	100%	6%	94%	8%	40%	38%	15%	51%
<b>CRJ</b>	96	3	93	4	30	39	20	38
% of CRJ bills	100%	3%	97%	4%	32%	42%	22%	40%
<b>EDU</b>	117	8	109	10	29	56	14	36
% of EDU bills	100%	7%	93%	9%	27%	51%	13%	31%
<b>HHS</b>	145	10	135	8	53	45	28	67
% of HHS bills	100%	7%	93%	6%	39%	33%	21%	46%
<b>IFS</b>	76	1	75	5	26	32	10	33
% of IFS bills	100%	1%	52%	4%	19%	24%	7%	23%
<b>IFW</b>	85	3	82	1	21	52	8	23
% of IFW bills	100%	4%	96%	1%	26%	63%	10%	27%
<b>JUD</b>	135	19	116	8	49	41	18	60
% of JUD bills	100%	14%	86%	7%	42%	35%	16%	44%
<b>LAB</b>	91	9	82	4	24	32	22	32
% of LAB bills	100%	10%	90%	5%	29%	39%	27%	35%
<b>LVA</b>	113	6	107	2	29	58	18	31
% of LVA bills	100%	5%	95%	2%	27%	54%	17%	27%
<b>MAR</b>	30	0	30	1	12	8	8	15
% of MAR bills	100%	0%	100%	3%	40%	27%	27%	50%
<b>NAT</b>	80	10	70	1	29	24	16	38
% of NAT bills	100%	13%	88%	1%	41%	34%	23%	48%
<b>PTR</b>	3	0	3	2	0	0	1	1
% of PTR bills	100%	0%	4%	3%	0%	0%	1%	1%
<b>SLG</b>	101	9	92	10	29	21	32	41
% of SLG bills	100%	9%	91%	11%	32%	23%	35%	41%
<b>TAX</b>	156	14	142	2	23	81	33	13
% of TAX bills	100%	9%	91%	1%	16%	57%	23%	8%
<b>TRA</b>	122	10	112	14	29	50	19	46
% of TRA bills	100%	8%	92%	13%	26%	45%	17%	38%
<b>UTE</b>	76	9	67	4	29	24	10	39
% of UTE bills	100%	12%	88%	6%	43%	36%	15%	51%
<b>Not referred<sup>4</sup></b>	14		13					7
% Unref. bills	100%	0%	93%	0%	0%	0%	0%	50%
<b>TOTAL</b>	1692	160	1530	90	494	632	296	618
% of All bills	100%	10%	90%	6%	32%	41%	19%	37%

<sup>1</sup>Total considered includes Bills, Joint Orders, Joint Study Orders and Joint Resolutions referred to Committee.

<sup>2</sup>Includes bills carried over to the Second Regular Session, including one LD referred to the Rules Committee that was carried over.

Total does not include 71 bills carried over on the Special Appropriations Table by SP 640.

<sup>3</sup>Does not include two bills referred to the Taxation Committee that were not reported out or carried over and were indefinitely postponed by the House and Senate.

<sup>4</sup>Total number of committee reports does not include two bills referred to the Taxation Committee that were not reported out or carried over and were indefinitely postponed by the House and Senate or two bills removed from the Insurance and Financial Services Committee without a committee vote.

**122nd LEGISLATURE  
FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary of Committee Actions**

I. <b>BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>		
<i>Bills referred and voted out</i>	1507	89.1%
<i>Bills Carried Over</i>	160	9.5%
<b>Total Bills referred</b>	<b>1667</b>	<b>98.5%</b>
<b>B. Bills reported out by law or joint order</b>	9	0.5%
<b>C. Bills introduced without reference</b>	14	0.8%
<b>D. Bills referred to a Committee, but not voted out</b>	2 <sup>1</sup>	0.1%
<b>Total Bills considered by Legislature</b>	<b>1692</b>	<b>100.0%</b>
<b>Orders and Resolutions referred to Committees</b>		
<i>Joint Study Orders referred and voted out</i>	1	100.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%
<i>Orders and Resolutions Carried Over</i>	2	200.0%
<b>Total Orders and Resolutions Referred</b>	<b>1</b>	<b>100.0%</b>
II. <b>BILLS AND PAPERS REPORTED OUT OF COMMITTEES</b>	<u>Number</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>		
<i>Ought to Pass</i>	90	6.0%
<i>Ought to Pass as Amended</i>	494	32.7%
<i>Ought to Pass as New Draft</i>	0	0.0%
<i>Ought Not to Pass</i>	632	41.8%
<b>Total unanimous reports</b>	<b>1216</b>	<b>80.4%</b>
<b>B. Divided committee reports</b>		
<i>Two-way reports</i>	286	18.9%
<i>Three-way reports</i>	10	0.7%
<i>Four-way reports</i>	0	0.0%
<b>Total divided reports</b>	<b>296</b>	<b>19.6%</b>
<b>Total Committee reports</b>	<b>1512 <sup>2</sup></b>	<b>90.2%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>69</b>	<b>N/A</b>
IV. <b>FINAL DISPOSITION</b>	<u>Number</u>	<u>% of All Bills/Rules</u>
<b>A. Bills and Papers enacted or finally passed</b>		
<i>Joint Study Orders</i>	0	0.0%
<i>Public laws</i>	461	27.2%
<i>Private and Special Laws</i>	28	1.7%
<i>Resolves</i>	128	7.6%
<i>Constitutional Resolutions</i>	1	0.1%
<b>Total Enacted or Finally Passed</b>	<b>618</b>	<b>36.5%</b>
<b>B. Resolves to authorize major substantive rules</b>		
Rules authorized without legislative changes	10	45.5%
Rules authorized with legislative changes	11	50.0%
<i>Rules not authorized by the Legislature</i>	1	4.5%
<b>Total number of rules reviewed</b>	<b>22</b>	<b>100.0%</b>
<b>C. Bills Reviewed by the Judiciary Committee for Confidentiality</b>	<b>7</b>	
<b>C. Bills vetoed or held by Governor</b>		
<i>Vetoed over-ridden</i>	0	0.0%
<i>Vetoed sustained</i>	1	0.1%
<i>Held by the Governor</i>	1	0.1%
<b>Total</b>	<b>2</b>	<b>0.1%</b>

1. Includes LD 1448 and LD 1617, which were referred to the Taxation Committee, but were not reported out or carried over and were indefinitely postponed by the House and Senate.

2. Total does not include two bills referred to the Insurance and Financial Services Committee that were removed from committee without a committee vote and two bills in the Taxation Committee that were referred, but not voted out or carried over.

*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Legal and Veterans' Affairs*

*August 2005*

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**Members:**

*Sen. Kenneth T. Gagnon, Chair  
Sen. Elizabeth H. Mitchell  
Sen. Debra D. Plowman*

*Rep. John L. Patrick, Chair  
Rep. John L. Tuttle, Jr.  
Rep. Charles D. Fisher*

*Rep. Patricia A. Blanchette  
Rep. Linda M. Valentino  
Rep. Randy E. Hotham  
Rep. Richard B. Brown  
Rep. Gary W. Moore*

*Rep. David N. Ott  
Rep. Wright H. Pinkham, Sr.  
Rep. Frederick J. Moore, III*

**JOINT STANDING COMMITTEE ON  
LEGAL AND VETERANS AFFAIRS**

**Summary of Committee Actions**

I. <b>BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	107	94.7%	6.3%
<u><i>Bills Carried Over</i></u>	<u>6</u>	<u>5.3%</u>	<u>0.4%</u>
<b>Total Bills referred</b>	<b>113</b>	<b>100.0%</b>	<b>6.7%</b>
<b>B. Bills reported out by law or joint order</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>113</b>	<b>100.0%</b>	<b>6.7%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
		<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	2	1.9%	0.1%
<i>Ought to Pass as Amended</i>	29	27.1%	1.9%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>58</u>	<u>54.2%</u>	<u>3.8%</u>
<b>Total unanimous reports</b>	<b>89</b>	<b>83.2%</b>	<b>5.9%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	17	15.9%	1.1%
<i>Three-way reports</i>	1	0.9%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>18</b>	<b>16.8%</b>	<b>1.2%</b>
<b>Total committee reports</b>	<b>107</b>	<b>94.7%</b>	<b>7.1%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>1</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	26	23.0%	1.5%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	5	4.4%	0.3%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>31</b>	<b>27.4%</b>	<b>1.8%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	1	100.0%	4.5%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>1</b>	<b>100.0%</b>	<b>4.5%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoes over-ridden</i>	0	0.0%	0.0%
<i>Vetoes sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

*Joint Standing Committee on Legal and Veterans' Affairs*

**LD 64**                      **An Act To Ensure the Maintenance of Veterans' Cemeteries**                      **ONTP**

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

LD 64 proposed to require the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management to develop and submit separate proposed budgets for each of the state-operated veterans' cemeteries.

**LD 66**                      **An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee**                      **ONTP**

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

LD 66 proposed to provide funds in the amount of \$28,000 to reimburse Philip Wolley for the legal expenses associated with Mr. Wolley's defense of criminal charges brought in connection with his termination of employment as a state employee.

**LD 70**                      **An Act To Amend the Laws Governing the Funding of State Special Elections**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROWN	OTP-AM	H-354

LD 70 proposed to require the State to pay the cost of holding special elections allowed by the Legislature by reimbursing municipalities for the election costs directly incurred.

**Committee Amendment "A" (H-354)** proposed to replace the bill. It would provide that the State reimburse municipalities for the costs of conducting a special election for the purpose of voting on bonds. Reimbursement rates would be based on the population of a municipality.

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.



*Joint Standing Committee on Legal and Veterans' Affairs*

LD 77

**An Act To Require Valid Identification for Purchases of Liquor**

**PUBLIC 38**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW	OTP-AM    A	H-28
MAYO	ONTP       B	
	OTP         C	

LD 77 proposed to require a person, regardless of that person's age, to present identification at the time of purchase of liquor.

**Committee Amendment "A" (H-28)** was the majority report and proposed to replace the bill. The amendment proposed to prohibit a licensee or licensee's employee or agent from selling, furnishing, giving or delivering liquor or imitation liquor to a person under 27 years of age unless that person provides a reliable photographic identification showing that person is not a minor.

*Enacted law summary*

Public Law 2005, chapter 38 prohibits a licensee or licensee's employee or agent from selling, furnishing, giving or delivering liquor or imitation liquor to a person under 27 years of age unless that person provides a reliable photographic identification showing that person is not a minor.

LD 90

**An Act Concerning the Confidentiality of Records Held by the Gambling Control Board**

**PUBLIC 11  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J	OTP-AM	S-47
HOTHAM		

LD 90 proposed to authorize the members of the Gambling Control Board to receive legislative per diem when they meet. It also proposed to make confidential, certain information and records received by the board or the Department of Public Safety as part of an application for licensure and contracting for a central site monitoring system.

**Committee Amendment "A" (S-47)** proposed to replace the bill. This amendment would make certain records confidential as an exception to the law that provides for public access to records used in the course of government. Records that would be designated confidential under this amendment would be those that are included in application and licensing materials and contain the following:

1. Trade secrets and proprietary information that if released would be competitively harmful to the submitter of the information;
2. Information that the Gambling Control Board determines is an unwarranted invasion of personal privacy. The board may release a summary of that information if the board determines it is necessary to describe the basis of an action taken by the board;

## *Joint Standing Committee on Legal and Veterans' Affairs*

3. Financial, statistical and surveillance information from the central site monitoring system, except that the board shall use this information to publicly report on money credited to players and distributed to the State;
4. Independent reports of creditworthiness or financial condition of any person or project, except that the conclusion and a summary of that assessment will be publicly available;
5. Records used to determine suitability of a 3rd-party operator of the central site monitoring system;
6. Information obtained from another state that is confidential in that state;
7. Information designated confidential by federal law; and
8. Personally identifying information.

The amendment would specify that information that is otherwise public will remain public. The amendment proposed to allow for relevant confidential information to be shared among law enforcement agencies in the course of investigating violations of law in this State and other jurisdictions and allow for some confidential records to be shared with the consent of the licensee or applicant. The amendment proposed to require the board and the applicant or licensee to summarize certain business records that would otherwise be confidential in a way that maximizes public access to that information. This amendment would designate as confidential records in possession of the Gambling Control Board or the Department of Public Safety prior to the effective date of this amendment whether or not those records were confidential upon receipt. Current law governing the enforcement of the laws relative to slot machine facilities at commercial racetracks prescribes that some confidential information becomes public when a proceeding is complete. This amendment would specify that the records designated confidential by this amendment would be subject to that public disclosure when a proceeding regarding noncompliance with or violation of the law governing slot machine operations is complete.

### *Enacted law summary*

Public Law 2005, chapter 11 makes certain records confidential as an exception to the law that provides for public access to records used in the course of government. Records that are designated confidential under this amendment are those that are included in application and licensing materials and contain the following:

1. Trade secrets and proprietary information that if released would be competitively harmful to the submitter of the information;
2. Information that the Gambling Control Board determines is an unwarranted invasion of personal privacy. The board may release a summary of that information if the board determines it is necessary to describe the basis of an action taken by the board;
3. Financial, statistical and surveillance information from the central site monitoring system, except that the board shall use this information to publicly report on money credited to players and distributed to the State;
4. Independent reports of creditworthiness or financial condition of any person or project, except that the conclusion and a summary of that assessment will be publicly available;
5. Records used to determine suitability of a 3rd-party operator of the central site monitoring system;

***Joint Standing Committee on Legal and Veterans' Affairs***

- 6. Information obtained from another state that is confidential in that state;
- 7. Information designated confidential by federal law; and
- 8. Personally identifying information.

Chapter 11 specifies that information that is otherwise public will remain public. The law allows for relevant confidential information to be shared among law enforcement agencies in the course of investigating violations of law in this State and other jurisdictions and allows for some confidential records to be shared with the consent of the licensee or applicant. It requires the board and the applicant or licensee to summarize certain business records that are otherwise confidential in a way that maximizes public access to that information. It designates as confidential, records in possession of the Gambling Control Board or the Department of Public Safety prior to the effective date of this law whether or not those records were confidential upon receipt. Finally, this law specifies that the records designated confidential by this chapter would be subject to that public disclosure when a proceeding regarding noncompliance with or violation of the law governing slot machine operations is complete.

LD 90 as amended was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 434 which requires review and evaluation of new exceptions to laws governing public records.

Public Law 2005, chapter 11 was enacted as an emergency measure and took effect March 31, 2005.

**LD 91                                      An Act To Amend the Law Governing the Storage of Spirits                                      ONTP**

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

LD 91 proposed to amend the law governing the storage of spirits by a reselling agent. It also proposed to allow transactions related to the sales of spirits to an on-premises licensee to occur at the storage facility.

**LD 100                                      Resolve, Requiring the Secretary of State To Develop Voting Systems Standards                                      RESOLVE 19 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK GAGNON	OTP-AM	H-129 H-170 PATRICK

LD 100 proposed to direct the Secretary of State to convene a stakeholders group to develop for the State certain voting systems standards required by the federal Help America Vote Act of 2002, Public Law 107-252, section 301.

## *Joint Standing Committee on Legal and Veterans' Affairs*

**Committee Amendment "A" (H-129)** proposed to specify that the stakeholders group consists of 6 members of the public with experience with elections and election recounts appointed by the President of the Senate and the Speaker of the House. This amendment would also change the reporting date to May 2, 2005.

**House Amendment "A" to Committee Amendment "A" (H-170)** proposed to change the reporting date of the stakeholders group to June 1, 2005.

### *Enacted law summary*

Resolve 2005, chapter 19 directs the Secretary of State to convene a stakeholders group to develop for the State certain voting systems standards required by the federal Help America Vote Act of 2002, Public Law 107-252, Section 301. The stakeholders group consists of 6 members of the public with experience with elections and election recounts appointed by the President of the Senate and the Speaker of the House. A report of the stakeholder group including suggested legislation was due to the Joint Standing Committee on Legal and Veterans' Affairs and was enacted as an amendment to LD 1266 during the First Special Session of the 122<sup>nd</sup> Legislature (see Public Law 2005, chapter 404).

Resolve 2005, chapter 19 was finally passed as an emergency measure and took effect May 13, 2005.

<b>LD 109</b>	<b>An Act To Require That Accelerated Campaign Finance Reports Be Completed by Both Clean Election and Nonparticipating Candidates</b>	<b>ONTP</b>
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<u>Sponsor(s)</u> TUTTLE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 109 proposed to require all Maine Clean Election Act candidates, to file campaign finance reports in accordance with the accelerated reporting schedule.

<b>LD 147</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine To Revoke the Voting Privileges of Persons Convicted of Certain Crimes</b>	<b>ONTP</b>
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<u>Sponsor(s)</u> COURTNEY CAMPBELL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 147 proposed an amendment to the Constitution of Maine to revoke the right of a person convicted of murder or a Class A, B or C crime to vote.

*Joint Standing Committee on Legal and Veterans' Affairs*

**LD 221**                      **An Act To Restrict Placement of Political Signs**                      **ONTP**

<u>Sponsor(s)</u> MILLS P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 221 proposed to restrict the placement of political signs to at least 3 feet from the paved surface of public ways and would require receiving permission from abutting landowners.

**LD 227**                      **An Act To Ban Automated Teller Machines from within 500 Feet of Slot Machine Facilities**                      **ONTP**

<u>Sponsor(s)</u> STRIMLING GLYNN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 227 proposed to prohibit the location of automated teller machines within a slot machine facility at a commercial track or within 500 feet of a slot machine facility.

**LD 234**                      **An Act To Establish a Transparent Pricing Formula for Distilled Spirits**                      **CARRIED OVER**

<u>Sponsor(s)</u> TUTTLE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 234 is a concept draft pursuant to Joint Rule 208 and is being carried over to the next special or regular session of the 122<sup>nd</sup> Legislature. It proposes to require that the pricing formula the State adopts for liquor be made available to the public. The State must give notice of price changes and provide an opportunity for interested parties to make comments. The resulting liquor prices must be based upon an objective standard. This bill was carried over by H.P. 1023 to the next special or regular sessions of the 122<sup>nd</sup> Legislature.

**LD 254**                      **An Act To Change the Minimum Requirement for a Political Party To Be Recognized**                      **ONTP**

<u>Sponsor(s)</u> CRESSEY PLOWMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 254 proposed to change the minimum percentage requirement for a political party to be recognized from 5% to 1%.

*Joint Standing Committee on Legal and Veterans' Affairs*

**LD 265**

**An Act To Establish Instant Run-off Voting**

**ONTP**

<u>Sponsor(s)</u> STRIMLING		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 265 proposed the creation of an instant run-off voting method of determining winners in elections for President, Vice President, United States Senator, United States Representative to Congress, Governor, State Senator and State Representative. The method would simulate the ballot counts that would occur if all voters participated in a series of run-off elections and would allow a voter to rank candidates according to that voter's preferences. Each voter would have only one vote for each office, and the ballot count would be the same as would occur if voters participated in a series of run-off elections, with the weakest candidate eliminated after each round of counting.

There would be an initial round of counting. As proposed by this bill, if more than 2 candidates have received votes after the initial round, the Secretary of State would conduct an instant run-off round. In this instant run-off round, the Secretary of State would eliminate the candidate with the fewest votes. A ballot that ranks this eliminated candidate as the highest-ranked candidate would be counted as a vote for the highest-ranked advancing candidate on that ballot. An advancing candidate would be a candidate who has not been eliminated. This process of counting votes and eliminating the candidate with the fewest votes would continue until 2 candidates remain. The candidate with the most votes is declared the winner.

For the presidential and vice-presidential elections, the instant run-off voting method would be conducted to determine winners for the entire State as well as in each congressional district.

**LD 270**

**An Act To Prohibit Same-day Voter Registration**

**ONTP**

<u>Sponsor(s)</u> COURTNEY		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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Current law authorizes citizens of the State to register to vote on election day. LD 270 proposed to repeal that provision and instead require that citizens of the State register to vote no later than the Friday preceding the election.

**Committee Amendment "A" (S-217)** proposed to replace the bill. It also proposed to change the title of the bill. The amendment, as proposed, stated that if a registrar of voters requests that a person registering to vote on election day return with information to prove identity or residency and that person does not return with that information, then that name would be referred to the appropriate district attorney for investigation of voter fraud.

*Joint Standing Committee on Legal and Veterans' Affairs*

LD 278

**An Act To Allow Small Stores To Conduct Wine Taste Testings**

**PUBLIC 32**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEWIN ANDREWS	OTP-AM	H-42

LD 278 proposed that stores that sell wine from at least 50% of the world's wine regions and carry at least 250 different wine labels be allowed to conduct wine taste testings. This bill would amend the definition of "fine wine store" to allow a store that sells wine from at least 25% of the world's wine regions and carries at least 125 different wine labels to conduct such taste testings.

**Committee Amendment "A" (H-42)** proposed to replace the bill and amend the definition of "fine wine store" to remove the requirement that the store sell wines from at least 50% of the world's wine regions but retain the requirement to carry at least 250 different wine labels requirement currently in law. Additionally, this amendment would broaden that definition to include a store that carries 125 different wine labels, holds a wine license only and meets the compatible merchandise requirement under the Maine Revised Statutes, Title 28-A, section 1201.

*Enacted law summary*

Public Law 2005, chapter 32 amends the definition of "fine wine store" to remove the requirement that the store sell wines from at least 50% of the world's wine regions and it broadens the definition to include stores that carry 125 different wine labels, hold a wine license only and meet the compatible merchandise requirement under the Maine Revised Statutes, Title 28-A, section 1201.

LD 290

**An Act To Amend the Laws Governing Mobile Service Bars on  
Maine Golf Courses**

**PUBLIC 108  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROWNE MAYO	OTP-AM	H-208

LD 290 proposed to amend current law permitting the licensure of mobile service bars on golf courses. Current law requires that mobile service bar licensees automatically lose all of their liquor licenses in the event that any amount of malt liquor, other than that which is sold by the licensee, is possessed and consumed on the premises by members of the public. This bill would alter that standard to make it consistent with similar provisions governing other on-premises licensees. Specifically, it would provide that mobile service bar licensees may not possess nor permit possession, sale or consumption of unauthorized malt liquor on the premises, and that a licensee's failure to adhere to this standard would subject it to potential revocation and suspension of the liquor license or other forms of discipline to the same extent as other on-premises licensees. The bill would also remove the sunset provisions on the law allowing the sale of malt liquor on golf courses.

**Committee Amendment "A" (H-208)** proposed to add an emergency preamble and an emergency clause to the bill and clarify that a licensee who holds a mobile service bar license and any other license held by that person to

## *Joint Standing Committee on Legal and Veterans' Affairs*

sell liquor for on-premises consumption would be subject to potential revocation and suspension or other forms of discipline to the same extent as are other on-premises licensees.

### ***Enacted law summary***

Public Law 2005, chapter 108 amends current law permitting the licensure of mobile service bars on golf courses. Current law requires that mobile service bar licensees automatically lose all of their liquor licenses in the event that any amount of malt liquor, other than that which is sold by the licensee, is possessed and consumed on the premises by members of the public. Public Law 2005, chapter 108 alters that standard to make it consistent with similar provisions governing other on-premises licensees. Specifically, it provides that mobile service bar licensees may not possess or permit possession, sale or consumption of unauthorized malt liquor on the premises, and that a licensee's failure to adhere to this standard subjects it to potential revocation and suspension of the liquor license or other forms of discipline to the same extent as other on-premises licensees. Public Law 2005, chapter 108 also removes the sunset provisions in the law regarding the sale of malt liquor on golf courses.

Public Law 2005, chapter 108 was enacted as an emergency measure effective May 13, 2005.

**LD 291**                      **An Act To Extend Term Limits**                      **ONTP**

Sponsor(s)  
BISHOP  
MAYO

Committee Report  
ONTP

Amendments Adopted

LD 291 extends the number of years of service authorized under the term limits law from 8 to 12 for Legislators, the Secretary of State, the Treasurer of State and the Attorney General and from 8 to 12 for the State Auditor. The bill also requires that the voters of the State vote on this matter at the statewide election to be held in the year 2005.

**LD 323**                      **An Act To Limit the Time a Campaign Sign May Be Displayed**                      **ONTP**

Sponsor(s)  
EDGECOMB  
SCHNEIDER

Committee Report  
ONTP

Amendments Adopted

LD 323 proposed to prohibit the display of campaign signs, posters or stickers more than 30 days prior to an election.



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**LD 329                      An Act Concerning Recognition of Qualified Political Parties                      CARRIED OVER**

<u>Sponsor(s)</u> EDER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-161
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LD 329 proposed to allow a recognized political party to maintain its qualified status by either receiving 5% of the ballots cast for Governor or President in either of the 2 preceding general elections or by maintaining an enrollment of members equal to 0.5% of all registered voters in the State.

**Committee Amendment "A" (H-161)** proposed to raise the percentage of registered voters a political party would need to have enrolled in order to achieve qualified party status from 0.5%, as proposed in the bill, to 1% according to at least one tabulation of registered voters in either of the 2 preceding elections.

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 337                      An Act Regarding the Late Payment of Rent                      ONTP**

<u>Sponsor(s)</u> MILLS J	<u>Committee Report</u> ONTP    MAJ OTP     MIN	<u>Amendments Adopted</u>
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LD 337 proposed to decrease from 15 to 7 the number of days that must pass before a landlord may assess a penalty for the late payment of rent.

**LD 368                      An Act To Amend the Maine Clean Election Act                      ONTP**

<u>Sponsor(s)</u> MAYO RICHARDSON J	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 368 proposed to prohibit 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.

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LD 374

An Act Regarding the Voting Place

INDEF PP

<u>Sponsor(s)</u> GAGNON BARSTOW	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-150
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LD 374 proposed to accomplish the following.

1. It would reduce from 250 feet to 100 feet the distance from the entrance to the voting place within which a person, on public property, may not advertise, influence or attempt to influence another person's vote.
2. It would prohibit a person from influencing or attempting to influence a person's decision on a question that is on the ballot for the election that day.
3. It would specify that the limitations on influencing or attempting to influence a person's decision do not prohibit pollwatchers, media representatives or persons collecting signatures for direct initiatives or ballot referenda, as long as certain conditions are met.

**Committee Amendment "A" (S-150)** proposed to change the title of the bill and replace the section of the bill that places those collecting signatures for petitions a minimum of 25 feet outside the voting place with guidelines for the presence of petitioners at the voting place, including allowing space for those who oppose the petition for which signatures are being collected.

**House Amendment "A" to Committee Amendment "A" (H-398)** proposed to replace the bill and require the Secretary of State to supply a temporary warden if a municipal voting warden determines that there is a security concern or it is necessary to maintain order at the polling place. The amendment also proposed to require the Secretary of State to report to the Joint Standing Committee on Legal and Veterans Affairs on the cost of providing a temporary warden at a polling place and with potential funding sources. The amendment also would make the requirement to supply a temporary warden effective for the November 2006 election.

**House Amendment "B" to Committee Amendment "A" (H-478)** proposed to allow a warden to place an opponent to a petition next to the circulator of that petition, but does not require such placement.

**Senate Amendment "A" to Committee Amendment "A" (S-218)** proposed to alter Committee Amendment "A" in the following ways.

1. It would permit a municipal clerk to deny access to the voting place if a circulator fails to notify the clerk by noon of the day before the election day of an intention to collect signatures.
2. It would replace the provision in the committee amendment that limits the number of circulators and opponents to one per question or issue with a new provision that permits the warden to limit the number based on the space available.
3. It would provide that the restriction against approaching a voter before that voter votes applies only to activity within the voting place.

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**LD 383**                      **An Act To Ban Government Conflict of Interest in Elections**                      **ONTP**

<u>Sponsor(s)</u> VAUGHAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 383 proposed to prohibit employees of the State and members of government employee unions from running for the Legislature, outgoing Legislators from running for constitutional office or State Auditor, people who receive income from the State from publicly participating in a campaign, people who occupy positions elected by the Legislature from publicly participating in a campaign or endorsing candidates and government employee unions from assisting with or contributing to campaigns.

**LD 412**                      **An Act To Clarify the Definition of "Lobbyist"**                      **ONTP**

<u>Sponsor(s)</u> PLOWMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 412 proposed to ensure the registration as lobbyists of all individuals who engage in lobbying in excess of 8 hours in a calendar month and who receive compensation for their time spent lobbying, whether or not the lobbying is done on a pro bono basis. This bill proposed to amend the definition of "lobbyist" to include individuals who lobby on a pro bono basis but who receive compensation for the time spent lobbying.

**LD 422**                      **An Act To Remove the Restriction on the Number of Liquor Licenses Issued**                      **ONTP**

<u>Sponsor(s)</u> FISCHER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 422 proposed to remove the current restriction on the number of agency liquor store licenses that may be issued in a municipality based on the population of that municipality. Instead, this bill proposed to make licensing for agency liquor stores contingent upon their meeting requirements similar to those imposed on off-premise retail licensees of malt liquor and wine.

**LD 456**                      **An Act To Make Disputed Ballots in State Elections Public**                      **ONTP**

<u>Sponsor(s)</u> MCKANE DOW		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 456 proposed to require the Secretary of State to make available for public inspection disputed ballots arising from an election recount. This bill would specify that absentee ballots made available for public inspection must preserve the voter's anonymity.

*Joint Standing Committee on Legal and Veterans' Affairs*

**LD 470**                      **An Act To Amend the Way Beverages Are Sold on Golf Courses**                      **ONTP**

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

LD 470 proposed to permit the buildings and grounds but not the parking lot of a golf club to be included in the licensed premises for purposes of on-premises liquor licenses.

**LD 496**                      **An Act To Extend Term Limits**                      **CARRIED OVER**

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

LD 496 extends the number of years of service authorized under the term limits law from 8 to 12 for Legislators. The bill also requires that the voters of the State vote on this matter at the statewide election held in the year 2005. This bill was carried over by H.P. 1023 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 506**                      **An Act To Abolish the Maine Clean Election Act**                      **ONTP**

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

LD 506 proposed to repeal the Maine Clean Election Act.

**Committee Amendment "A" (H-355)** was the minority report of the committee and proposed to require that this bill be sent to voters at the next statewide election in November. The question posed to voters would have read: "Do you favor repealing the Maine Clean Election Act?"

**LD 547**                      **An Act To Extend the Number of Days Nonprofit Organizations Are Allowed To Operate Games of Chance**                      **PUBLIC 179  
EMERGENCY**

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

LD 547 proposed to extend from 2 days to 3 days the length of time that a bona fide nonprofit organization may operate a licensed game of chance.

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*Enacted law summary*

Public Law 2005, chapter 179 extends from 2 days to 3 days the length of time that a bona fide nonprofit organization may operate a licensed game of chance.

Chapter 179 was enacted as an emergency measure and took effect May 20, 2005.

**LD 560**                      **An Act To Permit Interstate Wine and Malt Liquor Sales and Delivery to Homes**                      **CARRIED OVER**

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

LD 560 is being carried over to the next special or regular session of the 122<sup>nd</sup> Legislature. It allows an out-of-state shipper to ship wine or malt liquor directly to a resident of this State who is 21 years of age or older for that resident's personal use.

**Committee Amendment "A" (H-527)** is the minority report. It removes malt liquor from the language permitting shipment of alcoholic beverages directly to consumers and permits only wine to be directly shipped to a Maine resident from another state. It limits the amount of wine a person can ship directly to residents of the State to 50 cases per year and to 5 cases per individual per year. This bill was carried over by H.P. 1203 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 572**                      **An Act To Eliminate Term Limits in the Legislature**                      **DIED BETWEEN HOUSES**

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

LD 572 is being carried over to the next special or regular session of the 122<sup>nd</sup> Legislature and proposes to eliminate term limits for Legislators.

**Committee Amendment "A" (S-278)** proposed to replace the bill. It would repeal term limits for Legislators who serve their first nonconsecutive term beginning December 3, 2006. The amendment also would require that the voters of the State vote on this matter at the general election held in 2006.

**House Amendment "A" to Committee Amendment "A" (H-627)** proposed to remove the language added by Committee Amendment "A" that applied the repeal of term limits only to Legislators who serve their first nonconsecutive terms beginning December 3, 2006.

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**Senate Amendment "A" to Committee Amendment "A" (S-307)** proposed to remove the language added by Committee Amendment "A" that applied the repeal of term limits only to Legislators who serve their first nonconsecutive terms beginning December 3, 2006.

**LD 611                                      An Act To Strengthen Tenants' Rights When There Is a Failure                                      PUBLIC 78**  
**To Correct a Dangerous Condition**

<u>Sponsor(s)</u> CAIN	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 611 proposed to amend the law governing the repair of rental units by a tenant at the landlord's expense. Under current law, if a landlord fails to fix a problem in a rental unit that endangers or materially impairs the health or safety of a tenant after receiving notice of the problem from the tenant, the tenant may fix the problem at the landlord's expense if the cost to fix the problem is less than \$250 or an amount equal to ½ the monthly rent, whichever is greater. This bill proposed to allow the tenant to fix the problem if it costs less than \$500 or an amount equal to ½ the monthly rent, whichever is greater.

***Enacted law summary***

Public Law 2005, chapter 78 amends the law governing the repair of rental units by a tenant at the landlord's expense. Under current law, if a landlord fails to fix a problem in a rental unit that endangers or materially impairs the health or safety of a tenant after receiving notice of the problem from the tenant, the tenant may fix the problem at the landlord's expense if the cost to fix the problem is less than \$250 or an amount equal to ½ the monthly rent, whichever is greater. Public Law 2005, chapter 78, allows the tenant to fix the problem if it costs less than \$500 or an amount equal to ½ the monthly rent, whichever is greater.

**LD 617                                      An Act To Limit Out-of-state Contributions to Organizations In a                                      ONTP**  
**Referendum Campaign**

<u>Sponsor(s)</u> CEBRA	<u>Committee Report</u> ONTP      MAJ OTP        MIN	<u>Amendments Adopted</u>
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LD 617 proposed to prohibit a political action committee in a referendum campaign from receiving more than 20% of its funds from sources outside of the State.

*Joint Standing Committee on Legal and Veterans' Affairs*

LD 623

**An Act To Ensure Participation by Voters with Disabilities in the Electoral Process**

**PUBLIC 196**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LERMAN GAGNON	OTP-AM	H-283

LD 623 was a concept draft pursuant to Joint Rule 208.

This bill proposed to allow for alternative methods of signing petitions, voter registration cards and marking ballots by voters with disabilities who face manual dexterity or other challenges. Ideas for alternative means of signing important election-related documents include use of stamps, witness verification and surrogate signatures.

**Committee Amendment "A" (H-283)** proposed to provide a legal framework and a process for a person who is unable to sign that person's name due to a physical disability to be able to register to vote and sign candidate petitions.

*Enacted law summary*

Public Law 2005, chapter 196 provides a legal framework and a process for a person who is unable to sign their own name due to a physical disability to be able to register to vote and sign candidate petitions.

Under this law a signature may be a mark, a stamp or a signature made by another on behalf of an individual who is unable to sign his or her own name due to a physical disability.

LD 677

**Resolve, Regarding Access to Geographic Information System Data**

**ONTP**

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

LD 677 directs the Maine Emergency Management Agency to develop reasonable restrictions on who may access state geographic information system data. It also requires the Maine Emergency Management Agency to establish and collect identifying information from anyone wishing to access such data, including but not limited to personal identification, address and the purpose for which the data is being requested.

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LD 685

**An Act To Waive Continuing Education Requirements and To Provide an Automatic Extension of a License, Certificate or Registration for Mobilized Military Members**

**PUBLIC 111**

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

LD 685 proposed to grant a waiver of continuing education requirements for licenses, certifications and registrations of mobilized members of the military during a mobilization period and for 6 months thereafter. It would also extend licenses, certificates and registrations to engage in a profession or occupation for mobilized military members during a mobilization period plus 6 months.

**Committee Amendment "A" (S-121)** proposed to grant a waiver of certain lobster apprentice and commercial fishing license requirements for members of the National Guard or the Reserves of the United States Armed Forces who are on active duty.

*Enacted law summary*

Public Law 2005, chapter 111 provides a waiver of continuing education requirements for licenses, certifications and registrations of mobilized members of the military during a mobilization period and for 6 months thereafter. It also extends licenses, certificates and registrations to engage in a profession or occupation for mobilized military members during a mobilization period plus 6 months. Public Law 2005, chapter 111 also provides for a waiver of certain lobster apprentice and commercial fishing license requirements for members of the National Guard or the Reserves of the United States Armed Forces who are on active duty.

LD 706

**An Act To Restrict a Nominated Political Candidate in an Election from Changing Political Parties during the Elected Term**

**ONTP**

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

LD 706 proposed to prohibit a candidate nominated by a party in a contested election from switching political parties before the election.



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**LD 720**                      **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Give the Supreme Judicial Court Authority To Decide Contested Elections Results**                      **ONTP**

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

LD 720 proposed to provide for the Supreme Judicial Court to decide contested elections for members of the Senate and the House of Representatives as is currently provided for all other elections.

**Committee Amendment "A" (H-155)** would have incorporated a fiscal note.

**LD 749**                      **An Act To Limit the Political Activity of the Members of the Commission on Governmental Ethics and Election Practices**                      **PUBLIC 271**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM      MAJ	S-223
	OTP-AM      MIN	

LD 749 proposed to prohibit a person who holds a position in a political party or campaign from serving on the Commission on Governmental Ethics and Election Practices and would prohibit members of the commission from engaging in political fund-raising or endorsing a political candidate.

**Committee Amendment "A" (S-223)** was the majority report of the committee and proposed to prohibit members of the Commission on Governmental Ethics and Election Practices from participating in fund-raising for political campaigns, including ballot measures, except at the local level and out-of-state nonfederal elections.

**Committee Amendment "B" (S-224)** was the minority report. It proposed to specify that a member of the Commission on Governmental Ethics and Election Practices may not participate in political fund-raising except at the federal or local level and out-of-state elections.

***Enacted law summary***

Public Law 2005, chapter 271 prohibits a person who holds a position in a political party or campaign from serving on the Commission on Governmental Ethics and Election Practices and prohibits members of the commission from engaging in political fund-raising or endorsing a political candidate. It also prohibits members of the Commission on Governmental Ethics and Election Practices from participating in fund-raising for political campaigns, including ballot measures, except at the local level and out-of-state nonfederal elections.

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**LD 765**                      **An Act Requiring That Contributions for a Clean Election Candidate Be from the Candidate's Political Party**                      **ONTP**

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

LD 765 proposed to require that the contributions required for Maine Clean Election Act candidates be from voters from the same political party as the candidate.

**LD 777**                      **An Act To Enhance Enforcement of Liquor Laws**                      **ONTP**

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

LD 777 proposed to allow the Commissioner of Public Safety to reach agreements with law enforcement agencies to authorize them to enforce administrative sanctions against liquor licensees and the licensees' agents and employees. It also proposed to allow the commissioner to authorize contract officers to perform the same function. The contract officers are exempt from the basic law enforcement training requirements.

The bill would also prohibit the sale or service of liquor or imitation liquor to a person less than 27 years of age unless the person presents reliable photographic identification containing the person's date of birth.

**LD 779**                      **An Act Allowing Certain Clean Election Campaign Reports To Be Filed by Telephone**                      **ONTP**

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

Current law requires a nonparticipating Maine Clean Election Act candidate who receives, spends or obligates more than 1% in excess of the primary or general election distribution amounts for a Maine Clean Election Act candidate to file a report with the Commission on Governmental Ethics and Election Practices within 48 hours of exceeding the distribution amount. If that nonparticipating Maine Clean Election Act candidate for Governor, state Senate or state House of Representatives makes a single expenditure of at least \$1,000, \$750 or \$500 respectively, within 14 days of the election, the nonparticipating candidate is required to report that expenditure to the commission within 24 hours of the expenditure.

LD 779 proposed to allow the nonparticipating Maine Clean Election Act candidate who is required to file these 2 reports to do so by telephone.

***Joint Standing Committee on Legal and Veterans' Affairs***

**LD 792                      An Act To Allow Limited Partnerships between Brewers and Wholesalers                      ONTP**

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

LD 792 proposed to allow brewers and wholesalers to form limited partnerships where the brewer would be the limited partner while the wholesaler would be the general partner. Consistent with the Maine Revised Uniform Limited Partnership Act, only the general partner would be involved in day-to-day management. The bill also proposed to provide a 10-year maximum term for any brewer and wholesaler limited partnership. Currently, because brewers are not permitted by law to have a financial interest in a wholesaler, brewers cannot provide financing to prospective wholesalers who may have the necessary business expertise but who lack sufficient capital with which to buy a malt liquor distributorship.

**Committee Amendment "A" (S-252)** was the committee's the minority report and proposed to require a certificate of approval holder to have a prior business relationship with the wholesale business being acquired by the wholesale licensee before entering into a partnership with that wholesaler. It also proposed to specifically prohibit the certificate of approval holder from participating in the daily operations of the partnership.

**LD 804                      An Act To Prohibit Clean Election Candidates from Using Clean Money for Personal Profit or Use                      ONTP**

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

LD 804 proposed to prohibit a Maine Clean Election Act candidate or a family member of the candidate from using funds from the Maine Clean Election Fund for personal travel expenses and mileage or personal items.

**LD 822                      An Act Regarding Fundraising for Clean Election and Traditional Candidates in Leadership Races                      ONTP**

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

LD 822 proposed to allow a candidate for a legislative leadership position to raise up to \$10,000 in a calendar year for a leadership allowance to be used in the campaign for the leadership position. Contributions to a leadership allowance would be prohibited from exceeding \$250 and could not come from corporations, political action committees or lobbyists. As proposed by this bill, funds in a leadership allowance could not be used in campaigns for legislative seats. The leadership allowance would be available to both regular and Maine Clean Election Act candidates.

*Joint Standing Committee on Legal and Veterans' Affairs*

LD 829

Resolve, To Raise a Monument for Women Veterans of Maine

RESOLVE 116

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JENNINGS	OTP-AM	H-353

LD 829 proposed to direct the Capitol Planning Commission to raise and maintain a monument to women veterans of the State. It also proposed to allow the commission to accept gifts and private contributions to assist in achieving this goal.

**Committee Amendment "A" (H-353)** proposed to replace the bill and establish an 8-member commission to arrange for a monument to honor the women veterans of Maine. It would require the commission to submit its initial report for review by the Capitol Planning Commission by January 2, 2006 and a final report by March 1, 2006.

*Enacted law summary*

Resolve 2005, chapter 116 establishes an 8-member commission to arrange for a monument to honor the women veterans of Maine. It requires the commission to submit its initial report for review by the Capitol Planning Commission by January 2, 2006 and a final report by March 1, 2006.

LD 855

An Act To Limit In-kind Contributions to Maine Clean Election Act Candidates

ONTP

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

Current law prohibits candidates participating in the Maine Clean Election Act from receiving contributions as a term of participation. LD 855 proposed to consider discounts on campaign materials to be contributions if the cost of the materials is less than 75% of the expected market cost. Under this bill, expected market cost would be determined by the Commission on Governmental Ethics and Election Practices using an annually updated index of prices based on data from campaign finance reports.

**Committee Amendment "A" (H-312)** proposed to replace the bill. Under this amendment, if a candidate purchases campaign materials at a cost that is less than fair market value, the difference between the price paid and the fair market value is considered a contribution to the candidate. Fair market value would be determined using an index created by the Commission on Governmental Ethics and Election Practices.

*Joint Standing Committee on Legal and Veterans' Affairs*

LD 870

**An Act To Increase Access to Information Regarding Referendum Questions**

**PUBLIC 316**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKAS MITCHELL	OTP-AM	H-505

LD 870 proposed to require the Office of Fiscal and Program Review to prepare a fiscal estimate of each constitutional resolution or statewide referendum on state revenues, appropriations and allocations and to publish that estimate with the explanatory statement that is already required. The bill would require the Secretary of State to adopt rules regarding the publication of public comment by proponents and opponents of constitutional resolutions or statewide referenda and establishes a fee of \$500 for having public comments published. It also proposed to establish a dedicated fund in the Department of the Secretary of State consisting of revenue from the \$500 fees and requires that the fund be used for the purpose of publishing the informational pamphlet including the public comment, explanatory statement and fiscal estimate. The bill would specify that any unspent balance in excess of \$5,000 as of December 1st each year must be transferred to the General Fund.

**Committee Amendment "A" (H-505)** proposed to specify what must be included in a fiscal estimate of a constitutional resolution or statewide referendum and establishes a date by which the fiscal estimate must be completed.

*Enacted law summary*

Public Law 2005, chapter 316 requires the Office of Fiscal and Program Review to prepare a fiscal estimate of each constitutional resolution or statewide referendum on state revenues, appropriations and allocations and to publish that estimate with the explanatory statement that is already required. The estimate would be complete 30 days after adjournment of the legislative session immediately prior to when the constitutional amendment or referendum will appear on the ballot. The estimate will summarize the aggregate impact that the constitutional resolution or referendum will have on the General Fund, the Highway Fund, other Special Revenue Funds and the amounts distributed by the state to local units of government. Chapter 316 requires the Secretary of State to adopt rules regarding the publication of public comment by proponents and opponents of constitutional resolutions or statewide referenda and establishes a fee of \$500 for having public comments published. It also establishes a dedicated fund in the Department of the Secretary of State consisting of revenue from the \$500 fees and requires that the fund be used for the purpose of publishing the informational pamphlet including the public comment, explanatory statement and fiscal estimate. Chapter 316 specifies that any unspent balance in excess of \$5,000 as of December 1st each year must be transferred to the General Fund.

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**LD 882**                      **An Act To Ensure Fair Distribution of Matching Funds under the  
Maine Clean Election Act**                      **ONTP**

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

LD 882 was a concept draft pursuant to Joint Rule 208. It proposed to clarify when expenditures need to be reported and improve the enforcement power of the Commission on Governmental Ethics and Election Practices in order to ensure fair and timely distribution of matching funds under the Maine Clean Election Act.

**LD 914**                      **An Act To Prohibit Campaign Expenditures except during an  
Established Campaign Season**                      **ONTP**

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

LD 914 proposed to establish a general election campaign period and prohibits advertising expenditures by candidates for Governor, United States Senate, United States House of Representatives, State Senate and State House of Representatives and political committees and political action committees for communications advocating the election or defeat in the general election of a clearly identified candidate except during that period. This bill did not propose to prohibit advertising expenditures for primary or special elections.

**LD 929**                      **An Act To Create Freedom of Citizen Information Regarding  
Ballot Questions**                      **PUBLIC 356**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH GAGNON	OTP-AM	H-412 H-503 PATRICK

LD 929 proposed to do the following:

1. It would require the Secretary of State in conjunction with the Revisor of Statutes to draft a proposed ballot question summary for proposed direct initiative legislation and to post the summary on the Internet;
2. It would require that the proposed ballot question summary contain prescribed language informing the voter of the costs of ballot questions and that the petition circulator must offer the voter the opportunity to read and keep a copy of the summary before signing the petition;
3. It would require that the petition contain a header stating that each voter has a right to read the proposed ballot question summary before signing the petition;

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4. It would require that the petition be divided into 2 columns for signatures to identify voters who read the proposed ballot question summary and signed the petition and those who did not read the summary but still signed the petition;
5. It would require the petition circulator to certify that all voters were given the opportunity to read the proposed ballot question summary before signing the petition and makes the falsification of such certification a crime;
6. It would require a person that is circulating a petition within 250 feet of a polling place to post a sign that reads "Not a Polling Place";
7. It would require a person who is paid to circulate a petition to wear a button stating that that person is being paid to circulate a petition and requires the person to disclose who is paying for the services upon the request of a voter;
8. It would require that financial reports be filed during the signature-gathering phase of a direct initiative campaign;
9. It would reduce the threshold for reporting financial reports from \$1,500 to \$250 for all political action committees and for persons not defined as political action committees; and
10. It would require political action committees and persons not defined as political action committees to file financial reports both electronically and in hard copy if more than \$10,000 is raised or spent.

**Committee Amendment "A" (H-412)** proposed to retain the provisions of the bill that require circulators of direct initiative petitions to provide registered voters the opportunity to read the summary of the proposed direct initiative prior to signing the petition and that require the petition to include certain statements informing potential signers that they must be afforded the opportunity to read the summary and of the costs of placing questions on a ballot.

This amendment proposed to remove all other provisions of the bill.

**House Amendment "A" to Committee Amendment "A" (H-503)** proposed to clarify that the placement of the summary of the proposed initiative is to be immediately following the required statements at the top of the petition.

### ***Enacted law summary***

Public Law 2005, chapter 356 requires circulators of direct initiative petitions to provide registered voters the opportunity to read the summary of the proposed direct initiative prior to signing the petition. It requires that the petition include certain statements informing potential signers that they must be afforded the opportunity to read the summary and of the costs of placing questions on a ballot. Chapter 356 provides that the placement of the summary of the proposed initiative is to be immediately following the required statements at the top of the petition.

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**LD 939                      RESOLUTION, Proposing an Amendment to the Constitution of                      ONTP  
Maine To Preserve the Integrity of the Citizen-initiated Petition  
Process**

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

LD 939 proposed amending the Constitution of Maine to require that citizen initiatives that require state expenditures include either a new revenue source to fund the expenditure or identify reductions in existing state programs sufficient to offset the new expenditure.

**LD 944                      An Act Regarding Independent Campaign Expenditures                      ONTP**

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

LD 944 proposed to require that independent expenditures made during the 10 days preceding an election in races involving a Maine Clean Election Act candidate be reported to the Commission on Governmental Ethics and Election Practices 48 hours before the expenditure is actually made.

**LD 945                      An Act To Allow the Counting of Absentee Ballots prior to                      ONTP  
Election Day**

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

LD 945 proposed to permit a municipality to process ballots up to 2 business days prior to election day.

**LD 946                      An Act To Prohibit Petition Blockers from Polling Places                      ONTP**

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

LD 946 proposed prohibiting a person from attempting to persuade someone to refuse to sign and from attempting to block access to a petition for which signatures are being solicited at the voting place.



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**LD 952**                      **An Act To Regulate Political Advertising**                      **ONTP**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 952 proposed to prohibit broadcasting television advertisements advocating the election or defeat of a candidate for political office or the passage or defeat of a referendum question until 42 days or fewer before the primary, election or referendum.

**LD 1007**                      **An Act To Eliminate Certain Limitations in the Siting of Agency Liquor Stores**                      **ONTP**

<u>Sponsor(s)</u> NASS R		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1007 proposed to prohibit the Department of Public Safety from denying an application for an agency liquor store solely due to the proposed agency store's proximity to an existing agency liquor store or the population of the municipality of the proposed agency store.

**LD 1026**                      **An Act To Provide Uniform Voter Verification and Recount Requirements for Voting Machines**                      **PUBLIC 445**

<u>Sponsor(s)</u> PINGREE EDMONDS		<u>Committee Report</u> OTP-AM    MAJ OTP-AM    MIN		<u>Amendments Adopted</u> H-453 H-508    PATRICK
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Current law requires the Secretary of State to provide voting machines equipped for individuals with disabilities, such as direct recording electronic voting machines. These machines are exempt from the requirement placed on other voting machines that they produce a paper record that allows a voter to verify a vote before it is cast.

LD 1026 proposed to remove that exemption, thus requiring the accessible voting equipment to produce a paper audit trail.

**Committee Amendment "A" (H-453)** proposed to provide that the Secretary of State is not required to ensure that a paper audit trail function is included on voting machines purchased for disabled access in compliance with the federal Help America Vote Act of 2002 if the machines are determined inadequate to meet all the requirements for voting machines provided in current law.

**Committee Amendment "B" (H-454)** incorporated a fiscal note.

**House Amendment "A" to Committee Amendment "A" (H-508)** proposed to clarify that except for accessible voting equipment that must be provided by 2006 in compliance with the federal Help America Vote Act of 2002, voting machines must include a paper audit trail function.

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**Enacted law summary**

Current law requires the Secretary of State to provide voting machines equipped for individuals with disabilities, such as direct recording electronic voting machines. These machines are exempt from the requirement placed on other voting machines that they produce a paper record that allows a voter to verify a vote before it is cast.

Public Law 2005, chapter 445 removes that exemption, but provides that the Secretary of State is not required to ensure that a paper audit trail function is included on voting machines purchased for disabled access in compliance with the federal Help America Vote Act of 2002 if the machines are determined inadequate to meet all the requirements for voting machines provided in current law. Chapter 445 also clarifies that except for accessible voting equipment that must be provided by 2006 in compliance with the federal Help America Vote Act of 2002, voting machines must include a paper audit trail function.

**LD 1033                      An Act To Implement Fusion Voting in Maine                      ONTP**

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

LD 1033 proposed a voting system utilizing cross-endorsement, which is the practice of multiple parties or political designations nominating the same candidate. It proposed to eliminate the current rules requiring enrollment in a political party in order to be a candidate for that party's nomination. It also proposed to require the Secretary of State to list on the ballot a candidate nominated by multiple parties or political designations once for each party or political designation. The bill would also prevent overvotes, when a voter marks the same candidate's name multiple times, from invalidating the vote.

**LD 1075                      An Act To Expand the Items That May Be Sold by Malt Liquor                      PUBLIC 193**  
**and Wine Licensees**

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

LD 1075 proposed to expand the items that may be sold by persons licensed to sell malt liquor and wine to include glasses, china and devices designed to open containers of wine and beer.

**Committee Amendment "A" (H-313)** proposed to make technical changes to the bill.

**Enacted law summary**

Public Law 2005, chapter 193 expands the items that may be sold by persons licensed to sell malt liquor and wine to include glasses, china and devices designed to open containers of wine and beer.

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**LD 1085**

**An Act To Require Alcohol Retailers To Post Signs Regarding the Laws Governing Alcohol**

**PUBLIC 437**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM    MAJ	H-455
MARTIN	OTP-AM    MIN	H-485    RINES S-394    ROTUNDO

LD 1085 proposed to require all retail liquor licensees to display a sign in a conspicuous location at the licensed premises informing customers of the prohibition of the purchase of liquor by or the sale of liquor to minors or visibly intoxicated persons, and require the Commissioner of Public Safety to create the sign and distribute it to all retail liquor licensees.

**Committee Amendment "A" (H-455)** was the majority report and proposed to remove the posting requirements for on-premises licensees and make a violation of the posting requirements a civil violation with a fine of not less than \$50 or more than \$200 for any one offense. The amendment would also add an appropriations and allocations section.

**Committee Amendment "B" (H-456)** was the minority report and would require the Commissioner of Public Safety to provide signs to specified licensees free of charge. This amendment would also add an appropriations and allocations section.

**House Amendment "A" to Committee Amendment "A" (H-485)** was presented on behalf of the Committee on Bills in the Second Reading and would make changes consistent with the changes made for section 1.

**Senate Amendment "A" to Committee Amendment "A" (S-394)** proposed to direct the Department of Public Safety to absorb the cost of printing and distributing the signs.

***Enacted law summary***

Public Law 2005, chapter 437 requires all off premises retail liquor licensees to display a sign in a conspicuous location at the licensed premises informing customers of the prohibition of the purchase of liquor by or the sale of liquor to minors or visibly intoxicated persons, and requires the Commissioner of Public Safety to create the sign and distribute it to all off premises retail liquor licensees.

A violation of the posting requirements is a civil violation with a fine of not less than \$50 or more than \$200 for any one offense.

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**LD 1087**                    **An Act To Protect the Citizen Initiative Signature Collection Process at Polling Places**                    **ONTP**

<u>Sponsor(s)</u> EDER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1087 proposed prohibiting opponents of a citizen initiative signature collection drive from influencing or attempting to influence another person's decision to sign such a petition.

**LD 1099**                    **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Ensure Statewide Participation in Initiating a Referendum by Requiring 10% of the Total Vote by County**                    **ONTP**

<u>Sponsor(s)</u> SAVIELLO PERRY J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1099 proposed changing the required percentage of signatures on the written petition of electors to 10% of the total vote for Governor cast in each county in the last gubernatorial election for people's veto and direct initiative of legislation.

**LD 1111**                    **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide 4-year Terms for Senators and Representatives and To Increase Term Limits to 12 Years**                    **ONTP**

<u>Sponsor(s)</u> PARADIS MAYO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1111 proposed changing the terms of Senators and members of the House of Representatives to 4 years and increases term limits to 12 years beginning with the statewide election in 2008.

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**LD 1112                    RESOLUTION, Proposing an Amendment to the Constitution of    CARRIED OVER  
Maine To Change the Legislative Term to 4 years**

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

LD 1112 proposed changing Legislators' terms to 4 years in time for the general election in 2006. The Legislature would meet every year, but business in the 2nd year and 4th year would be restricted as it is presently in the 2nd year.

This bill was carried over by H.P. 1023 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 1117                    An Act To Protect Children Left Unattended at Gambling                    ONTP  
Establishments**

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

LD 1117 proposed requiring slot machine operators to conduct regular visual monitoring of their parking lots to ensure that children under 16 years of age have not been left unattended and establishes criminal penalties for failure to provide such monitoring.

**LD 1118                    An Act Relating to Disclosures in Political Advertising                    PUBLIC 308**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM    MAJ ONTP        MIN	H-451

LD 1118 proposed to make newspapers responsible for including the required disclosures when publishing political communications in the newspapers.

**Committee Amendment "A" (H-451)** proposed to provide that newspapers may seek the advice of the Commission on Governmental Ethics and Election Practices regarding which communications require disclosure.

**House Amendment "A" to Committee Amendment "A" (H-608)** proposed to replace the bill, as amended by Committee Amendment "A." It would require a newspaper to provide to the Commission on Governmental Ethics and Election Practices copies of any advertisements that were run in its publication during the 60-day period prior to the election that name or depict a candidate for state office and lack the disclosures required to be in the advertisement under Maine law.

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*Enacted law summary*

Public Law 2005, chapter 308 makes newspapers responsible for ensuring that political communications include the required disclosures prior to being published in the newspaper and provides that newspapers may seek the advice of the Commission on Governmental Ethics and Election Practices regarding which communications require disclosure.

**LD 1133                      Resolve, Authorizing Karen Davis To Sue the State                      ONTP**

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

LD 1133 proposed to authorize Karen Davis 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.

**LD 1145                      An Act To Allow Tournament Games for Charitable Purposes                      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK BRYANT B	OTP-AM	H-550

LD 1145 proposed to authorize nonprofit organizations and federally recognized Indian tribes who are licensed to conduct high-stakes beano to conduct Texas hold 'em poker games in which a player would pay a \$100 fee to play, of which \$25 goes to the nonprofit organization or Indian tribe.

**Committee Amendment "A" (H-550)** proposed to replace the bill and changes the title. The amendment would authorize the Chief of the State Police to issue tournament licenses to organizations eligible to conduct beano and games of chance. Seventy-five percent of the proceeds after the payment of prizes would go to a charity designated in the application submitted to the Chief of the State Police. An organization would be limited to one license every 2 months. The maximum entry fee would be \$100 and the maximum number of players would be 100. The license fee would be \$5 per tournament player.

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

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**LD 1154**                      **An Act To Recognize and Regulate the Proper Formation of**                      **ONTP**  
**Minor Political Parties**

<u>Sponsor(s)</u> LINDELL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1154 proposed to allow the formation of minor political parties in the State. Minor political parties would be organized by holding at least one municipal caucus in every county and nominate candidates through a party committee nominating process.

**LD 1155**                      **An Act To Prohibit the Sale and Use of Vaporized Alcohol and**                      **PUBLIC 259**  
**Alcohol Vaporizing Devices**

<u>Sponsor(s)</u> BRYANT M BRYANT B		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-413
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LD 1155 proposed to prohibit selling, furnishing, giving away, using, possessing and offering to sell, furnish or give away vaporized alcohol or an alcohol vaporizing device. Using vaporized alcohol or an alcohol vaporizing device would be a civil violation for which a fine would be adjudged and the court could order community service, counseling or treatment. Selling, furnishing, giving away, possessing or offering to sell, furnish or give away vaporized alcohol or an alcohol vaporizing device would be a civil violation for which a fine would be adjudged. A 2nd offense for selling, furnishing, giving away, possessing or offering to sell, furnish or give away vaporized alcohol or an alcohol vaporizing device would be a Class E crime for which a fine would be adjudged, and, if the person is a licensee for the on-premises or off-premises sale of liquor, the court could order a suspension of the license for up to one year.

**Committee Amendment "A" (H-413)** proposed to remove the proposed prohibition on possessing vaporized alcohol or an alcohol vaporizing device and would create an exception for medical and scientific research to the prohibition on using, selling, furnishing or giving away vaporized alcohol or alcohol vaporizing devices. The amendment would also make technical changes to the penalty provisions of the bill.

**House Amendment "A" (H-434)** proposed to delay the prohibition of vaporized alcohol and vaporized alcohol devices until January 1, 2008. This amendment would direct the Department of Health and Human Services to study the safety and risks associated with the use of alcohol vaporizing devices in comparison to the more traditional means of consuming alcohol and to report its findings and recommendations to the Joint Standing Committee on Legal and Veterans Affairs by January 2, 2006.

***Enacted law summary***

Public Law 2005, chapter 259 prohibits selling, furnishing, giving away, using and offering to sell, furnish or give away vaporized alcohol or an alcohol vaporizing device. It makes a violation of that prohibition a civil violation and subsequent offenses Class E crimes and, if the person is a licensee for the on-premises or off-premises sale of liquor, it authorizes the court to order a suspension of the license for up to one year. Public Law

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2005, chapter 259 also provides an exemption to the prohibitions regarding vaporized alcohol and alcohol vaporizing devices for medical and scientific research.

**LD 1169**                      **An Act To Permit Video Gaming for Money Conducted by**                      **ONTP**  
**Nonprofit Organizations**

<u>Sponsor(s)</u> PATRICK BRYANT B	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1169 proposed to allow operation of video gaming terminals by nonprofit organizations that are eligible for games of chance licenses and that are exempt from federal tax under the Internal Revenue Code, Section 501(c)(8), 501(c)(10) or 501(c)(19). These sections of the tax code refer to 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 would be able to apply for an initial license while they seek the required federal tax status. The organization applying for the license would be required to own or lease the premises on which the terminals would be placed and would be required to use the premises for its charitable or nonprofit purpose.

As proposed by this bill, video gaming terminals operated by organizations licensed under this bill would be required to be owned or leased by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations. Video gaming terminal manufacturers, wholesalers and operators would be required to be licensed by the Chief of the State Police, following background investigations of the applicants and their major business partners. Local approval would be required for a license to operate video gaming terminals and would also be required for renewal of a license to operate video gaming terminals, and municipal decisions would be subject to appeal to the Chief of the State Police in accordance with the Maine Administrative Procedure Act.

The license would specify the number of video gaming terminals allowed on the premises, and the maximum number of terminals allowed would be 5 per licensee. Terminals would 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 would provide continuous on-line monitoring of video gaming terminal activity. Persons under 21 years of age would not be allowed to use the machines. The bill proposed to specify that if an organization's liquor license is suspended, the license to operate video gaming terminals would also be suspended until the liquor license is reinstated. Only members of the organization and their guests would be allowed to play. The maximum dollar amount for each play would be \$5 and the maximum payout would be \$1,250. Each game on each machine would be required to return at least 80% of wagers to players, calculated on an annual basis.

Net terminal income, which is income after payback to players, would be divided among the State, the municipalities, a compulsive gambling fund for prevention and treatment of compulsive gambling and the charitable organization. The bill proposed to provide that 2% of the net terminal income go to the Compulsive Gambler Rehabilitation Fund and 65% to the licensee. The bill proposed to provide that 23% of the net terminal income goes to the State for payment into the Video Gaming Fund for administrative expenses not to exceed 10%; the rest of the Video Gaming Fund would be divided between municipal revenue sharing and the



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others, for the pilot program for early voting. The Secretary of State must present its plan for the early voting pilot program to the joint standing committee of the Legislature having jurisdiction over legal and veterans' affairs by February 15, 2007. This law authorizes the committee to submit legislation to authorize the Secretary of State to conduct the early voting pilot program at the November 2008 general election.

**LD 1174                      An Act To Strengthen Enforcement of the Political Signs Law                      ONTP**

<u>Sponsor(s)</u> DAMON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1174 proposed making the improper placement of political signs a Class E crime punishable by a \$100 fine per sign per day and enforceable by the State Police and municipal law enforcement authorities and increasing the fine for taking, defacing or disturbing political signs from up to \$250 to up to \$1,000.

**LD 1188                      An Act To Ensure Ready Access by Consumers to Information                      ONTP**  
**Regarding Alcoholic Beverages and Gambling Activities while**  
**Decreasing Gambling Abuse**

<u>Sponsor(s)</u> FAIRCLOTH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1188 proposed the following.

1. It would require lottery advertisements to include the odds of winning the jackpot and the telephone number of statewide mental health crisis hotline administered by the Department of Health and Human Services that a person may call about gambling addiction.
2. It would prohibit the purchase of lottery tickets with a credit card.
3. It would require most alcohol retailers to post a sign listing the telephone number of statewide mental health crisis 24-hour hotline administered by the Department of Health and Human Services that a person may call who has substance abuse issues.
4. It would require the State Liquor and Lottery Commission to double the size of the print of the odds of winning on lottery tickets and to display on both sides of the ticket the odds of winning the jackpot and a 24-hour hotline telephone number.
5. It would direct the Commissioner of Health and Human Services to ensure that a statewide mental health crisis 24-hour hotline administered by the Department of Health and Human Services accepts calls from and provides referrals for persons who have alcohol or gambling issues or other substance abuse and addiction issues.
6. It would direct the Commissioner of Public Safety to create a sign listing the statewide mental health crisis 24-hour hotline administered by the Department of Health and Human Services that a person may call to

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discuss alcohol abuse issues and make the sign available on-line to be printed or upon request of a retail liquor licensee.

**LD 1189**                      **An Act To Update the Veteran Services Laws and Establish a Commemorative Program for Veterans**                      **PUBLIC 273**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK GAGNON	OTP-AM	H-452

LD 1189 proposed to require that a veteran whose child qualifies for a 100% tuition waiver on the basis of the veteran's residing in this State for 5 years immediately preceding applications for aid must continue to reside in the State while the tuition waiver is in effect for the child.

The bill proposed to change the term "physical defects" to "physical disabilities."

The bill would establish a commemorative certificates, coins and medals recognition program for the State's veterans using state and private funds as well as sale proceeds to pay for the program.

**Committee Amendment "A" (H-452)** proposed to exempt veterans who are receiving educational benefits on or before January 1, 2006 from the continuous residency requirements of the bill. It would authorize the administrator of the Maine Veterans' Home to examine certain confidential military records. It would also add an appropriations and allocations section.

*Enacted law summary*

Public Law 2005, chapter 273 requires that a veteran whose child qualifies for a 100% tuition waiver on the basis of the veteran's residing in this State for 5 years immediately preceding applications for aid must continue to reside in the State while the tuition waiver is in effect for the child. It exempts a veteran from the continuous residency requirements if that veteran is receiving educational benefits on or before January 1, 2006. Public Law 2005, chapter 273 establishes commemorative certificates, coins and a medals recognition program for the State's veterans using state and private funds as well as sale proceeds to pay for the program. It also authorizes the administrator of the Maine Veterans' Home to examine certain confidential military records

**LD 1207**                      **An Act To Improve the Clean Election Laws**                      **ONTP**

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

LD 1207 proposed requiring donors to make qualifying contributions under the Maine Clean Election Act directly to the candidate, the amount of which must be deducted from the clean election funds distributed to the candidate.

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**LD 1227**

**An Act To Fund Pesticide Education in the State**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHARD SNOWE-MELLO	ONTP	

LD 1227 proposed to direct the State Liquor and Lottery Commission to initiate a pesticide education lottery game designed to raise funds for the Maine Pesticide Education Fund. Money in the fund would be distributed to the Integrated Pest Management Fund, the Board of Pesticides Control for pesticide education and pick-up programs and the University of Maine Cooperative Extension for pest management education programs.

**LD 1239**

**An Act To Promote Clean Elections in Maine**

**ONTP**

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

LD 1239 proposed allowing State Senators and State Representatives to run for leadership positions in the Legislature as Maine Clean Election Act candidates. The candidate would already have to be certified as a Maine Clean Election Act candidate for the general election and file a letter of intent with the Commission on Governmental Ethics and Election Practices after certification for the general election to become certified as a candidate for a leadership position. A certified candidate for a leadership position in the Legislature would receive \$1,000 for a candidate for State Senator and \$3,000 for a candidate for State Representative. A Maine Clean Election Act candidate who receives funds to campaign for a leadership position would not be able to accept or expend any other funds for that election. This bill proposed to prohibit a Maine Clean Election Act candidate for State Senator or State Representative from serving as an officer or having control over a political action committee that contributes to a campaign in the State. This bill also proposed to require candidates for leadership positions to register with the Commission on Governmental Ethics and Election Practices within 3 days of becoming a candidate for the leadership position and to submit reports to the commission as required by rules adopted by the commission.

**LD 1257**

**Resolve, Authorizing Dominic LaJoie To Sue the Department of Agriculture, Food and Rural Resources**

**ONTP**

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

LD 1257 proposed to authorize Dominic LaJoie to bring a civil action against the Department of Agriculture, Food and Rural Resources for damages in connection with actions taken by the Department of Agriculture, Food and Rural Resources. This resolve proposed to direct the Attorney General and the Department of Agriculture, Food and Rural Resources to conduct settlement negotiations to resolve the dispute to the extent possible.

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**LD 1260**                      **An Act To Establish Daily Loss Limits Relating to Slot Machines and Certain Games of Chance**                      **ONTP**

<u>Sponsor(s)</u> ANDREWS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1260 proposed a daily loss limit of \$300 per person per 24-hour period for slot machines and other mechanical devices used for playing games of chance operated in this State.

**LD 1266**                      **An Act Regarding Distribution of Information from the Central Voter Registration System**                      **PUBLIC 404**

<u>Sponsor(s)</u> EDMONDS PINGREE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-677 PATRICK S-340 S-352 GAGNON
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LD 1266 proposed the following:

1. To require the voting registrar of a municipality to allow for election day registration at every voting place;
2. To require that municipalities provide election training biennially using materials provided by the Secretary of State to all election officials and require all newly hired election officials to receive the training before working an election;
3. To require the training of poll workers before the poll workers may work at the polls;
4. Changing the law that allows municipalities with a population of less than 4,000 to open their polls no later than 10 a.m. instead of 9 a.m. to only municipalities with populations of less than 500;
5. Allowing registered voters to request ongoing absentee ballot status in which they would automatically receive absentee ballots without having to request one for each election; and
6. To direct the Secretary of State to ensure that additional ballots are available for voting places and to study the problems with the availability of ballots and absentee ballots at voting places over the last 4 statewide and general elections and to report back to the Legislature with findings and any recommended legislation.

**Committee Amendment "A" (S-340)** proposed to replace the bill and establish which information is available for public access from the central voter registration system. The central voter registration system is a database operated by the Secretary of State with cooperation from municipalities that contains all voter records. There would be a repeal date of September 30, 2007 on the provisions of the use and distribution of central voter registration information. This amendment would require the Secretary of State to issue a report to the joint standing committee of the Legislature having jurisdiction over voter registration matters by March 15, 2007 regarding public access to information contained in the central voter registration system, taking into

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consideration the impact on voter participation, the opportunity for voter fraud and the potential disenfranchisement of voters.

**House Amendment "A" to Committee Amendment "A" (H-677)** proposed to clarify that the list created by a municipal clerk or registrar of persons who requested or were furnished absentee ballots must be made available to any person who requests the list upon payment of the fees set forth in the Maine Revised Statutes, Title 21-A, section 196, subsection 4.

**Senate Amendment "A" to Committee Amendment "A" (S-344)** proposed to clarify that the list created by a municipal clerk or registrar of persons who requested or were furnished absentee ballots must be made available to any person who requests the list upon payment of the fees set forth in the Maine Revised Statutes, Title 21-A, section 196, subsection 4.

**Senate Amendment "B" to Committee Amendment "A" (S-352)** proposed implementing the recommendations of the advisory committee to the Secretary of State, established pursuant to Resolve 2005, chapter 19, in response to the requirement in Section 301 of the federal Help America Vote Act of 2002 that each state establish uniform, nondiscriminatory standards for determining voter intent. It would reorganize the statutory provisions pertaining to distinguishing marks on ballots and incorporates the changes into the definition of "distinguishing mark" in the Maine Revised Statutes, Title 21-A, section 1. The amendment would also amend the law pertaining to the counting of votes for write-in candidates. Finally, it would require the Secretary of State to publish guidelines for determining voter intent that incorporate the legal standards articulated in relevant court decisions and in statute. This document is intended to be used as a reference guide by election officials and by parties to election recounts.

### ***Enacted law summary***

Public Law 2005, chapter 404 establishes which information is available for public access from the central voter registration system. The central voter registration system is a database operated by the Secretary of State with cooperation from municipalities that contains all voter records. There is a repeal date of September 30, 2007 on the provisions regarding the use and distribution of central voter registration information. This law requires the Secretary of State to issue a report to the joint standing committee of the Legislature having jurisdiction over voter registration matters by March 15, 2007 regarding public access to information contained in the central voter registration system, taking into consideration the impact on voter participation, the opportunity for voter fraud and the potential disenfranchisement of voters.

Chapter 404 clarifies that the list created by a municipal clerk or registrar of persons who requested or were furnished absentee ballots must be made available to any person who requests the list upon payment of the fees set forth in the Maine Revised Statutes, Title 21-A, section 196, subsection 4.

Finally, chapter 404 implements the recommendations of the advisory committee to the Secretary of State, established pursuant to Resolve 2005, chapter 19, in response to the requirement in Section 301 of the federal Help America Vote Act of 2002 that each state establish uniform, nondiscriminatory standards for determining voter intent. It reorganizes the statutory provisions pertaining to distinguishing marks on ballots and incorporates the changes into the definition of "distinguishing mark" in the Maine Revised Statutes, Title 21-A, section 1. This law also amends the law pertaining to the counting of votes for write-in candidates. Finally, it requires the Secretary of State to publish guidelines for determining voter intent that incorporate the legal standards articulated in relevant court decisions and in statute. This document is intended to be used as a reference guide by election officials and by parties to election recounts.

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LD 1266 as amended by the Legal and Veterans' Affairs Committee 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.

**LD 1274                      An Act To Allow Indian Tribes To Operate Slot Machines                      ONTP**

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

LD 1274 proposed to allow a federally recognized Indian tribe that holds a high-stakes beano license to operate up to 1,500 slot machines in the same facility in which the high-stakes beano is held.

**LD 1281                      An Act To Ensure That Direct Initiatives Have Local Support                      ONTP**

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

LD 1281 proposed to allow a petition on an initiated ballot question to be submitted only once every 5 years and would clarify that only registered Maine voters may collect signatures for an initiated petition on a ballot question. The bill also proposed to prohibit political action committees from accepting out-of-state contributions for campaigns on initiated ballot questions.

**LD 1289                      An Act Allowing Spirits Tasting Events                      PUBLIC 319**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE PLOWMAN	OTP-AM	H-506

LD 1289 proposed to allow distillers, licensed sales representatives, the State's wholesale liquor provider and certificate of approval holders to sponsor liquor tasting events.

**Committee Amendment "A" (H-506)** proposed to replace the bill and allow distillers, licensed distilled spirits sales representatives and the State's wholesale liquor provider to sponsor spirits taste-tasting events for the purpose of allowing retail licensees to sample spirits. The events could not be held unless written permission was obtained from the Department of Public Safety and would be held in a designated area of an on-premises licensee's establishment. The sponsor could provide only spirits that had gone through the State's control system and would be required to remove those products from the retail licensee's premises after the taste-testing event was concluded.

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*Enacted law summary*

Public Law 2005, chapter 319 allows distillers, licensed distilled spirits sales representatives and the State's wholesale liquor provider to sponsor spirits taste-tasting events for the purpose of allowing retail licensees to sample spirits. It provides that the sponsor of a taste-testing event must obtain written permission from the Department of Public Safety prior to holding the event and that the event must be held in a designated area of an on-premises licensee's establishment. Public Law 2005, chapter 319 prohibits the sponsor from providing any spirits at an event other than those spirits that have gone through the State's control system.

**LD 1292                      Resolve, To Study the Citizen Initiative Process                      ONTP**

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

LD 1292 proposed to establish the Task Force to Study the Citizen Initiative Process. The resolve would also direct the task force to file its report by January 2, 2006.

**LD 1335                      An Act To Create a Small Distillery Off-premises License                      PUBLIC 390  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS PATRICK	OTP-AM	S-263

LD 1335 proposed to create a limited off-premises license to allow an in-state manufacturer of spirits to sell only its product on its premises, as long as the product goes through the usual distribution process for spirits.

**Committee Amendment "A" (S-263)** proposed to substitute the word "distiller" for "manufacturer" to limit the scope of the bill and would define a "small distillery" to mean a distillery that does not produce spirits in excess of 50,000 gallons per year. It proposed that a person may hold only one small distillery off-premises license and would limit the renewal of the license to one additional year for distilleries that exceed the 50,000-gallon limit. It would also exempt the holder of a small distillery off-premises license from being licensed as an agency store and clarify that a person must hold a distiller license to be eligible for a small distillery off-premises license. This amendment proposed to clarify that spirits sold on the distillery premises must go through the state control system and would require that off-premises sales records be kept separate from the distiller's other business records. It would also clarify that the license fee is \$100 annually.

*Enacted law summary*

Public Law 2005, chapter 390 creates a small distillery off-premises license to allow an in-state distiller of spirits to sell only its product on its premises, as long as the product goes through the usual distribution process for spirits. It also defines a "small distillery" to mean a distillery that does not produce spirits in excess of 50,000





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LD 1355

**An Act To Prohibit Unfair Charges in Mobile Home Parks**

**PUBLIC 156**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N HOBBINS	OTP-AM	H-285

LD 1355 proposed to make the following changes to the mobile home park landlord and tenant law.

1. It would prohibit mobile home park owners or owners' agents from charging otherwise illegal entrance fees regardless of what those fees are called and prohibits park owners or owners' agents from charging exit fees to tenants for removing homes from the park.
2. It would limit the penalty for late payment of rent to 4% of the amount due for one month. Also, it would provide that rent is not late if it is made within 15 days from the time the payment is due.

**Committee Amendment "A" (H-285)** proposed to remove from the bill the prohibition against charging a tenant an exit fee for removing that tenant's mobile home from the mobile home park.

*Enacted law summary*

Public Law 2005, chapter 156 makes the following changes to the mobile home park landlord and tenant law.

1. It clarifies that a mobile home park owner or the owners' agent may not charge an entrance fee, regardless of what those fees are called, to a tenant who is moving into a mobile home currently in a mobile home park that is greater than 2 times the amount of the monthly rent.
2. It limits the penalty for late payment of rent to 4% of the amount due for one month and provides that rent is not late if it is made within 15 days from the time the payment is due.

LD 1371

**An Act To Provide Additional Funding for Prescription Drugs for Maine's Elderly**

**ONTP**

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

Under current law, 2% of total gross slot machine income is deposited in the Fund to Stabilize Off-track Betting Facilities for the distribution of revenue to off-track betting facilities.

LD 1371 proposed to repeal that fund and creates a new fund, the Harness Racing Stabilization Fund, into which 2% of the total gross slot machine income must be deposited. The new fund would serve as a source of revenue for licensed off-track betting facilities that apply to the Department of Public Safety, Gambling Control Board for financial assistance payments. The board would be required to establish criteria that the off-track betting facility must meet in order to be eligible for financial assistance payments. One criterion that an off-track betting facility would have to meet is a showing of loss of revenue due to the presence of licensed slot machines in the State.



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2. It would require municipal clerks to mail ballots and return envelopes to registered voters 30 days before an election;
3. It would require the municipal clerk to verify the addresses of registered voters prior to mailing out ballots as provided in rules;
4. It would allow persons who register after absentee ballots were mailed out to request a ballot by mail or receive one in person from the municipal clerk;
5. It would provide a process for requesting an absentee ballot if that person was not automatically mailed one by the clerk or if that person is a uniformed service voter or an overseas voter; and
6. It would repeal provisions that allow 3rd-party or immediate family participation in voting by absentee ballot.

**LD 1467**                      **An Act To Limit the Hours of Operation at Certain Gambling Establishments**                      **ONTP**

<u>Sponsor(s)</u> CUMMINGS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1467 proposed to limit the daily hours of operation of a facility that operates slot machines to 6:00 a.m. to 1:00 a.m. the following day.

**LD 1485**                      **Resolve, To Publicize the Odds of Winning a State Lottery**                      **ONTP**

<u>Sponsor(s)</u> BOWEN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1485 proposed requiring the State Liquor and Lottery Commission to adopt rules that would require the publication of the odds of winning the highest possible prize in a lottery game in all advertising and marketing for that lottery game.

**LD 1500**                      **An Act To Improve Campaign Financing and Reporting and the Administration of the Maine Clean Election Act**                      **PUBLIC 301**

<u>Sponsor(s)</u> GAGNON PATRICK		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-264
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LD 1500 proposed to make the following changes to the laws governing campaign financing and reporting and administration of the Maine Clean Election Act.

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1. It would provide candidates, volunteers and political party committees more flexibility to pay for additional goods and services that would not be considered campaign contributions.
2. It would require disclosure of which persons paid for publicly accessible sites on the Internet and automated telephone calls promoting or opposing candidates.
3. It would require electronic filing of campaign finance reports by candidates, lobbyists, state party committees and political action committees unless they request an exception to the requirement.
4. It would require the filing of updated registration information by political action committees during each election year.
5. It would extend to 7 days the opportunity for candidates to appeal a determination by the Commission on Governmental Ethics and Election Practices on a candidate's request to participate in the Maine Clean Election Act.
6. It would provide more flexibility to Maine Clean Election Act candidates to obligate themselves to purchase goods and services prior to certification.
7. It would change from major substantive to routine technical the type of rulemaking necessary for the Commission on Governmental Ethics and Election Practices to amend its campaign finance reporting form for candidates.
8. It would require the filing of 24-hour reports by candidates and others on weekend days during the last 11 days before an election.
9. It would expressly permit the Commission on Governmental Ethics and Election Practices to audit campaign finance reporting by political action committees, candidates and others.
10. It would clarify the reporting requirements for expenditures by political action committees.

**Committee Amendment "A" (S-264)** proposed to strike from the definition of "party candidate listing" that the listing is distributed in the geographical area where voters would vote for the candidates listed. It would add publicly accessible sites on the Internet to the list of media through which communications are distributed. It would require disclosure of the name and address of a person who made or paid for a communication that names or clearly depicts a candidate in the 21 days preceding an election. The amendment proposed to clarify that automated telephone calls paid for by a candidate that use the candidate's voice do not require a statement indicating who paid for the telephone call. The amendment would strike the extension from 21 days to 30 days in the provision in current law that states that any communication that clearly names or depicts a candidate in a race involving a Maine Clean Election Act candidate disseminated 21 days prior to an election is considered a contribution and triggers matching funds. The amendment would also permit the acceptance of contributions to pay for a candidate's election recount and would provide for reporting of contributions and expenditures with regard to recounts.

### *Enacted law summary*

Public Law 2005, chapter 301 makes the following changes to the laws governing campaign financing and reporting and administration of the Maine Clean Election Act.

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1. It provides candidates, volunteers and political party committees more flexibility to pay for additional goods and services that would not be considered campaign contributions.
2. It requires disclosure of which persons paid for publicly accessible sites on the Internet and automated telephone calls promoting or opposing candidates.
3. It requires electronic filing of campaign finance reports by candidates, lobbyists, state party committees and political action committees unless they request an exception to the requirement.
4. It requires the filing of updated registration information by political action committees during each election year.
5. It extends to 7 days the opportunity for candidates to appeal a determination by the Commission on Governmental Ethics and Election Practices on a candidate's request to participate in the Maine Clean Election Act.
6. It provides more flexibility to Maine Clean Election Act candidates to obligate themselves to purchase goods and services prior to certification.
7. It changes from major substantive to routine technical the type of rulemaking necessary for the Commission on Governmental Ethics and Election Practices to amend its campaign finance reporting form for candidates.
8. It requires the filing of 24-hour reports by candidates and others on weekend days during the last 11 days before an election.
9. It expressly permits the Commission on Governmental Ethics and Election Practices to audit campaign finance reporting by political action committees, candidates and others.
10. It clarifies the reporting requirements for expenditures by political action committees.
11. It strikes from the definition of "party candidate listing" that the listing is distributed in the geographical area where voters would vote for the candidates listed.
12. It adds publicly accessible sites on the Internet to the list of media through which communications are distributed.
13. It requires disclosure of the name and address of a person who made or paid for a communication that names or clearly depicts a candidate in the 21 days preceding an election.
14. It clarifies that automated telephone calls paid for by a candidate that use the candidate's voice do not require a statement indicating who paid for the telephone call.
15. It also permits the acceptance of contributions to pay for a candidate's election recount and provides for reporting of contributions and expenditures with regard to recounts.

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**LD 1514**                      **An Act To Enhance the Transparency of Maine's Elections**                      **ONTP**

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

LD 1514 proposed to establish a procedure for regular scientific audits of the State's election machinery on a biennial basis, by means of manually recounting the ballots of a random sample of all voting machines in the State. The bill would also establish an escalating recount procedure in the event that unacceptable discrepancies are discovered during the random sample recount process, and would mandate the regular statistical analysis of those discrepancies. This bill proposed establishing the Maine Electoral Transparency Fund to provide reimbursement for costs incurred in performing the recounts. Resources of the fund would come from an income tax checkoff and voluntary contributions. Contingencies for shortages and surpluses in the fund would also be addressed.

**LD 1562**                      **An Act To Create Optional Public Financing of Legislative Leadership Elections**                      **ONTP**

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

LD 1562 proposed allowing Maine Clean Election Act financing for candidates in legislative leadership races. The candidate for a leadership position would already be a Maine Clean Election Act candidate. A candidate for a Senate leadership position would be required to obtain 9 signatures from members of the candidate's party who were nominated to seats in the Senate, and a candidate for a leadership position in the House of Representatives would be required to collect 38 signatures from members of the candidate's party who were nominated to seats in the House of Representatives. A Maine Clean Election Act candidate who wishes to run for a leadership position would be able to collect up to \$1,000 in seed money. As proposed, a Maine Clean Election Act leadership candidate would receive \$5,000 to spend on the leadership campaign and would not be allowed to contribute to a candidate, campaign, political committee or political action committee during the leadership campaign. A Maine Clean Election Act leadership candidate could not be an officer of or have control over a political action committee under this bill.

**LD 1573**                      **An Act To Authorize a Tribal Commercial Track and Slot Machines in Washington County**                      **VETOED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE F RAYE	OTP-AM    MAJ ONTP        MIN	H-563

LD 1573 proposed to define "tribal commercial track." A tribal commercial track would be operated by a federally recognized Indian tribe in this State. The bill proposed authorizing the Department of Public Safety,

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Gambling Control Board to issue a license to operate up to 3,000 slot machines to a tribal commercial track. The slot machine facility operated at a tribal commercial track would be subject to the regulatory structure currently provided in law. The distribution of income from slot machines would be the same as currently provided in law with the following exceptions.

1. The percentage of income designated for scholarships at Maine's community colleges would go directly to a community college in Washington County.
2. Instead of distribution of off-track betting facilities, the tribal commercial track slot machine facility would distribute that percentage to a development authority and career and technical education center in Washington County.

**Committee Amendment "A" (H-563)** proposed to strike the provision in the bill that created a tribal commercial track development fund and instead would provide that the tribal commercial track would receive a percentage of slot machine income from the Fund to Stabilize Off-track Betting Facilities. The amendment proposed to remove the provision that stated that a percentage of income from slot machines operated at a tribal commercial track would not be required to be paid to the Fund to Stabilize Off-track Betting Facilities. The amendment also would provide that if an off-track betting facility is licensed within the market area of a tribal commercial track with slot machines it would be eligible for money from the Fund to Stabilize Off-track Betting Facilities. This amendment would also require that a tribal commercial track receive municipal approval to operate slot machines before it would be eligible to receive a license to operate slot machines from the Gambling Control Board. The amendment also proposed to add an appropriations and allocations section to the bill.

**House Amendment "A" to Committee Amendment "A" (H-609)** proposed that the bill to be submitted to the legal voters of the State at the next statewide election in the month of November following passage of this Act. The amendment would also correct a cross-reference to reflect a change made by Public Law 2005, chapter 109.

**Senate Amendment "A" to Committee Amendment "A" (S-321)** proposed that the bill to be submitted to the legal voters of Washington County at the next statewide election in the month of November following passage of this Act. The amendment would also correct a cross-reference to reflect a change made by Public Law 2005, chapter 109 and would change the appropriations and allocations section.

**LD 1596                      An Act Limiting Clean Election Candidates' Campaign Soliciting    CARRIED OVER**

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

LD 1596 proposed to provide for the creation of caucus campaign committees established to support the election of candidates and determine legislative leadership of the 2 major parties in the House of Representatives and the Senate. This bill would prohibit a Maine Clean Election Act candidate from participating in political action committees, except that a Maine Clean Election Act candidate would be able to solicit contributions for a caucus campaign committee.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122<sup>nd</sup> Legislature.

***Joint Standing Committee on Legal and Veterans' Affairs***

**LD 1597                      An Act To Compensate the Gambling Control Board                      INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON PATRICK	OTP-AM	S-253

LD 1597 proposed to authorize the members of the Gambling Control Board to receive the legislative per diem when they meet.

**Committee Amendment "A" (S-253)** added an appropriations and allocations section to the bill. The provision proposed by LD 1597 was enacted as part of the part II budget Public Law 2005 c. 386.

**LD 1598                      An Act To Prevent Campaigning at Polling Places                      ONTP**

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

LD 1598 proposed to limit a candidate's activities at polling places to voting.

**Committee Amendment "A" (S-226)** proposed to specify that a candidate, a candidate's spouse or the surrogate of a candidate may not communicate in a repetitive or systematic way within 100 feet of the voting place with voters entering the voting place.

**LD 1599                      An Act Regarding the Commission on Governmental Ethics and Election Practices                      PUBLIC 295 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON PATRICK	OTP-AM	S-205

LD 1599 proposed that a nominee to the Commission on Governmental Ethics and Election Practices appointed by the Governor to fill a vacancy created by an expired term would be subject to review by the joint standing committee of the Legislature having jurisdiction over legal affairs and to confirmation by the Legislature.

**Committee Amendment "A" (S-205)** proposed to clarify the bill to ensure that all nominees to the Commission on Governmental Ethics and Election Practices would be subject to review by the Legislature whether the vacancy was created during an unexpired term or at the expiration of a term.



## *Joint Standing Committee on Legal and Veterans' Affairs*

### *Enacted law summary*

Public Law 2005, chapter 295 provides that a nominee to the Commission on Governmental Ethics and Election Practices appointed by the Governor to fill a vacancy is subject to review by the joint standing committee of the Legislature having jurisdiction over legal affairs and to confirmation by the Legislature.

Public Law 2005, chapter 295 was enacted as an emergency measure and took effect June 2, 2005.

**LD 1600**                      **Resolve, To Establish a Commission To Evaluate Criteria for Siting Agency Liquor Stores**                      **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON PATRICK	OTP-AM	S-206

LD 1600 establishes the Commission to Evaluate the Criteria for Siting Agency Liquor Stores. Committee Amendment "A" (S-206) incorporates a fiscal note.

**LD 1602**                      **An Act Regarding Implementation of the Central Voter Registration System**                      **PUBLIC 453**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM	S-331

LD 1602 proposed to require a registrar of voters to place a voter registration application in the voter registration file within 5 days after receipt of the voter registration application.

**Committee Amendment "A" (S-331)** proposed to replace the bill and would update the election laws and introduces necessary procedural changes to reflect the changeover from over 500 individual municipal voter lists to the use by all municipalities of the central voter registration system. These changes would include adjusting the length of the closed period before each election, standardizing the use and time frame for verifying registrations using the acknowledgement notice and technical changes in terminology from "voting list" to either "incoming voting list" or "central voter registration system." The bill proposed clarifying reporting procedures for the municipalities to the Secretary of State. This bill would also establish the requirements on use and distribution of information contained in the central voter registration system.

### *Enacted law summary*

Public Law 2005, chapter 453 updates the election laws and introduces necessary procedural changes to reflect the changeover from over 500 individual municipal voter lists to the use by all municipalities of the central voter registration system. These changes include adjusting the length of the closed period before each election, standardizing the use and time frame for verifying registrations using the acknowledgement notice and technical changes in terminology from "voting list" to either "incoming voting list" or "central voter registration system."

*Joint Standing Committee on Legal and Veterans' Affairs*

Chapter 453 clarifies reporting procedures for the municipalities to the Secretary of State. This law also establishes the requirements on use and distribution of information contained in the central voter registration system.

**LD 1608**                      **Resolve, To Establish a Study Commission To Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access**                      **RESOLVE 127**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM	H-712 DUPLESSIE
PATRICK		H-718 PATRICK
		S-316

LD 1608 proposed to authorize the establishment of the Commission To Study Methods To Improve Ballot Access.

**Committee Amendment "A" (S-316)** proposed changing the name of the study commission, altering the membership and including in the commission's duties the duty to inform the public about the fiscal implications of proposed citizen initiated legislation.

**House Amendment "A" to Committee Amendment "A" (H-712)** proposed to establish a study to look at alternative voting methods, minor party ballot access and the citizens' initiative process that would do the following.

1. It would reduce the commission's membership to include 6 Legislators, the Secretary of State or a designee and representatives from the Maine Municipal Association, the Maine Town and City Clerks' Association, the Maine Democratic Party and the Maine Republican Party.
2. It would provide that the Office of the Attorney General will provide additional staffing assistance.
3. It would authorize the commission to meet 3 times.

**House Amendment "B" to Committee Amendment "A" (H-718)** proposed to remove the emergency preamble and the emergency clause from the resolve.

*Enacted law summary*

Resolve 2005, chapter 127 authorizes the establishment of the Commission to Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot access. The Commission's membership includes 6 legislators, the Secretary of State or a designee and representatives from the Maine Municipal Association, the Maine Town and City Clerks' Association, the Maine Democratic Party and the Maine Republican Party. The Commission is authorized to hold 3 meetings and is required to issue its report, including suggested legislation, to the Legislature by December 7, 2005.

*Joint Standing Committee on Legal and Veterans' Affairs*

**LD 1627**                      **An Act To Allow Dual Liquor Licenses for On-premises Consumption and Off-premises Retail Sales**                      **CARRIED OVER**

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

LD 1627 allows dual liquor licenses for on-premises consumption and off-premises retail sales for fine wine stores that also prepare and sell food for consumption on their premises. This bill was carried over by H.P. 1023 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 1641**                      **An Act To Create a Small Brewer Distiller License**                      **PUBLIC 377**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS RICHARDSON J	OTP-AM    MAJ ONTP        MIN	S-277

LD 1641 proposed to establish a small distillery license.

**Committee Amendment "A" (S-277)** replaces the bill and creates a small brewer distiller license that allows the holder to have up to 3 Maine retail licenses for connected establishments owned in whole or in part by the holder of the small brewer distiller license. To be eligible for the license, a person must hold a small breweries license and have a basic federal permit for distilling spirits; and to maintain the license, a person may not distill more than 30,000 gallons of spirits per year. It provides that spirits produced by the distillery must be sold to the State and are subject to the listing, pricing and distribution of the Maine Revised Statutes, Title 28-A. This amendment also provides for the sampling of spirits produced at the distillery for quality control purposes and allows certain information to be printed on the distilled product's label and sets the license fee at \$100 annually.

***Enacted law summary***

Public Law 2005, chapter 377 creates a small brewer distiller license that allows the holder to have up to 3 Maine retail licenses for connected establishments owned in whole or in part by the holder of the small brewer distiller license. To be eligible for the license, a person must hold a small breweries license and have a basic federal permit for distilling spirits. It provides that the holder of a small brewer distiller license may not distill more than 30,000 gallons of spirits per year and those spirits must be sold to the State and are subject to the listing, pricing and distribution provisions of the Maine Revised Statutes, Title 28-A. Public Law 2005, chapter 377 also allows the sampling of spirits produced at the distillery for quality control purposes and sets the license fee at \$100 annually.

*Joint Standing Committee on Legal and Veterans' Affairs*

**LD 1672**      **Resolve, Regarding Legislative Review of Portions of Chapter 1: Procedures; Portions of Chapter 3: Maine Clean Election Act and Related Practices; and Campaign Reporting Forms for Candidates, Major Substantive Rules of the Commission on Governmental Ethics and Election Practices**      **RESOLVE 111 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-566

LD 1672 proposed to provide for legislative review of portions of Chapter 1: Procedures; portions of Chapter 3: Maine Clean Election Act and Related Practices; and Campaign Reporting Forms for Candidates, major substantive rules of the Commission on Governmental Ethics and Election Practices.

**Committee Amendment "A" (H-566)** proposed to authorize final adoption of portions of Chapter 1: Procedures; portions of Chapter 3: Maine Clean Election Act and Related Practices; and Campaign Reporting Forms for Candidates with the following changes.

In Chapter 1, section 7, with regard to the advance purchase of goods and services, the language must be changed to specifically include radio and television contracts and contracts for design work among the goods and services that, if contracted or paid for prior to the primary election, must be received prior to the primary election to be considered primary election expenditures. The language in Chapter 1, section 7, with regard to the advance purchase of goods and services, must also be changed to remove the requirement that a report be filed when a preponderance of goods purchased during the primary election cycle are used during the general election cycle. The change must also provide that, upon complaint regarding the use of goods and services purchased during a primary election during a general election, the commission may request an additional expenditure report.

***Enacted law summary***

Resolve 2005, chapter 111 authorizes final adoption of portions of Chapter 1: Procedures; portions of Chapter 3: Maine Clean Election Act and Related Practices; and Campaign Reporting Forms for Candidates with the following changes:

In Chapter 1, section 7, with regard to the advance purchase of goods and services, the language must be changed to specifically include radio and television contracts and contracts for design work among the goods and services that, if contracted or paid for prior to the primary election, must be received prior to the primary election to be considered primary election expenditures. The language in Chapter 1, section 7, with regard to the advance purchase of goods and services, must also be changed to remove the requirement that a report be filed when a preponderance of goods purchased during the primary election cycle are used during the general election cycle. The change must also provide that, upon complaint regarding the use of goods and services purchased during a primary election during a general election, the commission may request an additional expenditure report.

Resolve 2005, chapter 111 was finally passed as an emergency measure and took effect on June 10, 2005.

*Joint Standing Committee on Legal and Veterans' Affairs*

LD 1686

**An Act To Amend the Laws Governing Political Caucuses,  
Conventions and Committees**

**PUBLIC 387**

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

LD 1686 proposed a number of changes to the laws governing political caucuses, conventions and committees. This bill was enacted on the floor without reference to any Committee.

***Enacted law summary***

Public Law 2005, chapter 387 makes the following changes to the laws governing political caucuses, conventions and committees.

1. It provides that a person who meets certain requirements may vote in any election in a municipality, including a biennial municipal caucus.
2. It provides that a person who has not attained 18 years of age may vote in a municipal caucus if that person will be at least 18 years of age as of the date of the next general election.
3. It changes gender-specific language.
4. It changes the requirements for the calling, timing and notice of a biennial municipal caucus.
5. It provides that delegates to a party's state convention must be qualified to vote in the party's primary election unless otherwise permitted by party rules.
6. It provides that a state convention shall elect a county committee for each county from persons nominated at municipal caucuses held in the county, unless party rules provide for county committee members to be elected directly by their respective municipalities.
7. It amends the provisions of law that govern the timing for committees to organize and report.

This bill was enacted without reference to a Joint Standing Committee of the Legislature.

*Joint Standing Committee on Legal and Veterans' Affairs*

LD 1690

**An Act To Authorize, Subject to State Referendum, a Tribal Commercial Track and Slot Machines in Washington County**

**HELD BY GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE F RAYE		H-695 S-366

LD 1690 proposed the same bill as LD 1573 with the added provision that the bill be subject to a statewide referendum. Part A proposed L.D. 1573 as amended by Committee Amendment A and enacted by the Legislature and vetoed by the Governor.

Part B proposed to require the Act to be submitted to the legal voters at the next statewide election in the month of November following passage of this Act.

**House Amendment "A" (H-695)** proposed no change to Part A of the bill, which proposes to allow a tribal harness racing track and slot machines in Washington County. As an alternative to Part A, to be voted on at a statewide referendum, this amendment proposed a new Part that would allow a tribal harness racing track in Washington County, but would repeal laws that allow slot machines at any commercial harness racing tracks in the State. This amendment would require that these 2 alternatives be submitted to the legal voters at the next statewide election in November, as well as a 3rd alternative to approve neither of these proposals and would keep the law as it currently exists unchanged.

**Senate Amendment "A" (S-366)** proposed to require the statewide referendum to apply to all existing racinos. If the referendum were to pass, a tribal harness racing track and slot machines would be allowed in Washington County. If the referendum were to fail, all existing racinos would be disallowed.

LD 1690 was not referred to the Committee on Legal and Veterans' Affairs. This bill was enacted but was on the Governor's desk unsigned at the time this summary was completed.

## Joint Standing Committee on Legal and Veterans' Affairs

### SUBJECT INDEX

#### *Alcoholic Beverages*

##### Enacted

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LD 290	An Act To Amend the Laws Governing Mobile Service Bars on Maine Golf Courses	PUBLIC 108 EMERGENCY	Page 546
LD 1075	An Act To Expand the Items That May Be Sold by Malt Liquor and Wine Licensees	PUBLIC 193	Page 565
LD 1085	An Act To Require Alcohol Retailers To Post Signs Regarding the Laws Governing Alcohol	PUBLIC 437	Page 566
LD 1155	An Act To Prohibit the Sale and Use of Vaporized Alcohol and Alcohol Vaporizing Devices	PUBLIC 259	Page 570
LD 1289	An Act Allowing Spirits Tasting Events	PUBLIC 319	Page 578
LD 1335	An Act To Create a Small Distillery Off-premises License	PUBLIC 390 EMERGENCY	Page 579
LD 1336	An Act To Promote Economic Development in Commercial and Downtown Areas of the State	PUBLIC 269 EMERGENCY	Page 580
LD 1641	An Act To Create a Small Brewer Distiller License	PUBLIC 377	Page 591

##### Not Enacted

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LD 1007	An Act To Eliminate Certain Limitations in the Siting of Agency Liquor Stores	ONTP	Page 564
LD 1188	An Act To Ensure Ready Access by Consumers to Information Regarding Alcoholic Beverages and Gambling Activities while Decreasing Gambling Abuse	ONTP	Page 573
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LD 1627	An Act To Allow Dual Liquor Licenses for On-premises Consumption and Off-premises Retail Sales	CARRIED OVER	Page 591

*Beano/Games of Chance*

Enacted

LD 547	An Act To Extend the Number of Days Nonprofit Organizations Are Allowed To Operate Games of Chance	PUBLIC 179 EMERGENCY	Page 551
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Not Enacted

LD 1145	An Act To Allow Tournament Games for Charitable Purposes	CARRIED OVER	Page 569
LD 1169	An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations	ONTP	Page 571



## *Campaign Practices and Finance*

### Enacted

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LD 1672	Resolve, Regarding Legislative Review of Portions of Chapter 1: Procedures; Portions of Chapter 3: Maine Clean Election Act and Related Practices; and Campaign Reporting Forms for Candidates, Major Substantive Rules of the Commission on Governmental Ethics and Election Practices	RESOLVE 111 EMERGENCY	Page 592

### Not Enacted

LD 109	An Act To Require That Accelerated Campaign Finance Reports Be Completed by Both Clean Election and Nonparticipating Candidates	ONTP	Page 543
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LD 617	An Act To Limit Out-of-state Contributions to Organizations In a Referendum Campaign	ONTP	Page 553
LD 765	An Act Requiring That Contributions for a Clean Election Candidate Be from the Candidate's Political Party	ONTP	Page 557
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LD 1239	An Act To Promote Clean Elections in Maine	ONTP	Page 575
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LD 1596	An Act Limiting Clean Election Candidates' Campaign Soliciting	CARRIED OVER	Page 587
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### *Citizen's Initiative Process*

#### Enacted

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LD 929	An Act To Create Freedom of Citizen Information Regarding Ballot Questions	PUBLIC 356	Page 561

**Not Enacted**

<b>LD 939</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine To Preserve the Integrity of the Citizen-initiated Petition Process</b>	<b>ONTP</b>	<b>Page 563</b>
<b>LD 946</b>	<b>An Act To Prohibit Petition Blockers from Polling Places</b>	<b>ONTP</b>	<b>Page 563</b>
<b>LD 1087</b>	<b>An Act To Protect the Citizen Initiative Signature Collection Process at Polling Places</b>	<b>ONTP</b>	<b>Page 567</b>
<b>LD 1099</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine To Ensure Statewide Participation in Initiating a Referendum by Requiring 10% of the Total Vote by County</b>	<b>ONTP</b>	<b>Page 567</b>
<b>LD 1281</b>	<b>An Act To Ensure That Direct Initiatives Have Local Support</b>	<b>ONTP</b>	<b>Page 578</b>

***Claims Against The State***

**Enacted**

**None**

**Not Enacted**

<b>LD 66</b>	<b>An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee</b>	<b>ONTP</b>	<b>Page 539</b>
<b>LD 1133</b>	<b>Resolve, Authorizing Karen Davis To Sue the State</b>	<b>ONTP</b>	<b>Page 569</b>
<b>LD 1257</b>	<b>Resolve, Authorizing Dominic LaJoie To Sue the Department of Agriculture, Food and Rural Resources</b>	<b>ONTP</b>	<b>Page 575</b>

## *Defense and Emergency Management*

### Enacted

None

### Not Enacted

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## *Elections*

### Enacted

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LD 1608	Resolve, To Establish a Study Commission To Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access	RESOLVE 127	Page 590
LD 1686	An Act To Amend the Laws Governing Political Caucuses, Conventions and Committees	PUBLIC 387	Page 593

### Not Enacted

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<b>LD 147</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine To Revoke the Voting Privileges of Persons Convicted of Certain Crimes</b>	<b>ONTP</b>	<b>Page 543</b>
<b>LD 254</b>	<b>An Act To Change the Minimum Requirement for a Political Party To Be Recognized</b>	<b>ONTP</b>	<b>Page 544</b>
<b>LD 265</b>	<b>An Act To Establish Instant Run-off Voting</b>	<b>ONTP</b>	<b>Page 545</b>
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<b>LD 329</b>	<b>An Act Concerning Recognition of Qualified Political Parties</b>	<b>CARRIED OVER</b>	<b>Page 548</b>
<b>LD 383</b>	<b>An Act To Ban Government Conflict of Interest in Elections</b>	<b>ONTP</b>	<b>Page 550</b>
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<b>LD 720</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine To Give the Supreme Judicial Court Authority To Decide Contested Elections Results</b>	<b>ONTP</b>	<b>Page 556</b>
<b>LD 945</b>	<b>An Act To Allow the Counting of Absentee Ballots prior to Election Day</b>	<b>ONTP</b>	<b>Page 563</b>
<b>LD 1033</b>	<b>An Act To Implement Fusion Voting in Maine</b>	<b>ONTP</b>	<b>Page 565</b>
<b>LD 1154</b>	<b>An Act To Recognize and Regulate the Proper Formation of Minor Political Parties</b>	<b>ONTP</b>	<b>Page 570</b>
<b>LD 1292</b>	<b>Resolve, To Study the Citizen Initiative Process</b>	<b>ONTP</b>	<b>Page 579</b>
<b>LD 1388</b>	<b>An Act To Amend Maine Election Law by Instituting a Statewide Vote-by-mail System</b>	<b>ONTP</b>	<b>Page 582</b>
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<b>LD 1514</b>	<b>An Act To Enhance the Transparency of Maine's Elections</b>	<b>ONTP</b>	<b>Page 586</b>

## *Governmental Ethics*

### Enacted

LD 749	An Act To Limit the Political Activity of the Members of the Commission on Governmental Ethics and Election Practices	PUBLIC 271	Page 556
LD 1599	An Act Regarding the Commission on Governmental Ethics and Election Practices	PUBLIC 295 EMERGENCY	Page 588

### Not Enacted

None

## *Harness Racing/Slot Machines/Off-track Betting*

### Enacted

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### Not Enacted

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LD 1573	An Act To Authorize a Tribal Commercial Track and Slot Machines in Washington County	VETOED	Page 586

LD 1597	An Act To Compensate the Gambling Control Board	INDEF PP	Page 588
LD 1690	An Act To Authorize, Subject to State Referendum, a Tribal Commercial Track and Slot Machines in Washington County	HELD BY GOVERNOR	Page 594

### *Landlord/Tenant*

#### Enacted

LD 611	An Act To Strengthen Tenants' Rights When There Is a Failure To Correct a Dangerous Condition	PUBLIC 78	Page 553
LD 1355	An Act To Prohibit Unfair Charges in Mobile Home Parks	PUBLIC 156	Page 581

#### Not Enacted

LD 337	An Act Regarding the Late Payment of Rent	ONTP	Page 548
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### *Lobbying*

#### Enacted

None

#### Not Enacted

LD 412	An Act To Clarify the Definition of "Lobbyist"	ONTP	Page 550
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### *Lottery*

#### Enacted

None

#### Not Enacted

LD 1227	An Act To Fund Pesticide Education in the State	ONTP	Page 575
LD 1485	Resolve, To Publicize the Odds of Winning a State Lottery	ONTP	Page 583

## *Maine National Guard/Military*

### Enacted

LD 685	An Act To Waive Continuing Education Requirements and To Provide an Automatic Extension of a License, Certificate or Registration for Mobilized Military Members	PUBLIC 111	Page 555
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### Not Enacted

None

## *Term Limits*

### Enacted

None

### Not Enacted

LD 291	An Act To Extend Term Limits	ONTP	Page 547
LD 496	An Act To Extend Term Limits	CARRIED OVER	Page 551
LD 572	An Act To Eliminate Term Limits in the Legislature	DIED BETWEEN HOUSES	Page 552
LD 1111	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide 4-year Terms for Senators and Representatives and To Increase Term Limits to 12 Years	ONTP	Page 567
LD 1112	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Legislative Term to 4 years	CARRIED OVER	Page 568

## *Veterans*

### Enacted

LD 829	Resolve, To Raise a Monument for Women Veterans of Maine	RESOLVE 116	Page 559
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**LD 1189**

**An Act To Update the Veteran Services Laws and  
Establish a Commemorative Program for Veterans**

**PUBLIC 273**

**Page 574**

**Not Enacted**

**LD 64**

**An Act To Ensure the Maintenance of Veterans'  
Cemeteries**

**ONTP**

**Page 539**

*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Marine Resources*

*August 2005*

**Members:**

*Sen. Dennis S. Damon, Chair  
Sen. Nancy B. Sullivan  
Sen. Mary Black Andrews*

*Rep. Leila J. Percy, Chair  
Rep. Walter E. Ash, Jr.  
Rep. Herbert Adams  
Rep. Edward R. Dugay*

*Rep. Jeff Kaelin  
Rep. H. Stedman Seavey, Jr.  
Rep. Philip A. Cressey, Jr.  
Rep. Kenneth C. Fletcher  
Rep. Harold Ian Emery  
Rep. John Eder*

**Staff:**

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**JOINT STANDING COMMITTEE ON  
MARINE RESOURCES**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	30	100.0%	1.8%
<u><i>Bills Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Bills referred</b>	<b>30</b>	<b>100.0%</b>	<b>1.8%</b>
<b>B. Bills reported out by law or joint order</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>30</b>	<b>100.0%</b>	<b>1.8%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	1	3.4%	0.1%
<i>Ought to Pass as Amended</i>	12	41.4%	0.8%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>8</u>	<u>27.6%</u>	<u>0.5%</u>
<b>Total unanimous reports</b>	<b>21</b>	<b>72.4%</b>	<b>1.4%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	7	24.1%	0.5%
<i>Three-way reports</i>	1	3.4%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>8</b>	<b>27.6%</b>	<b>0.5%</b>
<b>Total committee reports</b>	<b>29<sup>1</sup></b>	<b>96.7%</b>	<b>1.9%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>5</b>	<b>N/A</b>	<b>N/A</b>
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	14	46.7%	0.8%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	3.3%	0.1%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>15</b>	<b>50.0%</b>	<b>0.9%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	1	100.0%	4.5%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>1</b>	<b>100.0%</b>	<b>4.5%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

<sup>1</sup> Does not include LD 1635, which was referred to the Marine Resources Committee and was reported out and re-referred to the Taxation Committee.  
Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

*Joint Standing Committee on Marine Resources*

**LD 167**

**An Act To Provide Flexibility for Sea Urchin Zones**

**ONTP**

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

LD 167 proposed to authorize the Commissioner of Marine Resources to adopt rules to create sea urchin management areas and rules to place limits on sea urchin license holders who fish in those management areas.

**LD 373**

**An Act To Achieve Compliance with the Interstate Lobster Fishery Management Plan**

**PUBLIC 6  
EMERGENCY**

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

LD 373 proposed to strike existing language that prevents Maine from enforcing a larger minimum size for lobster than 3 8/32 inches except in the case of contingent action by the Federal Government and other New England states. It proposed to add new language to require an individual who possesses both a Maine lobster and crab fishing license and a federal limited access lobster permit to comply with the most restrictive minimum lobster size for all federal lobster management areas declared on the person's license wherever the fishing occurs.

***Enacted law summary***

Public Law 2005, chapter 6 strikes existing language that prevents Maine from enforcing a larger minimum size for lobster than 3 8/32 inches except in the case of contingent action by the Federal Government and other New England states. It adds new language that requires an individual who possesses both a Maine lobster and crab fishing license and a federal limited access lobster permit to comply with the most restrictive minimum lobster size for all federal lobster management areas declared on the person's license wherever the fishing occurs.

Public Law 2005, chapter 6 was enacted as an emergency measure effective March 18, 2005.

**LD 386**

**An Act To Encourage the Scallop Industry**

**ONTP**

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

LD 386, a concept draft pursuant to Joint Rule 208, proposed to recognize scallop spat collection as a fishery and to direct the Scallop Advisory Council to develop rules to govern spat collection as a fishery. Rules that would be needed include scale of collection, eligibility of people involved and whether spat can be viable as a fishery. The bill also proposed to direct the Scallop Advisory Council to work with the Department of Marine Resources concerning the sale of whole cultured scallops.

*Joint Standing Committee on Marine Resources*

LD 434

**An Act To Clarify Maine's Authority To Enforce Its Marine Resources Laws**

**PUBLIC 26**

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

LD 434 proposed to create a definition for "established base of operations" in the marine resources statutes and to amend the definition of "registered vessel" to include a vessel that has an established base of operations within the State. It also proposed to amend the definition of "rigged" to allow the Commissioner of Marine Resources to adopt rules to further define what equipment is necessary to have on board for a vessel to be considered "rigged."

**Committee Amendment "A" (H-37)** proposed to make rules regarding the definition of "rigged" major substantive rules. Committee "A" was not adopted.

*Enacted law summary*

Public Law 2005, chapter 26 creates a definition for "established base of operations" in the marine resources statutes and amends the definition of "registered vessel" to include a vessel that has an established base of operations within the State. It also amends the definition of "rigged" to allow the Commissioner of Marine Resources to adopt rules to further define what equipment is necessary to have on board for a vessel to be considered "rigged."

LD 479

**An Act To Amend Laws Governing the Setting of the Sea Urchin Harvesting Season**

**INDEF PP**

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

LD 479 proposed to establish in law the number of open days for sea urchin harvesting season. It proposed a season length of 94 open days, except that until April 15, 2007, the season length would be 40 open days in Zone 1 and 64 open days in Zone 2.

**Committee Amendment "A" (H-406)** was the majority report of the committee. The amendment proposed to direct the Commissioner of Marine Resources to initiate rulemaking to establish 15 open days in Zone 1 and 55 open days in Zone 2 for the upcoming 2005-2006 sea urchin harvesting season. The amendment also proposed to direct the commissioner to initiate rulemaking, following the 2005-2006 season, to establish the number of open days for the 2006-2007 season based on the recommendations of the Task Force To Study Sea Urchin Fishery Management. The amendment proposed to create the task force to examine the current management structure and strategies of the sea urchin fishery and to make recommendations regarding short-term and long-term management options including the sea urchin harvesting season and the number of open days. The amendment also proposed to require the task force to submit a report to the Joint Standing Committee on Marine Resources and the Legislative Council by February 1, 2006, and to authorize the committee to report out a bill to the Second

**Joint Standing Committee on Marine Resources**

Regular Session of the 122nd Legislature following its review of the task force's report. This amendment also proposed to add an appropriations and allocations section to the bill. Committee Amendment "A" was not adopted.

**Committee Amendment "B" (H-407)** was the minority report of the committee. The amendment proposed to direct the Commissioner of Marine Resources to initiate rulemaking to establish 10 open days in Zone 1 and 45 open days in Zone 2 for the upcoming 2005-2006 sea urchin harvesting season. The amendment also proposed to direct the commissioner to initiate rulemaking, following the 2005-2006 season, to establish the number of open days for the 2006-2007 season based on the recommendations of the Task Force To Study Sea Urchin Fishery Management. The amendment proposed to create the task force to examine the current management structure and strategies of the sea urchin fishery and to make recommendations regarding short-term and long-term management options including the sea urchin harvesting season and the number of open days. The amendment also proposed to require the task force to submit a report to the Joint Standing Committee on Marine Resources and the Legislative Council by February 1, 2006, and to authorize the committee to report out a bill to the Second Regular Session of the 122nd Legislature following its review of the task force's report. This amendment also proposed to add an appropriations and allocations section to the bill. Committee Amendment "B" was not adopted.

**LD 513                      An Act To Amend the Hours for Lobster Fishing                      ONTP**

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

LD 513 proposed to change the end date of the annual period during which there is a prohibition on raising or hauling a lobster trap after dark from October 31st to October 1st. Under current law, it is unlawful to raise or haul any lobster trap during the period 1/2 hour after sunset until 1/2 hour before sunrise from June 1st to October 31st.

**LD 527                      An Act To Regulate the Use of Alternative Bait in Marine Fisheries                      PUBLIC 203 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON DUGAY	OTP-AM	S-148

LD 527 proposed to authorize the Commissioner of Marine Resources to regulate the use of alternative bait in marine fisheries.

**Committee Amendment "A" (S-148)** proposed to retain the provision of the bill that would authorize the Commissioner of Marine Resources to adopt rules to regulate the use of alternative bait. The amendment proposed to define alternative bait as bait that does not naturally originate from the ocean. The amendment proposed to add an emergency preamble making the rule-making authority effective upon enactment. The amendment also proposed to add a provision of law to prohibit the use of offal as bait for lobster or crabs,

## *Joint Standing Committee on Marine Resources*

effective January 1, 2006. The amendment proposed to define offal as the carcass, waste parts, renderings or remains of a wild or domestic animal that is not a marine organism, except for animal hide from which the hair has been removed.

### ***Enacted law summary***

Public Law 2005, chapter 203 authorizes the Commissioner of Marine Resources to regulate the use of alternative bait in marine fisheries and defines alternative bait as bait that does not naturally originate from the ocean. Effective January 1, 2006, the law prohibits the use of offal as bait for lobster or crabs. The law defines offal as the carcass, waste parts, renderings or remains of a wild or domestic animal that is not a marine organism, except for animal hide from which the hair has been removed.

Public Law 2005, chapter 203 was enacted as an emergency measure effective May 20, 2005.

**LD 536**                      **An Act To Create a Scallop Spat License**                      **ONTP**

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

LD 536 proposed to create a scallop spat harvesting license that would allow the licensee to harvest, possess, ship, transport or sell scallop spat. The bill also proposed to permit a scallop spat license holder to possess undersize scallops raised from scallop spat harvested pursuant to a scallop spat license.

**LD 558**                      **An Act To Protect the Recreational Harvesting of Surf Clams in Saco Bay**                      **ONTP**

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

LD 558 proposed to prohibit the fishing for or taking of surf clams using mechanical harvesting techniques within 300 yards as measured from the mean high tide mark within the coastal waters in the towns of Saco, Old Orchard Beach and Scarborough.

*Joint Standing Committee on Marine Resources*

**LD 576**

**An Act To Reestablish the Ban on Dragging in the Taunton River Area**

**PUBLIC 160  
EMERGENCY**

<u>Sponsor(s)</u> DAMON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-109 DAMON S-94
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LD 576 proposed to extend the ban on dragging in the Taunton River area from March 1, 2005 until March 1, 2010.

**Committee Amendment "A" (S-94)** proposed to replace the bill. The amendment proposed to reestablish the prohibition on dragging in the Taunton River area that ended on March 1, 2005, and extend the prohibition to July 1, 2008. It proposed to provide an exception to the prohibition on dragging for research activities authorized by the Commissioner of Marine Resources and to require the Department of Marine Resources to submit a science-based comprehensive resource management plan for the Taunton River area to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 12, 2007.

**Senate Amendment "A" to Committee Amendment "A" (S-109)** proposed to shift the border of the prohibition on dragging from the Route 1 bridge that connects the towns of Hancock and Sullivan to Sullivan Falls.

***Enacted law summary***

Public Law 2005, chapter 160 reestablishes the prohibition on dragging in the Taunton River area that ended on March 1, 2005, and extends the prohibition to July 1, 2008. It provides an exception to the prohibition on dragging for research activities that are authorized by the Commissioner of Marine Resources and requires the Department of Marine Resources to submit a science-based comprehensive resource management plan for the Taunton River area to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 12, 2007.

Public Law 2005, chapter 160 was enacted as an emergency measure effective May 20, 2005.

**LD 595**

**An Act To Allow the Department of Marine Resources To Preserve and Protect Burnt Island and Burnt Island Living Lighthouse and To Regulate Their Use**

**PUBLIC 56  
EMERGENCY**

<u>Sponsor(s)</u> BISHOP DOW	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-105
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LD 595 proposed to provide the Commissioner of Marine Resources with the authority to adopt rules to protect and preserve Burnt Island and the Burnt Island Living Lighthouse, as well as rules necessary to successfully implement the Department of Marine Resources' educational and recreational programs conducted on the island.



## *Joint Standing Committee on Marine Resources*

**Committee Amendment "A" (H-105)** proposed to add an emergency preamble and an emergency clause to the bill.

### *Enacted law summary*

Public Law 2005, chapter 56 provides the Commissioner of Marine Resources with the authority to adopt rules to protect and preserve Burnt Island and the Burnt Island Living Lighthouse, as well as rules necessary to successfully implement the Department of Marine Resources' educational and recreational programs conducted on the island.

Public Law 2004, chapter 56 was enacted as an emergency measure effective April 21, 2005.

LD 602

**An Act To Provide for a Limited Sea Cucumber Fishery**

**PUBLIC 27**

<u>Sponsor(s)</u> EDER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-38
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LD 602 proposed to create a sea cucumber drag license. It proposed to require the Commissioner of Marine Resources to establish by rule a fee of no more than 20¢ for every 100 pounds to be paid monthly by wholesale seafood license holders who purchase sea cucumbers. It proposed to require that the fees be deposited in the Sea Cucumber Management Fund and used to research and manage the sea cucumber fishery. The bill proposed to give the commissioner authority to adopt rules to promote the conservation and propagation of sea cucumbers, including, but not limited to, the establishment of management areas, and it proposed to establish a protocol for license holders to change management areas. The bill proposed to establish a limited entry system for the sea cucumber fishery, under which the commissioner could issue a sea cucumber drag license to a person only if that person possessed a license in the previous calendar year or becomes eligible to obtain a sea cucumber drag license through limited entry requirements to be established by rule.

**Committee Amendment "A" (H-38)** proposed to change the rule designation for rules relating to a limited entry system for sea cucumber drag licenses from routine technical to major substantive.

### *Enacted law summary*

Public Law 2005, chapter 27 creates a sea cucumber drag license. It requires the Commissioner of Marine Resources to establish by rule a fee of no more than 20¢ for every 100 pounds to be paid monthly by wholesale seafood license holders who purchase sea cucumbers. It requires that the fees be deposited in the Sea Cucumber Management Fund and used to research and manage the sea cucumber fishery. The law gives the commissioner authority to adopt rules to promote the conservation and propagation of sea cucumbers, including, but not limited to, the establishment of management areas, and it establishes a protocol for license holders to change management areas. The law establishes a limited entry system for the sea cucumber fishery, under which the commissioner may issue a sea cucumber drag license to a person only if that person possessed a license in the previous calendar year or becomes eligible to obtain a sea cucumber drag license through limited entry requirements to be established by rule.

*Joint Standing Committee on Marine Resources*

**LD 629**

**An Act To Enhance Community Support for Anadromous Fish Restoration**

**ONTP**

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

LD 629 proposed to require the Commissioner of Marine Resources to grant the right to take alewives to any municipality that met certain requirements. The bill proposed to eliminate the provision in current law that requires that municipal rights to take alewives lapse if those rights are not exercised for 3 years. The bill proposed to clarify that any municipality that has the right to take alewives is authorized to collect fees from the sale or lease of alewife fishing rights. The bill proposed to require the Commissioner of Marine Resources to report on expanding municipal rights to take alewives to include the right to take other migratory fish.

**Committee Amendment "A" (H-104)** proposed to replace the substance of the bill and was the minority report. The amendment proposed to require the Commissioner of Marine Resources, when granting alewife fishing rights, to give preference to the municipality in which alewives are harvested. Committee Amendment "A" was not adopted.

**LD 691**

**An Act To Provide Public Health Protection Authority to the Department of Marine Resources**

**PUBLIC 44**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP MAJ ONTP MIN	S-45 DAMON

LD 691 proposed to give the Commissioner of Marine Resources the authority to adopt rules, with the advice and consent of the Marine Resources Advisory Council, as necessary to protect public health.

**Senate Amendment "A" (S-45)** proposed to replace the bill. The amendment proposed to retain the provision of the bill that would give the Commissioner of Marine Resources the authority to adopt rules, with the advice and consent of the Marine Resources Advisory Council, as necessary to protect the public health. The amendment proposed to clarify that rulemaking to close contaminated or polluted flats does not require advice and consent of the advisory council. The amendment proposed updates cross-references to public health rule-making authority.

***Enacted law summary***

Public Law 2005, chapter 44 gives the Commissioner of Marine Resources the authority to adopt rules, with the advice and consent of the Marine Resources Advisory Council, as necessary to protect public health. The law clarifies that rulemaking to close contaminated or polluted flats does not require the advice and consent of the advisory council.

*Joint Standing Committee on Marine Resources*

LD 728

**An Act To Change the Noncommercial Scallop Season**

ONTP

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

LD 728 proposed to lengthen the noncommercial scallop fishing season by changing the beginning of the season from December 1st to November 1st.

**Committee Amendment "A" (H-142)** proposed to replace the bill and was the minority report of the committee. The amendment proposed to retain the provision of the bill that would change the beginning of the noncommercial scallop fishing season from December 1st to November 1st. The amendment further proposed to prohibit a person from holding a noncommercial scallop license and a commercial scallop license at the same time, to limit the noncommercial scallop license to hand harvest only and to set a minimum shell size limit of 5 inches for scallops taken by noncommercial scallop harvesters. The amendment proposed to establish a \$20 license surcharge for noncommercial scallop licenses to go to the Scallop Research Fund. The amendment also proposed to require the holder of a noncommercial scallop license to maintain a logbook pursuant to rules to be adopted by the Commissioner of Marine Resources. Committee Amendment "A" was not adopted.

LD 793

**An Act To Reauthorize Funding for the Lobster Promotion Council**

PUBLIC 102

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON PERCY	OTP-AM	S-86

LD 793 proposed to continue to capitalize the Lobster Promotion Fund through surcharges on lobster and crab licenses through the year 2020.

**Committee Amendment "A" (S-86)** proposed to incorporate a fiscal note.

*Enacted law summary*

Public Law 2005, chapter 102 continues to capitalize the Lobster Promotion Fund through surcharges on lobster and crab licenses through the year 2020.

LD 836

**An Act To Amend the Laws Governing Aquaculture**

PUBLIC 92

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

LD 836 proposed to allow an aquaculture lease to continue beyond its expiration date until the commissioner makes a decision regarding lease renewal if a renewal application has been submitted. It proposed to provide the

## *Joint Standing Committee on Marine Resources*

same restitution provisions for intentionally damaging approved aquaculture gear on standard leases and limited-purpose leases as currently exist for limited-purpose licenses, and it proposed to eliminate the \$500 upper limit of a fine on the civil violation for intentionally damaging approved aquaculture gear on a limited-purpose license. It proposed to exempt an individual who holds a limited-purpose aquaculture license from any requirements regarding time of taking or possessing and minimum or maximum size for organisms cultivated on the individual's lease areas. The bill proposed to eliminate the authority of the Commissioner of Marine Resources to establish by rule a fee schedule for the production of shellfish on a lease site. It proposed to amend the purpose of the Aquaculture Advisory Council to make recommendations on expenditures from the Aquaculture Management Fund, as well as other matters of interest to the aquaculture industry. The bill also proposed to make a violation of the Maine Revised Statutes, Title 12, chapter 605, General Department Activities, a civil violation, unless another penalty is provided.

**Committee Amendment "A" (H-159)** proposed to make several technical corrections to the bill.

### *Enacted law summary*

Public Law 2005, chapter 92 allows an aquaculture lease to continue beyond its expiration date until the commissioner makes a decision regarding lease renewal if a renewal application has been submitted. It provides the same restitution provisions for intentionally damaging approved aquaculture gear on standard leases and limited-purpose leases as currently exist for limited-purpose licenses, and it eliminates the \$500 upper limit of a fine on the civil violation for intentionally damaging approved aquaculture gear on a limited-purpose license. It exempts an individual who holds a limited-purpose aquaculture license from any requirements regarding time of taking or possessing and minimum or maximum size for organisms cultivated on the individual's lease areas. The law eliminates the authority of the Commissioner of Marine Resources to establish by rule a fee schedule for the production of shellfish on a lease site. It amends the purpose of the Aquaculture Advisory Council to make recommendations on expenditures from the Aquaculture Management Fund, as well as other matters of interest to the aquaculture industry. The law also makes a violation of the Maine Revised Statutes, Title 12, chapter 605, General Department Activities, a civil violation, unless another penalty is provided.

**LD 895**                      **An Act To Expand the Authority of Maine's Lobster Management Policy Councils**                      **PUBLIC 202**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON PINGREE	OTP-AM	S-153

LD 895 proposed to expand the authority of lobster management policy councils to propose rules, upon approval in a referendum in the management zone in which the rules would apply, to increase the length of time an apprentice must be enrolled in the apprentice program up to a maximum of 5 years; to specify that a sponsor of an apprentice must have held a Class I, Class II or Class III lobster and crab fishing license for at least 5 years; and to require that a person who completed an apprenticeship may enter a particular lobster zone only if the apprentice apprenticed in that zone.

**Committee Amendment "A" (S-153)** proposed to replace the bill. The amendment proposed to grant lobster management policy councils the authority to propose zone-specific rules, upon approval in a referendum in the management zone in which the rules would apply, to increase the enrollment period of the apprenticeship

## *Joint Standing Committee on Marine Resources*

program, to require a sponsor of an apprentice to have held a lobster license for at least 5 years and to limit entry to a zone to persons who have apprenticed in the zone. This amendment proposed to grant this authority retroactively to January 1, 2005. The amendment proposed to clarify the application of new zone-specific rules to apprentices enrolled in the program when a new rule takes effect.

### ***Enacted law summary***

Public Law 2005, chapter 202 grants lobster management policy councils the authority to propose zone-specific rules, upon approval in a referendum in the management zone in which the rules would apply, to increase the enrollment period of the apprenticeship program, to require a sponsor of an apprentice to have held a lobster license for at least 5 years and to limit entry to a zone to persons who have apprenticed in the zone. This authority is granted retroactively to January 1, 2005. The law clarifies the application of new zone-specific rules to apprentices enrolled in the program when a new rule takes effect.

**LD 938**                      **Resolve, To Restore the Atlantic Salmon Population on the Pleasant River**                      **ONTP**

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

LD 938 proposed to direct the Department of Marine Resources to use existing aquaculture technology to accomplish the restoration of Atlantic salmon to the Pleasant River within 5 years.

**LD 1147**                      **An Act To Protect Fishing Families**                      **ONTP**

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

LD 1147 proposed to authorize the transfer of a Class I, Class II or Class III lobster and crab fishing license by a license holder to that person's child, grandchild, spouse, domestic partner or sibling. The bill proposed to require the relative receiving the license by transfer to have completed the Department of Marine Resources' apprentice program for entry into the lobster fishery. It also proposed to require the license holder and the transferee to notify the department in writing of the transfer.

**Committee Amendment "A" (H-275)** was the minority report of the committee. It proposed to amend the provision of the bill regarding the transfer of licenses to limit the persons eligible to receive a license by transfer to a child, grandchild or spouse of the license holder. It proposed to add a provision to the bill to limit a recipient of a license by transfer to 300 trap tags in the initial year and an increase of 100 trap tags each subsequent year up to the trap limit for the zone in which the person fishes a majority of that person's traps. Committee Amendment "A" was not adopted.

*Joint Standing Committee on Marine Resources*

LD 1184

**An Act To Adopt Recommendations of the Soft-shell Clam  
Advisory Council**

**PUBLIC 171**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON SMITH N	OTP-AM	S-147

LD 1184 proposed to grant certified municipal shellfish conservation wardens the authority to enforce the state law that prohibits taking shellfish from areas closed by state regulation. It proposed to clarify that the penalties for harvesting from a closed area provided under Title 12, section 6671 are for harvesting from an area that has been closed by a municipality for conservation purposes. The bill proposed to establish different fine schedules for recreational harvesters and commercial harvesters for harvesting from an area closed by a municipality for conservation purposes, for harvesting without a municipal shellfish license and for harvesting shellfish in violation of a license restriction. The bill also proposed to specify that a court may not suspend a fine that has been imposed and may not impose a penalty other than monetary payment of the fine imposed for a violation of a municipal shellfish conservation ordinance, for harvesting without a license or for harvesting in violation of a license restriction.

**Committee Amendment "A" (S-147)** proposed to retain the substance of the bill. The amendment proposed to make no change to the provision of the bill that would authorize municipal shellfish wardens to enforce the state law that prohibits the taking of shellfish from areas closed to harvesting by state regulation. The amendment proposed to make technical changes to clarify the provisions of the bill regarding criminal and civil penalties for municipal shellfish ordinance violations, for harvesting without a license and for license violations. The amendment proposed to clarify the meaning of "commercial license holders" and "recreational license holders" in the bill for the application of different penalties to these 2 groups.

***Enacted law summary***

Public Law 2005, chapter 171 grants certified municipal shellfish conservation wardens the authority to enforce the state law that prohibits taking shellfish from areas closed by state regulation. It clarifies that the penalties for harvesting from a closed area provided under Title 12, section 6671 are for harvesting from an area that has been closed by a municipality for conservation purposes. The law establishes different fine schedules for recreational harvesters and commercial harvesters for harvesting from an area closed by a municipality for conservation purposes, for harvesting without a municipal shellfish license and for harvesting shellfish in violation of a license restriction. The law also specifies that a court may not suspend a fine that has been imposed and may not impose a penalty other than monetary payment of the fine imposed for a violation of a municipal shellfish conservation ordinance, for harvesting without a license or for harvesting in violation of a license restriction.

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**LD 1209**                      **Resolve, To Create the Task Force To Study Commercial Lobster Fishing in Offshore Waters**                      **ONTP**

<u>Sponsor(s)</u> BARTLETT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1209 proposed to establish the Task Force to Study Commercial Lobster Fishing in Offshore Waters to identify, investigate and make recommendations to address problems facing persons who hold Maine lobster and crab fishing licenses who fish for lobster in federal waters, with particular attention to issues related to fishing in federal Offshore Lobster Management Area 3. The bill proposed to require the task force to submit a report by January 1, 2006 and to authorize the task force to introduce legislation related to its report to the Second Regular Session of the 122nd Legislature.

**LD 1213**                      **An Act To Exempt Fisheries with Fewer than 20 Employees from the Department of Marine Resources Statistics-gathering Requirements**                      **ONTP**

<u>Sponsor(s)</u> SCHATZ	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1213 proposed to exempt fisheries with fewer than 20 employees from all data collection requirements imposed by the Department of Marine Resources. Under current law, the department is authorized to collect statistical data with respect to fisheries from any source regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight and areas in which fishing was conducted and to refuse the renewal of a license until a license holder complies with data collection requirements.

**LD 1231**                      **An Act To Require Noncommercial Lobster Fishing License Holders To Participate in the Conservation Efforts of the Commercial Lobster Industry**                      **ONTP**

<u>Sponsor(s)</u> PERCY DAMON	<u>Committee Report</u> ONTP      MAJ OTP-AM    MIN	<u>Amendments Adopted</u>
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LD 1231 proposed to require a noncommercial lobster or crab fishing license holder or applicant to meet the limited-entry requirements currently in place for commercial lobster or crab fishing license holders and applicants.

**Committee Amendment "A" (H-405)** proposed to replace the bill and was the minority report of the committee. The amendment proposed to establish limited-entry provisions for noncommercial lobster fishing. For each lobster management zone for which an exit ratio has been established to limit new entrants to the commercial lobster fishery, the amendment proposed to require the Commissioner of Marine Resources to adopt

## *Joint Standing Committee on Marine Resources*

an equal exit ratio to apply to entry into a zone for noncommercial license holders. The amendment also proposed to establish procedures for application, waiting lists and authorization of new entry of noncommercial lobster license holders into a limited-entry zone parallel to the existing limited-entry procedures for commercial lobster fishing. Committee Amendment "A" was not adopted.

**LD 1250**                      **An Act Regarding Shellfish Harvesting**                      **PUBLIC 233**

<u>Sponsor(s)</u> EDMONDS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-170
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LD 1250 proposed to increase from 50¢ to \$1 the amount a person holding a shellfish depuration certificate must pay for each bushel of soft-shell clams.

**Committee Amendment "A" (S-170)** proposed to replace the bill. The amendment proposed to establish a reduced shellfish license fee for persons 70 years of age or older. The amendment proposed to set the reduced fee at \$57.50, which is 50% of the standard shellfish license fee.

***Enacted law summary***

Public Law 2005, chapter 233 establishes a reduced shellfish license fee for persons 70 years of age or older. The reduced fee is \$57.50, which is 50% of the standard shellfish license fee. This is modeled on the Class I lobster license fee law, which provides a similar discount for persons 70 years of age or older.

**LD 1449**                      **An Act To Amend Maine's Shellfish Laws To Maintain**                      **PUBLIC 434**  
**Compliance with Federal Law and Protect Maine's Shellfish**  
**Industry**

<u>Sponsor(s)</u> PERCY MAYO	<u>Committee Report</u> OTP-AM    MAJ ONTP        MIN	<u>Amendments Adopted</u> H-351 H-436    PERCY S-190    DAMON
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LD 1449 proposed to make changes to the shellfish harvesting statutes to bring Maine law into compliance with the U.S. Food and Drug Administration, National Shellfish Sanitation Program regulations.

1. It proposed to change the activities permitted under commercial shellfish licenses, mahogany quahog licenses, quahog licenses, hand-raking mussel licenses and mussel boat licenses to limit those license holders to selling only to wholesale seafood license holders certified under the Maine Revised Statutes, Title 12, section 6856.
2. It proposed to eliminate the ability of a commercial shellfish license holder to shuck shellfish in the license holder's home and to sell those shucked shellfish from the home in the retail trade. It also proposed to eliminate the ability of a commercial shellfish license holder to send shellfish by common carrier.



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3. It proposed to require retail seafood license holders, including restaurants, to purchase shellstock and shucked shellfish only from wholesale seafood license holders certified under Title 12, section 6856.
4. It proposed to authorize the Commissioner of Marine Resources to adopt rules to establish requirements for retail seafood license holders concerning sanitation and quality control standards, methods for handling, shipping and transporting shellfish, records and reports, labeling of shipments and protecting public health.
5. It proposed to correct an inaccurate reference to the annual date on which shellfish sanitation certificates expire.
6. It proposed to add mahogany quahogs, other quahogs, hand-raked mussels and dragged mussels to the licenses under which the holder must tag shellstock with a harvester's tag. It proposed to eliminate the exemption of shellfish license holders certified under Title 12, section 6856 from having to tag their shellfish at the time of harvest.
7. It proposed to allow the Department of Marine Resources to make the summary description of municipal shellfish ordinances available to the public in ways other than publication in a trade or industry journal.
8. It proposed to repeal the seafood products inspection program.

**Committee Amendment "A" (H-351)** was the majority report. The amendment proposed to add an appropriations and allocations section to the bill.

**House Amendment "A" (H-436)** proposed to require the Department of Marine Resources to develop a tiered wholesale seafood dealer's license based on the amount of seafood that a wholesale seafood dealer handles and to report back to the Joint Standing Committee on Marine Resources with its recommendations, including any proposed legislation, no later than January 13, 2006.

**Senate Amendment "A" (S-190)** proposed to allow a holder of a commercial shellfish license to sell shellstock from that license holder's home in the retail trade.

### *Enacted law summary*

Public Law 2005, chapter 434 makes changes to the shellfish harvesting statutes to bring Maine law into compliance with the U.S. Food and Drug Administration, National Shellfish Sanitation Program regulations.

1. It changes the activities permitted under commercial shellfish licenses, mahogany quahog licenses, quahog licenses, hand-raking mussel licenses and mussel boat licenses to limit those license holders to selling only to wholesale seafood license holders certified under the Maine Revised Statutes, Title 12, section 6856.
2. It eliminates the ability of a commercial shellfish license holder to shuck shellfish in the license holder's home and to sell those shucked shellfish from the home in the retail trade but allows a commercial shellfish license holder to sell shellstock from that license holder's home in the retail trade. It also eliminates the ability of a commercial shellfish license holder to send shellfish by common carrier.
3. It requires retail seafood license holders, including restaurants, to purchase shellstock and shucked shellfish only from wholesale seafood license holders certified under Title 12, section 6856.

*Joint Standing Committee on Marine Resources*

4. It authorizes the Commissioner of Marine Resources to adopt rules to establish requirements for retail seafood license holders concerning sanitation and quality control standards, methods for handling, shipping and transporting shellfish, records and reports, labeling of shipments and protecting public health.
5. It corrects an inaccurate reference to the annual date on which shellfish sanitation certificates expire.
6. It adds mahogany quahogs, other quahogs, hand-raked mussels and dragged mussels to the licenses under which the holder must tag shellstock with a harvester's tag. It eliminates the exemption of shellfish license holders certified under Title 12, section 6856 from having to tag their shellfish at the time of harvest.
7. It allows the Department of Marine Resources to make the summary description of municipal shellfish ordinances available to the public in ways other than publication in a trade or industry journal.
8. It repeals the seafood products inspection program.
9. It requires the Department of Marine Resources to develop a tiered wholesale seafood dealer's license based on the amount of seafood that a wholesale seafood dealer handles and to report back to the Joint Standing Committee on Marine Resources with its recommendations, including any proposed legislation, no later than January 13, 2006.

**LD 1510**

**An Act To Amend the Lobster Fishing Laws of Maine**

**PUBLIC 239**

<u>Sponsor(s)</u> DAMON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-183
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LD 1510 proposed to amend the law governing lobster and crab fishing in the following ways.

1. It proposed to amend the definition of "full-time student" to be used to determine eligibility for obtaining a student lobster and crab fishing license.
2. It proposed to amend the trap tag laws to remove the December 31, 2005 repeal on the build-up provisions and to strike outdated language regarding initial trap tag allocations.
3. It proposed to require that all zones that a person declares on a license application be identified on that person's license and to clarify that a person may not place any traps in a zone that is not identified on that person's license. It proposed to specify that the majority of a person's traps must be determined by the number of trap tags issued, rather than the number of traps fished.
4. It proposed to remove the exemption from an exit ratio for an individual who became eligible for but who had not been issued a Class I, Class II or Class III license prior to January 1, 2000. It also proposed to provide that when a lobster management policy council proposes to the commissioner a change in an established exit ratio, the lobster management policy council may also propose to the commissioner a provision to allow certain individuals to enter the zone in accordance with the previously existing exit ratio.
5. It proposed to provide that the members of the lobster research, education and development board may be reimbursed for travel expenses for board meetings.

## *Joint Standing Committee on Marine Resources*

6. It proposed to create an exception to allow persons registered for Monhegan Lobster Conservation Area trap tags to work as crew members outside the Monhegan Lobster Conservation Area.
7. It proposed to amend the wholesale seafood license with lobster permit law to prevent individuals from possessing or transporting lobster they have taken unless they possess a Class I, II or III or student lobster and crab fishing license. It proposed to clarify that lobster and crab fishing license holders may transport lobsters they have not taken if they are using the vessel declared on their license.
8. It proposed to amend the lobster tail permit law to prohibit the processing of portions of lobster tails.

**Committee Amendment "A" (S-183)** proposed to do the following.

1. It proposed to clarify the provision of the bill regarding eligibility for a student license.
2. It proposed to amend the language in the bill regarding trap tag limits to clarify that a license holder is limited to the number of traps allowed under the lowest trap limit for the zones identified on the person's license.
3. It proposed to clarify the language in the bill regarding the lobster management zones that must be identified on a lobster license.
4. It proposed to amend the provision of the bill regarding changes in exit ratios in lobster management zones to provide that for any zone that proposes a change in an existing exit ratio, the commissioner must allow a person who has completed the apprentice program and is on the waiting list by the date the commissioner is notified of the proposed change to enter the zone. The amendment proposed to make this provision apply retroactively to April 1, 2005.
5. It proposed to add a provision to the bill to provide that when a zone proposes an exit ratio for the first time, the zone may propose a provision to exempt from the ratio, upon completion of the apprentice program, a person who has completed at least 92% of the requirements of the program by the date the commissioner is notified of the proposed ratio. The amendment proposed to make this provision apply retroactively to October 1, 2004.
6. It proposed to add a provision to the bill to require that 1 of the 3 lobster and crab fishing license holders on the Lobster Advisory Council be a noncommercial license holder.

### ***Enacted law summary***

Public Law 2005, chapter 239 amends the laws governing lobster and crab fishing in the following ways:

1. It amends the definition of "full-time student" for determining eligibility for a student lobster and crab fishing license.
2. It removes the December 31, 2005 repeal on the trap tag laws, strikes outdated language regarding initial trap tag allocations and clarifies that the maximum number of trap tags allowed is the number of traps allowed under the lowest trap limit for the zones identified on the person's license.

***Joint Standing Committee on Marine Resources***

3. It requires that a lobster and crab fishing license identify the declared lobster zone in which the license holder is authorized to fish a majority of that person's traps and identify all other zones in which the person is authorized to fish. It specifies that a majority of a person's traps must be determined by the number of trap tags issued. It clarifies that a person may not place any traps in a zone that is not identified on that person's license.
4. It provides that, effective April 1, 2005, when a lobster management policy council proposes to the commissioner a change in an established exit ratio, the commissioner shall allow a person to enter the zone if that person has completed the apprentice program and is on the waiting list by the date the commissioner is notified of the proposed change. It provides that, effective October 1, 2004, when a zone proposes an exit ratio for the first time, the zone may propose a provision to exempt from the ratio, upon completion of the apprentice program, a person who has completed at least 92% of the requirements of the program by the date the commissioner is notified of the proposed ratio.
5. It requires that 1 of the 3 lobster and crab fishing license holders on the Lobster Advisory Council be a noncommercial license holder.
6. It provides that the members of the lobster research, education and development board may be reimbursed for travel expenses for board meetings.
7. It creates an exception to allow persons registered for Monhegan Lobster Conservation Area trap tags to work as crew members outside the Monhegan Lobster Conservation Area.
8. It amends the wholesale seafood license with lobster permit law to prevent individuals from possessing or transporting lobster they have taken unless they possess a Class I, II or III or student lobster and crab fishing license. It clarifies that lobster and crab fishing license holders may transport lobsters they have not taken if they are using the vessel declared on their license.
9. It amends the lobster tail permit law to prohibit the processing of portions of lobster tails.

**LD 1603**

**An Act To Establish Harbor Master Standards and Training Requirements**

**DIED BETWEEN HOUSES**

Sponsor(s)  
DAMON  
PERCY

Committee Report  
OTP-AM

Amendments Adopted

LD 1603 proposed to require a municipality to conduct a background check on a person prior to appointing the person as a harbor master. This bill also proposed to require harbor masters to complete basic, advanced and refresher courses offered by the Maine Harbor Masters Association or its successor organization.

**Committee Amendment "A" (S-207)** proposed to replace the bill. The amendment proposed to remove the provision of the bill that would require municipal officers to conduct a background check prior to appointing a harbor master. It proposed to amend the provision of the bill regarding training to require a basic harbor master course within one year of appointment but not require any advanced or refresher courses. The amendment

*Joint Standing Committee on Marine Resources*

proposed to clarify the definition of harbor master and deputy harbor master for the purpose of training requirements. Committee Amendment "A" was not adopted.

**Senate Amendment "A" to Committee Amendment "A" (S-234)** proposed to add an emergency preamble and clause to the bill. Senate Amendment "A" to Committee Amendment "A" was not adopted.

**Senate Amendment "B" to Committee Amendment "A" (S-346)** proposed to provide that the training required of a harbor master and deputy harbor master under the bill must be paid for by the harbor master or deputy harbor master, not the municipality. The amendment also proposed make the training requirement applicable to harbor masters or deputy harbor masters that are appointed after the effective date of the Act. Senate Amendment "B" to Committee Amendment "A" was not adopted.

**LD 1619**                      **Resolve, Regarding Legislative Review of Portions of Chapter 2: Aquaculture Lease Regulations - Lighting Standards and Noise and Visual Impact Standards, a Major Substantive Rule of the Department of Marine Resources**                      **RESOLVE 58 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-408

LD 1619 proposed to provide for legislative review of portions of Chapter 2: Aquaculture Lease Regulations - Lighting Standards and Noise Standards, a major substantive rule of the Department of Marine Resources.

**Committee Amendment "A" (H-408)** proposed to correct the title of the rules for which final adoption is authorized.

*Enacted law summary*

Resolve 2005, chapter 58 approves Chapter 2: Aquaculture Lease Regulations - Lighting Standards and Noise Standards, a major substantive rule of the Department of Marine Resources.

Resolve 2005, chapter 58 was passed as an emergency measure effective May 26, 2005.

**LD 1635**                      **An Act To Authorize the Assessment and Collection of Harbor Fees**                      **DIED BETWEEN HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE BRENNAN	RE-REF	

LD 1635 proposed to authorize harbor commissions and other entities that regulate harbors to establish and collect a fee of no more than 3¢ per ton per vessel calculated on the gross tonnage of an oceangoing vessel or no more than 25¢ per passenger for a passenger ship on a domestic or international voyage. The bill proposed to exempt from the fee vessels weighing less than 500 gross tons, vessels providing daily service to islands that are

## *Joint Standing Committee on Marine Resources*

part of the State and whose service is funded in whole or in part by the State, military vessels, historic vessels owned or operated by tax-exempt organizations, public vessels, certain coastal or international ferries and vessels seeking harbors of refuge. The bill proposed to restrict the use of revenue from the fees to pay for the administration and services provided by the harbor regulatory body and harbor master, the purchase or maintenance of harbor safety equipment, harbor emergency response capability and harbor security.

The Joint Standing Committee on Marine Resources voted to re-refer this bill to the Joint Standing Committee on Taxation.

## Joint Standing Committee on Marine Resources

### SUBJECT INDEX

#### *Aquaculture*

##### Enacted

LD 836	An Act To Amend the Laws Governing Aquaculture	PUBLIC 92	Page 602
LD 1619	Resolve, Regarding Legislative Review of Portions of Chapter 2: Aquaculture Lease Regulations - Lighting Standards and Noise and Visual Impact Standards, a Major Substantive Rule of the Department of Marine Resources	RESOLVE 58 EMERGENCY	Page 612

##### Not Enacted

LD 938	Resolve, To Restore the Atlantic Salmon Population on the Pleasant River	ONTP	Page 604
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#### *Department of Marine Resources*

##### Enacted

LD 434	An Act To Clarify Maine's Authority To Enforce Its Marine Resources Laws	PUBLIC 26	Page 596
LD 595	An Act To Allow the Department of Marine Resources To Preserve and Protect Burnt Island and Burnt Island Living Lighthouse and To Regulate Their Use	PUBLIC 56 EMERGENCY	Page 599
LD 691	An Act To Provide Public Health Protection Authority to the Department of Marine Resources	PUBLIC 44	Page 601

##### Not Enacted

None

## *Harbor Masters*

### Enacted

None

### Not Enacted

LD 1603	An Act To Establish Harbor Master Standards and Training Requirements	DIED BETWEEN HOUSES	Page 611
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## *Lobster*

### Enacted

LD 373	An Act To Achieve Compliance with the Interstate Lobster Fishery Management Plan	PUBLIC 6 EMERGENCY	Page 595
LD 527	An Act To Regulate the Use of Alternative Bait in Marine Fisheries	PUBLIC 203 EMERGENCY	Page 597
LD 793	An Act To Reauthorize Funding for the Lobster Promotion Council	PUBLIC 102	Page 602
LD 895	An Act To Expand the Authority of Maine's Lobster Management Policy Councils	PUBLIC 202	Page 603
LD 1510	An Act To Amend the Lobster Fishing Laws of Maine	PUBLIC 239	Page 609

### Not Enacted

LD 513	An Act To Amend the Hours for Lobster Fishing	ONTP	Page 597
LD 1147	An Act To Protect Fishing Families	ONTP	Page 604
LD 1209	Resolve, To Create the Task Force To Study Commercial Lobster Fishing in Offshore Waters	ONTP	Page 606
LD 1231	An Act To Require Noncommercial Lobster Fishing License Holders To Participate in the Conservation Efforts of the Commercial Lobster Industry	ONTP	Page 606



## *Migratory Fish*

### Enacted

None

### Not Enacted

LD 629	An Act To Enhance Community Support for Anadromous Fish Restoration	ONTP	Page 601
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## *Miscellaneous*

### Enacted

LD 576	An Act To Reestablish the Ban on Dragging in the Taunton River Area	PUBLIC 160 EMERGENCY	Page 599
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LD 602	An Act To Provide for a Limited Sea Cucumber Fishery	PUBLIC 27	Page 600
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### Not Enacted

LD 1213	An Act To Exempt Fisheries with Fewer than 20 Employees from the Department of Marine Resources Statistics-gathering Requirements	ONTP	Page 606
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LD 1635	An Act To Authorize the Assessment and Collection of Harbor Fees	DIED BETWEEN HOUSES	Page 612
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## *Scallops*

### Enacted

None

### Not Enacted

LD 386	An Act To Encourage the Scallop Industry	ONTP	Page 595
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LD 536	An Act To Create a Scallop Spat License	ONTP	Page 598
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<b>LD 728</b>	<b>An Act To Change the Noncommercial Scallop Season</b>	<b>ONTP</b>	<b>Page 602</b>
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*Sea Urchins*

**Enacted**

None

**Not Enacted**

<b>LD 167</b>	<b>An Act To Provide Flexibility for Sea Urchin Zones</b>	<b>ONTP</b>	<b>Page 595</b>
<b>LD 479</b>	<b>An Act To Amend Laws Governing the Setting of the Sea Urchin Harvesting Season</b>	<b>INDEF PP</b>	<b>Page 596</b>

*Shellfish*

**Enacted**

<b>LD 1184</b>	<b>An Act To Adopt Recommendations of the Soft-shell Clam Advisory Council</b>	<b>PUBLIC 171</b>	<b>Page 605</b>
<b>LD 1250</b>	<b>An Act Regarding Shellfish Harvesting</b>	<b>PUBLIC 233</b>	<b>Page 607</b>
<b>LD 1449</b>	<b>An Act To Amend Maine's Shellfish Laws To Maintain Compliance with Federal Law and Protect Maine's Shellfish Industry</b>	<b>PUBLIC 434</b>	<b>Page 607</b>

**Not Enacted**

<b>LD 558</b>	<b>An Act To Protect the Recreational Harvesting of Surf Clams in Saco Bay</b>	<b>ONTP</b>	<b>Page 598</b>
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*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Natural Resources*

*August 2005*

**Members:**

*Sen. Scott W. Cowger, Chair*

*Sen. John L. Martin*

*Sen. Lois A. Snowe-Mello*

*Rep. Theodore S. Koffman, Chair*

*Rep. Joanne T. Twomey*

*Rep. Thomas B. Saviello*

*Rep. Judd D. Thompson*

*Rep. Robert S. Duchesne*

*Rep. Jane E. Eberle*

*Rep. Robert A. Daigle*

*Rep. Henry L. Joy*

*Rep. James D. Annis*

*Rep. Kimberley C. Rosen*

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**JOINT STANDING COMMITTEE ON  
NATURAL RESOURCES**

**Summary of Committee Actions**

I. <b>BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	70	87.5%	4.1%
<u><i>Bills Carried Over</i></u>	10	<u>12.5%</u>	<u>0.6%</u>
<b>Total Bills referred</b>	<b>80</b>	<b>100.0%</b>	<b>4.7%</b>
<b>B. Bills reported out by law or joint order</b>			
	0	0.0%	0.0%
<b>Total Bills considered by Committee</b>	<b>80</b>	<b>100.0%</b>	<b>4.7%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
II. <b>COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	1	1.4%	0.1%
<i>Ought to Pass as Amended</i>	29	41.4%	1.9%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>24</u>	<u>34.3%</u>	<u>1.6%</u>
<b>Total unanimous reports</b>	<b>54</b>	<b>77.1%</b>	<b>3.6%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	16	22.9%	1.1%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>16</b>	<b>22.9%</b>	<b>1.1%</b>
<b>Total committee reports</b>	<b>70</b>	<b>87.5%</b>	<b>4.6%</b>
III. <b>CONFIRMATION HEARINGS</b>	2	N/A	N/A
IV. <b>FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	26	32.5%	1.5%
<i>Private and Special Laws</i>	1	1.3%	0.1%
<i>Resolves</i>	11	13.8%	0.7%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>38</b>	<b>47.5%</b>	<b>2.2%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	2	100.0%	9.1%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>2</b>	<b>100.0%</b>	<b>9.1%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoes over-ridden</i>	0	0.0%	0.0%
<i>Vetoes sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

*Joint Standing Committee on Natural Resources*

**LD 40**                      **An Act To Amend the Licensing and Certification Requirements  
Relating to Asbestos Abatement Activities**                      **PUBLIC 52**

<u>Sponsor(s)</u> MAYO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-66
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LD 40 proposed to require that all persons engaging in asbestos abatement activities, except asbestos abatement activities related to disposal undertaken at licensed asbestos disposal sites, be subject to licensing and certification requirements.

**Committee Amendment "A" (S-66)** proposed to clarify that the Commissioner of Environmental Protection may waive the licensing or certification requirement for asbestos abatement activities undertaken by persons licensed by the Oil and Solid Fuel Board who perform emergency repair, installation, removal or servicing of heating equipment in single-unit residential buildings.

*Enacted law summary*

Public Law 2005, chapter 52 requires that all persons engaging in asbestos abatement activities, except asbestos abatement activities related to disposal undertaken at licensed asbestos disposal sites, be subject to licensing and certification requirements. It also clarifies that the Commissioner of Environmental Protection may waive the licensing or certification requirement for asbestos abatement activities undertaken by persons licensed by the Oil and Solid Fuel Board who perform emergency repair, installation, removal or servicing of heating equipment in single-unit residential buildings.

**LD 72**                      **An Act To Promote Sound Science in Climate Change Policy**                      **PUBLIC 144**

<u>Sponsor(s)</u> JOY		<u>Committee Report</u> OTP-AM    MAJ ONTP        MIN		<u>Amendments Adopted</u> H-274
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LD 72 proposed to require that, when the Department of Environmental Protection adopts rules designed to reduce greenhouse gas emissions, the department must issue an estimate of the amount of global warming that will be prevented and the costs that will result from the rules requiring reduction in greenhouse gas emissions.

**Committee Amendment "A" (H-274)**, the majority report, replaced the bill and changed its title. It proposed to direct the Department of Environmental Protection to include in its biennial climate change evaluation a review of the cost-effectiveness of the actions taken toward meeting the greenhouse gas emissions reduction goals. It also proposed to require the department to submit a report of its evaluation to the joint standing committee of the Legislature having jurisdiction over natural resources matters and it proposed to authorize the committee to report out legislation relating to the evaluation to the second regular session of any Legislature.

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### Enacted law summary

Public Law 2005, chapter 144 directs the Department of Environmental Protection to include in its biennial climate change evaluation a review of the cost-effectiveness of the actions taken toward meeting the greenhouse gas emissions reduction goals. It also requires the department to submit a report of its evaluation to the joint standing committee of the Legislature having jurisdiction over natural resources matters and it authorizes the committee to report out legislation relating to the evaluation to the second regular session of any Legislature.

**LD 99**                      **An Act To Include Specific Bodies of Water within Class C Standards**                      **ONTP**

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

LD 99 proposed to require all Class C waters to meet a 6.5 parts per million dissolved oxygen 30-day average standard whenever the daily water temperature is equal to or less than 24 degrees centigrade or the ambient temperature of the water body, whichever is lower.

**LD 141**                      **An Act To Ensure Proper Disposal of Debris and Protection of the Environment**                      **CARRIED OVER**

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

LD 141 proposes to ban the disposal in a landfill or in an incineration facility of debris resulting from construction, remodeling, repair and demolition of structures unless the structure from which the debris originated is or was located in this State. LD 141 was carried over by H. P. 1203 to any special or regular session of the 122<sup>nd</sup> Legislature.

**LD 183**                      **An Act Relating to the Definition of Indigenous Species**                      **ONTP**

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

LD 183 proposed to require the Commissioner of Inland Fisheries and Wildlife to define by rule "indigenous" as it pertains to plant and animal species. The proposed bill would give that definition priority over any other definition of "indigenous" referring to a plant or animal in law or rule.

*Joint Standing Committee on Natural Resources*

LD 185

An Act To Amend the Law on Mercury-added Products

PUBLIC 148

<u>Sponsor(s)</u> KOFFMAN COWGER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-271
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LD 185 proposed to do the following:

1. Authorize municipal code enforcement officers to enforce the prohibition on the crushing of motor vehicles without first removing any mercury switches;
2. Define the term "scrap recycling facility" as used in the law governing removal of mercury switches from motor vehicles;
3. Prohibit the sale of mercury-added lamps after January 1, 2006 unless, as currently is the case for other mercury-added products, the lamps have a label indicating that they contain mercury;
4. Clarify the prohibition of scrapping motor vehicles without first removing any mercury switches; and
5. Increase the amount that automobile manufacturers must pay in compensation for the costs of removing the mercury switches from motor vehicles.

**Committee Amendment "A" (H-271)** proposed to exempt products that contain mercury-added lamps from the labeling requirement. It also proposed that compliance with the labeling requirement can be met by complying with similar requirements adopted by another state.

*Enacted law summary*

Public Law 2005, chapter 148:

1. Authorizes municipal code enforcement officers to enforce the prohibition on the crushing of motor vehicles without first removing any mercury switches;
2. Defines the term "scrap recycling facility" as used in the law governing removal of mercury switches from motor vehicles;
3. Prohibits the sale of mercury-added lamps after January 1, 2006 unless, as currently is the case for other mercury-added products, the lamps have a label indicating that they contain mercury. Chapter 148 exempts products that contain mercury-added lamps from the labeling requirement and it provides that compliance with the labeling requirement can be met by complying with similar requirements adopted by another state;
4. Clarifies the prohibition of scrapping motor vehicles without first removing any mercury switches; and
5. Increases the amount that automobile manufacturers must pay in compensation for the costs of removing the mercury switches from motor vehicles.

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LD 193

**An Act To Strengthen Wildlife Habitat Protection**

ONTP

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

LD 193 proposed to eliminate the mapping requirements for 3 types of significant wildlife habitat: high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas; shorebird nesting, feeding and staging areas and seabird nesting islands; and significant vernal pools.

LD 261

**An Act Concerning Significant Wildlife Habitat and Wetlands of  
Special Significance**

PUBLIC 116

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN PERRY J	OTP-AM	H-193

LD 261 proposed to add a clarification of "timber harvesting" within the definition of "forest management activities" to improve consistency between the natural resources protection laws and the Maine Revised Statutes, Title 12, section 8868. It also proposed to remove language in the definition of "significant wildlife habitat" in the natural resources protection laws that requires significant vernal pools to be identified in a specific location. Instead, significant vernal pool habitat would be required to meet specific criteria to be considered as "significant wildlife habitat." Criteria for identification of significant vernal pools and associated management areas were proposed to be established through rule.

The bill also proposed to add a limitation to the existing exemption for minor alterations in freshwater wetlands by providing that the exemption would not be available if the proposed activity would occur in a wetland containing a natural community that is critically imperiled, S1, or imperiled, S2, as defined by the Natural Areas Program, in a significant wildlife habitat or in a wetland area that is inundated with floodwater during a 100-year flood event.

**Committee Amendment "A" (H-193)** proposed to remove the requirement that significant vernal pool habitat, high and moderate value waterfowl and wading bird habitat and shorebird nesting, feeding and staging areas be mapped through a formal rule-making process. Instead, the habitats would be required to meet specific criteria adopted through major substantive rulemaking. For solely forest management activities, significant wildlife habitat would be mapped through formal rulemaking. The amendment also proposed to delete from the bill certain proposed limitations to the existing exemption for minor alterations in freshwater wetlands.

***Enacted law summary***

Public Law 2005, chapter 116 adds a definition of "timber harvesting" within the definition of "forest management activities" to improve consistency between the natural resources protection laws and the Maine Revised Statutes, Title 12, section 8868.



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It adds a limitation to the existing exemption for minor alterations in freshwater wetlands by providing that the exemption would not be available if the proposed activity would occur in a significant wildlife habitat.

It removes the requirement that significant vernal pool habitat, high and moderate value waterfowl and wading bird habitat and shorebird nesting, feeding and staging areas be mapped through a formal rule-making process. Instead, the habitats must meet specific criteria adopted through major substantive rulemaking. For solely forest management activities, significant wildlife habitat must be mapped through formal rulemaking.

**LD 271**                      **An Act To Allow Counties To Recover the Cost of Cleaning Up Hazardous Spills**                      **PUBLIC 100**

<u>Sponsor(s)</u> COWGER KOFFMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-87
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LD 271 proposed to entitle counties to reimbursement for removal costs associated with prohibited discharges of hazardous materials.

**Committee Amendment "A" (S-87)** proposed to authorize a county, at the request of one or more municipalities, to sue for recovery on their behalf for removal costs associated with prohibited discharges of hazardous materials. It also proposed to provide for the recovery of legal costs and attorney's fees associated with the legal action.

### *Enacted law summary*

Public Law 2005, chapter 100 entitles counties to reimbursement for removal costs associated with prohibited discharges of hazardous materials. It authorizes a county, at the request of one or more municipalities, to sue for recovery on their behalf for removal costs associated with prohibited discharges of hazardous materials. It also provides for the recovery of legal costs and attorney's fees associated with the legal action.

**LD 286**                      **Resolve, Directing a Review of Comprehensive Planning and Growth Management in Maine**                      **RESOLVE 73**

<u>Sponsor(s)</u> JOY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-476
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LD 286 proposed to eliminate the State Planning Office within the Executive Department.

**Committee Amendment "A" (H-166)** proposed to replace the original bill. The amendment was the majority report of the State and Local Government Committee. It proposed to remove the option of a municipality or multimunicipal region that has not yet received a planning grant to submit its comprehensive plan to the Executive Department, State Planning Office for review; eliminate the process for a municipality or multimunicipal region to periodically revise its growth management program to account for changes; remove the responsibility of the State Planning Office to review comprehensive land use plans and growth management

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programs and issue certificates of consistency; remove the responsibility of the State Planning Office to review rate-of-growth, impact fee and zoning ordinances to determine whether they are consistent with a comprehensive plan; remove the need for a positive review of comprehensive plans by the State Planning Office for a municipality or multimunicipal region to receive state capital investments; remove the provision that the State Planning Office decision on consistency of a comprehensive plan or growth management program constitutes final agency action and make clear that review is advisory only. This amendment was not adopted.

**Committee Amendment "B" (H-476)**, the unanimous report of the Natural Resources Committee, proposed to direct the Executive Department, State Planning Office, along with an advisory group, to undertake a study of current state law, policy and procedures regarding land use planning, management and regulation, including a review of the procedures, policies and rules of the office for reviewing comprehensive plans; a review of local efforts to implement the growth management laws and the State's efforts to support the laws; and development of options for improvement of comprehensive planning statewide. The proposed amendment would direct the office to submit a report by February 1, 2006 and authorize the Joint Standing Committee on Natural Resources to report out legislation to the Second Regular Session of the 122nd Legislature.

### Enacted law summary

Resolve 2005, chapter 73 directs the Executive Department, State Planning Office, along with an advisory group, to undertake a study of current state law, policy and procedures regarding land use planning, management and regulation, including a review of the procedures, policies and rules of the office for reviewing comprehensive plans; a review of local efforts to implement the growth management laws and the State's efforts to support the laws; and development of options for improvement of comprehensive planning statewide. It directs the office to submit a report by February 1, 2006 and authorizes the Joint Standing Committee on Natural Resources to report out legislation to the Second Regular Session of the 122<sup>nd</sup> Legislature.

LD 293

### **An Act To Ensure Financial Solvency in Maine's Air and Wastewater Licensing Programs**

PUBLIC 157

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM MAJ	H-243
COWGER	OTP-AM MIN	

LD 293 proposed to establish a fee of up to \$350 for a general permit for industrial stormwater discharges issued pursuant to the waste discharge laws. The bill also proposed to authorize disbursements from the Ground Water Oil Clean-up Fund to pay costs incurred by the Department of Environmental Protection to monitor and regulate air emissions from the distribution and use of oil.

**Committee Amendment "A" (H-243)**, the majority report, proposed to remove from the bill the annual fee for general permit coverage for industrial storm water discharges and instead proposed to authorize the Department of Environmental Protection to assess a one-time fee of up to \$350 for general permit coverage for industrial storm water discharges until September 30, 2006. The amendment also proposed to direct the Department of Environmental Protection to prepare a report on the fees assessed in connection with the general permit for industrial storm water discharges. The report would be submitted to the Joint Standing Committee on Natural Resources by January 30, 2006, and the committee would be authorized to report out legislation dealing with the fee report to the Second Regular Session of the 122nd Legislature. The amendment also proposed to delete

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language in the bill authorizing disbursements from the Ground Water Oil Clean-up Fund to pay costs incurred by the Department of Environmental Protection to monitor and regulate air emissions from the distribution and use of oil. The amendment also proposed to direct the Department of Environmental Protection to prepare and implement a plan to train program personnel to conduct cross-media compliance inspections of gasoline stations and to prepare a report regarding the feasibility and advisability of conducting a pilot program using state-certified inspectors to conduct gasoline station compliance inspections.

**Committee Amendment "B" (H-244)**, the minority report, proposed to remove from the bill the annual fee for general permit coverage for industrial storm water discharges and to provide that the Department of Environmental Protection may not assess a fee for general permit coverage for industrial storm water discharges. It also proposed that consideration of any appropriation or allocation for implementation of a program for industrial storm water discharges must be included in consideration of the budget for the Department of Environmental Protection, Bureau of Land and Water Quality. The amendment also proposed to delete language in the bill authorizing disbursements from the Ground Water Oil Clean-up Fund to pay costs incurred by the Department of Environmental Protection to monitor and regulate air emissions from the distribution and use of oil. The amendment also proposed to direct the Department of Environmental Protection to prepare and implement a plan to train program personnel to conduct cross-media compliance inspections of gasoline stations and to prepare a report regarding the feasibility and advisability of conducting a pilot program using state-certified inspectors to conduct gasoline station compliance inspections. This amendment was not adopted.

*Enacted law summary*

Public Law 2005, chapter 157 authorizes the Department of Environmental Protection to assess a one-time fee of up to \$350 for general permit coverage for industrial storm water discharges until September 30, 2006. It also directs the Department of Environmental Protection to prepare a report on the fees assessed in connection with the general permit for industrial storm water discharges. The report must be submitted to the Joint Standing Committee on Natural Resources by January 30, 2006, and the committee is authorized to report out legislation dealing with the fee report to the Second Regular Session of the 122nd Legislature. Chapter 157 also directs the Department of Environmental Protection to prepare and implement a plan to train program personnel to conduct cross-media compliance inspections of gasoline stations and to prepare a report regarding the feasibility and advisability of conducting a pilot program using state-certified inspectors to conduct gasoline station compliance inspections. Finally, it increases the cap on disbursements for personal services from the Ground Water Oil Clean-up Fund.

**LD 315**                      **An Act To Prohibit the Privatization of Drinking Water Supply Sources**                      **ONTP**

<u>Sponsor(s)</u> EDER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 315 proposed to declare the drinking water supplies in this State to be public resources that may not be privately owned.

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**LD 342**                      **An Act To Encourage Reuse of Glass Bottles**                      **ONTP**

<u>Sponsor(s)</u> PERRY J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 342, a concept draft pursuant to Joint Rule 208, proposed to require that companies that sell beer and soda in glass bottles wash and reuse the glass bottles.

**LD 381**                      **An Act To Enhance the Safe Disposal of Household Hazardous Waste**                      **ONTP**

<u>Sponsor(s)</u> CURLEY DAMON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 381 proposed to require municipal officials in each county to work together to designate an existing transfer station or recycling center in each county to accept household hazardous waste for disposal by residents of that county on a year-round basis. The bill would allow municipal officials to impose fees for the disposal of such household hazardous waste.

**LD 387**                      **An Act To Waive Application Fees on Certain Department of Environmental Protection and Department of Transportation Projects**                      **ONTP**

<u>Sponsor(s)</u> MILLER DOW		<u>Committee Report</u> ONTP      MAJ OTP-AM    MIN		<u>Amendments Adopted</u>
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LD 387 proposed to require the Commissioner of Environmental Protection and the Commissioner of Transportation to waive the application or processing fee for projects with anticipated costs that are less than \$2,000,000.

**Committee Amendment "A" (H-154)**, the minority report, proposed to incorporate a fiscal note. This amendment was not adopted.

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**LD 403**

**An Act To Repeal the Minimum Penalty for Environmental Violations**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO JOY	ONTP	

LD 403 proposed to remove the minimum penalty of \$100 per day. Under current law, a person who violates a law administered by the Department of Environmental Protection is subject to a civil penalty of not less than \$100 for each day of that violation.

**LD 406**

**An Act To Amend the Dates Associated with the State's Recycling and Waste Reduction Goals**

**PUBLIC 220**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	S-134

LD 406 proposed to accomplish the following.

1. Eliminate language that limited the application of contracts for the provision of small containerized solid waste hauling services.
2. Extend the date by which the State's recycling goal of 50% must be met.
3. Establish the State's waste reduction goal of 5% as a biennial rather than an annual reduction and extend the date by which the goal must be met.

**Committee Amendment "A" (S-134)** proposed to change the title of the bill to more accurately reflect the content of the bill.

***Enacted law summary***

Public Law 2005, chapter 220 accomplishes the following.

1. It eliminates language that limited the application of restrictions on contracts for the provision of small containerized solid waste hauling services.
2. It extends the date by which the State's recycling goal of 50% must be met.
3. It establishes the State's waste reduction goal of 5% as a biennial rather than an annual reduction and extends the date by which the goal must be met.

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**LD 518**                    **An Act To Regulate Lead-smart Renovators and Lead Sampling Technicians**                    **CARRIED OVER**

<u>Sponsor(s)</u> DUPLESSIE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 518 proposes to increase the training requirements for lead-smart renovators and lead sampling technicians from 6 hours and 8 hours respectively to 14 hours. The bill also would require that lead-smart renovators be licensed by the Department of Environmental Protection. The bill also proposed to require a contractor engaged in any renovation, remodeling, maintenance or repair project involving lead-based paint to obtain an insurance policy or rider that covers damages resulting from any such renovation, remodeling, maintenance or repair project. LD 518 was carried over by H. P. 1203 to any special or regular session of the 122nd Legislature.

**LD 526**                    **Resolve, Regarding the Recycling Assistance Fee**                    **RESOLVE 35**

<u>Sponsor(s)</u> MCKENNEY NASS R		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-314
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LD 526 proposed to phase out the fee is imposed on the retail sale of new tires in the amount of \$1 per tire. It also proposed to repeal the fee beginning January 1, 2010.

**Committee Amendment "A" (H-314)** changed the title and replaced the bill with a resolve. The amendment proposed to require the Department of Environmental Protection to evaluate possible alternative funding mechanisms to the \$1 fee on the retail sale of new tires and to submit a report and recommendations to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 30, 2007.

*Enacted law summary*

Resolve 2005, chapter 35 requires the Department of Environmental Protection to evaluate possible alternative funding mechanisms to the \$1 fee on the retail sale of new tires and to submit a report and recommendations to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 30, 2007.

**LD 577**                    **An Act To Amend the Law Governing Rate of Growth Ordinances**                    **ONTP**

<u>Sponsor(s)</u> BROMLEY KOFFMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 577, a concept draft pursuant to Joint Rule 208, proposed to amend the current law governing rate of growth ordinances:

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1. To require a town to demonstrate the need for a growth cap prior to adopting a rate of growth ordinance;
2. To establish a 3-year sunset for a rate of growth ordinance in a municipality; and
3. To require that growth areas identified in an approved comprehensive plan be exempt from the growth cap.

**LD 582**

**An Act To Change the Effect of Local Ordinances on the State**

**ONTP**

<u>Sponsor(s)</u> BROMLEY KOFFMAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 582 proposed to provide that a state agency must comply with zoning, subdivision and site plan review ordinances that the State Planning Office has determined are consistent with a comprehensive plan that the State Planning Office has found consistent with the provisions of the law governing growth management.

**LD 597**

**An Act To Amend the Solid Waste Landfill Laws**

**PUBLIC 341**

<u>Sponsor(s)</u> TWOMEY COWGER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-567
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LD 597 proposed to require a public hearing for an increase in height of a landfill accepting special waste. It would specify that the applicant shall pay the Department of Environmental Protection's costs in processing the application. It also proposed to amend the law governing the joint citizen advisory committee for the West Old Town Landfill to include 2 representatives of the Penobscot Nation.

**Committee Amendment "A" (H-567)** proposed to require the Department of Environmental Protection to hold a hearing on or request the Board of Environmental Protection to assume jurisdiction of applications for a vertical increase in the approved final elevation of a commercial or state-owned solid waste disposal facility that accepts special waste upon request from 5 or more residents or abutting property owners in the municipality in which the proposed facility is located. It proposed to provide that testimony at such a hearing is limited to issues related to relevant standards of review under the solid waste laws. It proposed to clarify that expenses and costs incurred by the department in connection with the hearing must be paid for by the person applying for the license. It also proposed that the Penobscot Nation shall appoint one member of the joint citizen advisory committee for the West Old Town Landfill.

***Enacted law summary***

Public Law 2005, chapter 341 requires the Department of Environmental Protection to hold a hearing on or request the Board of Environmental Protection to assume jurisdiction of applications for a vertical increase in the approved final elevation of a commercial or state-owned solid waste disposal facility that accepts special waste upon request for a hearing from 5 or more residents or abutting property owners in the municipality in which the proposed facility is located. It provides that testimony at such a hearing is limited to issues related to relevant

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standards of review under the solid waste laws. It clarifies that expenses incurred by the department in connection with the hearing must be paid for by the person applying for the license. It also amends the law governing the joint citizen advisory committee for the West Old Town Landfill to include 1 representative of the Penobscot Nation.

**LD 599**                      **Resolve, Directing a Review of the Effects of Antifreeze, Engine Coolant and Aversive Agents on the Environment and Small Animals**                      **RESOLVE 14**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN	OTP-AM    MAJ OTP-AM    MIN	H-162

LD 599 proposed to require that engine coolant or antifreeze that contains more than 10% ethylene glycol or propylene glycol must include an aversive agent that makes it taste bitter so that it is rendered unpalatable, to reduce the risk of poisoning of household pets and other small animals.

**Committee Amendment "A" (H-162)**, the majority report, proposed to direct the Department of Environmental Protection in cooperation with the Department of Health and Human Services, Bureau of Health and the Department of Agriculture, Food and Rural Resources to review the effects of antifreeze, engine coolant and aversive agents, including denatonium benzoate, on the environment and small animals. The proposed amendment would direct the Department of Environmental Protection to submit its findings to the Joint Standing Committee on Natural Resources by January 30, 2006 and would authorize the committee to report out legislation to the Second Regular Session of the 122nd Legislature.

**Committee Amendment "B" (H-163)**, the minority report, proposed to delete the requirement in the bill that engine coolant or antifreeze that contains more than 10% propylene glycol must include an aversive agent. It proposed to add a limitation of liability for damage to the environment or natural resources or economic loss that results from the inclusion of an aversive agent. It also proposed to make the Act effective when at least 3 New England states, excluding Maine, have adopted similar laws. This amendment was not adopted.

### *Enacted law summary*

Resolve 2005, chapter 14 directs the Department of Environmental Protection in cooperation with the Department of Health and Human Services, Bureau of Health and the Department of Agriculture, Food and Rural Resources to review the effects of antifreeze, engine coolant and aversive agents, including denatonium benzoate, on the environment and small animals. It also directs the Department of Environmental Protection to submit its findings to the Joint Standing Committee on Natural Resources by January 30, 2006 and authorizes the committee to report out legislation to the Second Regular Session of the 122nd Legislature.



*Joint Standing Committee on Natural Resources*

**LD 605**

**An Act To Revise the Site Location of Development Laws**

**ONTP**

<u>Sponsor(s)</u> KOFFMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 605 proposed to exempt campgrounds that exceed 30 acres in total acreage from the 3-acre maximum impervious surface area restriction in the site location of development laws. The bill would allow campgrounds that exceed 30 acres in total acreage to have impervious surfaces that do not exceed 10% of the total campground acreage.

**LD 608**

**An Act To Assist Municipal Implementation and Enforcement of Storm Water Management Programs**

**PUBLIC 240**

<u>Sponsor(s)</u> KOFFMAN COWGER		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 608 proposed to ensure that the District Court and Superior Court have concurrent jurisdiction to hear enforcement actions brought by municipalities regarding violations of ordinances and ordinance provisions they are required to enact regarding nonstorm water discharges, construction site runoff and postconstruction storm water management. The proposed bill would add these ordinances to the list of environmental ordinances that the municipality may enforce using the land use enforcement mechanism, pursuant to the Maine Rules of Civil Procedure, Rule 80K, authorizing code enforcement officers to prosecute certain violations and by which a prevailing municipality may obtain a fine, injunctive relief or payment of attorney's fees, expert witness fees and costs from the violator if the municipality prevails.

***Enacted law summary***

Public Law 2005, chapter 240 provides that the District Court and Superior Court have concurrent jurisdiction to hear enforcement actions brought by municipalities regarding violations of ordinances and ordinance provisions they are required to enact regarding nonstorm water discharges, construction site runoff and postconstruction storm water management. It also adds these ordinances to the list of environmental ordinances that the municipality may enforce using the land use enforcement mechanism, pursuant to the Maine Rules of Civil Procedure, Rule 80K, authorizing code enforcement officers to prosecute certain violations and by which a prevailing municipality may obtain a fine, injunctive relief or payment of attorney's fees, expert witness fees and costs from the violator if the municipality prevails.

*Joint Standing Committee on Natural Resources*

**LD 615**

**An Act Regarding New Motor Vehicle Emission Standards**

**PUBLIC 245**

<u>Sponsor(s)</u> DAIGLE MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-337
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LD 615 proposed to require legislative review before rules provisionally adopted by the Department of Environmental Protection, Board of Environmental Protection containing tailpipe emission standards for vehicles are adopted or in fact implemented.

**Committee Amendment "A" (H-337)** proposed to require the Department of Environmental Protection to annually evaluate whether the State should continue to implement and enforce the California standards for new motor vehicle emissions. The proposed amendment would also require the department to report on the evaluation to the joint standing committee of the Legislature having jurisdiction over natural resources matters, and it would authorize the committee to report out legislation related to the evaluation. It also would strike language requiring a report from the Board of Environmental Protection in 2000, and it would strike language that makes rules regarding zero-emission vehicles major substantive rules.

*Enacted law summary*

Public Law 2005, chapter 245 requires the Department of Environmental Protection to annually evaluate whether the State should continue to implement and enforce the California standards for new motor vehicle emissions. It also requires the department to report on the evaluation to the joint standing committee of the Legislature having jurisdiction over natural resources matters, and it authorizes the committee to report out legislation related to the evaluation. It also removes from statute language requiring a report from the Board of Environmental Protection in 2000, and it strikes language that makes rules regarding zero-emission vehicles major substantive rules.

**LD 625**

**Resolve, Regarding Legislative Review of Chapter 500: Stormwater Management and Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams, Major Substantive Rules of the Department of Environmental Protection**

**RESOLVE 87  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-446
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LD 625 proposed to provide for legislative review of Chapter 500: Stormwater Management and Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams, major substantive rules of the Department of Environmental Protection.

**Committee Amendment "A" (H-446)** proposed to authorize the final adoption of Chapter 500: Stormwater Management and Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams, which are major substantive rules of the Department of Environmental Protection, as long as certain enumerated changes are made to the rules.

*Joint Standing Committee on Natural Resources*

*Enacted law summary*

Resolve 2005, chapter 87 authorizes the final adoption of Chapter 500: Stormwater Management and Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams, which are major substantive rules of the Department of Environmental Protection, as long as certain enumerated changes are made to the rules.

Resolve 2005, chapter 87 was finally passed as an emergency measure effective June 3, 2005.

**LD 635**                      **An Act To Amend the Maine Sanitary District Enabling Act**                      **CARRIED OVER**

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

LD 635 proposes to amend the Maine Sanitary District Enabling Act by setting guidelines for the establishment of decentralized community sanitary districts. LD 635 was carried over by H. P. 1203 to any special or regular session of the 122nd Legislature.

**LD 643**                      **An Act To Authorize the Department of Environmental Protection  
To Issue Emergency Permits for the Application of Herbicides and  
Pesticides**                      **ONTP**

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

LD 643 proposed to authorize the Department of Environmental Protection to issue emergency waste discharge licenses for the application of herbicides and pesticides to enable prompt response to an invasive aquatic plant infestation. The bill also proposed to direct the Board of Environmental Protection to adopt routine technical rules.

**LD 648**                      **An Act To Exempt Maine Agricultural Fairs from the  
Requirements of the Site Location of Development Laws**                      **PUBLIC 217**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	OTP-AM    MAJ	S-151
MILLETT	OTP-AM    MIN	

LD 648 proposed to exempt development on agricultural fair property from the site location of development law if the use of that property is limited to certain uses.

*Joint Standing Committee on Natural Resources*

**Committee Amendment "A" (S-151)**, the majority report, proposed to exempt development on agricultural fair property from the site location of development laws if the property is not used for motorized racing for more than 14 days beyond the fair days, motorized racing is licensed by the State, use of the property beyond the fair days meets the noise standard of the site location of development law and the property has been identified in an agricultural fair license issued by the Department of Agriculture, Food and Rural Resources prior to September 15, 2006. The proposed amendment would direct the Department of Agriculture, Food and Rural Resources, in consultation with the Department of Environmental Protection, to develop a checklist of environmental issues and to distribute the checklist to applicants for an agricultural fair license. Under the proposed amendment, the applicant would be required to complete the checklist with the assistance of a soil and water conservation district. The amendment proposed to provide that the Department of Agriculture, Food and Rural Resources may not issue a license for an agricultural fair prior to receipt of the environmental checklist.

**Committee Amendment "B" (S-152)**, the minority report, proposed to exempt development on agricultural fair property from the site location of development laws if the property is not used for motorized racing for more than 14 days beyond the fair days, motorized racing is licensed by the State and use of the property beyond the fair days meets the noise standard of the site location of development law. The proposed amendment would direct the Department of Agriculture, Food and Rural Resources, in consultation with the Department of Environmental Protection, to develop a checklist of environmental issues and to distribute the checklist to applicants for an agricultural fair license. Under the proposed amendment, the applicant would be required to complete the checklist with the assistance of a soil and water conservation district. The amendment proposed to provide that the Department of Agriculture, Food and Rural Resources may not issue a license for an agricultural fair prior to receipt of the environmental checklist. This amendment was not adopted.

*Enacted law summary*

Public Law 2005, chapter 217 exempts development on agricultural fair property from the site location of development laws if the property is not used for motorized racing for more than 14 days beyond the fair days, motorized racing is licensed by the State, use of the property beyond the fair days meets the noise standard of the site location of development law and the property has been identified in an agricultural fair license issued by the Department of Agriculture, Food and Rural Resources prior to September 15, 2006. The amendment also directs the Department of Agriculture, Food and Rural Resources, in consultation with the Department of Environmental Protection, to develop a checklist of environmental issues and to distribute the checklist to applicants for an agricultural fair license. The applicant is required to complete the checklist with the assistance of a soil and water conservation district. The Department of Agriculture, Food and Rural Resources may not issue a license for an agricultural fair prior to receipt of the environmental checklist.

**LD 658**

**An Act To Protect Maine's Natural Resources for Maine Residents**

**ONTP**

Sponsor(s)  
DUPLESSIE

Committee Report  
ONTP

Amendments Adopted

LD 658, a concept draft pursuant to Joint Rule 208, proposed to enact a law to establish a procedure to provide the State with severance fees on natural resources that are extracted from the State. The proposed law would be similar to laws in other states whereby a state that has oil and minerals extracted from its natural resources base receives severance fees.

*Joint Standing Committee on Natural Resources*

**LD 667**

**Resolve, Regarding Nonnative Invasive Marine Species**

**RESOLVE 43**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS EDMONDS	OTP-AM	H-360

LD 667 proposed to require all the appropriate agencies in the State to participate in the development of strategies to prevent introduction of nonnative invasive marine species into coastal waters of the State and to work to eliminate or mitigate the negative impact where these species are introduced. The resolve also proposed to require the Department of Marine Resources in consultation with the Department of Environmental Protection to submit a report to the Joint Standing Committee on Natural Resources by February 1, 2006 on issues related to nonnative invasive marine species.

**Committee Amendment "A" (H-360)** proposed to clarify that the Commissioner of Environmental Protection and the Commissioner of Marine Resources shall determine which agencies and governments the State should collaborate with regarding nonnative invasive marine species. The proposed amendment would also add the Joint Standing Committee on Marine Resources as a recipient of the required report.

*Enacted law summary*

Resolve 2005, chapter 43 requires all the appropriate agencies in the State to participate in the development of strategies to prevent introduction of nonnative invasive marine species into coastal waters of the State and to work to eliminate or mitigate the negative impact where these species are introduced. It also requires the Department of Marine Resources in consultation with the Department of Environmental Protection to submit a report to the Joint Standing Committee on Natural Resources and to the Joint Standing Committee on Marine Resources by February 1, 2006 on issues related to nonnative invasive marine species.

**LD 682**

**An Act To Create a 5-year Statute of Limitations for Environmental Violations**

**ONTP**

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

LD 682 proposed to require enforcement actions for violations of environmental laws to be brought by the Department of Environmental Protection or the Attorney General within 5 years of the date of the violation. This bill also proposed to delete provisions in the law that allow a penalty to be imposed for each day of a violation.

**Committee Amendment "A" (S-220)**, the minority report, proposed to require certain enforcement actions related to air emissions and wastewater discharges to be initiated by the Department of Environmental Protection or the Attorney General within the period of time that the licensee is required to retain records of that violation. This amendment was not adopted.

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LD 692

**An Act To Require That Hazardous Waste Be Removed from  
Junked Vehicles**

**PUBLIC 247**

<u>Sponsor(s)</u> NASS R		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-186
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LD 692, a concept draft pursuant to Joint Rule 208, would expand on the limitations on automobile graveyards, automobile recycling businesses and junkyard permits found in the Maine Revised Statutes, Title 30-A, section 3754-A. The proposed bill would require the removal of all hazardous waste from the junked vehicles.

**Committee Amendment "A" (S-186)** replaced the bill and proposed to:

1. Amend the operating standards for junkyards, automobile graveyards and automobile recycling businesses.
2. Require that logs be maintained of all motor vehicles handled by the facility.
3. Require that all fluids, refrigerant, batteries and mercury switches be removed from motor vehicles that are not operable, appliances and other items within 180 days of acquisition by a junkyard, automobile graveyard or automobile recycling business. Items acquired prior to October 1, 2005, however, would be required to have fluids, refrigerant, batteries and mercury switches removed by January 1, 2007.
4. Require that storage, recycling or disposal of materials comply with federal and state laws.
5. Require that all fluids, refrigerant, batteries and mercury switches be removed before crushing or shredding.
6. Provide that a municipality or county may reject an application for an automobile graveyard or automobile recycling business if the applicant has not demonstrated that certain provisions regarding storm water management have been complied with.

***Enacted law summary***

Public Law 2005, chapter 247 amends the operating standards for junkyards, automobile graveyards and automobile recycling businesses. It requires that logs be maintained of all motor vehicles handled by the facility. It requires that all fluids, refrigerant, batteries and mercury switches be removed from motor vehicles that are not operable, appliances and other items within 180 days of acquisition by a junkyard, automobile graveyard or automobile recycling business. Items acquired prior to October 1, 2005, however, must have fluids, refrigerant, batteries and mercury switches removed by January 1, 2007. It requires that storage, recycling or disposal of materials complies with federal and state laws. It requires that all fluids, refrigerant, batteries and mercury switches be removed before crushing or shredding. It also provides that a municipality or county may reject an application for an automobile graveyard or automobile recycling business if the applicant has not demonstrated that certain provisions regarding storm water management have been complied with.

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**LD 790**

**An Act To Establish the Maximum Height of a Dam on Phillips Lake**

**P & S 17**

<u>Sponsor(s)</u> PERRY J BLANCHETTE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-117
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LD 790 proposed to authorize the Lucerne-in-Maine Village Corporation to maintain a dam on Phillips Lake so that the water level of the lake does not go higher than 227 feet above sea level.

**Committee Amendment "A" (S-117)** proposed to restrict the height of the dam on Phillips Lake to 227 feet above sea level and the width of the dam to no less than the current width.

*Enacted law summary*

Private and Special Law 2005, chapter 17 restricts the height of the dam on Phillips Lake to 227 feet above sea level and the width of the dam to no less than the current width.

**LD 818**

**An Act To Specify Phosphorus Limits for Gulf Island Pond**

**ONTP**

<u>Sponsor(s)</u> NUTTING J MAKAS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 818 proposed to specify standards for the cumulative discharge of phosphorus, both in terms of phosphorus and orthophosphorus, for licensed waste discharges into Gulf Island Pond. The bill would require the Department of Environmental Protection to deny or reissue all expired licenses for continuation of waste discharges contributing phosphorus to Gulf Island Pond by November 15, 2005. Each licensee found to contribute to nonattainment of the standards contained in the bill would provide for phosphorus reductions so the standards are met within the 5-year license period. Alternatively, the bill proposed to allow the department to specify a standard based upon an EPA-approved total maximum daily load that does not cause algae blooms in Gulf Island Pond.

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**LD 826**                    **An Act To Require That the Department of Environmental Protection Consider Economic Impact When Adopting Environmental Regulations**                    **ONTP**

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

LD 826 proposed to require that, in adopting, amending and enforcing rules under the Maine Revised Statutes, Title 38, the Department of Environmental Protection and the Board of Environmental Protection consider the economic impact of those rules on the landowners' livelihoods.

**Committee Amendment "A" (H-144)**, the minority report of the committee, proposed to add an appropriation and allocation section. This amendment was not adopted.

**LD 852**                    **Resolve, To Require the Department of Environmental Protection to Undertake Phosphorus Control in Toothaker Pond in Phillips**                    **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO WOODCOCK	OTP-AM	H-192

LD 852 proposes to direct the Department of Environmental Protection to clean up Toothaker Pond in Phillips.

**Committee Amendment "A" (H-192)** replaces the bill and proposes to direct the Department of Environmental Protection to undertake phosphorus control in Toothaker Pond in Phillips and proposes to appropriate \$50,000 for that purpose.

LD 852 was carried over on the Special Appropriations Table by S. P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 854**                    **An Act To Ban the Distribution of Children's Products That Contain Mercury Batteries**                    **ONTP**

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

LD 854 proposed to ban, after January 1, 2007, the sale in this State of children's novelties that contain mercury batteries, such as light-up games, cards and adornments.



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**LD 880**

**An Act To Prohibit Municipal Landfill Dumping**

**ONTP**

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

LD 880 proposed to direct the Board of Environmental Protection to adopt rules to limit the transfer of bypass waste to landfills and to ensure that disposal in a landfill is not the primary means for disposal of municipal solid waste.

**LD 1022**

**An Act To Amend the Laws Governing Shoreland Zoning**

**ONTP**

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

LD 1022 proposed to provide that the shoreland zoning guidelines established by the Board of Environmental Protection may not require municipalities to prohibit the construction of a residential structure on a lot on which an existing subsurface sewage disposal system is located when the lot is adjacent to a lot on which an existing residential structure is located and both lots are owned by the same person or persons.

**LD 1057**

**An Act To Establish and Implement the Maine STEP-UP Program**

**PUBLIC 90**

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

LD 1057 proposed to establish the Smart Tracks for Exceptional Performers and Upward Performers Program within the Department of Environmental Protection. It proposed to require a contractual relationship between state organizations and businesses and the Commissioner of Environmental Protection to achieve sustainability objectives, including energy and natural resources conservation and it also proposed to define sustainability.

***Enacted law summary***

Public Law 2005, chapter 90 establishes the Smart Tracks for Exceptional Performers and Upward Performers Program within the Department of Environmental Protection. It requires a contractual relationship between state organizations and businesses and the Commissioner of Environmental Protection to achieve sustainability objectives, including energy and natural resources conservation. It also defines sustainability.

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**LD 1058                      An Act To Regulate the Use of Batteries Containing Mercury                      CARRIED OVER**

<u>Sponsor(s)</u> COWGER TWOMEY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1058 proposes to ban, after January 1, 2007, the sale in this State of novelties that contain batteries that contain mercury, such as light-up games, cards and adornments. In addition, this bill proposes to ban the disposal, after January 1, 2007, of button cell batteries in landfills and incinerators and proposes to require that such batteries be packaged with information regarding proper disposal. LD 1058 was carried over by H. P. 1203 to any special or regular session of the 122nd Legislature.

**LD 1071                      Resolve, To Conform Oil Tank Piping Leakage Detection Standards to Federal Law                      ONTP**

<u>Sponsor(s)</u> BRYANT-DESCHENE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1071 proposed to require the Department of Environmental Protection to ensure that oil tank and associated piping leakage detection levels required by the State are not more stringent than those required under federal law and regulations.

**LD 1076                      Resolve, To Grant the Town of Alton Automatic Intervenor Status                      RESOLVE 74**

<u>Sponsor(s)</u> DUCHESNE COWGER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-490
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LD 1076 proposed to direct the Executive Department, State Planning Office to grant the Town of Alton status as host community to the West Old Town Landfill if an event occurs that increases the likelihood of financial or environmental impact to the Town of Alton.

**Committee Amendment "A" (H-490)** changed the title and replaced the resolve. The amendment proposed to direct the Department of Environmental Protection to grant the Town of Alton automatic intervenor status if an application for an expansion permit is filed by the Executive Department, State Planning Office for the West Old Town Landfill and if the Town of Alton requests automatic intervenor status.

***Enacted law summary***

Resolve 2005, chapter 74 directs the Department of Environmental Protection to grant the Town of Alton automatic intervenor status if an application for an expansion permit is filed by the Executive Department, State Planning Office for the West Old Town Landfill and if the Town of Alton requests automatic intervenor status.

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**LD 1091**                      **An Act To Provide Adequate Funding for the Enforcement of Environmental Laws**                      **ONTP**

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

LD 1091 proposed to require all fines for criminal and civil violations of laws administered by the Department of Environmental Protection, including fines paid as a result of an administrative consent agreement, be paid to the Commissioner of Environmental Protection to be applied to the expenses of enforcement incurred by the department.

**Committee Amendment "A" (H-143)**, the minority report, proposed to incorporate a fiscal note. This amendment was not adopted.

**LD 1097**                      **Resolve, To Discourage After-the-fact Department of Environmental Protection Applications**                      **ONTP**

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

LD 1097 proposed to direct the Department of Environmental Protection to establish a fee schedule that establishes or increases penalties to discourage late filings. (See LD 1588.)

**LD 1100**                      **An Act To Set Emission Limits for Certain Architectural Coatings**                      **PUBLIC 181**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM    MAJ OTP-AM    MIN	H-169 H-270    DAIGLE

LD 1100 proposed to establish limits on the amount of volatile organic compounds that may be contained in architectural or industrial maintenance coatings sold, manufactured or used in the State.

**Committee Amendment "A" (H-168)**, the majority report, proposed to delete from the bill limits on the amount of volatile organic compounds that may be contained in sanding sealers, exterior wood primers and floor coatings. This amendment was not adopted.

**Committee Amendment "B" (H-169)**, the minority report, proposed to delete from the bill limits on the amount of volatile organic compounds that may be contained in varnishes, sanding sealers, exterior wood primers and floor coatings.

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**House Amendment "A" to Committee Amendment "B" (H-270)** proposed to include a volatile organic compounds limit for varnishes of 450 grams per liter and to further provide that effective January 1, 2011, the limit for varnishes will be lowered to 350 grams per liter.

*Enacted law summary*

Public Law 2005, chapter 181 establishes limits on the amount of volatile organic compounds that may be contained in certain architectural or industrial maintenance coatings sold, manufactured or used in the State. The coatings for which volatile compound limits are set are: interior wood clear and semitransparent stains and varnishes.

**LD 1149                      Resolve, To Review the Responsibilities of the Board of Environmental Protection                      ONTP**

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

LD 1149 proposed to direct the Board of Environmental Protection to review its responsibilities as set forth in statute and to report back to the Joint Standing Committee on Natural Resources on any recommended changes by January 15, 2006.

**LD 1157                      Resolve, Directing the Department of Education and the Department of Environmental Protection To Implement Procedures To Remove Hazardous Materials from Maine Schools                      RESOLVE 93**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN RAYE	OTP-AM    MAJ ONTP        MIN	H-489

LD 1157 proposed to generate revenue to continue and expand the efforts of the Department of Environmental Protection to assist schools with the safe removal and disposal of hazardous materials, such as pesticides, mercury compounds and toxic, flammable and explosive laboratory and other chemicals. Revenue would be generated by a 30¢ fee on each unit of general use pesticide distributed for retail sale in this State. The fee would be assessed at the distributor level and would not apply to bulk containers of restricted or limited use pesticides for agricultural and commercial use.

**Committee Amendment "A" (H-489)** replaced the bill with a resolve and changed the title. The proposed amendment would direct the Department of Education and the Department of Environmental Protection to implement the provisions of the proposal dated May 10, 2005 regarding the removal of hazardous materials from schools. It would also direct the departments to report to the Joint Standing Committee on Natural Resources by January 15, 2006 on the effectiveness of their efforts and to recommend changes if necessary.

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### *Enacted law summary*

Resolve 2005, chapter 93 directs the Department of Education and the Department of Environmental Protection to implement the provisions of the proposal dated May 10, 2005 regarding the removal of hazardous materials from schools. It also directs the departments to report to the Joint Standing Committee on Natural Resources by January 15, 2006 on the effectiveness of their efforts and to recommend changes if necessary.

**LD 1160**

**Resolve, To Increase Wetland Protection**

**RESOLVE 37**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN DAMON	OTP-AM	H-315

LD 1160 proposed to apply all standards of the natural resources protection laws to Tier 1 wetlands. It proposed to require the Department of Environmental Protection, in Tier 1 wetland review, to consider impacts to the wetland from other regulated activities that occurred during the prior year and to extend the time the department has to review Tier 1 applications from 30 days to 60 days. It proposed to direct the Department of Environmental Protection to work with the Executive Department, State Planning Office and other interested parties to develop a Tier 1 wetlands compensation program, to review and recommend changes to the wetlands exemptions and to report to the Joint Standing Committee on Natural Resources by January 1, 2006.

**Committee Amendment "A" (H-315)** replaced the bill with a resolve and removed those sections of the bill that proposed to:

1. Apply all standards of the natural resources protection laws to Tier 1 freshwater wetlands;
2. Require the Department of Environmental Protection, in Tier 1 freshwater wetland review, to consider impacts to the wetland from other regulated activities that occurred during the prior year; and
3. Extend the time the department has to review Tier 1 applications.

The proposed amendment would replace those sections with a reporting requirement requiring the Department of Environmental Protection to evaluate the resources necessary to apply all standards in the Maine Revised Statutes, Title 38, section 480-D to projects eligible for Tier 1 review and to report to the Joint Standing Committee on Natural Resources with any recommendations and proposed legislation by February 1, 2006. The amendment also proposed to authorize the committee to report out legislation to the Second Regular Session of the 122nd Legislature and it proposed to change a report date from January 1, 2006 to February 1, 2006.

### *Enacted law summary*

Resolve 2005, chapter 37 requires the Department of Environmental Protection to evaluate the resources necessary to apply all standards in the Maine Revised Statutes, Title 38, section 480-D to projects eligible for Tier 1 wetland review and to report to the Joint Standing Committee on Natural Resources with any recommendations and proposed legislation by February 1, 2006. Chapter 37 also directs the Department of Environmental Protection to work with the Executive Department, State Planning Office and other interested

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parties to develop a Tier 1 wetlands compensation program, to review and recommend changes to the wetlands exemptions and to report to the Joint Standing Committee on Natural Resources by February 1, 2006. Chapter 37 also authorizes the Natural Resources Committee to report out legislation to the Second Regular Session of the 122nd Legislature.

**LD 1161                      An Act To Provide for Variance Notification in the Shoreland                      PUBLIC 440**  
**Zoning Law**

<u>Sponsor(s)</u> HUTTON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-477
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LD 1161 proposed to provide for notice to abutters when an application for a permit or license is accepted and when a permit or license is denied or issued by the Land Use Regulation Commission and it proposed to provide for notice to abutters, municipalities and municipal boards when an application for a permit or license is accepted and when a permit or license is denied or issued by the Department of Environmental Protection.

**Committee Amendment "A" (H-477)** replaced the bill and proposed to require that a request for a variance from a shoreland zoning ordinance must be forwarded to the Commissioner of Environmental Protection at least 20 days prior to action by the municipality. It would provide for comment by the commissioner if the commissioner determines that the variance is in noncompliance with the requirements of state law for a zoning variance or undermines the purposes stated in the Maine Revised Statutes, Title 38, section 435. It also would provide that these comments are made part of the record to be considered when a decision is made on the variance request.

*Enacted law summary*

Public Law 2005, chapter 440 requires that a request for a variance from a shoreland zoning ordinance must be forwarded to the Commissioner of Environmental Protection at least 20 days prior to action by the municipality. It provides for comment by the commissioner if the commissioner determines that the variance is in noncompliance with the requirements of state law for a zoning variance or undermines the purposes stated in the Maine Revised Statutes, Title 38, section 435. It provides that these comments are made part of the record to be considered when a decision is made on the variance request.

**LD 1182                      An Act To Encourage Small Water-bottling Companies                      ONTP**

<u>Sponsor(s)</u> GAGNON THOMPSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1182 proposed to exempt water bottling operations that bottle under 100,000 gallons of water a year from the laws governing bottlers of nonalcoholic beverages and water for human consumption.

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**LD 1218**                      **Resolve, Directing the Department of Environmental Protection  
To Coordinate Regulation of Activities in Sand and Gravel Pits**                      **ONTP**

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

LD 1218 proposed to require the Department of Environmental Protection to review the differing review and permit requirements that apply to activities that are undertaken in connection with sand and gravel pits; to direct the department to create one point of contact within the department for information regarding requirements for such activities and the status of various permitting applications; and to direct the department to develop a proposal by which to better coordinate the review, permitting and enforcement of those various review and permit requirements.

**LD 1219**                      **An Act To Improve the Business Climate in Maine**                      **ONTP**

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

LD 1219 proposed to amend the mission of the Department of Environmental Protection to include consideration of maintenance of the State's economic viability. The bill also proposed to authorize the department, when a position becomes vacant through attrition, to hire an economist within its existing resources.

**Committee Amendment "A" (H-276)**, the minority report, proposed to amend the mission of the Department of Environmental Protection to direct the department to undertake the department's stated purposes with actions that protect natural resources and public health and promote a sustainable economy. The amendment also proposed to strike from the bill authorization for the department to employ an economist. This amendment was not adopted.

**LD 1255**                      **An Act To Ensure Environmental Justice**                      **ONTP**

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

LD 1255, a concept draft pursuant to Joint Rule 208, proposed to require the Commissioner of Environmental Protection to convene a working group on environmental justice, composed of various representatives, to assist the Department of Environmental Protection in developing an interagency environmental justice strategy. The bill would require the working group to take various actions relating to the development and implementation of environmental justice strategies.

**Committee Amendment "A" (S-219)**, the minority report, proposed to direct the Commissioner of Environmental Protection to convene a working group on environmental justice and to report the findings of the

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working group to the Joint Standing Committee on Natural Resources by February 15, 2006. This amendment was not adopted.

**LD 1265                      Resolve, Regarding Source Water Protection**

**RESOLVE 29**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL DAIGLE	OTP-AM	S-157

LD 1265 proposed to establish aquifer protection areas in the State. The bill proposed to:

1. Require the Commissioner of Environmental Protection to establish by rule standards for modeling and mapping aquifers;
2. Require the mapping of aquifers; and
3. Direct the Commissioner of Environmental Protection to develop recommendations, including necessary legislation, to implement the regulation of aquifer protection areas.

**Committee Amendment "A" (S-157)** changed the title and replaced the bill with a resolve. The proposed amendment would require the Drinking Water Program within the Department of Health and Human Services, in consultation with the Department of Environmental Protection, the Department of Conservation, Maine Geological Survey and the Department of Agriculture, Food and Rural Resources to submit a report to the Joint Standing Committee on Natural Resources by February 1, 2006. The report must address whether additional requirements are needed for source water protection in Maine and describe recommended options to address those needs. The proposed amendment would also authorize the Joint Standing Committee on Natural Resources to report out legislation to the Second Regular Session of the 122nd Legislature requiring the Drinking Water Program to establish a process to allow public comment and to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters with any subsequent recommendations after consideration of the comments.

***Enacted law summary***

Resolve 2005, chapter 29 requires the Drinking Water Program within the Department of Health and Human Services, in consultation with the Department of Environmental Protection, the Department of Conservation, Maine Geological Survey and the Department of Agriculture, Food and Rural Resources to submit a report to the Joint Standing Committee on Natural Resources by February 1, 2006. The report must address whether additional requirements are needed for source water protection in Maine and describe recommended options to address those needs. Chapter 29 also authorizes the Joint Standing Committee on Natural Resources to report out legislation to the Second Regular Session of the 122nd Legislature requiring the Drinking Water Program to establish a process to allow public comment and to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters with any subsequent recommendations after consideration of the comments.



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LD 1268

**An Act To Amend the Law on Junkyards, Automobile Graveyards  
and Automobile Recycling Businesses**

**PUBLIC 424**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	S-156 S-163 STRIMLING

LD 1268 proposed to clarify municipally administered junkyard, automobile graveyard and automobile recycling business law under the Maine Revised Statutes, Title 30-A, chapter 183, subchapter 1 in follow-up to the comprehensive changes enacted by Public Law 2003, chapter 312.

**Committee Amendment "A" (S-156)** proposed to keep the automobile hobbyist exemption in the laws governing automobile graveyards and amend the exemption to provide that municipal ordinances may require areas that are used for hobbyist activities to comply with screening requirements and certain environmental standards. The proposed amendment also would strike a reference to automobile recycling businesses in the operating standards for junkyards and automobile graveyards.

**Senate Amendment "A" (S-163)** was presented on behalf of the Committee on Bills in the Second Reading to correct an amending clause.

**Senate Amendment "B" (S-329)** proposed to remove the provision that requires municipal officers or county commissioners to provide written or electronic notice of a hearing to revoke or suspend a permit for an automobile graveyard, automobile recycling business or junkyard to the automobile dealer licensing section of the Department of the Secretary of State, Bureau of Motor Vehicles at least 7 days before the hearing. This amendment was not adopted.

***Enacted law summary***

Public Law 2005, chapter 424 clarifies municipally administered junkyard, automobile graveyard and automobile recycling business law under the Maine Revised Statutes, Title 30-A, chapter 183, subchapter 1 in follow-up to the comprehensive changes enacted by Public Law 2003, chapter 312.

Chapter 424 does the following:

1. It amends the hobbyist exemption in the definition of automobile graveyard to provide that municipal ordinances may require areas that are used for hobbyist activities to comply with screening requirements and certain environmental standards.
2. It allows municipal officers or county commissioners to give electronic notice of applications for a new automobile graveyard or recycling business to the Secretary of State.
3. It clarifies that towns or counties are not required to undertake ground water studies whenever a permit renewal application is filed. Instead, it prohibits municipal officials or county commissioners from renewing a permit if there is substantial, credible evidence that the permitted activities have caused contamination of the well.

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4. It amends the operating standards for automobile graveyards and junkyards to require that a facility seeking a permit must be actively engaged in the business of salvaging, recycling, dismantling, processing, repairing or rebuilding junk or vehicles for the purpose of sale or trade.
5. It authorizes towns and counties to issue permits to automobile graveyards and junkyards if they meet certain operating standards.
6. It provides that the operating standards set out in current law are conditions of each permit issued.
7. It adds to the cost of a permit for a graveyard or junkyard the cost of posting and publishing notice of hearing that a town or county must provide.
8. It requires towns or counties to provide notice of hearing to the Bureau of Motor Vehicles regarding hearings for revocation or suspension of a permit.

LD 1304

**An Act Concerning Invasive Species and Water Quality Standards**

**PUBLIC 182**

<u>Sponsor(s)</u> SAVIELLO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-245
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LD 1304 proposed to amend water quality standards to allow the Department of Environmental Protection to approve aquatic chemical or pesticide discharges for the purpose of restoring biological communities affected by invasive species, for Class AA, A, B and C waters, for tributaries to GPA waters and in drainage areas of less than 10 square miles. It proposed to add similar authority for GPA waters and proposed to clarify text. It proposed to allow the Department of Environmental Protection to approve a chemical treatment to waters with a drainage area of less than 10 miles for the purpose of restoring water quality in GPA waters and it proposed to add a definition of "invasive species" to the water classification program.

**Committee Amendment "A" (H-245)** proposed to incorporate a fiscal note.

### *Enacted law summary*

Public Law 2005, chapter 182 amends water quality standards to allow the Department of Environmental Protection to approve aquatic chemical or pesticide discharges for the purpose of restoring biological communities affected by invasive species, for Class AA, A, B and C waters, for tributaries to GPA waters and in drainage areas of less than 10 square miles. It adds similar authority for GPA waters and clarifies text. It allows the Department of Environmental Protection to approve a chemical treatment to waters for the purpose of restoring water quality in GPA waters. It also adds a definition of "invasive species" to the water classification program.

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**LD 1327**

**An Act To Prohibit the Use of Mercury Fillings**

**CARRIED OVER**

Sponsor(s)  
MARTIN

Committee Report

Amendments Adopted

LD 1327 proposes to require the elimination of mercury in dental offices over a 3-year period and to require dental schools to include in their curricula by January 2006 the risks of exposure to mercury. The bill also proposes to require a dental office to post in the office the disclosure statement published by the Department of Health and Human Services, Bureau of Health on the risks of having mercury fillings. LD 1327 was carried over by H. P. 1203 to any special or regular session of the 122nd Legislature.

**LD 1338**

**An Act To Limit Human Exposure to Mercury**

**CARRIED OVER**

Sponsor(s)  
DAMON

Committee Report

Amendments Adopted

LD 1338 proposes to:

1. Require the elimination of mercury in dental offices over a 3-year period;
2. Require dental schools to include in their curricula by January 2006 the risks of exposure to mercury;
3. Require a dental office to post in the office the disclosure statement published by the Department of Health and Human Services, Bureau of Health on the risks of having mercury fillings;
4. Require the Department of Environmental Protection to develop an education, outreach and assistance program for dentists;
5. Require dentists to file an annual report with the department describing the quantities of mercury amalgam purchased, used and recycled from dry sources and wet sources;
6. Require the Department of Environmental Protection to establish rules for dental offices to limit mercury releases;
7. Establish a penalty in the amount of not less than \$10,000 nor more than \$100,000 for a violation; and
8. Require the Department of Environmental Protection to conduct a septic system study concerning the impact of dental mercury releases in rural areas.

LD 1338 was carried over by H. P. 1203 to any special or regular session of the 122nd Legislature.

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**LD 1408                      Resolve, Directing the Air Toxics Advisory Committee To Review the Status of Toxic Emissions from Waste-to-energy Facilities in the State and Recommend Actions Aimed at Reducing and Monitoring These Emissions                      RESOLVE 84**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KAELIN WESTON	OTP-AM	H-374

LD 1408 proposed to require the Department of Environmental Protection to provide data to the Air Toxics Advisory Committee that includes information on direct and indirect emissions of hazardous air pollutants from Maine's 4 waste-to-energy facilities. The proposed resolve would also require the Department of Environmental Protection to form a subcommittee of the Air Toxics Advisory Committee to consider the toxicity-weighted emissions from waste-to-energy facilities and potential strategies for reducing toxic air emissions. The Commissioner of Environmental Protection would be required to submit a report to the Joint Standing Committee on Natural Resources by February 15, 2006.

**Committee Amendment "A" (H-374)** proposed to remove the requirement that the subcommittee created in the resolve consider potential strategies for reducing toxic air emissions and the need for internal and external monitoring systems. It also proposed to change the purpose of the subcommittee from considering toxicity-weighted emissions to considering toxic and other emissions from waste-to-energy facilities.

***Enacted law summary***

Resolve 2005, chapter 84 requires the Department of Environmental Protection to provide data to the Air Toxics Advisory Committee that includes information on emissions of hazardous air pollutants from Maine's 4 waste-to-energy facilities. The resolve also requires the Department of Environmental Protection to form a subcommittee of the Air Toxics Advisory Committee to consider the toxic and other emissions from waste-to-energy facilities. The Commissioner of Environmental Protection shall submit a report to the Joint Standing Committee on Natural Resources by February 15, 2006.

**LD 1428                      An Act To Modernize Regulation of Sand and Gravel Pits                      ONTP**

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

LD 1428 proposed to provide that beginning December 1, 2005, excavations that are currently licensed under the site location of development law must be licensed under the borrow pit law. It also proposed to require the Department of Environmental Protection to require a bond or security to ensure compliance with the law. It also proposed to provide that if a performance standard in the borrow pit law is amended, the Department of Environmental Protection may allow owners and operators up to 5 years to meet the new standard. It also proposed to require notice of intent to transfer the ownership or operation of an excavation to be provided to the Department of Environmental Protection. It also proposed to direct the Board of Environmental Protection to adopt rules to address the issue of repeat violations by an owner or operator of an excavation.

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LD 1450

An Act To Amend Water Quality Standards

**PUBLIC 409  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-291 S-315 COWGER

LD 1450 proposed to amend the bacteria standard for class B, C, SB and SC waters and remove a reference to an out-of-date manual. The bill also proposed to make corrections to and clarify changes in the dissolved oxygen standard that was enacted in the previous session.

**Committee Amendment "A" (S-291)** proposed to do the following:

1. Require the Department of Environmental Protection to supervise additional modeling of Gulf Island Pond in order to revise the total maximum daily load for phosphorus;
2. Provide for a study that evaluates the operations of Gulf Island Pond dam and the dam's impact on algae blooms;
3. Authorize the Department of Environmental Protection to enter into agreements with licensees;
4. Direct the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources by February 1, 2006 and annually until 2011;
5. Authorize the committee to report out legislation to any session of the Legislature; and
6. Add an emergency preamble and emergency clause.

**House Amendment "A" (H-635)** proposed to provide that the 30-day average dissolved oxygen criterion of a Class C water is 6.5 parts per million.

**Senate Amendment "A" to Committee Amendment "A" (S-315)** proposed to provide that the Department of Environmental Protection may review and, as appropriate, revise the total maximum daily load for phosphorus. The amendment also proposed to replace the portion of the amendment dealing with backsliding with a provision that requires compliance with anti-backsliding requirements in state and federal law. This amendment also proposed to provide that it is the intent of the Legislature that dischargers shall make continuous progress in actual effluent reductions towards reaching final allocations under the total maximum daily load allocations in existence on the effective date of the bill or as revised under the bill to March 15, 2010.

***Enacted law summary***

Public Law 2005, chapter 409 does the following:

1. It requires certain Class C waters to meet a 6.5 parts per million dissolved oxygen 30-day average standard using a temperature of 22 degrees centigrade or the ambient temperature of the water body, whichever is lower. It requires other Class C waters to meet a 6.5 parts per million dissolved oxygen standard as a 30-day

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average based on a temperature of 24 degrees centigrade or the ambient temperature of the water body, whichever is lower;

2. It requires the Department of Environmental Protection to supervise additional modeling of Gulf Island Pond in order to revise the total maximum daily load for phosphorus;
3. It provides for a study that evaluates the operations of Gulf Island Pond dam and the dam's impact on algae blooms;
4. It authorizes the Department of Environmental Protection to enter into agreements with licensees and water quality certificate holders;
5. It directs the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources by February 1, 2006 and annually until 2011 and authorizes the committee to report out legislation to any session of the Legislature; and
6. It amends the bacteria standard for class B, C, SB and SC waters. For Class B and C waters it changes the numerical standards. For Class B, C, SB and SC waters it adds standards for E-coli bacteria of domestic animal origin. It also removes a reference to an out-of-date manual.

Public Law 2005, chapter 409 was enacted as an emergency measure effective June 20, 2005.

**LD 1465**                      **Resolve, Regarding Legislative Review of Portions of Chapter 127: New Motor Vehicle Emission Standards, a Major Substantive Rule of the Bureau of Air Quality**                      **RESOLVE 66 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-361

LD 1465 proposed to provide for legislative review of portions of Chapter 127: New Motor Vehicle Emission Standards, a major substantive rule of the Department of Environmental Protection, Bureau of Air Quality.

**Committee Amendment "A" (H-361)** proposed to authorize the final adoption of portions of Chapter 127: New Motor Vehicle Emission Standards, a provisionally adopted major substantive rule of the Department of Environmental Protection, Bureau of Air Quality that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain enumerated changes are made to the rule.

***Enacted law summary***

Resolve 2005, chapter 66 authorizes the final adoption of portions of Chapter 127: New Motor Vehicle Emission Standards, a provisionally adopted major substantive rule of the Department of Environmental Protection, Bureau of Air Quality that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain enumerated changes are made to the rule.

Resolve 2005, chapter 66 was finally passed as an emergency measure effective May 31, 2005.

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**LD 1466**                      **An Act To Amend the Law Governing Spill Prevention Control and Countermeasure Regulation of Oil Storage Facilities**                      **PUBLIC 212**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-316

LD 1466 proposed to eliminate the repeal date in the law that authorizes the Department of Environmental Protection to enforce federal spill prevention and control regulations at certain aboveground oil storage facilities.

**Committee Amendment "A" (H-316)** proposed to require the Commissioner of Environmental Protection to biennially report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the activities undertaken by the department regarding oil storage facility spill prevention control. The proposed amendment would require the first report, due January 15, 2006, to include an evaluation and recommendations regarding financial consequences for noncompliance with the laws regarding spill prevention control.

*Enacted law summary*

Public Law 2005, chapter 212 eliminates the repeal date in the law that authorizes the Department of Environmental Protection to enforce federal spill prevention and control regulations at certain aboveground oil storage facilities. It also requires the Commissioner of Environmental Protection to biennially report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the activities undertaken by the department regarding oil storage facility spill prevention control. The first report is due January 15, 2006 and must include an evaluation and recommendations regarding financial consequences for noncompliance with the laws regarding spill prevention control.

**LD 1489**                      **An Act To Establish Citizen Ownership of Maine's Groundwater**                      **ONTP**

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

LD 1489 proposed to provide that groundwater is a public natural resource owned by all the citizens of this State and that the citizens of this State have the right to regulate the extraction and use of groundwater.

**LD 1497**                      **An Act To Amend the Laws Governing Water Quality Standards for Ragged and Seboomook Lakes**                      **PUBLIC 159**

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

LD 1497 proposed to amend the laws governing the water quality standards for aquatic life and habitat for Ragged Lake and Seboomook Lake, located in the Penobscot River, West Branch drainage.

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**Committee Amendment "A" (S-154)** proposed to clarify that Class C aquatic life standards must be met in Ragged and Seboomook Lakes except that habitat and aquatic life in the portions of the waters affected by the drawdown of these lakes may reflect the effects of the drawdowns, based on a use attainability analysis conducted by the Board of Environmental Protection.

***Enacted law summary***

Public Law 2005, chapter 159 amends the laws governing the water quality standards for aquatic life and habitat for Ragged Lake and Seboomook Lake, located in the Penobscot River, West Branch drainage. It provides that Class C aquatic life standards must be met in Ragged and Seboomook Lakes except that habitat and aquatic life in the portions of the waters affected by the drawdown of these lakes may reflect the effects of the drawdowns, based on a use attainability analysis conducted by the Board of Environmental Protection.

**LD 1506                      An Act To Update the Laws Governing Borrow Pits and Quarries                      PUBLIC 158**

<u>Sponsor(s)</u> NASS R KOFFMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-155
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LD 1506 proposed to amend the laws administered by the Department of Environmental Protection governing borrow pits and quarries. The "borrow pit law" regulates excavations for borrow, clay, topsoil or silt. The bill proposed to:

1. Add additional standards for quarries and excavations for borrow, clay, topsoil or silt under the site law. The standards would require a spill prevention, control and countermeasures plan and address dust control.
2. Clarify that reclamation of the land affected by mining may include development of the site for residential, commercial, recreational or industrial use pursuant to the borrow pit law and the quarry law.
3. Provide that comments submitted in relation to a notification under the borrow pit law and the quarry law may be submitted directly to the department.
4. Amend the standards in the laws governing borrow pits and quarries regarding roads, rights-of-way and natural buffer strips to provide that a natural buffer at least 50 feet wide must be maintained between the working edge of an excavation and any public right-of-way that does not contain a road. It also would provide that when a variance is allowed from the public road standard, it may not result in a natural buffer strip of less than 50 feet between the working edge of the excavation and any road or right-of-way, whichever is farther from the excavation. The buffer along a public road other than a scenic highway may be reduced if there is a public entity or entities with authority to grant permission and the applicant receives permission in writing from each authority.
5. Provide that any written permission to reduce a buffer from a property line in the laws governing borrow pits and quarries must remain in effect until mining ceases and must be recorded in the registry of deeds.



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6. Amend the erosion and sedimentation standard in the laws governing borrow pits and quarries to provide that areas that are not naturally internally drained must meet the standards of the laws governing erosion and sedimentation control in the Maine Revised Statutes, Title 38, section 420-C.
7. Repeal and replace the existing surface water protection and storm water standards in the laws governing borrow pits and quarries. The new provision would clarify when the storm water standards of Title 38, section 420-D must be met in regard to externally drained areas. It also proposed to indicate that a waste discharge must meet standards and obtain authorization pursuant to Title 38, section 413 if required.
8. Add a numeric standard for fugitive dust emissions to the laws governing borrow pits and quarries.
9. Authorize the department to grant a release from requirements of the borrow pit law after reclamation of the affected area. The department would be required to inspect the site before the release, and the release would terminate if any further excavation was proposed on the parcel for borrow, clay, topsoil or silt.
10. Provide that all excavations below the seasonal high water table require a variance from the department by removing limiting language under the quarry law.
11. Change, in the quarry law, the range for a preblast survey from 2000 feet to 1/2 mile, consistent with federal requirements.
12. Authorize the department to grant a release from requirements of the quarry law after reclamation of the affected area. The department would be required to inspect the site before the release, and the release would terminate if any further excavation was proposed on the parcel.

**Committee Amendment "A" (S-155)** proposed to clarify: that a buffer strip at least 50 feet wide must be maintained between the working edge of an excavation and any public right-of-way that does not contain a road; that areas for access roads that are not naturally internally drained must meet the erosion and sedimentation control standards; and that certain areas that are not naturally internally drained must meet the standards in the storm water management law. It also proposed to change the annual fees in the borrow pit and quarry laws.

### *Enacted law summary*

Public Law 2005, chapter 158 amends the laws administered by the Department of Environmental Protection governing borrow pits and quarries. The "borrow pit law" regulates excavations for borrow, clay, topsoil or silt.

1. It adds additional standards for quarries and excavations for borrow, clay, topsoil or silt under the site law. The standards require a spill prevention, control and countermeasures plan and address dust control.
2. It clarifies that reclamation of the land affected by mining may include development of the site for residential, commercial, recreational or industrial use pursuant to the borrow pit law and the quarry law.
3. It provides that comments submitted in relation to a notification under the borrow pit law and the quarry law may be submitted directly to the department.
4. It amends the standards in the laws governing borrow pits and quarries regarding roads, rights-of-way and natural buffer strips to provide that a natural buffer at least 50 feet wide must be maintained between the working edge of an excavation and any public right-of-way that does not contain a road. It also provides that

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when a variance is allowed from the public road standard, it may not result in a natural buffer strip of less than 50 feet between the working edge of the excavation and any road or right-of-way, whichever is farther from the excavation. The buffer along a public road other than a scenic highway may be reduced if there is a public entity or entities with authority to grant permission and the applicant receives permission in writing from each authority.

5. It provides that any written permission to reduce a buffer from a property line in the laws governing borrow pits and quarries must remain in effect until mining ceases and must be recorded in the registry of deeds.
6. It amends the erosion and sedimentation standard in the laws governing borrow pits and quarries to provide that areas for access roads that are not naturally internally drained must meet the standards of the laws governing erosion and sedimentation control in the Maine Revised Statutes, Title 38, section 420-C.
7. It repeals and replaces the existing surface water protection and storm water standards in the laws governing borrow pits and quarries. The new provision clarifies when the storm water standards of Title 38, section 420-D must be met in regard to externally drained areas. It also indicates that a waste discharge must meet standards and obtain authorization pursuant to Title 38, section 413 if required.
8. It adds a numeric standard for fugitive dust emissions to the laws governing borrow pits and quarries.
9. It authorizes the department to grant a release from requirements of the borrow pit law and the quarry law after reclamation of the affected area. The department would be required to inspect the site before the release, and the release would terminate if any further excavation was proposed on the parcel.
10. It provides that all excavations below the seasonal high water table require a variance from the department under the quarry law.
11. It changes in the quarry law the range for a preblast survey from 2000 feet to 1/2 mile from the blast site.
12. It changes the annual fees in the borrow pit and quarry laws.

**LD 1533**

**An Act To Prevent Algae Blooms in Gulf Island Pond**

**ONTP**

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

LD 1533 proposed to require ongoing monitoring of certain water quality conditions at the hydropower project at Gulf Island Pond. It also proposed to require forecasting of water conditions and, if required based upon the forecasting, implementation of changes to the operating regimen of the hydropower project at Gulf Island Dam. This bill also proposed to provide that the wastewater discharge licensees would pay for the appropriate monitoring and modeling system in order to implement this legislation.

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**LD 1535                    An Act Making Improvements to the Laws Regarding Local Land Use Ordinances                    CARRIED OVER**

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

LD 1535 proposes to broaden and update the findings and purposes sections of planning and land use control law to explicitly recognize that planning and land use regulation is a shared responsibility of State Government and local government. The bill proposes to make changes in definitions of relevant terms and it proposes to rewrite the laws on rate of growth ordinances and clarifies when rate of growth ordinances are allowed. LD 1535 was carried over by H. P. 1203 to any special or regular session of the 122nd Legislature.

**LD 1558                    An Act Concerning Storm Water Management                    PUBLIC 219**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	S-184

LD 1558 proposed to do the following:

1. It proposed to amend the laws governing waste discharge in the following ways.
  - A. It would provide that the Department of Environmental Protection may exempt or license by rule discharges of storm water to groundwater from surface wastewater disposal systems if such discharges will not have a significant adverse effect on the quality or classification of waters of the State. Rules adopted to implement these provisions would be routine technical rules.
  - B. It would provide that the department may exempt, in addition to license by rule, subsurface discharges to groundwater from subsurface wastewater disposal systems if such discharges will not have a significant adverse effect on the quality or classification of waters of the State.
2. It proposed to amend the laws governing storm water management in the following ways.
  - A. It would change the permitting threshold in the storm water management laws to one acre or more of disturbed area.
  - B. It would remove language providing that storm water quality standards only apply in the direct watersheds of water bodies most at risk from development and in sensitive or threatened geographic regions or watersheds.
  - C. It would repeal an exemption for construction projects at industrial facilities for which a federal storm water permit application has been made or construction projects at facilities for which storm water is regulated under an existing federal discharge permit.
  - D. It would change the fee provisions in the storm water management laws.

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- E. It would authorize the department to require a person owning or operating a significant existing source of storm water to implement a storm water management system.
- F. It would provide transition provisions.

**Committee Amendment "A" (S-184)** proposed to clarify that certain municipal storm water conveyance systems are excluded from the definition of "significant existing source."

### *Enacted law summary*

Public Law 2005, chapter 219 does the following:

1. It amends the laws governing waste discharge in the following ways.
  - A. It provides that the Department of Environmental Protection may exempt or license by rule discharges of storm water to groundwater from surface wastewater disposal systems if such discharges will not have a significant adverse effect on the quality or classification of waters of the State. Rules adopted to implement these provisions are routine technical rules.
  - B. It provides that the department may exempt or license by rule subsurface discharges to groundwater from subsurface wastewater disposal systems if such discharges will not have a significant adverse effect on the quality or classification of waters of the State.
2. It amends the laws governing storm water management in the following ways.
  - A. It changes the permitting threshold in the storm water management laws to one acre or more of disturbed area.
  - B. It removes language providing that storm water quality standards only apply in the direct watersheds of water bodies most at risk from development and in sensitive or threatened geographic regions or watersheds.
  - C. It repeals an exemption for construction projects at industrial facilities for which a federal storm water permit application has been made or construction projects at facilities for which storm water is regulated under an existing federal discharge permit.
  - D. It changes the fee provisions in the storm water management laws.
  - E. It authorizes the department to require a person owning or operating a significant existing source of storm water to implement a storm water management system.
  - F. It provides transition provisions.

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**LD 1574**                      **An Act To Assist Towns with the Implementation of the Laws**                      **PUBLIC 290**  
**Governing Growth Management**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS KOFFMAN	OTP-AM	S-221

LD 1574 proposed to define the term "consistent" when that term is applied to the requirement that an ordinance be consistent with a comprehensive plan. The bill also proposed to authorize municipalities to establish municipal community preservation funds and proposed to establish the Maine Community Preservation Trust Fund.

**Committee Amendment "A" (S-221)** replaced the bill and proposed to amend the uses of the Municipal Investment Trust Fund to include restoration of public service infrastructure and the acquisition of open space.

*Enacted law summary*

Public Law 2005, chapter 290 amends the uses of the Municipal Investment Trust Fund to include restoration of public service infrastructure and the acquisition of open space.

**LD 1578**                      **An Act To Ensure Certain Protections to Communities Hosting**                      **CARRIED OVER**  
**Waste-to-energy Facilities**

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

LD 1578 proposes to provide that a community that hosts a waste-to-energy facility may adopt its own reasonable rules on the transportation of solid waste, municipal solid waste, special waste and refuse-derived fuel through that community. It also proposes to provide that an agreement between an incineration facility and a community must include certain provisions to protect that community. LD 1578 was carried over by H. P. 1203 to any special or regular session of the 122nd Legislature.

**LD 1588**                      **An Act To Amend Certain Laws Administered by the Department**                      **PUBLIC 330**  
**of Environmental Protection**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN COWGER	OTP-AM    MAJ ONTP        MIN	H-564

LD 1588 proposed to make the following changes to laws administered by the Department of Environmental Protection. It proposed to:

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1. Repeal sections providing for issuance of permits by the Board of Environmental Protection for activities affecting coastal wetlands;
2. Redirect appeals of decisions by the Board of Underground Oil Storage Tank Installers from District Court to Superior Court;
3. Clarify that a producer of biofuels must offer the biofuels for sale and must receive income derived from the sale of the biofuels in order to qualify for an income tax credit;
4. Amend the requirement that the department always hold a presubmission meeting if a preapplication meeting is held. The bill proposed to provide that the department may choose not to hold a presubmission meeting if the department determines that the presubmission meeting is unnecessary based upon factors such as the complexity and status of the application;
5. Make the administrative appeals deadline consistent for all Department of Environmental Protection enforcement actions;
6. Change a date in the definition of "Code of Federal Regulations" to include regulations effective on or before January 1, 2005;
7. Change a date in the definition of "Federal Water Pollution Control Act" to include amendments effective on or before January 1, 2005;
8. Change the review period for a storm water application proposing solely vegetative measures from 30 to 45 days;
9. Clarify the classification of waters to indicate that the "Clifford Brook" currently listed in the Maine Revised Statutes, Title 38, section 467, subsection 3, paragraph B, subparagraph (7) is located in Marion Township;
10. Remove a reference to a debris line as it relates to determining the edge of the coastal wetland. It also proposed to clarify the criterion for determining the elevation of the edge of the coastal wetland by changing "spring tide" to "highest tide level for each year in which an activity is proposed";
11. Clarify the jurisdiction of the Department of Environmental Protection and the Maine Land Use Regulation Commission when review is required under the laws governing the protection of natural resources and an activity is located in areas both within and outside the jurisdiction of the Maine Land Use Regulation Commission;
12. Amend the laws governing the protection of natural resources to add an exemption for the installation, maintenance or removal of a licensed overboard discharge treatment system, including the outfall pipe, if certain requirements are met;
13. Remove a reference to a list of endangered or threatened species that has been repealed and replace it with a reference to a section that defines those terms;
14. Restore a permit threshold to the laws governing site location of development specific to the exploration or production of oil or gas, including drilling or excavation under water;

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15. Clarify the jurisdiction of the Department of Environmental Protection and the Maine Land Use Regulation Commission when review is required under the laws governing site location of development and a development is located in areas both within and outside the jurisdiction of the Maine Land Use Regulation Commission;
16. Delete obsolete references to the "board of arbitration" from the laws governing oil spill damage claims;
17. Correct a statutory reference to oil storage tank rules administered by the State Fire Marshal in the laws governing coverage of oil spill clean-up costs by the Ground Water Oil Clean-up Fund. It also proposed to clarify that those seeking fund coverage of oil spill clean-up costs must pay a \$10,000 deductible if they failed to report the spill for which coverage is sought;
18. Correct a cross-reference in the laws governing the reporting and removal of hazardous matter discharges;
19. Amend the laws governing the reporting of hazardous matter discharges to incorporate revisions to the reportable quantities under federal law;
20. Amend the laws governing uncontrolled hazardous substance sites so that references to the Commissioner of Environmental Protection are gender neutral;
21. Amend the laws governing the recycling of electronic waste to change the date when the department must begin providing manufacturers of televisions and computer monitors with a listing of their pro rata share of the waste stream;
22. Repeal a reporting and potential hearing requirement related to progress achieved in meeting the requirements of the Maine Revised Statutes, Title 38, section 414-C regarding color pollution control;
23. Change the annual due date for a report on dioxin from January 1st to March 31st; and
24. Correct a citation error.

### **Committee Amendment "A" (H-564), the majority report, proposed to:**

1. Clarify text describing the classification of the East Machias River tributaries;
2. Clarify the definition of "coastal wetlands" to make it consistent between the natural resources protection laws and the mandatory shoreland zoning laws;
3. Clarify that the oil or gas exploration or production development being addressed must include drilling or excavation under water;
4. Clarify the jurisdiction of the Department of Environmental Protection and the Maine Land Use Regulation Commission under the natural resources protection laws and the site location of development law when development activity spans both department and commission jurisdictions;
5. Provide for service of orders by a sheriff or deputy sheriff; delete provisions in the bill for service by certified mail; and add language requiring that the Board of Environmental Protection's decisions be in writing, signed by the chair and published within 2 working days of the decision;

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6. Delete sections of the bill that proposed to change report dates;
7. Authorize a fee for after-the-fact applications submitted to the Department of Environmental Protection;
8. Add a new section authorizing the Department of Environmental Protection to participate in the regional greenhouse gas initiative outlined in Maine's climate action plan. The proposed amendment would authorize the department to submit legislation to implement measures necessary to meet the goals of Maine's climate action plan;
9. Extend the deadline by which the Board of Environmental Protection is to adopt rules that establish water use standards for maintaining in-stream flows and GPA lake or pond water levels that are protective of aquatic life and other uses and that establish criteria for designating watersheds most at risk from cumulative water use; and
10. Add new sections that amend the laws on recycling of electronic waste to do the following:
  - A. Clarify that the law applies to manufacturers of covered electronic devices even if that manufacturer no longer produces the covered device;
  - B. Establish November 1, 2005 as the date by which the department must adopt rules specifying the procedure for allocating the costs of electronics recycling;
  - C. Change the date by which computer monitor manufacturers and television manufacturers are responsible for recycling of covered electronics;
  - D. Extend the effective date of the disposal ban on electronic waste from January 1, 2006 to 9 months after the Department of Environmental Protection adopts rules;
  - E. Allow manufacturers of covered electronics to revise their plans for collecting and recycling the electronics as needed in response to changing circumstances; and
  - F. Make the manufacturer of covered electronics liable for costs incurred by the State as a result of the manufacturer's failure to reimburse the costs of recycling covered electronics.

### *Enacted law summary*

Public Law 2005, chapter 330 makes the following changes to laws administered by the Department of Environmental Protection.

1. It repeals sections providing for issuance of permits by the Board of Environmental Protection for activities affecting coastal wetlands.
2. It redirects appeals of decisions by the Board of Underground Oil Storage Tank Installers from District Court to Superior Court.
3. It clarifies that a producer of biofuels must offer the biofuels for sale and must receive income derived from the sale of the biofuels in order to qualify for an income tax credit.



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4. It amends the requirement that the department always hold a presubmission meeting if a preapplication meeting is held. The bill provides that the department may choose not to hold a presubmission meeting if the department determines that the presubmission meeting is unnecessary and the applicant agrees not to hold a presubmission meeting.
5. It amends administrative appeal deadlines and service provisions.
6. It changes a date in the definition of "Code of Federal Regulations" to include regulations effective on or before January 1, 2005.
7. It changes a date in the definition of "Federal Water Pollution Control Act" to include amendments effective on or before January 1, 2005.
8. It changes the review period for a storm water application proposing solely vegetative measures from 30 to 45 days.
9. It clarifies the classification of waters to indicate that the "Clifford Brook" currently listed in the Maine Revised Statutes, Title 38, section 467, subsection 3, paragraph B, subparagraph (7) is located in Marion Township.
10. It amends the laws governing the protection of natural resources to add an exemption for the installation, maintenance or removal of a licensed overboard discharge treatment system, including the outfall pipe, if certain requirements are met.
11. It removes a reference to a list of endangered or threatened species that has been repealed and replaces it with a reference to a section that defines those terms.
12. It restores a permit threshold to the laws governing site location of development specific to oil or gas exploration or production that includes drilling or excavation under water.
13. It deletes obsolete references to the "board of arbitration" from the laws governing oil spill damage claims.
14. It corrects a statutory reference to oil storage tank rules administered by the State Fire Marshal in the laws governing coverage of oil spill clean-up costs by the Ground Water Oil Clean-up Fund. It also clarifies that those seeking fund coverage of oil spill clean-up costs must pay a \$10,000 deductible if they failed to report the spill for which coverage is sought.
15. It corrects a cross-reference in the laws governing the reporting and removal of hazardous matter discharges.
16. It amends the laws governing the reporting of hazardous matter discharges to incorporate revisions to the reportable quantities under federal law.
17. It amends the laws governing uncontrolled hazardous substance sites so that references to the Commissioner of Environmental Protection are gender neutral.
18. It clarifies the definition of "coastal wetlands" and makes it consistent between the natural resources protection laws and the mandatory shoreland zoning laws.

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- 19. It clarifies the jurisdiction of the Department of Environmental Protection and the Maine Land Use Regulation Commission under the natural resources protection laws and the site location of development law when development activity spans both department and commission jurisdictions.
- 20. It authorizes a fee for after-the-fact applications submitted to the Department of Environmental Protection.
- 21. It authorizes the Department of Environmental Protection to participate in the regional greenhouse gas initiative outlined in Maine's climate action plan. It also authorizes the department to submit legislation to implement measures necessary to meet the goals of Maine's climate action plan.
- 22. It extends the deadline by which the Board of Environmental Protection is to adopt rules that establish water use standards for maintaining in-stream flows and GPA lake or pond water levels that are protective of aquatic life and other uses and that establish criteria for designating watersheds most at risk from cumulative water use.
- 23. It amends the laws on recycling of electronic waste to do the following:
  - A. It clarifies that the law applies to manufacturers of covered electronic devices even if that manufacturer no longer produces the covered device;
  - B. It establishes November 1, 2005 as the date by which the Department of Environmental Protection must adopt rules specifying the procedure for allocating the costs of electronics recycling;
  - C. It establishes 90 days after the department adopts rules as the date by which computer monitor manufacturers and television manufacturers are responsible for recycling of covered electronics;
  - D. It extends the effective date of the disposal ban on electronic waste from January 1, 2006 to 9 months after the department adopts rules;
  - E. It changes the date that the department must begin providing manufacturers of television and computer monitors with a listing of their pro rata share of the waste stream;
  - F. It allows manufacturers of covered electronics to revise their plans for collecting and recycling the electronics as needed in response to changing circumstances; and
  - G. It makes the manufacturer of covered electronics liable for costs incurred by the State as a result of the manufacturer's failure to reimburse the costs of recycling covered electronics.

**LD 1592**

**An Act Regarding Disposal of Dredged Materials**

**CARRIED OVER**

Sponsor(s)

Committee Report

Amendments Adopted

LD 1592 proposes to remove the provision in current law that exempts holders of a permit issued under the United States Clean Water Act, Public Law 92-500, Section 404 from obtaining a waste discharge license for the disposal of dredged materials into waters of the State. It also proposes to require coastal municipalities to

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develop a plan for the disposal of dredge spoils. LD 1592 was carried over by H. P. 1203 to any special or regular session of the 122nd Legislature.

**LD 1633**                      **An Act To Prohibit the Disposal of Dangerous and Unsafe Material in Solid Waste Facilities**                      **PUBLIC 406 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAIGLE	OTP-AM    MAJ	H-551
COWGER	OTP-AM    MIN	H-622    MILLS J

LD 1633 proposed to make it a Class E crime to knowingly conceal dangerous or unsafe material and dispose of that material in a solid waste facility.

**Committee Amendment "A" (H-551)**, the majority report, proposed to provide that rules adopted by the Department of Environmental Protection to define "dangerous or unsafe material" are routine technical rules. It also proposed to clarify the definition of "dangerous or unsafe material."

**Committee Amendment "B" (H-552)**, the minority report, proposed to direct the Department of Environmental Protection to develop an educational outreach effort for the purpose of educating the public on the proper disposal of propane tanks and other dangerous materials. This amendment was not adopted.

**House Amendment "A" (H-622)** proposed to change the penalty for concealing or disposing dangerous or unsafe material from a Class E crime to a civil violation.

*Enacted law summary*

Public Law 2005, chapter 406 makes it a civil violation to knowingly conceal dangerous or unsafe material and dispose of that material in a solid waste facility.

Public Law 2005, chapter 406 was enacted as an emergency measure effective June 17, 2005.

**LD 1643**                      **An Act To Clarify and Harmonize State Policy on Groundwater Management**                      **PUBLIC 452**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE	OTP-AM	H-547
COWGER		H-711    DUPLESSIE

LD 1643 proposed to direct the Department of Conservation, the Department of Environmental Protection and the Department of Health and Human Services, when permitting groundwater withdrawals, to consider the effect of the proposed withdrawal on water-related natural resources and existing uses and the effect when considered in combination with existing water withdrawals. It further proposed to direct those departments and the Maine Land Use Regulation Commission to develop consistent review criteria for groundwater withdrawal applications by January 1, 2006 and to submit a report to the Governor and Legislature summarizing this effort. The

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Department of Environmental Protection and the Department of Health and Human Services, the Maine Land Use Regulation Commission and the Maine Geological Survey would be directed to review application fees to ensure that they adequately reflect the true cost of review. The Land and Water Resources Council would be directed to undertake a comprehensive study of state groundwater regulations. The purpose of the study would be to identify any further changes in state law needed to ensure a consistent, integrated and scientifically sound state policy with regard to groundwater withdrawal. The bill proposed to direct the Land and Water Resources Council to report its findings to the Legislature by January 15, 2007. It also proposed to direct those agencies to adopt any major substantive rules recommended by the Land and Water Resources Council by March 15, 2007.

**Committee Amendment "A" (H-547)** proposed to strike from the bill certain determinations that the Department of Health and Human Services would need to make in order for a new source of water supply to be approved. The proposed amendment would also designate rules to establish a consistent approach to the review of hydrogeological issues and to adjust permit fees as major substantive rules. It also proposed to change the structure of the work group that is formed to study state regulation of groundwater withdrawal and modify the issues that the work group is directed to consider.

**House Amendment "A" to Committee Amendment "A" (H-711)** proposed to bring Part C of the bill into conformity with the Joint Rules and Standards for Legislative Studies adopted by the Legislative Council.

### *Enacted law summary*

Public Law 2005, chapter 452 directs the Maine Land Use Regulation Commission, the Department of Environmental Protection and the Department of Health and Human Services, when permitting groundwater withdrawals, to consider the effect of the proposed withdrawal on water-related natural resources and existing uses and the effect when considered in combination with existing water withdrawals. It further directs those agencies to develop consistent review criteria for groundwater withdrawal applications by January 1, 2006 and to submit a report to the Governor and Legislature summarizing this effort. The Department of Environmental Protection, the Department of Health and Human Services, the Maine Land Use Regulation Commission and the Maine Geological Survey are directed to review application fees to ensure that they adequately reflect the true cost of review. The Land and Water Resources Council is directed to undertake a comprehensive study of state groundwater regulations. The purpose of the study is to identify any further changes in state law needed to ensure a consistent, integrated and scientifically sound state policy with regard to groundwater withdrawal. The Land and Water Resources Council will report its findings to the Legislature by November 1, 2007. Those agencies will adopt any major substantive rules recommended by the Land and Water Resources Council by March 15, 2007.

LD 1664

**An Act To Limit Mercury Emissions from Crematoria**

ONTP

Sponsor(s)  
COWGER  
KOFFMAN

Committee Report  
ONTP

Amendments Adopted

LD 1664 proposed to require that, beginning October 1, 2006, a crematorium either remove dental amalgam fillings from a body prior to cremation or capture mercury from emissions prior to release into the air. The bill proposed to direct the Department of Environmental Protection to adopt routine technical rules to implement this requirement.

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**LD 1669**

**Resolve, To Authorize Certain Host Community Benefits Relative to a Landfill in the City of Old Town Owned by the State CARRIED OVER**

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

LD 1669 proposes to require the operator of the West Old Town Landfill to enter into a host community agreement with the City of Old Town on terms and conditions that are at least as favorable to the City of Old Town as the terms and conditions of the host community benefits described or detailed in the documents in the operator's bid in response to the request for proposals. It also proposes to require the host community agreement to include provisions for a payment in lieu of taxes. LD 1669 was carried over by H. P. 1203 to any special or regular session of the 122nd Legislature.

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### SUBJECT INDEX

#### *Air Quality*

##### Enacted

LD 72	An Act To Promote Sound Science in Climate Change Policy	PUBLIC 144	Page 615
LD 615	An Act Regarding New Motor Vehicle Emission Standards	PUBLIC 245	Page 628
LD 1100	An Act To Set Emission Limits for Certain Architectural Coatings	PUBLIC 181	Page 637
LD 1465	Resolve, Regarding Legislative Review of Portions of Chapter 127: New Motor Vehicle Emission Standards, a Major Substantive Rule of the Bureau of Air Quality	RESOLVE 66 EMERGENCY	Page 648

##### Not Enacted

None

#### *Asbestos*

##### Enacted

LD 40	An Act To Amend the Licensing and Certification Requirements Relating to Asbestos Abatement Activities	PUBLIC 52	Page 615
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##### Not Enacted

None

*Board of Environmental Protection*

Enacted

None

Not Enacted

LD 1149	Resolve, To Review the Responsibilities of the Board of Environmental Protection	ONTP	Page 638
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*DEP – Administration*

Enacted

LD 293	An Act To Ensure Financial Solvency in Maine's Air and Wastewater Licensing Programs	PUBLIC 157	Page 620
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LD 1588	An Act To Amend Certain Laws Administered by the Department of Environmental Protection	PUBLIC 330	Page 655
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Not Enacted

LD 826	An Act To Require That the Department of Environmental Protection Consider Economic Impact When Adopting Environmental Regulations	ONTP	Page 634
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LD 1091	An Act To Provide Adequate Funding for the Enforcement of Environmental Laws	ONTP	Page 637
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LD 1219	An Act To Improve the Business Climate in Maine	ONTP	Page 641
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*DEP - Enforcement*

Enacted

None

Not Enacted

LD 682	An Act To Create a 5-year Statute of Limitations for Environmental Violations	ONTP	Page 631
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*DEP – Fees*

Enacted

None

Not Enacted

LD 387	An Act To Waive Application Fees on Certain Department of Environmental Protection and Department of Transportation Projects	ONTP	Page 622
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*DEP - Fines*

Enacted

None

Not Enacted

LD 403	An Act To Repeal the Minimum Penalty for Environmental Violations	ONTP	Page 623
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*DEP – Procedures*

Enacted

LD 1057	An Act To Establish and Implement the Maine STEP-UP Program	PUBLIC 90	Page 635
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Not Enacted

LD 1097	Resolve, To Discourage After-the-fact Department of Environmental Protection Applications	ONTP	Page 637
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*Groundwater*

Enacted

LD 1265	Resolve, Regarding Source Water Protection	RESOLVE 29	Page 642
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<b>LD 1643</b>	<b>An Act To Clarify and Harmonize State Policy on Groundwater Management</b>	<b>PUBLIC 452</b>	<b>Page 661</b>
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**Not Enacted**

<b>LD 315</b>	<b>An Act To Prohibit the Privatization of Drinking Water Supply Sources</b>	<b>ONTP</b>	<b>Page 621</b>
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<b>LD 658</b>	<b>An Act To Protect Maine's Natural Resources for Maine Residents</b>	<b>ONTP</b>	<b>Page 630</b>
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<b>LD 1182</b>	<b>An Act To Encourage Small Water-bottling Companies</b>	<b>ONTP</b>	<b>Page 640</b>
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<b>LD 1489</b>	<b>An Act To Establish Citizen Ownership of Maine's Groundwater</b>	<b>ONTP</b>	<b>Page 649</b>
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***Growth Management***

**Enacted**

<b>LD 286</b>	<b>Resolve, Directing a Review of Comprehensive Planning and Growth Management in Maine</b>	<b>RESOLVE 73</b>	<b>Page 619</b>
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<b>LD 1574</b>	<b>An Act To Assist Towns with the Implementation of the Laws Governing Growth Management</b>	<b>PUBLIC 290</b>	<b>Page 655</b>
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**Not Enacted**

<b>LD 577</b>	<b>An Act To Amend the Law Governing Rate of Growth Ordinances</b>	<b>ONTP</b>	<b>Page 624</b>
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<b>LD 582</b>	<b>An Act To Change the Effect of Local Ordinances on the State</b>	<b>ONTP</b>	<b>Page 625</b>
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<b>LD 1535</b>	<b>An Act Making Improvements to the Laws Regarding Local Land Use Ordinances</b>	<b>CARRIED OVER</b>	<b>Page 653</b>
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## *Invasive Species*

### Enacted

LD 1304	An Act Concerning Invasive Species and Water Quality Standards	PUBLIC 182	Page 644
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### Not Enacted

LD 643	An Act To Authorize the Department of Environmental Protection To Issue Emergency Permits for the Application of Herbicides and Pesticides	ONTP	Page 629
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## *Junkyards*

### Enacted

LD 692	An Act To Require That Hazardous Waste Be Removed from Junked Vehicles	PUBLIC 247	Page 632
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LD 1268	An Act To Amend the Law on Junkyards, Automobile Graveyards and Automobile Recycling Businesses	PUBLIC 424	Page 643
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### Not Enacted

None

## *Marine*

### Enacted

LD 667	Resolve, Regarding Nonnative Invasive Marine Species	RESOLVE 43	Page 631
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### Not Enacted

LD 1592	An Act Regarding Disposal of Dredged Materials	CARRIED OVER	Page 660
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## *Oils*

### Enacted

LD 1466	An Act To Amend the Law Governing Spill Prevention Control and Countermeasure Regulation of Oil Storage Facilities	PUBLIC 212	Page 649
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### Not Enacted

LD 1071	Resolve, To Conform Oil Tank Piping Leakage Detection Standards to Federal Law	ONTP	Page 636
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## *Protected Natural Resources*

### Enacted

LD 261	An Act Concerning Significant Wildlife Habitat and Wetlands of Special Significance	PUBLIC 116	Page 618
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LD 1160	Resolve, To Increase Wetland Protection	RESOLVE 37	Page 639
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### Not Enacted

LD 193	An Act To Strengthen Wildlife Habitat Protection	ONTP	Page 618
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## *Sand & Gravel*

### Enacted

LD 1506	An Act To Update the Laws Governing Borrow Pits and Quarries	PUBLIC 158	Page 650
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### Not Enacted

LD 1218	Resolve, Directing the Department of Environmental Protection To Coordinate Regulation of Activities in Sand and Gravel Pits	ONTP	Page 641
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LD 1428	An Act To Modernize Regulation of Sand and Gravel Pits	ONTP	Page 646
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## *Shoreland Zoning*

### Enacted

LD 1161	An Act To Provide for Variance Notification in the Shoreland Zoning Law	PUBLIC 440	Page 640
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### Not Enacted

LD 1022	An Act To Amend the Laws Governing Shoreland Zoning	ONTP	Page 635
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## *Site Location of Development Law*

### Enacted

LD 648	An Act To Exempt Maine Agricultural Fairs from the Requirements of the Site Location of Development Laws	PUBLIC 217	Page 629
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### Not Enacted

LD 605	An Act To Revise the Site Location of Development Laws	ONTP	Page 627
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## *Stormwater*

### Enacted

LD 608	An Act To Assist Municipal Implementation and Enforcement of Storm Water Management Programs	PUBLIC 240	Page 627
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LD 625	Resolve, Regarding Legislative Review of Chapter 500: Stormwater Management and Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams, Major Substantive Rules of the Department of Environmental Protection	RESOLVE 87 EMERGENCY	Page 628
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LD 1558	An Act Concerning Storm Water Management	PUBLIC 219	Page 653
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Not Enacted

None

*Surface Water*

Enacted

LD 790	An Act To Establish the Maximum Height of a Dam on Phillips Lake	P & S 17	Page 633
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Not Enacted

LD 852	Resolve, To Require the Department of Environmental Protection to Undertake Phosphorus Control in Toothaker Pond in Phillips	CARRIED OVER	Page 634
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*Waste – Engine Coolant*

Enacted

LD 599	Resolve, Directing a Review of the Effects of Antifreeze, Engine Coolant and Aversive Agents on the Environment and Small Animals	RESOLVE 14	Page 626
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Not Enacted

None

*Waste – Hazardous*

Enacted

LD 271	An Act To Allow Counties To Recover the Cost of Cleaning Up Hazardous Spills	PUBLIC 100	Page 619
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LD 1157	Resolve, Directing the Department of Education and the Department of Environmental Protection To Implement Procedures To Remove Hazardous Materials from Maine Schools	RESOLVE 93	Page 638
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Not Enacted

None

*Waste – Household Hazardous*

Enacted

None

Not Enacted

LD 381	An Act To Enhance the Safe Disposal of Household Hazardous Waste	ONTP	Page 622
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*Waste – Lead*

Enacted

None

Not Enacted

LD 518	An Act To Regulate Lead-smart Renovators and Lead Sampling Technicians	CARRIED OVER	Page 624
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*Waste - Mercury*

Enacted

LD 185	An Act To Amend the Law on Mercury-added Products	PUBLIC 148	Page 617
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Not Enacted

LD 854	An Act To Ban the Distribution of Children's Products That Contain Mercury Batteries	ONTP	Page 634
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LD 1058	An Act To Regulate the Use of Batteries Containing Mercury	CARRIED OVER	Page 636
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LD 1327	An Act To Prohibit the Use of Mercury Fillings	CARRIED OVER	Page 645
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LD 1338	An Act To Limit Human Exposure to Mercury	CARRIED OVER	Page 645
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LD 1664	An Act To Limit Mercury Emissions from Crematoria	ONTP	Page 662
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## *Waste – Recycling*

### Enacted

LD 406	An Act To Amend the Dates Associated with the State's Recycling and Waste Reduction Goals	PUBLIC 220	Page 623
LD 526	Resolve, Regarding the Recycling Assistance Fee	RESOLVE 35	Page 624

### Not Enacted

LD 342	An Act To Encourage Reuse of Glass Bottles	ONTP	Page 622
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## *Waste Facilities*

### Enacted

LD 597	An Act To Amend the Solid Waste Landfill Laws	PUBLIC 341	Page 625
LD 1076	Resolve, To Grant the Town of Alton Automatic Intervenor Status	RESOLVE 74	Page 636
LD 1408	Resolve, Directing the Air Toxics Advisory Committee To Review the Status of Toxic Emissions from Waste-to-energy Facilities in the State and Recommend Actions Aimed at Reducing and Monitoring These Emissions	RESOLVE 84	Page 646
LD 1633	An Act To Prohibit the Disposal of Dangerous and Unsafe Material in Solid Waste Facilities	PUBLIC 406 EMERGENCY	Page 661

### Not Enacted

LD 141	An Act To Ensure Proper Disposal of Debris and Protection of the Environment	CARRIED OVER	Page 616
LD 880	An Act To Prohibit Municipal Landfill Dumping	ONTP	Page 635
LD 1255	An Act To Ensure Environmental Justice	ONTP	Page 641
LD 1578	An Act To Ensure Certain Protections to Communities Hosting Waste-to-energy Facilities	CARRIED OVER	Page 655

LD 1669	Resolve, To Authorize Certain Host Community Benefits Relative to a Landfill in the City of Old Town Owned by the State	CARRIED OVER	Page 663
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*Wastewater*

Enacted

None

Not Enacted

LD 635	An Act To Amend the Maine Sanitary District Enabling Act	CARRIED OVER	Page 629
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*Water Quality*

Enacted

LD 1450	An Act To Amend Water Quality Standards	PUBLIC 409 EMERGENCY	Page 647
LD 1497	An Act To Amend the Laws Governing Water Quality Standards for Ragged and Seboomook Lakes	PUBLIC 159	Page 649

Not Enacted

LD 99	An Act To Include Specific Bodies of Water within Class C Standards	ONTP	Page 616
LD 183	An Act Relating to the Definition of Indigenous Species	ONTP	Page 616
LD 818	An Act To Specify Phosphorus Limits for Gulf Island Pond	ONTP	Page 633
LD 1533	An Act To Prevent Algae Blooms in Gulf Island Pond	ONTP	Page 652



*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Select Committee  
on  
Property Tax Reform*

*August 2005*

**Members:**

*Sen. Dennis S. Damon, Chair  
Sen. Joseph C. Perry  
Sen. Peter Mills  
Sen. Richard W. Rosen*

*Rep. Richard G. Woodbury, Chair  
Rep. Arthur L. Lerman  
Rep. Benjamin F. Dudley.  
Rep. Edward R Dugay.  
Rep. Jacqueline R. Norton  
Rep Nancy E. Smith.  
Rep. Harold A. Clough  
Rep. Vaughn A. Stedman  
Rep. Leonard Earl Bierman  
Rep. Earle L. McCormick  
Rep. Patrick S. A. Flood*

**Staff:**

*Julie S. Jones, Senior Analyst, OFPR  
Jon Clark, Senior Analyst, OPLA  
Phil McCarthy, Legislative Analyst, OPLA*

**JOINT SELECT COMMITTEE ON  
PROPERTY TAX REFORM**

**Summary of Committee Actions**

I. <b>BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	1	33.3%	0.1%
<u><i>Bills Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Bills referred</b>	<b>1</b>	<b>33.3%</b>	<b>0.1%</b>
<b>B. Bills reported out by law or joint order</b>	<b>2</b>	<b>66.7%</b>	<b>0.1%</b>
<b>Total Bills considered by Committee</b>	<b>3</b>	<b>100.0%</b>	<b>0.2%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
II. <b>COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	2	66.7%	0.1%
<i>Ought to Pass as Amended</i>	0	0.0%	0.0%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total unanimous reports</b>	<b>2</b>	<b>66.7%</b>	<b>0.1%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	1	33.3%	0.1%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>1</b>	<b>33.3%</b>	<b>0.1%</b>
<b>Total committee reports</b>	<b>3</b>	<b>100.0%</b>	<b>0.2%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
IV. <b>FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	1	33.3%	0.1%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>1</b>	<b>33.3%</b>	<b>0.1%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

*Joint Select Committee on Property Tax Reform*

**LD 1**

**An Act To Increase the State Share of Education Costs, Reduce Property Taxes and Reduce Government Spending at All Levels.**

**PUBLIC 2**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON	OTP-AM	H-1
EDMONDS	OTP-AM	S-11

LD 1, a Governor's Bill, proposed to increase the state share of education costs, provide property tax reduction for Maine residents and reduce government spending at all levels. Specifically, the bill proposed the following.

Part A proposed to change the structure and operation of the State Budget Stabilization Fund and establish a General Fund growth limitation to control state spending and taxes.

Part B proposed to authorize the Intergovernmental Advisory Committee to identify best management practices that would facilitate property tax reduction through the increase in the state share of education costs.

Parts C, E and G proposed to establish caps on the growth of municipal, plantation and county spending, respectively. The caps could not be exceeded except in defined extraordinary circumstances or as overridden by a majority vote of the voters of the municipality or county.

Part D proposed to establish a cap on total education costs and to require the State to increase its share of school funding by paying 50% of the total cost of essential programs and services in fiscal year 2006-07 and 55% in fiscal year 2008-09. The funds made available for property tax reduction, as a result of the State's increasing its share of education funding, would be used to reduce property taxes. This property tax reduction could be overridden only by a majority vote of affected voters.

Part F proposed to provide funding for increasing property tax relief over the period of time during which the State is increasing funding of education spending up to at least 55%. Part F proposed to expand the nonelderly portion of the Maine Residents Property Tax Program by increasing household income limitations to \$50,000 for single-member households and \$75,000 for multimember households. This Part also proposed that the State Tax Assessor undertake a study of the Maine Residents Property Tax Program in order to examine how the maximum benefits under the program may be increased over time.

Part F also proposed to require the Maine State Housing Authority to create a property tax deferral program permitting Maine residents to defer the portion of property taxes on a principal residence that exceed 6% of income.

Part F also proposed to change the funding for the Business Equipment Tax Reimbursement, "BETR," program from a General Fund appropriation to an adjustment to individual income tax revenues.

Part H proposed to establish the goal of reducing the total state and local tax burden to the national average in 10 years. It also proposed to require the Governor, in consultation with the Legislative Council, to establish an independent commission to annually assess and report to the Governor and Legislature on progress toward the tax burden reduction goal.

## *Joint Select Committee on Property Tax Reform*

Part H also proposed procedures for implementation of the Fund for the efficient Delivery of Educational Services and the Fund for the Efficient Delivery of Local and Regional Services.

Committee Amendment "A" (H-1) proposed to replace the bill and provide the following:

Part A proposed to establish a General Fund appropriation limitation that limits the growth of General Fund appropriations to the rate established by a formula that is based on real personal income growth and population growth. The limit is higher when the state and local tax burden for the State is reduced to the middle 1/3 of all states.

Part A also proposed to restructure the Maine Budget Stabilization Fund and change the primary use of the fund to budget stabilization during periods when General Fund revenues are insufficient to meet allowable General Fund appropriations. The Maine Budget Stabilization Fund would be capped at 12% of General Fund revenues. When all designated year-end transfers of excess General Fund revenues have reached their caps, excess revenues would be transferred to a new Tax Relief Fund for Maine Residents.

Part B proposed to establish limits on the growth of county tax assessments.

Part C proposed to establish limits on the growth of municipal property tax levies.

Part D proposed the following changes to implement an increase in the state share of the cost of education from kindergarten to grade 12:

1. Provide a 4-year ramp to achieve 55% state share of 100% of essential programs and services;
2. Modify special education distributions;
3. Provide funds in fiscal year 2005-06 for various transition adjustments;
4. Direct the Commissioner of Education to develop and report recommendations for a transition adjustment in fiscal year 2006-07 to the Joint Standing Committee on Education and Cultural Affairs;
5. Direct the Department of Education to phase-in the impact of cost-sharing changes;
6. Exempt SAD 6 and SAD 44 from the total cost of education mechanism enacted by Public Law 2003, chapter 712;
7. Provide a school administrative unit spending cap based on 100% of the essential programs and services total cost of education and provide for a local override process;
8. Address conflicting provisions regarding administration and oversight of the Fund for Efficient Delivery of Educational Services; and
9. Clarify criteria to be used in determining the adjustment for isolated small schools in fiscal year 2005-06.

Part E proposed to change the Maine Residents Property Tax Program, also known as the circuit breaker program, by eliminating income eligibility requirements, raising the maximum benefit from \$1,000 to \$2,000,

## *Joint Select Committee on Property Tax Reform*

extending the application period through May 31st annually and establishing the maximum property taxes and rent constituting property taxes that may be considered in calculating the benefit.

Part F proposed to increase the homestead property tax exemption to \$13,000 for all homesteads.

Part G proposed to set the ceiling on the Local Government Fund under state-municipal revenue sharing at \$100,000,000 in fiscal year 2005-06 and provide for future indexing of the ceiling according to the Consumer Price Index. This change would increase the portion of state-municipal revenue sharing funds transferred to the Disproportionate Tax Burden Fund, also referred to as Revenue Sharing 2, which would provide greater payments to municipalities with tax rates exceeding 10 mills.

Part H proposed to establish the goal of reducing the total state and local tax burden to the middle 1/3 of all states by 2015. It also proposed to require the State Planning Office to monitor and report on the progress of state and local government in meeting this goal and to collect and analyze data relating to state and local spending and revenues.

Part I contained appropriations and allocations to implement the bill.

Senate Amendment "J" to Committee Amendment "A" (S-11) proposed to strike the emergency preamble and emergency clause and make portions of the amendment apply retroactively.

### *Enacted law summary*

Public Law 2005, chapter 2 provides the following tax and spending reform:

1. It establishes a General Fund appropriation limitation that limits the growth of General Fund appropriations to the rate established by a formula that is based on real personal income growth and population growth. The limit is higher when the state and local tax burden for the State is reduced to the middle 1/3 of all states. It restructures the Maine Budget Stabilization Fund and changes the primary use of the fund to budget stabilization during periods when General Fund revenues are insufficient to meet allowable General Fund appropriations. The Maine Budget Stabilization Fund is capped at 12% of General Fund revenues. When all designated year-end transfers of excess General Fund revenues have reached their caps, excess revenues are transferred to a new Tax Relief Fund for Maine Residents.
2. It establishes limits on the growth of county tax assessments.
3. It establishes limits on the growth of municipal property tax levies.
4. It makes changes to the education funding formulas to provide 4-year ramp to achieve 55% state share of 100% of essential programs and services; modifies special education distributions; provides various transition adjustments; directs the Commissioner of Education to develop and report recommendations for a transition adjustment and other issues in fiscal year 2006-07 to the Joint Standing Committee on Education and Cultural Affairs; directs the Department of Education to phase-in the impact of cost-sharing changes; provides a school administrative unit spending cap based on 100% of the essential programs and services total cost of education and provides for a local override process; and addresses conflicting provisions regarding administration and oversight of the Fund for Efficient Delivery of Educational Services;

**Joint Select Committee on Property Tax Reform**

5. It changes the Maine Residents Property Tax Program, also known as the circuit breaker program, by eliminating income eligibility requirements, raising the maximum benefit from \$1,000 to \$2,000, extending the application period through May 31st annually and establishing the maximum property taxes and rent constituting property taxes that may be considered in calculating the benefit.
6. It increases the homestead property tax exemption to \$13,000 for all homesteads and provides 50% state reimbursement to municipalities.
7. It sets the ceiling on the Local Government Fund under state-municipal revenue sharing at \$100,000,000 in fiscal year 2005-06 and provides for future indexing of the ceiling according to the Consumer Price Index. This change increases the portion of state-municipal revenue sharing funds transferred to the Disproportionate Tax Burden Fund, also referred to as Revenue Sharing 2, which provides greater payments to municipalities with tax rates exceeding 10 mills.

**LD 2                      RESOLUTION, Proposing an Amendment to the Constitution of    CARRIED OVER  
Maine to Limit the Rate of Change in Taxable Value of  
Homestead Land**

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

LD 2 proposed to amend the Constitution to authorize a municipality to limit the rate of change in the tax rate applicable to homestead land, defined as land that is exclusively and continuously owned by one or more residents of the State while the land remains the principal home of each owner, to the rate of change in the purchasing power of United States currency as consistently measured by a reliable index adopted by the Legislature.

This bill was recommitted to the Joint Standing Committee on Taxation and carried over by H.P. 1203 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 295                      RESOLUTION, Proposing an Amendment to the Constitution of    DIED BETWEEN  
Maine To Allow the Legislature to Permit Municipalities To                      HOUSES  
Adopt a Higher Property Tax Rate on Secondary Residential  
Property**

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

LD 295 proposed an amendment to the Constitution of Maine to allow the Legislature to permit municipalities to adopt a tax rate on secondary residential property that is up to 25% higher than the property tax rate on other property.

*Joint Select Committee on Property Tax Reform*

**LD 296**                      **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow the Legislature to Authorize or Require a Growth Limitation on the Taxable Value of Small Business Land**                      **DIED BETWEEN HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP ONTP	<u>Amendments Adopted</u>
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LD 296 proposed to amend the Constitution of Maine to allow the Legislature to authorize or require municipalities to limit the rate of increase in the taxable value of small business land. Change of ownership or use of qualifying land would result in a minimum penalty.

**LD 297**                      **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow the Legislature to Authorize Municipalities To Adopt a Property Tax Assistance Program That Reflects a Claimant's Ability to Pay**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 297 proposed to amend the Constitution of Maine to allow the Legislature to authorize municipalities to adopt a property tax assistance program that reflects the resident's ability to pay.

This bill was committed to the Joint Standing Committee on Taxation and received a unanimous "Ought Not To Pass" recommendation from that Committee.

**LD 298**                      **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Authorize the Legislature To Allow Municipalities To Exempt from Property Tax a Portion of the Value of Homesteads**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 298 proposed to amend the Constitution of Maine to allow the Legislature to authorize municipalities to exempt from property tax a portion of the value of homesteads.

This bill was committed to the Joint Standing Committee on Taxation and received a unanimous "Ought Not To Pass" recommendation from that Committee.

*Joint Select Committee on Property Tax Reform*

LD 299

**RESOLUTION, Proposing an Amendment to the Constitution of  
Maine to Permit the Legislature To Allow the Current Use  
Valuation of Waterfront Land Used for or That Supports  
Commercial Fishing Activities**

**FINALLY  
PASSED**

Sponsor(s)

Committee Report  
OTP

Amendments Adopted

LD 299 proposed to amend the Constitution of Maine to allow the Legislature to provide for the assessment of waterfront land that is used for or that supports commercial fishing activities based on the current use of that property similar to treatment now available for farms, open space and forestland.

This bill was reported out by the Joint Select Committee on Property Tax Reform.

Senate Amendment "A" (S-12) proposed to correct the grammatical construction of the provision proposed in the constitutional resolution.

*Enacted law summary*

Constitutional Resolution, chapter 1, if approved by voters, amends the Constitution of Maine to allow the Legislature to provide for the assessment of waterfront land that is used for or that supports commercial fishing activities based on the current use of that property similar to treatment now available for farms, open space and forestland.

LD 300

**An Act to Provide a Schedule of School Funding That Provides  
55% State Coverage of the Cost of Essential Programs and  
Services over a Period of 2 Years**

**ONTP**

Sponsor(s)

Committee Report  
ONTP (Maj)

Amendments Adopted

LD 300 proposed to accomplish the following, subject to approval of the voters at a statewide referendum in November 2005.

1. Require the State to pay 55% of the cost of funding essential education programs and services beginning in state fiscal year 2006-07.
2. Pay for increased state education funding by extending the general sales tax to amusements, extending the 7% sales tax to include rentals of boat moorings and docks and increasing the general sales tax to 5 1/2% beginning May 1, 2006.



*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Select Committee  
on  
Joint Rules*

*August 2005*

**Members:**

*Sen. John L. Martin, Chair  
Sen. Kenneth T. Gagnon  
Sen. Philip L. Bartlett II  
Sen. Peter Mills  
Sen. Richard A. Nass*

*Rep. Stan Gerzofsky, Chair  
Rep. Herbert Adams  
Rep. Emily Ann Cain  
Rep. Henry L. Joy  
Rep. Philip A. Cressey, Jr.*

*Joint Select Committee on Joint Rules*

**LD 1346                    An Act to Require Employers and Employees to Provide a 2-Week CARRIED OVER  
Notice before Terminating Employment**

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

LD 1346 was first referred to the Joint Standing Committee on Labor, and later committed to the Joint Select Committee on Rules.

LD 1346 proposed to require all employees to give 2 weeks' notice prior to quitting and employers, including the State and the Legislature, to give 2 weeks' notice prior to terminating an employee. The bill proposed that an employee who quits in violation of this requirement without reasonable cause would be subject to a forfeiture of one week's pay and that an employer who fails to provide 2 weeks' notice without reasonable cause would be required to provide the employee with 2 weeks' pay. Current law allows an employer and employee in a manufacturing or mechanical business to contract to give each other one week's notice of intention to quit or terminate employment.

**Committee Amendment "A" (H-376)**, the majority report of the Joint Standing Committee on Labor, proposed to replace the bill. The amendment proposed to specify that a partisan legislative employee must be provided with at least a 2-week notice prior to being discharged, unless the termination is for reasonable cause.

LD 1346 was subsequently committed to the Joint Select Committee on Joint Rules and was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
State and Local Government*

*August 2005*

**Members:**

*Sen. Elizabeth M. Schneider, Chair*

*Sen. Margaret Rotundo*

*Sen. Mary Black Andrews*

*Rep. Christopher R. Barstow, Chair*

*Rep. Sonya G. Sampson*

*Rep. Richard D. Blanchard*

*Rep. Charles William Harlow*

*Rep. James M. Schatz*

*Rep. Robert H. Crosthwaite*

*Rep. George R. Bishop, Jr.*

*Rep. Howard E. McFadden*

*Rep. Bradley S. Moulton*

*Rep. Roberta M. Muse*

**Staff:**

*Anna Broome, Legislative Analyst*

*Office of Policy and Legal Analysis*

*13 State House Station*

*Augusta, ME 04333*

*(207) 287-1670*

**JOINT STANDING COMMITTEE ON  
STATE AND LOCAL GOVERNMENT**

**Summary of Committee Actions**

<b>I. BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	92	91.1%	5.4%
<u><i>Bills Carried Over</i></u>	<u>9</u>	<u>8.9%</u>	<u>0.5%</u>
<b>Total Bills referred</b>	<b>101</b>	<b>100.0%</b>	<b>6.0%</b>
<b>B. Bills reported out by law or joint order</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>101</b>	<b>100.0%</b>	<b>6.0%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	10	10.9%	0.7%
<i>Ought to Pass as Amended</i>	29	31.5%	1.9%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>21</u>	<u>22.8%</u>	<u>1.4%</u>
<b>Total unanimous reports</b>	<b>60</b>	<b>65.2%</b>	<b>4.0%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	31	33.7%	2.1%
<i>Three-way reports</i>	1	1.1%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>32</b>	<b>34.8%</b>	<b>2.1%</b>
<b>Total committee reports</b>	<b>92</b>	<b>91.1%</b>	<b>6.1%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	27	26.7%	1.6%
<i>Private and Special Laws</i>	2	2.0%	0.1%
<i>Resolves</i>	12	11.9%	0.7%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>41</b>	<b>40.6%</b>	<b>2.4%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

*Joint Standing Committee on State and Local Government*

**LD 23**

**An Act to Establish Community Giving Week**

**PUBLIC 20**

<u>Sponsor(s)</u> FISCHER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-24
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LD 23 proposed to establish Charity Appreciation Week each year during the week that contains September 11th.

**Committee Amendment "A" (H-24)** proposed to change the title of the bill to "An Act to Establish Community Giving Week" and the name of the commemorative week to "Community Giving Week." The week of observance would change from the week containing September 11th to the 3rd full week in November.

*Enacted law summary*

Public Law 2005, chapter 20 establishes the 3rd full week in November as Community Giving Week.

**LD 44**

**An Act To Reform County Government**

**ONTP**

<u>Sponsor(s)</u> BARSTOW SAVAGE		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u>
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LD 44 is a concept draft pursuant to Joint Rule 208 that proposed to reform the laws regarding county government in the State.

**Committee Amendment "A" (H-494)** replaces the concept draft and proposed to give the county commissioners the authority to establish a fee in their county when a similar fee does not currently exist in statute. The amendment proposed to allow county commissioners to increase any county fee by up to 25% without the approval of the Legislature provided that the fee is raised no more frequently than every 5 years. Fees for recording and surcharges paid to the registers of deeds and registers of probate may be raised only if 11 or more counties vote to raise those fees to a uniform amount. This Act would be repealed January 1, 2008.

**LD 63**

**An Act To Use the Buying Power of the State To Purchase Heating Oil for Low-income and Elderly Residents**

**ONTP**

<u>Sponsor(s)</u> JACKSON MARTIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 63 is a concept draft pursuant to Joint Rule 208 that proposed to use the buying power of the State to purchase heating oil at the best possible price for low-income and elderly residents of this State.

*Joint Standing Committee on State and Local Government*

**LD 68**                      **An Act To Eliminate Daylight Saving Time**                      **ONTP**

<u>Sponsor(s)</u> JOY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 68 proposed to end the observance of Eastern Daylight Time in Maine.

**LD 73**                      **An Act To Prohibit the Federal Government from Owning Property in the State Not Specifically Authorized in the United States Constitution**                      **ONTP**

<u>Sponsor(s)</u> JOY		<u>Committee Report</u> ONTP    MAJ OTP-AM    MIN		<u>Amendments Adopted</u>
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LD 73 proposed to prohibit the United States from owning or acquiring land in this State unless the ownership of the land is expressly authorized by the United States Constitution. It directs the Department of Administrative and Financial Services and the Department of Conservation to recommend to the joint standing committee of the Legislature having jurisdiction over property matters a procedure for transferring to the State all land that is owned by the United States and that is not authorized by the United States Constitution. The bill proposed to repeal sections of law that authorize the United States to acquire land in the State for national forests.

**Committee Amendment "A" (H-27)**, which is the minority report, proposed to remove from the bill the section that would have set up a procedure to transfer existing federal property to the state of Maine. The amendment proposed to require that if the state congressional delegation and the Governor seek a congressional study for the formation of a national park, the study must be approved by 2/3 of all the voters in the communities included within and abutting the proposed park before the study can go ahead.

**LD 85**                      **An Act To Establish Moxie as Maine's Official Soft Drink**                      **PUBLIC 136**

<u>Sponsor(s)</u> ROTUNDO BERUBE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-89
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LD 85 proposed to establish Moxie as the official state beverage.

**Committee Amendment "A" (S-89)** proposed to change the title of the bill and make Moxie Maine's official soft drink rather than its official beverage.

***Enacted law summary***

Public Law 2005, chapter 136 establishes Moxie as the official soft drink of Maine.

*Joint Standing Committee on State and Local Government*

**LD 98**

**An Act To Codify Senate Districts in Statute**

**PUBLIC 13**

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

LD 98 proposed to codify the Maine Supreme Judicial Court's plan for the reapportionment of the State Senate districts.

***Enacted law summary***

Public Law 2005, chapter 13 codifies the Maine Supreme Judicial Court's plan for the reapportionment of the State Senate districts.

**LD 101**

**An Act To Amend the Membership of the InforME Board**

**PUBLIC 5  
EMERGENCY**

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

LD 101 proposed to amend the membership of the InforME Board to include the Chief Information Officer of the Department of Administrative and Financial Services or the Chief Information Officer's designee and reduce the number of user associations represented on the board from 3 to 2.

**Committee Amendment "A" (H-22)** proposed to amend the bill by adding an emergency preamble and an emergency clause.

***Enacted law summary***

Public Law 2005, chapter 5 amends the membership of the InforME Board to include the Chief Information Officer of the Department of Administrative and Financial Services or the Chief Information Officer's designee and reduces the number of user associations represented on the board from 3 to 2.

Public Law 2005, chapter 5 was enacted as an emergency measure effective March 18, 2005.

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**LD 121**                      **An Act To Improve Communication, Cooperation and Efficiencies  
in State Government**                      **PUBLIC 222**

<u>Sponsor(s)</u> BARSTOW SAVAGE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-389
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LD 121 is a concept draft pursuant to Joint Rule 208 that proposed to enact measures designed to improve communication, cooperation and efficiencies within all 3 branches of State Government and provide state assistance to local government to encourage regionalization and cost-effective service delivery.

**Committee Amendment "A" (H-389)** proposed to replace the text of the concept draft. It proposed to rename the Intergovernmental Advisory Group the Intergovernmental Advisory Commission and add 2 members appointed by the Governor who represent public safety, one municipal member nominated by a statewide organization representing public safety interests and one county official nominated by a statewide association of county commissioners. It also proposed to require the Executive Department, State Planning Office to designate an individual as an intergovernmental coordinator who will work to encourage improved governmental cooperation, efficiencies in service delivery and coordination of regional and cooperative efforts initiated through state departments and agencies. The commission, which may meet up to 4 times per year, may have up to 6 additional meetings if it raises funds to compensate members. The amendment proposed to add an appropriations and allocations section.

*Enacted law summary*

Public Law 2005, chapter 222 renames the Intergovernmental Advisory Group the Intergovernmental Advisory Commission. It allows for 2 additional members appointed by the Governor who represent public safety, one municipal member nominated by a statewide organization representing public safety interests and one county official nominated by a statewide association of county commissioners. It also requires the Executive Department, State Planning Office to designate an individual as an intergovernmental coordinator who will work to encourage improved governmental cooperation, efficiencies in service delivery and coordination of regional and cooperative efforts initiated through state departments and agencies. The commission, which may meet up to 4 times per year, may have up to 6 additional meetings if it raises funds to compensate members.

**LD 126**                      **Resolve, Authorizing the City of Gardiner To Refinance Certain  
Temporary Bond Anticipation Notes Issued for Its Wastewater  
Project**                      **RESOLVE 2  
EMERGENCY**

<u>Sponsor(s)</u> HANLEY S COWGER	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 126 proposed to allow the City of Gardiner to issue and sell its temporary general obligation bond anticipation notes in a principal amount not to exceed \$1,507,000 for an additional 2 years for the purpose of



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refinancing certain outstanding temporary notes originally issued in August 2002 and to finance additional costs of the wastewater project for the City of Gardiner.

### *Enacted law summary*

Resolve 2005, chapter 2 allows the City of Gardiner to issue and sell its temporary general obligation bond anticipation notes in a principal amount not to exceed \$1,507,000 for an additional 2 years for the purpose of refinancing certain outstanding temporary notes originally issued in August 2002 and to finance additional costs of the wastewater project for the City of Gardiner.

Resolve 2005, chapter 2 was finally passed as an emergency measure effective March 3, 2005.

**LD 140**                      **An Act To Change the Name of T8 SD to Fletchers Landing Township**                      **P & S 3**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON CROSTHWAITE	OTP-AM    MAJ ONTP        MIN	S-14

LD 140 proposed to authorize the Hancock County commissioners to seek approval from the residents of T8 SD to rename the township Fletchers Landing Township.

**Committee Amendment "A" (S-14)** proposed to rename the town of T8 SD, Fletchers Landing Township, without a referendum.

### *Enacted law summary*

Private and Special Law 2005, chapter 3 renames the town of T8 SD in Hancock County, Fletchers Landing Township.

**LD 150**                      **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a 2/3 Vote of the Legislature To Enact or Increase a Tax**                      **ONTP**

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

LD 150 proposed a constitutional amendment that requires approval of 2/3 of each House of the Legislature to enact or increase taxes or to repeal existing tax exemptions except when inadequate funds have been appropriated for debt payment.

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**LD 197                      An Act To Reduce Dependence on Fossil Fuels by Advancing Biodiesel Use                      ONTP**

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

LD 197 proposed to require that all facilities owned by the State that consume heating oil use biodiesel fuel. This bill would require state-owned motor vehicles that use diesel fuels to use biodiesel fuel. These requirements are satisfied if the fuel used includes at least 20% biodiesel fuel.

**Committee Amendment "A" (H-266)**, which is the minority report, proposed to add an appropriations and allocations section to the bill.

**LD 222                      An Act To Undedicate County Fees for Recording Deeds                      ONTP**

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

LD 222 proposed to allow counties to use the \$3 surcharge on the recording of deeds as general revenue for the county.

**LD 223                      An Act To Create a Family Reunion Day in August                      PUBLIC 8**

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

LD 223 proposed to designate the Monday after the first full weekend of August as Family Reunion Day.

***Enacted law summary***

Public Law 2005, chapter 8 designates the Monday after the first full weekend of August as Family Reunion Day.

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LD 240

**An Act To Update Certain Provisions Pertaining to County Government**

**PUBLIC 79**

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

LD 240 proposed to define the term "county official" in order to make the distinction between this category of county personnel, which includes both appointed and elected county offices, and the narrower category of "county officer," which refers only to elected offices. These definitions make the same distinction as those in municipal laws. The bill proposed to allow a county treasurer to pay clerical help either weekly or biweekly, at the discretion of the commissioners, consistent with recent changes to Maine's hour and wage laws. It also proposed to remove references to the Legislature in provisions governing adoption of a county budget because those provisions have been obsolete in all counties for a number of years.

*Enacted law summary*

Public Law 2005, chapter 79 defines the term "county official" in order to make the distinction between this category of county personnel, which includes both appointed and elected county offices, and the narrower category of "county officer," which refers only to elected offices. These definitions make the same distinction as those in municipal laws. This law allows a county treasurer to pay clerical help either weekly or biweekly, at the discretion of the commissioners, consistent with recent changes to Maine's hour and wage laws. It also removes references to the Legislature in provisions governing adoption of a county budget because those provisions have been obsolete in all counties for a number of years.

LD 245

**An Act To Enact an Immediate Review System in the Office of Program Evaluation and Government Accountability**

**PUBLIC 104**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROSTHWAITE NASS R	OTP-AM	H-135

LD 245 proposed to establish within the Office of Program Evaluation and Government Accountability an immediate review system to provide immediate review of a program or function of a state agency or other entity in the event that there is a suspicion of a major auditing problem or major fraud or major mismanagement of public funds.

**Committee Amendment "A" (H-135)** proposed to strike the text "major auditing problem or major fraud" leaving major mismanagement as the cause for immediate review. The amendment also proposed to allow for an immediate review when there is a suspected mismanagement of public funds or functions. It would require the Director of the Office of Program Evaluation and Government Accountability to coordinate with the Attorney General, State Auditor, State Controller and others considered appropriate by the director.

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***Enacted law summary***

Public Law 2005, chapter 104 establishes within the Office of Program Evaluation and Government Accountability an immediate review system to provide immediate review of a program or function of a state agency or other entity in the event that there is a suspicion of a major mismanagement of public funds or functions. It requires the Director of the Office of Program Evaluation and Government Accountability to coordinate with the Attorney General, State Auditor, State Controller and others considered appropriate by the director.

**LD 249                      An Act To Amend the Calculation for Annual County Tax Assessments                      ONTP**

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

LD 249 proposed to require county commissioners to calculate the budgeted cost of noncontracted rural sheriff patrol services in proportion to which those services are provided to municipalities and unorganized territories in their counties.

**LD 287                      An Act To Require Fiscal Impact Notes for Proposed Agency Rules                      ONTP**

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

LD 287 proposed to require state agencies to expand fiscal impact note requirements to include the regulated community of a proposed rule.

**Committee Amendment "A" (H-39)**, which is the minority report, proposed to remove the words “with specificity” from the requirement for state agencies to provide estimated costs of a proposed rule to the regulated community. The amendment also proposed the fiscal impact note describe the benefits of the proposed rule.

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**LD 317                      An Act To Set the Base Legislative Salary at \$15,000 Per Year                      ONTP**

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

LD 317 proposed to set the base legislative salary at \$15,000 per year starting in December 2008 and send the question out for referendum.

**LD 339                      An Act To Include Androscoggin County in the Law Governing                      PUBLIC 84**  
**the Use of County Surplus Funds**

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

LD 339 proposed to remove the exception for Androscoggin County in the law on use of county surplus funds.

***Enacted law summary***

Public Law 2005, chapter 84 removes the exception for Androscoggin County in the law on use of county surplus funds.

**LD 361                      An Act To Reestablish the Penobscot County Budget Committee                      PUBLIC 124**  
**EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHARD	OTP-AM	H-126
PERRY J		H-280 BARSTOW

LD 361 proposed to reestablish the Penobscot County Budget Committee.

**Committee Amendment "A" (H-126)** proposed to amend the bill by adding a mandate preamble, an emergency preamble and an emergency clause.

**House Amendment "A" (H-280)** proposed to clarify that the 2 budget committee members elected from each county commissioner district serve staggered terms.

***Enacted law summary***

Public Law 2005, chapter 124 reestablishes the Penobscot County Budget Committee.

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Public Law 2005, chapter 124 was enacted as an emergency measure effective May 18, 2005.

**LD 377                      RESOLUTION, Proposing an Amendment to the Constitution of                      ONTP**  
**Maine To Establish Health Care as a Right**

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

LD 377 proposed to amend the Constitution of Maine to establish health care as a right.

**Committee Amendment "A" (H-150)** proposed to add to the constitutional amendment the requirement that the Legislature determine what the access to the right to health care should be.

**LD 379                      An Act To Raise the Marriage Fees                      PUBLIC 86**

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

LD 379 proposed to increase the fee for recording marriage intentions and issuing a marriage license from \$20 to \$30.

***Enacted law summary***

Public Law 2005, chapter 86 increases the fee for recording marriage intentions and issuing a marriage license from \$20 to \$30.

**LD 428                      An Act To Require a Nonpartisan Legislature                      ONTP**

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

LD 428 is a concept draft pursuant to Joint Rule 208 that proposed to establish a nonpartisan legislature by prohibiting a candidate for the Legislature from running as a member of a political party or having a party affiliation listed on the ballot. Primaries would still be held and the 2 candidates with the highest vote totals from each Senate or House district would run against each other in the general election. The prohibition would be phased in over an 8-year period by applying it to candidates for the 123rd through 126th Legislatures who are not members of the 122nd Legislature.

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**Committee Amendment "A" (H-194)**, which is the minority report, proposed to replace the concept draft with a resolve establishing the Commission for a Nonpartisan Legislature to conduct a study on the impact of a nonpartisan Legislature.

**LD 440**                      **RESOLUTION, To Amend the Constitution of Maine To Change the Number of Senators to 2 from Each County**                      **DIED BETWEEN HOUSES**

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

LD 440 proposed to amend the Constitution to reduce the size of the Senate from no more than 35 members to 32 members and redraw the district lines so that each county is represented by 2 Senators. The redrawing of district lines would occur during the regularly scheduled redistricting following the decennial census. The redistricting will be done in 2009.

**Committee Amendment "A" (H-151)**, which is the minority report, proposed to incorporate a fiscal note.

**LD 455**                      **An Act To Create a Paperless Legislature and Encourage More Working-income Legislators by Allocating Savings Resulting from a Reduction in the Size of the Legislature**                      **ONTP**

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

LD 455, a companion bill to a Constitutional Resolution reducing the size of the Maine Legislature, proposed to establish the manner in which the Legislature intends to apportion the savings that would result from a reduction in the size of the Legislature. One-third of the savings would be used to increase the pay of Legislators, one-third would be used for high speed access and internal networking at the desks of Legislators, and one-third would be deposited into the General Fund.

**LD 461**                      **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature**                      **ONTP**

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

LD 461 proposed a constitutional amendment to reduce the size of the House of Representatives from 151 members to 99 members and the size of the Senate from no more than 35 members to 33 members. The redistricting will be done in 2006 during the Second Regular Session of the 122nd Legislature and the reduction

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in the size of each legislative body take effect in 2007. The savings from the reduction in the size of the Legislature is appropriated in a companion bill.

**Committee Amendment "A" (H-350)**, which is the minority report, proposed to incorporate a fiscal note.

**LD 471**                      **Resolve, To Ensure the Collection and Report of Outsourcing Data**                      **RESOLVE 16 EMERGENCY**

<u>Sponsor(s)</u> CRESSEY EDMONDS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-133
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LD 471 proposed to prohibit any Maine Government department, agency or bureau from conducting business with any entity that outsources its services outside the United States. This would include all contracts and procurements by the State.

**Committee Amendment "A" (H-133)** proposed to replace the bill with a resolve directing the Department of Administrative and Financial Services, Division of Purchases to collect information from all contracted providers of services to the State regarding the country where the services will be performed and to notify the department of any changes to this information. The amendment proposed to require the Division of Purchases to report this information to the Joint Standing Committee on State and Local Government by January 15, 2006.

*Enacted law summary*

Resolve 2005, chapter 16 directs the Department of Administrative and Financial Services, Division of Purchases to collect information from all contracted providers of services to the State regarding the country where the services will be performed and to notify the department of any changes to this information. It requires the Division of Purchases to report this information to the Joint Standing Committee on State and Local Government by January 15, 2006.

Resolve 2005, chapter 16 was finally passed as an emergency measure effective May 12, 2005.

**LD 473**                      **An Act To Increase Vital Records Fees**                      **PUBLIC 112**

<u>Sponsor(s)</u> LEWIN ANDREWS	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 473 proposed to increase the fee paid to a municipality for providing a copy of a birth, marriage or death certificate from \$7 to \$10 for the first copy and from \$3 to \$5 for each additional copy. The bill also proposed to increase the burial permit fee from \$4 to \$5. The fees currently paid to the State for providing a copy of a birth, marriage or death certificate is \$15 for the first copy and \$6 for each additional copy.



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**Senate Amendment "A" (S-75)** proposed to exclude copies of death certificates from the increase of the fee paid to a municipality for providing a copy of certain certificates. This amendment was not adopted.

### *Enacted law summary*

Public Law 2005, chapter 112 increases the fee paid to a municipality for providing a copy of a birth, marriage or death certificate from \$7 to \$10 for the first copy and from \$3 to \$5 for each additional copy. It also increases the burial permit fee from \$4 to \$5. The fees currently paid to the State for providing a copy of a birth, marriage or death certificate is \$15 for the first copy and \$6 for each additional copy.

**LD 474**                      **An Act To Clarify the Authority of a County To Fund Its County Communications Center through the County Tax or Fee-for-service Agreements**                      **ONTP**

<u>Sponsor(s)</u> BLANCHARD SCHNEIDER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 474 proposed to clarify that a county communications center may be funded through the county tax if the center is available for use by any municipality in the county that chooses to use it, even if one or more municipalities in the county elect not to use the center. It would also allow the county commissioners to enter into an agreement with a municipality, whether or not located in the county, to provide that municipality with any of the communications services offered by the county's communications center in return for payment for these services.

**LD 488**                      **An Act To Clarify City Election Procedures**                      **PUBLIC 59  
EMERGENCY**

<u>Sponsor(s)</u> ADAMS	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 488 proposed to clarify the procedure for calling an election in a city, if the municipal charter does not specify the procedure, by allowing notification of the election to be done by warrant or by notice of election.

### *Enacted law summary*

Public Law 2005, chapter 59 clarifies the procedure for calling an election in a city, if the municipal charter does not specify the procedure, by allowing notification of the election to be done by warrant or by notice of election.

Public Law 2005, chapter 59 was enacted as an emergency measure effective April 21, 2005.

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**LD 489**                      **Resolve, Authorizing the Commissioner of Administrative and Financial Services To Place under Option or Right of First Refusal Certain Property along State Street, Augusta, Maine**                      **RESOLVE 4**

<u>Sponsor(s)</u> LERMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-40
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LD 489 proposed to authorize the Commissioner of Administrative and Financial Services to place under option or right of first refusal Tax Map Parcel 33-115 along State Street in Augusta, Maine. This parcel is essential to implementation of the Augusta State Facilities Master Plan that seeks to create a suitable gateway into the State's capital facilities. The property will be purchased only if the purchase is authorized and funded by the Legislature.

**Committee Amendment "A" (H-40)** proposed to incorporate a fiscal note.

*Enacted law summary*

Resolve 2005, chapter 4 authorizes the Commissioner of Administrative and Financial Services to place under option or right of first refusal Tax Map Parcel 33-115 along State Street in Augusta, Maine. This parcel is essential to implementation of the Augusta State Facilities Master Plan that seeks to create a suitable gateway into the State's capital facilities. The property will be purchased only if the purchase is authorized and funded by the Legislature.

**LD 504**                      **Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate Located along the New Belgrade Road in Augusta**                      **RESOLVE 5**

<u>Sponsor(s)</u> LERMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-41
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LD 504 proposed to authorize the Commissioner of Administrative and Financial Services to sell or lease the State's interests in a small portion of the Maine Veterans Memorial Cemetery lying along New Belgrade Road, also known as Civic Center Drive, in Augusta, Maine.

**Committee Amendment "A" (H-41)** proposed to incorporate a fiscal note.

*Enacted law summary*

Resolve 2005, chapter 5 authorizes the Commissioner of Administrative and Financial Services to sell or lease the State's interests in a small portion of the Maine Veterans Memorial Cemetery lying along New Belgrade Road, also known as Civic Center Drive, in Augusta, Maine.

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**LD 517**                      **An Act To Require Legislative Oversight of Certain Agency and Administrative Rules**                      **ONTP**

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

LD 517 is a concept draft pursuant to Joint Rule 208 that proposed to amend the rule-making process under the Maine Administrative Procedure Act to ensure that rulemaking that results in a significant cost of doing business receives full review and approval by the Legislature before taking effect.

**LD 521**                      **An Act To Provide Funding for the New Century Community Program**                      **ONTP**

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

LD 521 proposed to provide funding for the New Century Community Program through a surcharge on the recording of documents. The New Century Community Program provides seed money grants to communities, with a local match, for the preservation of archives, historic records, artifacts and libraries and related structures.

**Committee Amendment "A" (H-267)**, which is the minority report, proposed to add an appropriations and allocations section to the bill.

**LD 532**                      **Resolve, To Recognize April 6, 2005 as the National Day of Hope**                      **RESOLVE 6  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS LEWIN	OTP-AM	S-19

LD 532 proposed to declare April 6, 2005 as the National Day of Hope.

**Committee Amendment "A" (S-19)** proposed to change the title and change the language of declaring a National Day of Hope to recognizing the National Day of Hope.

*Enacted law summary*

Resolve 2005, chapter 6 recognizes the National Day of Hope observed on April 6, 2005.

Resolve 2005, chapter 6 was finally passed as an emergency measure effective April 1, 2005.

*Joint Standing Committee on State and Local Government*

**LD 551**

**An Act To Amend the Budget Timetable for Oxford County**

**PUBLIC 29**

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

LD 551 proposed to change the date by which the Oxford County commissioners must approve the county budget from December 15th to the 3rd Tuesday in December.

***Enacted law summary***

Public Law 2005, chapter 29 changes the date by which the Oxford County commissioners must approve the county budget from December 15th to the 3rd Tuesday in December.

**LD 557**

**An Act To Provide Relief from the Cost of Rescue Services to Certain Communities**

**PUBLIC 413**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR SCHNEIDER	OTP-AM MAJ ONTP MIN	H-317 S-396 ROTUNDO

LD 557 proposed to require the State to reimburse communities of fewer than 200 people that have no Interstate 95 exit within the town limits of that town for those communities' costs of providing fire, ambulance or other rescue services for accidents that occur on Interstate 95. This reimbursement is both for communities whose own services are dispatched to the accident and for communities that do not have their own services but help pay for services dispatched from other communities.

**Committee Amendment "A" (H-317)** proposed to add an appropriations and allocations section to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-396)** proposed to allow for reimbursement to small communities for providing rescue services for accidents that occur on Interstate 95. The amendment proposed to establish the Reimbursement for Rescue Services Fund and allow the Commissioner of Public Safety to accept money from any source to fund the fund.

***Enacted law summary***

Public Law 2005, chapter 413 allows the State to reimburse communities of fewer than 200 people that have no Interstate 95 exit within the town limits of that town for those communities' costs of providing fire, ambulance or other rescue services for accidents that occur on Interstate 95. It establishes the Reimbursement for Rescue Services Fund and allows the Commissioner of Public Safety to accept money from any source to fund the fund.

*Joint Standing Committee on State and Local Government*

**LD 562**

**An Act To Improve Public Understanding in Rulemaking**

**DIED BETWEEN  
HOUSES**

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

LD 562 proposed to require the Department of Agriculture, Food and Rural Resources, the Department of Conservation, the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife to make available to the public primary sources of information that support the primary provisions in proposed rules.

**Committee Amendment "A" (H-101)** proposed to require a rule-making agency to make the principal source of information for a rule available to the public. It also widens the scope of this requirement to apply to all government agencies and departments. The Act would be repealed on October 15, 2007.

**LD 567**

**An Act To Require Legislative Approval for the State To Accept a Gift of 100 Acres or More of Land**

**ONTP**

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

LD 567 proposed to require legislative approval for the State to accept a gift of land of 100 acres or more.

**LD 575**

**An Act To Amend the Laws Governing the Community Preservation Advisory Committee**

**PUBLIC 201**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM MAJ	S-102
KOFFMAN	ONTP MIN	

LD 575 proposed to authorize the Community Preservation Advisory Committee to submit legislation related to its annual report.

**Committee Amendment "A" (S-102)** proposed to allow the Community Preservation Advisory Committee to submit legislation related to its annual reports to the first regular session of each Legislature.

*Enacted law summary*

Public Law 2005, chapter 201 authorizes the Community Preservation Advisory Committee to submit legislation related to its annual reports to the first regular session of each Legislature.

*Joint Standing Committee on State and Local Government*

**LD 589**                      **Resolve, Directing the Commission on Governmental Ethics and Election Practices To Study Ethical Standards Regarding Former Legislators**                      **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWLES DAVIS P	OTP-AM	H-134

LD 589 proposed to prohibit former Legislators from working for a state agency, a public higher education institution, the judicial branch, except when serving as a justice or judge, and lobbying organizations for a period of 2 years after leaving office. The bill does not preclude working for a business or organization that is represented by a lobbying organization.

**Committee Amendment "A" (H-134)** proposed to replace the bill with a resolve that directs the Commission on Governmental Ethics and Election Practices to study whether there is a potential ethical issue with former Legislators acting as lobbyists after leaving office.

**House Amendment "A" to Committee Amendment "A" (H-435)** proposed to change the date by which the Commission on Governmental Ethics and Election Practices must submit its report from January 15, 2006 to January 15, 2007 and also change the session in which the joint standing committee of the Legislature having jurisdiction over state and local government matters is authorized to report out legislation from the Second Regular Session of the 122nd Legislature to the First Regular Session of the 123rd Legislature.

**LD 631**                      **An Act To Establish a Maine Law Sunset Review Committee**                      **CARRIED OVER**

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

LD 631 proposes to create a process for a review of the Maine Revised Statutes to eliminate obsolete and outdated statutes. The process is based on the assignment in each Legislature of a joint standing or joint select committee whose duties are to review the Maine Revised Statutes and report at the beginning of the second regular session of that Legislature a summary of the committee's work and any recommended legislation. The committee meets during legislative sessions and may meet between sessions as authorized by the presiding officers. The Legislative Council would provide staffing assistance. Other state agencies may provide assistance.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

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**LD 671**                      **An Act To Provide a Method of Self-governance to Unorganized Areas**                      **ONTP**

<u>Sponsor(s)</u> JOY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 671 proposed to establish a new chapter in the Maine Revised Statutes, Title 30-A that provides a method for unorganized areas to develop a system of self-governance. It delineates the requirements that must be met for a town to be created in the unorganized areas and outlines the powers, duties and responsibilities of the new town's government. It also requires the Department of Administrative and Financial Services, Maine Revenue Services to develop a fair system of reimbursement for tree growth to towns established under the new chapter.

**LD 695**                      **An Act Regarding Constitutional Officers**                      **ONTP**

<u>Sponsor(s)</u> DAVIS P BOWLES		<u>Committee Report</u> OTP      MAJ ONTP     MIN		<u>Amendments Adopted</u>
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LD 695 proposed to prohibit constitutional officers from using their titles or allowing their titles to be used for political purposes not necessary for the administration of their offices.

**LD 696**                      **An Act To Amend the Requirements for Publishing Municipal Legal Notices**                      **ONTP**

<u>Sponsor(s)</u> NASS R		<u>Committee Report</u> ONTP      MAJ OTP-AM    MIN		<u>Amendments Adopted</u>
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LD 696 proposed to allow municipalities to publish legal notices in a newspaper medium distributed as 3rd-class mail if the municipal officers adopt a publication policy. The policy must contain 5 requirements: the newspaper of general circulation must have a subscription rate of less than 30% of the residents in the municipality; all households in the municipality must receive the alternative newspaper; the alternative newspaper must cost less than the newspaper of general circulation; the municipality must retain a record of all notices published in the alternative newspaper; and the publisher of the alternative newspaper must have a system of archiving past editions.

**Committee Amendment "A" (S-90)**, which is the minority report, proposed to require a municipality that publishes its municipal legal notices in an alternative newspaper medium and not a newspaper of general circulation to include in its publication policy a requirement to report that fact to the Executive Department, State Planning Office. The amendment proposed that the bill would be repealed October 15, 2007.

*Joint Standing Committee on State and Local Government*

LD 717

**An Act To Clarify State Auditor Qualifications**

**DIED BETWEEN  
HOUSES**

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

LD 717 proposed to require that the State Auditor after the current term must be a certified public accountant or qualified to be certified as a public accountant licensed pursuant to the Maine Revised Statutes, Title 32, section 12228. The bill also removes obsolete language and gender-specific references.

LD 727

**An Act To Amend the Knox County Budget Process**

**PUBLIC 105**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWEN	OTP-AM	H-148
SAVAGE		

LD 727 proposed to amend the Knox County budget process by providing that a vacancy on the budget committee must be filled by a person from the same district rather than the same municipality. It proposed to prohibit a member of the budget committee from holding any other municipal or county elective office while a member of the budget committee. This bill would also require a 2/3 vote of the budget committee and a 2/3 vote of the county commissioners for final action and approval of the budget.

**Committee Amendment "A" (H-148)** proposed to remove the prohibition on members of the Knox County budget committee holding municipal or county elective office. It also proposed to remove the requirement that the county budget be approved by 2/3 of the budget committee and 2/3 of the county commissioners.

***Enacted law summary***

Public Law 2005, chapter 105 amends the Knox County budget process by providing that a vacancy on the budget committee must be filled by a person from the same district rather than the same municipality.

LD 744

**An Act To Make Technical Changes to the Laws Establishing the  
Lincoln and Sagadahoc Multicounty Jail Authority**

**PUBLIC 47  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO	OTP-AM	S-31
RINES		

LD 744 proposed to provide for the establishment of the Lincoln and Sagadahoc Multicounty Jail Authority as a public body corporate and politic and a public instrumentality of the counties.



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**Committee Amendment "A" (S-31)** proposed to add a new section that clarifies that the liability of the jail authority and its personnel is governed by the Maine Tort Claims Act and that members and employees of the jail authority are not personally liable for actions taken within the course and scope of their respective duties on behalf of the authority.

*Enacted law summary*

Public Law 2005, chapter 47 provides for the establishment of the Lincoln and Sagadahoc Multicounty Jail Authority as a public body corporate and politic and a public instrumentality of the counties. This law clarifies that the liability of the jail authority and its personnel is governed by the Maine Tort Claims Act and that members and employees of the jail authority are not personally liable for actions taken within the course and scope of their respective duties on behalf of the authority.

Public Law 2005, chapter 47 was enacted as an emergency measure effective April 8, 2005.

**LD 773**                      **An Act To Allow Municipalities To Collect Debts through the Placement of Liens on Property**                      **ONTP**

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

LD 773 proposed to give the treasurer of a municipality the power to place a lien on a property within the municipality for a debt lawfully owed to the municipality by the owner of that property.

**LD 798**                      **An Act To Establish a Sunset on New State Agencies and Programs**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS PELLETIER-SIMPS		

LD 798 proposes to establish an automatic sunset on all new agencies or programs established or funded beginning January 1, 2006 unless the agency or program is extended through legislative action prior to the date of sunset.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

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**LD 802**                      **An Act To Improve the Efficiency of the Legislature**                      **DIED BETWEEN HOUSES**

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

LD 802 proposed to authorize the Legislative Council to contract for laptop computers for all Legislators. The computers will include word processing software, Internet and e-mail access. Savings in printing and, if necessary, out-of-state travel would be used to fund the computer purchase.

**Committee Amendment "A" (H-447)** replaces the bill and proposed to require the Legislative Council to provide laptop computers and systems in the Senate by January 1, 2006 subject to available funding. Outside funding may be accepted for the purchase or lease and outfitting of the laptops and must be administered by the Legislative Council. The Secretary of the Senate and Legislative Information Services shall report on the progress of the laptops to the Legislative Council by June 1, 2006. The Legislative Council shall take into account the findings of this report when providing laptops and systems to all members of the House by December 1, 2006.

**LD 889**                      **An Act To Create the County Government Capital Improvements Revolving Loan Fund**                      **CARRIED OVER**

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

LD 889 proposes to establish the County Government Capital Improvements Revolving Loan Fund.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

**LD 900**                      **Resolve, Directing the State Planning Office To Establish a Process for the Collection of Municipal and County Data**                      **RESOLVE 15**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-91

LD 900 proposed to require the Executive Department, State Planning Office to collect all municipal and county spending data. Municipal and county governments will be required to submit data in formats approved by the United States Census Bureau. The State Planning Office would review the possibility of selling the data and report its findings to the Joint Standing Committee on State and Local Government.

**Committee Amendment "A" (S-91)** proposed to replace the bill with a resolve that directs the Executive Department, State Planning Office to establish a process for collecting municipal and county revenue and spending data by cooperating with the Department of Audit, the Maine County Commissioners' Association, the

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Maine Municipal Association and others determined appropriate in order to convert that data into the United States Census forms for the Annual Survey of Local Government Finances, Municipalities and Townships, and the Annual Survey of County Government Finances.

***Enacted law summary***

Resolve 2005, chapter 15 directs the Executive Department, State Planning Office to establish a process for collecting municipal and county revenue and spending data by cooperating with the Department of Audit, the Maine County Commissioners' Association, the Maine Municipal Association and others determined appropriate in order to convert that data for the United States Census forms for the Annual Survey of Local Government Finances, Municipalities and Townships, and the Annual Survey of County Government Finances.

**LD 925                      An Act To Fairly Apportion the Cost of Sheriff Patrol Services                      CARRIED OVER**

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

LD 925 proposes to require the county commissioners to calculate the budgeted cost of noncontracted sheriff patrol services in the proportion to which those services are provided to municipalities and unorganized territories in the county. This bill would require that the routine provision of sheriff patrol services be subject to the terms of a contract with the municipality receiving these services.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

**LD 937                      Resolve, To Study the Feasibility of Dividing Maine into 2 States                      ONTP**

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

LD 937 proposed to require the Executive Department, State Planning Office to study the feasibility of dividing Maine into 2 separate states based upon the current districts for the election of representatives from Maine to the United States Congress.

**Committee Amendment "A" (H-202)**, which is the minority report, proposed to add an appropriations and allocations section to the resolve.

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**LD 968**                      **RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Prohibit the Imposition of Any New or Increased Tax or  
Fee through the Citizen Initiative Process**                      **ONTP**

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

LD 968 proposed to amend the Constitution of Maine to prohibit the imposition of any new or increased taxes or fees through the citizen initiative process.

**LD 990**                      **Resolve, To Allow the Somerset County Jail To Be Built within  
One Mile of the County Seat**                      **DIED ON  
ADJOURNMENT**

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

LD 990 proposed to allow the Somerset County jail to be built within one mile of the county seat, Skowhegan. Current law requires a county building to be located within the county seat unless the voters in the county vote to locate the building elsewhere.

**LD 991**                      **An Act To Restore Municipal Authority To Review Development  
Using Flexible Standards**                      **PUBLIC 244**

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

LD 991 proposed to amend planning and land use regulation standards by allowing a municipality to grant to its planning board or other development board the authority to approve developmental proposals with smaller dimensional standards, even if the municipality has a zoning board, for the purpose of promoting neighborhood development. Current law prohibits the granting of a variance by any entity other than a zoning board of appeals in those municipalities that have zoning boards.

**Committee Amendment "A" (S-174)** proposed to replace the bill and define "cluster development" as development in which individual lot sizes and setbacks may be reduced in exchange for areas of common space and recreation and environmental purposes. It would allow a zoning ordinance to delegate to the municipal reviewing authority the ability to approve development proposals that do not meet dimensional standards in order to promote cluster development, accommodate lots with insufficient frontage or provide for reduced setbacks for lots or buildings. The amendment would specify that the delegation of authority does not authorize the reduction of shoreland zoning dimensional requirements.

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### ***Enacted law summary***

Public Law 2005, chapter 244 defines "cluster development" as development in which individual lot sizes and setbacks may be reduced in exchange for areas of common space and recreation and environmental purposes. It allows a zoning ordinance to delegate to the municipal reviewing authority the ability to approve development proposals that do not meet dimensional standards in order to promote cluster development, accommodate lots with insufficient frontage or provide for reduced setbacks for lots or buildings. This law specifies that the delegation of authority does not authorize the reduction of shoreland zoning dimensional requirements.

**LD 992**

**An Act To Reform County Governance**

**ONTP**

Sponsor(s)  
MILLS P

Committee Report  
ONTP

Amendments Adopted

LD 992 is a concept draft pursuant to Joint Rule 208 that proposed to create a uniform structure for county government, to be effective on election day in November 2006. Specifically, this bill proposed to:

1. Increase the number of county commissioners from 3 to 5. Of the 5 commissioners, 4 would serve from districts of uniform size within the county and the 5th would be elected from the county at large;
2. Establish the terms of office for county commissioners at 4 years. 3 of the 5 county commissioners would be elected in even-numbered years and the remaining 2 commissioners would be elected in odd-numbered years;
3. Authorize the county commissioners to appoint the county sheriff, register of deeds and county treasurer;
4. Dissolve the office of judge of probate and transfer probate judicial functions to the Superior Court and District Court; and
5. Give the clerk of the Superior Court immediate supervisory authority over the register of probate and make the position of register of probate subject to state civil service law.

**LD 1003**

**An Act To Establish the Androscoggin County Budget Advisory Committee and the Somerset County Budget Advisory Committee** **CARRIED OVER**

Sponsor(s)  
SNOWE-MELLO

Committee Report

Amendments Adopted

LD 1003 proposes to repeal the existing process of adoption of a budget in Androscoggin County and in Somerset County and establish the Androscoggin County Budget Advisory Committee and the Somerset County Budget Advisory Committee. This bill was recommitted to the Joint Standing Committee on State and Local Government after initially reporting it out with the following committee amendment.

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**Committee Amendment "A" (S-295)** proposed to amend the dates to reflect the fiscal year beginning on January 1st. It would reconvene the apportionment commission that conducted the apportionment in 2003 to reapportion Androscoggin County Commissioner Districts from 3 districts to 5 districts. The first election held in the new districts must be the statewide election in November 2006. The current Androscoggin County budget committee would be repealed September 15, 2007 and the Androscoggin County Budget Advisory Committee take effect on the same day. The amendment also proposed to remove Somerset County from the bill so that the bill only affects Androscoggin County.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

**LD 1029                      An Act To Allow Municipalities To Acquire Title to Abandoned                      PUBLIC 225**  
**Cemeteries**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE DAMON	OTP-AM	H-265

LD 1029 proposed to allow municipalities to take title to abandoned cemeteries, which are cemeteries in which no burial has taken place for at least 40 years and whose lots or grave sites have not been maintained for at least 10 years. The municipality shall attempt to identify and notify the owner of the municipality's intention to acquire the cemetery. If no owner is identified, the municipality shall publish notice in a newspaper of general circulation of the municipality's intention to acquire the cemetery. If an owner objects and reasserts ownership rights, the owner shall promptly conform to any municipal ordinance concerning the cemetery. If no owner objects within 14 days of the last published notice, then title to the cemetery reverts to the municipality.

**Committee Amendment "A" (H-265)** proposed to require a municipality to file a confirmation of acquisition in the registry of deeds in the county in which the municipality is located. It would clarify the language and require the municipality to record the confirmation in the registry in the county in which the cemetery is located. It also proposed to require municipalities that acquire title to abandoned cemeteries to keep title of the land forever and not sell the property. The municipality must maintain the existing use of the land as a cemetery. The municipality may have a survey done to determine the extent of the cemetery and may develop a preservation plan with a local cemetery association and archaeologists.

***Enacted law summary***

Public Law 2005, chapter 225 allows municipalities to take title to abandoned cemeteries, which are cemeteries in which no burial has taken place for at least 40 years and whose lots or grave sites have not been maintained for at least 10 years. The municipality shall attempt to identify and notify the owner of the municipality's intention to acquire the cemetery. If no owner is identified, the municipality shall publish notice in a newspaper of general circulation of the municipality's intention to acquire the cemetery. If an owner objects and reasserts ownership rights, the owner shall promptly conform to any municipal ordinance concerning the cemetery. If no owner objects within 14 days of the last published notice, then title to the cemetery reverts to the municipality. Municipalities that acquire title to abandoned cemeteries are required to keep title of the land forever and not sell the property. The municipality must maintain the existing use of the land as a cemetery. The municipality may have a survey done to determine the extent of the cemetery and may develop a preservation plan with a local cemetery association and archaeologists.

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**LD 1040**                      **An Act To Prevent the Short-term Rental of Unlicensed Properties**                      **ONTP**

<u>Sponsor(s)</u> BRYANT B		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1040 proposed to require a person who makes available for rental a room, apartment, condominium, cottage or house for less than one month to obtain a license from the municipal authorities.

**LD 1092**                      **An Act To Increase County Filing Fees**                      **PUBLIC 246**

<u>Sponsor(s)</u> LERMAN		<u>Committee Report</u> OTP      A OTP-AM    B OTP-AM    C		<u>Amendments Adopted</u>
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LD 1092 proposed to increase the fee for recording an instrument with a register of deeds by \$5.

**Committee Amendment "A" (H-268)** proposed to raise the fee for recording an instrument from \$8 for the first page to \$12 and the fee for an instrument that refers to more than one previously recorded instrument from \$8 to \$12. The fee for recording plans would be raised to \$12 from \$12. This amendment was not adopted.

**Committee Amendment "B" (H-269)** proposed to replace the bill and impose a \$6 surcharge on fees for recording documents in the registry of deeds, half of which is retained by the county and half of which is used to provide funding for the New Century Community Program. The New Century Community Program provides seed money grants to communities, with a local match, for the preservation of archives, historic records, artifacts and libraries and related structures. The amendment adds a mandate preamble and an appropriations and allocations section. This amendment was not adopted.

*Enacted law summary*

Public Law 2005, chapter 246 increases the fee for recording an instrument with a register of deeds by \$5.

**LD 1096**                      **An Act To Make Technical and Minor Changes in the Capitol Planning Commission**                      **PUBLIC 123**

<u>Sponsor(s)</u> LERMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-219
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LD 1096 proposed to change the composition of the resident membership of the Capitol Planning Commission from 2 residents of the Capitol Planning District and one resident of the City of Augusta not a resident of the Capitol Planning District to one resident of the Capitol Planning District and 2 residents of the City of Augusta

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not residents of the Capitol Planning District. The bill also proposed to change the term of the resident members from 2 years to 5 years.

**Committee Amendment "A" (H-219)** proposed to change the term of the members-at-large of the Capitol Planning Commission from 2 years to 5 years to match the terms given the resident members in the bill.

***Enacted law summary***

Public Law 2005, chapter 123 changes the composition of the resident membership of the Capitol Planning Commission from 2 residents of the Capitol Planning District and one resident of the City of Augusta not a resident of the Capitol Planning District, to one resident of the Capitol Planning District and 2 residents of the City of Augusta not residents of the Capitol Planning District. It changes the term of the resident members and the members-at-large of the Capitol Planning Commission from 2 years to 5 years.

**LD 1105                      An Act To Impose Liability for the Illegal Withholding or                      ONTP**  
**Transfer of Public Funds or Property**

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

LD 1105 proposed to provide that any state, county or municipal officer, official or employee that wrongfully withholds or unlawfully distributes public money or public property is liable for all costs of recovery of the money or property.

**LD 1127                      Resolve, To Establish a Pilot Project To Assist Towns Interested in CARRIED OVER**  
**Multitown Cooperation and Governance**

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

LD 1127 proposes to require the Executive Department, State Planning Office, working with state and local government and education officials, to develop a municipal service district pilot project. Following a competitive process to determine the participating municipalities, the State Planning Office would continue to provide technical assistance, as well as grants, incentives and direct financial assistance to the municipalities participating in the pilot project. A timeline is provided for the development and submission of proposals and the design and implementation of the municipal service districts. Funding is provided through the Fund for the Efficient Delivery of Local and Regional Services and a separate appropriation.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.



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**LD 1204**

**An Act To Amend the Charter of the Farmington Village Corporation**

**P & S 15**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODCOCK	OTP-AM	S-158

LD 1204 proposed to amend the charter of the Farmington Village Corporation by giving the corporation authority to take water in the Town of Farmington and to establish rates and repeals the section of the charter that limits the situations in which the corporation may lease its property. The bill also proposed to allow the authority to establish rates retroactive to 1911, which is the date of the corporation's new charter.

**Committee Amendment "A" (S-158)** proposed to strike out all the language dealing with financial assistance between Farmington Village Corporation and the municipality in order to mirror the language of a standard water district charter.

***Enacted law summary***

Private and Special Law 2005, chapter 15 amends the charter of the Farmington Village Corporation by giving the corporation authority to take water in the Town of Farmington and to establish rates and repeals the section of the charter that limits the situations in which the corporation may lease its property. The bill also makes the authority to establish rates retroactive to 1911, which is the date of the corporation's new charter.

**LD 1230**

**An Act To Facilitate and Promote Regional Cooperation**

**CARRIED OVER**

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

LD 1230 proposes to address regional cooperation issues. It makes real or personal property used for providing regional services to 2 or more municipalities exempt from property taxation. It allows municipalities to enter into cooperative arrangements for transit, solid waste, household hazardous waste, economic development and code enforcement activities and joint purchasing and clarifies that these endeavors are cooperative regional government activities. It clarifies that staff providing joint services are municipal officials. The bill proposes to grant to regional planning commissions the powers of a regional council. In addition, it requires the minutes of commission meetings to be provided on request or posted on a website, rather than mailed to every member of the planning board and all municipal officials, in order to save on printing and mailing costs.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

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**LD 1243                      An Act To Make Election Day a State Holiday                      ONTP**

<u>Sponsor(s)</u> EDER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1243 proposed to establish Election Day, the Tuesday following the first Monday in November, as a state holiday and require that public schools and nonessential state offices be closed.

**LD 1246                      An Act To Amend the Laws Governing the State Planning Office                      ONTP**

<u>Sponsor(s)</u> HUTTON BARTLETT	<u>Committee Report</u> ONTP      MAJ OTP-AM    MIN	<u>Amendments Adopted</u>
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LD 1246 proposed to establish within the Executive Department, State Planning Office the Board of Code Enforcement Review. It would also fund a Planner II position within the State Planning Office.

**Committee Amendment "A" (H-438)**, which is the minority report, proposed to incorporate a fiscal note.

**LD 1252                      An Act To Lower the Cost of and Streamline the Legislative Process                      INDEFINITELY POSTPONED**

<u>Sponsor(s)</u> NUTTING J SAVIELLO	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1252 proposed to require a minimum of 3 affirmative votes from members of the Legislative Council before a piece of legislation may be introduced in any first regular session by a Legislator or state or independent agency. This bill was indefinitely postponed on the floor without reference to Committee.

**LD 1262                      Resolve, To Establish the Commission To Study the Licensing Conflicts between the Department of Agriculture, Food and Rural Resources and the Department of Health and Human Services                      INDEF PP**

<u>Sponsor(s)</u> COWGER MARLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u>
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LD 1262 proposed to establish the Commission to Study the Licensing Conflicts between the Department of Agriculture, Food and Rural Resources and the Department of Health and Human Services.

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**Committee Amendment "A" (S-175)** replaced the resolve and proposed to direct the Commissioner of Agriculture, Food and Rural Resources and the Commissioner of Health and Human Services to develop a task force to study licensing conflicts between their 2 departments. The amendment would set a deadline of January 15, 2006 for the task force to report its findings and recommendations and gives the Joint Standing Committee on State and Local Government the authority to report out legislation based on those findings in the Second Regular Session of the 122nd Legislature. The costs of the study are to be absorbed by the 2 departments involved.

**LD 1315                      An Act To Permit Recording Proceedings of the Legislature                      DIED BETWEEN HOUSES**

<u>Sponsor(s)</u> TRAHAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u>
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LD 1315 proposed to authorize the Legislative Council to film legislative sessions and make the archival copies of the legislative proceedings available to the public. It also establishes a fund to be used to carry out the recording and archiving.

**Committee Amendment "A" (H-414)** proposed to authorize Internet broadcast of legislative sessions in addition to audio feed and visual recordings that are to be archived. The amendment would prohibit the use of audio and video recordings for political purposes, with a violation being a Class E crime. The Legislative Council is authorized to determine copyright and other procedures. Recordings, both archived and Internet video, will begin only if there is sufficient money raised through grants, gifts, bequests and donations and no budget appropriation is required.

**Senate Amendment "A" to Committee Amendment "A" (S-353)** proposed to allow the Legislative Council to equip the chambers of the Senate and House of Representatives with cameras and recording equipment but authorize the use within each chamber only when in conformity with the rules of that chamber. This amendment would also provide authority to the Legislative Council to equip the legislative committee hearing rooms with cameras and recording equipment.

**Senate Amendment "B" to Committee Amendment "A" (S-355)** proposed to allow the Legislative Council to equip the chambers of the Senate and House of Representatives with cameras and recording equipment but authorize the use within each chamber only when in conformity with the rules of that chamber.

**LD 1316                      An Act To Enable the Town of Livermore Falls To Withdraw from Androscoggin County and Join Franklin County                      ONTP**

<u>Sponsor(s)</u> MILLS J		<u>Committee Report</u> ONTP    MAJ OTP-AM    MIN		<u>Amendments Adopted</u>
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LD 1316 proposed to authorize the Town of Livermore Falls to withdraw from Androscoggin County and be annexed by Franklin County.

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**Committee Amendment "A" (H-201)**, which is the minority report, proposed to require that the election by Livermore Falls voters to secede from Androscoggin County be held at the November 2005 election and that the election by Franklin County voters to accept Livermore Falls into Franklin County be held at the November 2006 election. If the voters of Livermore Falls and Franklin County approve the bill as amended, it would take effect on December 1, 2006. The amendment also adds a mandate preamble.

**LD 1331                      Resolve, To Improve the Response Time for State Employees                      RESOLVE 25**  
**Seeking Job Reclassifications**

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

LD 1331 proposed to require the Director of Human Resources within the Department of Administrative and Financial Services to ensure that a request for a range change or job reclassification is determined within 90 days of submission of the application by an employee or group of employees to the appropriate commissioner or agency head.

**Committee Amendment "A" (S-118)** proposed to replace the bill with a resolve that directs the Department of Administrative and Financial Services, Bureau of Human Resources to instruct state agencies to expedite the review and submission process of employee-initiated reclassification requests. The Bureau of Human Resources must modify the form for reclassification requests by providing a tear-off cover sheet that includes the date the employee signed to be forwarded to the Bureau of Human Resources. The Bureau of Human Resources must maintain a log of requests initiated by employees to track the progress of the requests. Pursuant to an agreement reached by the State and the Maine State Employees Association, if an employee-initiated reclassification request is approved, interest will accrue on the 91st day after the signing of the request by the employee rather than upon the date of final decision. The amendment proposed to direct the Bureau of Human Resources to report the status and impact of the expedited reclassification request process to the Joint Standing Committee on State and Local Government by March 15, 2006.

***Enacted law summary***

Resolve 2005, chapter 25 directs the Department of Administrative and Financial Services, Bureau of Human Resources to instruct state agencies to expedite the review and submission process of employee-initiated reclassification requests. The Bureau of Human Resources must modify the form for reclassification requests by providing a tear-off cover sheet that includes the date the employee signed to be forwarded to the Bureau of Human Resources. The Bureau of Human Resources must maintain a log of requests initiated by employees to track the progress of the requests. Pursuant to an agreement reached by the State and the Maine State Employees Association, if an employee-initiated reclassification request is approved, interest will accrue on the 91st day after the signing of the request by the employee rather than upon the date of final decision. It directs the Bureau of Human Resources to report the status and impact of the expedited reclassification request process to the Joint Standing Committee on State and Local Government by March 15, 2006.

***Joint Standing Committee on State and Local Government***

**LD 1354                      An Act To Amend the Procedure for Auditing Municipalities                      ONTP**

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

LD 1354 proposed to allow the State Auditor to investigate the accounting and auditing system of a municipality only if requested to do so by the governing body of that municipality.

**LD 1357                      RESOLUTION, Proposing an Amendment to the Constitution of                      ONTP  
Maine To Provide for the Popular Election of the Constitutional  
Officers and the State Auditor**

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

LD 1357 proposed to provide for direct popular election of the State's constitutional officers and the State Auditor to 4-year terms beginning in 2006. A vacancy in the office would be filled by the Governor, subject to confirmation by the Legislature, but only until the next general election. If the next general election is not one at which the office was scheduled to be filled, then an election must be held to fill the vacancy for the balance of the regular 4-year term.

**Committee Amendment "A" (H-334)** proposed to incorporate a fiscal note.

**LD 1366                      An Act To Give Preference to Companies That Provide Livable                      ONTP  
Wages and Health Insurance to Their Employees**

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

LD 1366 proposed to require that companies that provide livable wages and health insurance to their employees receive preference in bidding on state contracts.

***Joint Standing Committee on State and Local Government***

**LD 1367                      An Act To Penalize Companies That Fail To Comply with State Laws                      ONTP**

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

LD 1367 proposed to exclude from the state bidding, award and contract process persons who have been found to be in violation of state law or who are in consent agreement negotiations with the State.

**LD 1374                      An Act To Require a Surcharge on Probate Documents                      PUBLIC 210**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER BARSTOW	OTP-AM    MAJ ONTP        MIN	S-103

LD 1374 proposed to impose a surcharge of \$10 per petition, application or complaint filed in the Probate Court. The money collected as a result of the surcharge must be deposited in a separate, nonlapsing account and used for the restoration, storage and preservation of the records filed in the office of the register of probate and in Probate Court.

**Committee Amendment "A" (S-103)** proposed to waive the surcharge for individuals filing petitions for name changes and give the judge of probate the authority to waive the surcharge based on hardship.

***Enacted law summary***

Public Law 2005, chapter 210 imposes a surcharge of \$10 per petition, application or complaint filed in the Probate Court. The money collected as a result of the surcharge must be deposited in a separate, nonlapsing account and used for the restoration, storage and preservation of the records filed in the office of the register of probate and in Probate Court. The surcharge is waived for individuals filing petitions for name changes. The judge of probate has the authority to waive the surcharge based on hardship.

**LD 1380                      An Act To Protect Use of Municipal Seals                      PUBLIC 293**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON RECTOR	OTP-AM    MAJ OTP-AM    MIN	S-202

LD 1380 proposed to prohibit a person from using a likeness or copy of a municipal seal without permission from the municipality. A municipality may seek injunctive relief to prevent a person from using or displaying the municipal seal. A violation of the provisions of this bill is a Class E crime.

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**Committee Amendment "A" (S-202)** proposed to specify that the municipal clerk may give written permission for the use of the municipal seal.

**Committee Amendment "B" (S-203)** proposed to make the offense of using a municipal seal without permission a civil violation rather than a Class E crime. Municipal clerks may represent the municipality in court. Minimum penalties are set at \$100 and maximum penalties are set at \$500. Municipalities are entitled to collect the penalty and the costs of prosecution. It also proposed to specify that the municipal clerk gives written permission for the use of the municipal seal. This amendment was not adopted.

**Enacted law summary**

Public Law 2005, chapter 293 prohibits a person from using a likeness or copy of a municipal seal without permission from the municipality. The municipal clerk may give written permission for the use of the municipal seal. A municipality may seek injunctive relief to prevent a person from using or displaying the municipal seal. A violation of the provisions of this bill is a Class E crime.

**LD 1414                      An Act To Authorize Municipalities To Create Municipal Fire                      CARRIED OVER**  
**Districts**

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

LD 1414 proposed to authorize municipalities to create municipal fire districts that may, by ordinance, charge service charges for fire protection. The bill also proposes to authorize municipalities to collect regional fire district service charges on all properties within that fire district in addition to taxes.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

**LD 1422                      RESOLUTION, Proposing an Amendment to the Constitution of                      DIED ON**  
**Maine To Help Voters Control the Cost of Government                      ADJOURNMENT**

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

LD 1422 proposed to amend the Constitution of Maine to require a balanced budget, establish a special reserve account and place a limitation on the issuance of bonds.

**Committee Amendment "A" (H-437)**, which is the minority report of the committee, proposed to incorporate a fiscal note.

**House Amendment "A" to Senate Amendment "A" (H-680)** proposed to change the percentages, authorizing expenditures of up to 97.5% unless a sum equal to 2.5% of the projected revenues is held in the special reserve

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account. The amendment also requires the Legislature to place an annual minimum percentage in the account until a minimum balance accrues. It clarifies borrowing authority and the referendum question.

**Senate Amendment "A" (S-265)** proposed to remove the provision that places a limitation on the issuance of bonds.

**LD 1431**                    **An Act To Adopt the Municipal Secession and Annexation Procedure for the Town of Islesboro**                    **ONTP**

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

LD 1431 proposed to establish a procedure for consideration of the proposed secession of the Town of Islesboro from Waldo County and its annexation to Knox County. The bill models the procedure for the secession and annexation process on the procedure set forth in the Maine Revised Statutes, Title 30-A, chapter 113 for the proposed secession of a portion of the territory of a municipality.

**Committee Amendment "A" (H-431)**, which is the minority report of the committee, proposed to add a mandate preamble.

**LD 1452**                    **Resolve, Promoting the Consumption of Maine Farm Products at the State House**                    **RESOLVE 64**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIOTTI	OTP-AM	H-340

LD 1452 proposed to require vendors that provide food in the State House complex and the Cross Cafe to use Maine-grown products whenever possible when preparing the food. It proposed to require the Department of Administrative and Financial Services and the Department of Agriculture, Food and Rural Resources to assist the vendors and the Cross Cafe in identifying and accessing Maine grown products.

**Committee Amendment "A" (H-340)** proposed to set the same standard for the Legislative Council to develop guidelines for incorporating Maine-grown products into events in the State House as is set for the Cross Cafe in the resolve. It would change the daily Maine-made feature to a weekly Maine-made feature. It would also require the Department of Administrative and Financial Services and the manager of the Cross Cafe to develop mechanisms for Maine food producers to offer and distribute their products to the cafe.

***Enacted law summary***

Resolve 2005, chapter 64 requires vendors that provide food in the State House complex and the Cross Cafe to use Maine-grown products whenever possible when preparing the food. It requires the Department of Administrative and Financial Services and the Department of Agriculture, Food and Rural Resources to assist the vendors and the Cross Cafe in identifying and accessing Maine grown products. The Department of



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Administrative and Financial Services and the manager of the Cross Cafe are required to develop mechanisms for Maine food producers to offer and distribute their products to the cafe.

**LD 1458**                      **Resolve, Regarding the Conveyance of a Right-of-way across the Elizabeth Levinson Center in Bangor**                      **RESOLVE 32**

<u>Sponsor(s)</u> SCHNEIDER BARSTOW	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-127
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LD 1458 proposed to authorize and direct the Commissioner of Administrative and Financial Services to convey an easement across the Elizabeth Levinson Center in Bangor to Leo J. Davis if certain conditions are met.

**Committee Amendment "A" (S-127)** proposed to require the Commissioner of Administrative and Financial Services to have an opinion of value prepared by an independent appraiser to determine the current market value of the easement. The commissioner shall transfer the easement upon such terms and conditions as are in the best interests of the State. Any proceeds from the transfer of the easement must be given to the Elizabeth Levinson Center.

*Enacted law summary*

Resolve 2005, chapter 32 authorizes and directs the Commissioner of Administrative and Financial Services to convey an easement across the Elizabeth Levinson Center in Bangor to Leo J. Davis. It requires the Commissioner of Administrative and Financial Services to have an opinion of value prepared by an independent appraiser to determine the current market value of the easement. The commissioner shall transfer the easement upon such terms and conditions as are in the best interests of the State. Any proceeds from the transfer of the easement must be given to the Elizabeth Levinson Center.

**LD 1459**                      **An Act Concerning Payment for Repairs on Private Ways**                      **ONTP**

<u>Sponsor(s)</u> HUTTON SCHNEIDER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1459 proposed to ensure that individuals who do not have primary residences or who live on a parcel of land for less than 6 months a year will be assessed a 1/2 share of the amount assessed against a full-time resident for repairs to private ways.

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LD 1478

**An Act To Clarify Rights of Retainage in Public Improvement  
Construction Contracts**

ONTP

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

LD 1478 proposed to provide that in any contract awarded for a public improvement the owner of the public improvement may retain 5% of the money due the contractor until substantial completion of the work. At substantial completion, the owner and the contractor shall inspect the work and prepare a punch list. The owner may thereafter withhold for defective or incomplete work only those funds that are sufficient to account for 1.5 times the value of punch list work. As punch list work is completed, the retainage held by the owner must be correspondingly reduced. Current law provides that the State shall withhold 5% of the money due the contractor until the project under the contract has been accepted by or for the State, except that when the contract has been substantially completed the State may, upon request, further reduce the amounts withheld if it deems it desirable and prudent.

**Committee Amendment "A" (S-300)**, which is the minority report of the committee, proposed to add an appropriations and allocations section.

LD 1481

**An Act To Amend the Laws Governing the Enactment Procedures CARRIED OVER  
for Ordinances**

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

LD 1481 proposes to establish the procedures for ordinances enacted by citizen's initiative and the procedure for people's veto of ordinances enacted by a municipality. This bill was recommitted to the Joint Standing Committee on State and Local Government after initially reporting it out with the following committee amendments.

**Committee Amendment "A" (S-242)** replaces the bill and proposed to prohibit the application of a new local ordinance enacted by direct initiative to construction or projects for which permits or approvals have been granted.

**Committee Amendment "B" (S-243)**, which is the minority report, replaces the bill and proposed to prohibit the application of a new local ordinance to construction projects for which a permit or municipal approval has been granted and finally decided.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

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**LD 1491                      An Act Requiring a Municipality To Provide Proof of Ownership before Selling Acquired Property                      ONTP**

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

LD 1491 proposed to require a municipality to provide proof of ownership of acquired property before the municipality can sell the property. It would also require the municipality to pay all costs to the injured party if the municipality misrepresented ownership of the property.

**LD 1493                      Resolve, Directing the Secretary of State To Request That the United States Secretary of Transportation Place Maine in the Atlantic Standard Time Zone                      ONTP**

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

LD 1493 proposed to direct the Secretary of State to request that the United States Secretary of Transportation place Maine in the Atlantic Standard Time zone after approval by the voters at referendum.

**Committee Amendment "A" (H-534)** proposed to clarify that if Maine moves to Atlantic Standard Time there would be no recognition of daylight saving time and amends the referendum question to reflect this. The referendum would be held at the same time as the November election in 2006. The amendment proposed that the referendum may go ahead only if the costs are raised privately.

**LD 1498                      Resolve, To Establish the Committee To Study the Establishment of a Memorial for Emergency Medical Services Personnel and To Set Aside Space for That Memorial                      RESOLVE 124**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER MCKENNEY	OTP-AM	H-709 DUPLESSIE S-222

LD 1498 proposed to establish the Committee to Study the Establishment of a Memorial for Emergency Medical Services Personnel. The committee is directed to study issues and make recommendations regarding the establishment of a memorial to honor emergency medical services personnel who have fallen in the line of duty and others who have made significant contributions to the development of the statewide Maine emergency medical services system. The resolve also proposed to direct that space be set aside for the Maine Emergency Medical Services Memorial in the area of the State House grounds adjacent to the memorials to firefighters and law enforcement personnel.

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**Committee Amendment "A" (S-222)** proposed to require the Committee to Study the Establishment of a Memorial for Emergency Medical Services Personnel to coordinate with the Capitol Planning Commission rather than the Legislative Council. The Department of Administrative and Financial Services, Bureau of General Services is to provide staff assistance rather than the Office of Policy and Legal Analysis. The amendment requires the committee, if outside funding is received, to hold up to 4 meetings, one of which must be a public hearing. The committee must submit its initial report to the Capitol Planning Commission by January 2, 2006 and the final report by March 1, 2006. The Capitol Planning Commission must submit its initial report to the Committee on State and Local Government by January 15, 2006 and its final report by March 15, 2006.

**House Amendment "A" to Committee Amendment "A" (H-709)** proposed to bring the resolve into conformity with the Joint Rules and Standards for Legislative Studies adopted by the Legislative Council.

### *Enacted law summary*

Resolve 2005, chapter 124 establishes the Committee to Study the Establishment of a Memorial for Emergency Medical Services Personnel. The resolve directs the committee to study issues and make recommendations regarding the establishment of a memorial to honor emergency medical services personnel who have fallen in the line of duty and others who have made significant contributions to the development of the statewide Maine emergency medical services system. The committee must submit its initial report to the Capitol Planning Commission by January 2, 2006 and the final report by March 1, 2006. The Capitol Planning Commission must submit its initial report to the Committee on State and Local Government by January 15, 2006 and its final report by March 15, 2006. If a suitable location for the emergency medical services memorial cannot be located within the memorial park, the memorial must be located in the area of the State House grounds adjacent to the memorials to firefighters and law enforcement personnel.

**LD 1536**

**An Act To Reduce Property Taxes by Reforming County Government**

**ONTP**

Sponsor(s)  
MERRILL

Committee Report  
ONTP

Amendments Adopted

LD 1536 proposed to establish 8 county districts. It would empower the commissioners of a county district to impose an additional real estate transfer tax on the transfer of property contained in that county district; the first \$200,000 of the sales price would be exempt from the new tax. The revenue from the additional real estate transfer tax must be used to pay for police and record-keeping services for the county district.

The bill also proposed to allow a county district to transfer responsibility for every county jail located in that county district to the State by voting to pay an extra penny per dollar on the sales and use tax for sales in that county district. The revenue from the additional sales and use tax must be used to defray the costs of the Department of Corrections.

The bill also proposed to provide an appropriation of \$1,000,000, spread out over as many as 5 years, to a district county that comprises more than one county that combines the police and record-keeping services of the counties located in that county district.

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The 8 county districts created by the bill are: county district 1, York County; county district 2, Cumberland County; county district 3, Androscoggin County, Oxford County and Franklin County; county district 4, Somerset County and Kennebec County; county district 5, Penobscot County and Piscataquis County; county district 6, Sagadahoc County, Lincoln County, Knox County and Waldo County; county district 7, Hancock County and Washington County; and county district 8, Aroostook County.

**LD 1537**

**An Act To Repeal Certain Boards and Commissions**

**PUBLIC 294**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-378 H-469 BARSTOW

LD 1537 proposed to repeal the following boards and commissions that failed to file an annual report of activities with the Secretary of State for 2003 or 2004 or filed annual reports with the Secretary of State indicating inactivity in the preceding 24 months: Commission on Performance Budgeting; Consumer Health Care Division Advisory Council; Council on Children and Families; Maine-Canadian Legislative Advisory Commission; Maine-New Hampshire Interstate Bridge Authority; Maine Potato Quality Control Board; Maine Regulatory Fairness Board; Massage Practitioners Advisory Council; Multistate Tax Compact; New England and Eastern Canada Legislative Commission; Nutrient Management Review Council; Participating Local District Advisory Committee, State Retirement Program; Petroleum Advisory Committee; Skill Standards Board; State Compensation Commission; State Conservation District Advisory Council. It also proposed to correct statutory references to implement the name change of the Maine Small Business Commission to the Maine Small Business and Entrepreneurship Commission.

**Committee Amendment "A" (H-378)** proposed to remove the following boards and commissions from the repeal list: State Compensation Commission; Maine-Canadian Legislative Advisory Commission; New England and Eastern Canada Legislative Commission; Commission on Performance Budgeting; Nutrient Management Review Board; Potato Marketing Improvement Committee; Natural Areas Advisory Board; Policy Review Council; State Conservation District Advisory Council; Participating Local District Advisory Committee, State Retirement Program; and the Maine-New Hampshire Interstate Bridge Authority. The amendment adds a section that removes obsolete language that refers to the Maine Revised Statutes, Title 19 that no longer exists. It also proposed to repeal the Multistate Tax Compact Advisory Committee, rather than the entire Multistate Tax Compact chapter in Title 36.

**House Amendment "A" (H-469)** proposed to remove the Prescription Drug Advisory Commission from the list of boards and commissions to be repealed.

***Enacted law summary***

Public Law 2005, chapter 294 repeals the following boards and commissions that failed to file an annual report of activities with the Secretary of State for 2003 or 2004 or that filed annual reports with the Secretary of State indicating inactivity in the preceding 24 months: Consumer Health Care Division Advisory Council; Council on Children and Families; Maine Potato Quality Control Board; Maine Regulatory Fairness Board; Massage Practitioners Advisory Council; Multistate Tax Compact Advisory Committee; Petroleum Advisory Committee; and Skill Standards Board.

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**LD 1624**                    **An Act To Require State-owned and State-leased Property To Be Cleaned with Products That Are Not Harmful to the Environment or People**                    **ONTP**

<u>Sponsor(s)</u> PERRY J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1624 proposed to require that the Department of Administrative and Financial Services adopt rules to provide for the use of only environmentally friendly and nontoxic cleaning products to clean all state-owned and state-leased properties by no later than July 1, 2010.

**LD 1626**                    **Resolve, Regarding the Town of Cooper**                    **RESOLVE 78**

<u>Sponsor(s)</u> RAYE MCFADDEN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-196
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LD 1626 proposed to provide for the deorganization of the Town of Cooper in Washington County, subject to approval at local referendum.

**Committee Amendment "A" (S-196)** replaced the bill and proposed to direct the Department of Transportation, the Town of Cooper and surrounding communities to develop a plan for the winter maintenance of Route 191, including the section of Route 191 that the Town of Cooper is currently responsible for. The plan must include fiscal and planning support. The Executive Department, State Planning Office and the Town of Cooper are directed to develop cooperative efforts with adjacent towns to share town services to address municipal officer position vacancy issues. The Department of Transportation, the State Planning Office and the Town of Cooper must report their recommendations to the Joint Standing Committee on State and Local Government by January 15, 2006. The Joint Standing Committee on State and Local Government is authorized to report out legislation implementing the recommendations, including allowing the Town of Cooper to continue its deorganization process. The amendment adds a mandate preamble.

***Enacted law summary***

Resolve 2005, chapter 78 directs the Department of Transportation, the Town of Cooper and surrounding communities to develop a plan for the winter maintenance of Route 191, including the section of Route 191 that the Town of Cooper is currently responsible for. The plan must include fiscal and planning support. It directs the Executive Department, State Planning Office and the Town of Cooper to develop cooperative efforts with adjacent towns to share town services to address municipal officer position vacancy issues. The Department of Transportation, the State Planning Office and the Town of Cooper must report their recommendations to the Joint Standing Committee on State and Local Government by January 15, 2006. The Joint Standing Committee on State and Local Government is authorized to report out legislation implementing these recommendations, including allowing the Town of Cooper to continue its deorganization process.

*Joint Standing Committee on State and Local Government*

LD 1637

**An Act To Implement the Fund for the Efficient Delivery of Local and Regional Services**

**PUBLIC 266**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW SAVAGE	OTP-AM	H-432

LD 1637 proposed to provide for the administration and use of the Fund for the Efficient Delivery of Local and Regional Services. The fund is used to provide cooperative services and planning grants to fund projects that achieve significant and sustainable savings in the cost of delivery of services and that reduce the demand for property tax revenues through collaborative approaches to service delivery, enhanced regional delivery systems, consolidated administrative services, broad-based purchasing alliances and interlocal agreements.

**Committee Amendment "A" (H-432)** proposed to add to the criteria for evaluating and ranking applications for a cooperative services grant, the chance of success of the project and the ability to replicate the efficiency achieved by the project in other regions. The amendment proposed to replace the State Tax Assessor with a representative from the Department of Economic and Community Development. The selection of municipal and county panel members is amended so that the representative of county or regional government is recommended by a statewide organization representing county or regional service providers, the 2 municipal representatives from rural communities and larger communities are recommended by the Maine Municipal Association and the service center community representative is recommended by the Maine Service Centers Coalition. All recommendations are subject to approval by the Governor. The Department of Administrative and Financial Services would consult with the review panel prior to issuing the request for proposals and must provide the annual report to the joint standing committee of the Legislature having jurisdiction over state and local government matters.

***Enacted law summary***

Public Law 2005, chapter 266 provides for the administration and use of the Fund for the Efficient Delivery of Local and Regional Services. The fund is used to provide cooperative services and planning grants to fund projects that achieve significant and sustainable savings in the cost of delivery of services and that reduce the demand for property tax revenues through collaborative approaches to service delivery. The Department of Administrative and Financial Services is required to consult with the review panel prior to issuing the request for proposals and must provide the annual report to the joint standing committee of the Legislature having jurisdiction over state and local government matters.

*Joint Standing Committee on State and Local Government*

LD 1666

**An Act To Allow Counties a One-year Exemption For Jail Costs  
from the Limitation on County Assessments**

**DIED BETWEEN  
HOUSES**

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

LD 1666 proposed to exempt county jail costs from the county assessment for fiscal year 2006 except for those of Lincoln and Sagadahoc counties. The Joint Standing Committee on State and Local Government is authorized to report out legislation by March 1, 2006 that establishes a new jail funding formula.

**Committee Amendment "A" (H-535)** proposed to exempt the specific county jail costs of medical treatment for inmates and costs for boarding prisoners in jails outside the county from the county assessment rather than all the costs of the jails.

**House Amendment "A" to Committee Amendment "A" (H-574)** proposed to exempt from the county assessment limit the specific county jail costs of medical costs for inmates and costs for boarding prisoners in jails outside the county for fiscal year 2005-06 in Sagadahoc County and fiscal year 2006-07 in all other counties. This amendment proposed that those costs must be considered as expenses of the State when calculating the State's General Fund appropriation limitation, even though those costs are not considered when setting the county assessment limit.

**House Amendment "B" to Committee Amendment "A" (H-617)** proposed to provide that, for fiscal year 2005-06 in Sagadahoc County and fiscal year 2006 in all other counties, that portion of the county assessment that is necessary to fund jail costs for medical treatment of inmates and boarding prisoners in jails outside the county is limited to an increase over the prior fiscal year's expenditures for these items equal to the average annual percentage increase in expenditures for these items in that county in the previous 3 years. The amendment would require county officials responsible for administering county jails to use available services provided by the Department of Corrections to minimize the costs of operating county jails and adds an emergency preamble and an emergency clause.

LD 1667

**An Act To Allow Lincoln and Sagadahoc Counties an Exemption  
from the Limitation on County Assessments**

**PUBLIC 348  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-537

LD 1667 proposed to exempt Lincoln and Sagadahoc counties from including the construction, transitional staffing and operational costs of the new jail administered by the Lincoln and Sagadahoc Multicounty Jail Authority in the county tax assessment for a period of 2 years and from having to go through the approval process usually used to exceed the county assessment.

**Committee Amendment "A" (H-537)** proposed to clarify that Lincoln and Sagadahoc counties are exempt from the limitation on exceeding county assessments for 2 years for that portion of the counties' budgets attributable to



*Joint Standing Committee on State and Local Government*

construction, debt service, operation and maintenance costs of the new jail of the Lincoln and Sagadahoc Multicounty Jail Authority. After the 2-year period of exemption, the assessment limits return to the preceding year's assessment, multiplied by one plus the growth limitation factor.

*Enacted law summary*

Public Law 2005, chapter 348 exempts Lincoln and Sagadahoc counties from including the construction, debt service, operation and maintenance costs of the new jail administered by the Lincoln and Sagadahoc Multicounty Jail Authority in the county tax assessment for a period of 2 years and from having to go through the approval process usually used to exceed the county assessment.

Public Law 2005, chapter 348 was enacted as an emergency measure effective June 8, 2005.

**LD 1676                      Resolve, Authorizing the President of the Maine Community College System To Sell 1.37 Acres of Real Property Owned by Southern Maine Community College in South Portland                      RESOLVE 59**

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

LD 1676 proposed to authorize the President of the Maine Community College System to sell a 1.37-acre, more or less, parcel of unimproved land owned by Southern Maine Community College in South Portland, provided that the proceeds of the sale are used to purchase land adjacent to the Southern Maine Community College campus for parking or other purposes of the college. This bill was Finally Passed on the floor without reference to Committee.

*Enacted law summary*

Resolve 2005, chapter 59 authorizes the President of the Maine Community College System to sell a 1.37-acre, more or less, parcel of unimproved land owned by Southern Maine Community College in South Portland, provided that the proceeds of the sale are used to purchase land adjacent to the Southern Maine Community College campus for parking or other purposes of the college.

*Joint Standing Committee on State and Local Government*

**LD 1681**

**Resolve, Extending the Authority of the Commissioner of Administrative and Financial Services To Convey the Former Maine State Prison Property in Thomaston and the Kennebec Arsenal Property in Augusta for an Additional Five Years**

**RESOLVE 98  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LERMAN MITCHELL	OTP-AM	H-568

LD 1681 proposed to authorize the conveyance of a portion of the Kennebec Arsenal property in Augusta and the former Maine State Prison property in Thomaston. The authority granted by Resolve 1999, chapters 56 and 114 is scheduled to expire on June 9, 2005 and August 11, 2005, respectively. It proposed to delay the expiration of those resolves by 5 years.

**Committee Amendment "A" (H-568)** proposed to incorporate a fiscal note.

*Enacted law summary*

Resolve 2005, chapter 98 authorizes the conveyance of a portion of the Kennebec Arsenal property in Augusta and the former Maine State Prison property in Thomaston. The authority granted by Resolve 1999, chapters 56 and 114 is scheduled to expire on June 9, 2005 and August 11, 2005, respectively. It delays the expiration of those resolves by 5 years.

Resolve 2005, chapter 98 was finally passed as an emergency measure effective June 7, 2005.

**Joint Standing Committee on State and Local Government**

**SUBJECT INDEX**

*Capitol Area/Capitol Complex*

Enacted

LD 1096	An Act To Make Technical and Minor Changes in the Capitol Planning Commission	PUBLIC 123	Page 699
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Not Enacted

None

*Constitutional Amendments*

Enacted

None

Not Enacted

LD 150	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a 2/3 Vote of the Legislature To Enact or Increase a Tax	ONTP	Page 677
LD 377	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish Health Care as a Right	ONTP	Page 682
LD 440	RESOLUTION, To Amend the Constitution of Maine To Change the Number of Senators to 2 from Each County	DIED BETWEEN HOUSES	Page 683
LD 461	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature	ONTP	Page 683

LD 968	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit the Imposition of Any New or Increased Tax or Fee through the Citizen Initiative Process</b>	<b>ONTP</b>	<b>Page 696</b>
LD 1357	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Constitutional Officers and the State Auditor</b>	<b>ONTP</b>	<b>Page 705</b>
LD 1422	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine To Help Voters Control the Cost of Government</b>	<b>DIED ON ADJOURNMENT</b>	<b>Page 707</b>

***Constitutional Officers***

**Enacted**

None

**Not Enacted**

LD 695	<b>An Act Regarding Constitutional Officers</b>	<b>ONTP</b>	<b>Page 691</b>
LD 717	<b>An Act To Clarify State Auditor Qualifications</b>	<b>DIED BETWEEN HOUSES</b>	<b>Page 692</b>
LD 1357	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Constitutional Officers and the State Auditor</b>	<b>ONTP</b>	<b>Page 705</b>

***County Budgets and Budget Process***

**Enacted**

LD 240	<b>An Act To Update Certain Provisions Pertaining to County Government</b>	<b>PUBLIC 79</b>	<b>Page 679</b>
LD 339	<b>An Act To Include Androscoggin County in the Law Governing the Use of County Surplus Funds</b>	<b>PUBLIC 84</b>	<b>Page 681</b>
LD 361	<b>An Act To Reestablish the Penobscot County Budget Committee</b>	<b>PUBLIC 124 EMERGENCY</b>	<b>Page 681</b>

LD 551            An Act To Amend the Budget Timetable for Oxford County            PUBLIC 29            Page 688

LD 727            An Act To Amend the Knox County Budget Process            PUBLIC 105            Page 692

**Not Enacted**

LD 1003            An Act To Establish the Androscoggin County Budget Advisory Committee and the Somerset County Budget Advisory Committee            CARRIED OVER            Page 697

***County Government***

**Enacted**

LD 240            An Act To Update Certain Provisions Pertaining to County Government            PUBLIC 79            Page 679

LD 744            An Act To Make Technical Changes to the Laws Establishing the Lincoln and Sagadahoc Multicounty Jail Authority            PUBLIC 47  
EMERGENCY            Page 692

LD 900            Resolve, Directing the State Planning Office To Establish a Process for the Collection of Municipal and County Data            RESOLVE 15            Page 694

LD 991            An Act To Restore Municipal Authority To Review Development Using Flexible Standards            PUBLIC 244            Page 696

LD 1092            An Act To Increase County Filing Fees            PUBLIC 246            Page 699

LD 1374            An Act To Require a Surcharge on Probate Documents            PUBLIC 210            Page 706

LD 1667            An Act To Allow Lincoln and Sagadahoc Counties an Exemption from the Limitation on County Assessments            PUBLIC 348  
EMERGENCY            Page 716

**Not Enacted**

LD 44            An Act To Reform County Government            ONTP            Page 673

LD 222            An Act To Undedicate County Fees for Recording Deeds            ONTP            Page 678

LD 249	An Act To Amend the Calculation for Annual County Tax Assessments	ONTP	Page 680
LD 474	An Act To Clarify the Authority of a County To Fund Its County Communications Center through the County Tax or Fee-for-service Agreements	ONTP	Page 685
LD 521	An Act To Provide Funding for the New Century Community Program	ONTP	Page 687
LD 889	An Act To Create the County Government Capital Improvements Revolving Loan Fund	CARRIED OVER	Page 694
LD 925	An Act To Fairly Apportion the Cost of Sheriff Patrol Services	CARRIED OVER	Page 695
LD 990	Resolve, To Allow the Somerset County Jail To Be Built within One Mile of the County Seat	DIED ON ADJOURNMENT	Page 696
LD 992	An Act To Reform County Governance	ONTP	Page 697
LD 1316	An Act To Enable the Town of Livermore Falls To Withdraw from Androscoggin County and Join Franklin County	ONTP	Page 703
LD 1431	An Act To Adopt the Municipal Secession and Annexation Procedure for the Town of Islesboro	ONTP	Page 708
LD 1536	An Act To Reduce Property Taxes by Reforming County Government	ONTP	Page 712
LD 1666	An Act To Allow Counties a One-year Exemption For Jail Costs from the Limitation on County Assessments	DIED BETWEEN HOUSES	Page 716

*Departments and Agencies of State Government*

Enacted

LD 101	An Act To Amend the Membership of the InforME Board	PUBLIC 5 EMERGENCY	Page 675
LD 1331	Resolve, To Improve the Response Time for State Employees Seeking Job Reclassifications	RESOLVE 25	Page 704
LD 1452	Resolve, Promoting the Consumption of Maine Farm Products at the State House	RESOLVE 64	Page 708

LD 1537            An Act To Repeal Certain Boards and Commissions            PUBLIC 294            Page 713

**Not Enacted**

LD 287            An Act To Require Fiscal Impact Notes for Proposed            ONTP            Page 680  
Agency Rules

LD 517            An Act To Require Legislative Oversight of Certain            ONTP            Page 687  
Agency and Administrative Rules

LD 562            An Act To Improve Public Understanding in            DIED BETWEEN            Page 689  
Rulemaking            HOUSES

LD 1105           An Act To Impose Liability for the Illegal            ONTP            Page 700  
Withholding or Transfer of Public Funds or Property

LD 1246           An Act To Amend the Laws Governing the State            ONTP            Page 702  
Planning Office

LD 1262           Resolve, To Establish the Commission To Study the            INDEF PP            Page 702  
Licensing Conflicts between the Department of  
Agriculture, Food and Rural Resources and the  
Department of Health and Human Services

LD 1624           An Act To Require State-owned and State-leased            ONTP            Page 714  
Property To Be Cleaned with Products That Are Not  
Harmful to the Environment or People

*Legislature and Legislative Process*

**Enacted**

LD 98            An Act To Codify Senate Districts in Statute            PUBLIC 13            Page 675

LD 575            An Act To Amend the Laws Governing the            PUBLIC 201            Page 689  
Community Preservation Advisory Committee

**Not Enacted**

LD 317            An Act To Set the Base Legislative Salary at \$15,000            ONTP            Page 681  
Per Year

LD 428            An Act To Require a Nonpartisan Legislature            ONTP            Page 682

LD 440	<b>RESOLUTION, To Amend the Constitution of Maine To Change the Number of Senators to 2 from Each County</b>	<b>DIED BETWEEN HOUSES</b>	<b>Page 683</b>
LD 455	<b>An Act To Create a Paperless Legislature and Encourage More Working-income Legislators by Allocating Savings Resulting from a Reduction in the Size of the Legislature</b>	<b>ONTP</b>	<b>Page 683</b>
LD 461	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature</b>	<b>ONTP</b>	<b>Page 683</b>
LD 517	<b>An Act To Require Legislative Oversight of Certain Agency and Administrative Rules</b>	<b>ONTP</b>	<b>Page 687</b>
LD 589	<b>Resolve, Directing the Commission on Governmental Ethics and Election Practices To Study Ethical Standards Regarding Former Legislators</b>	<b>DIED ON ADJOURNMENT</b>	<b>Page 690</b>
LD 802	<b>An Act To Improve the Efficiency of the Legislature</b>	<b>DIED BETWEEN HOUSES</b>	<b>Page 694</b>
LD 1252	<b>An Act To Lower the Cost of and Streamline the Legislative Process</b>	<b>INDEF PP</b>	<b>Page 702</b>
LD 1315	<b>An Act To Permit Recording Proceedings of the Legislature</b>	<b>DIED BETWEEN HOUSES</b>	<b>Page 703</b>

*Miscellaneous*

**Enacted**

LD 121	<b>An Act To Improve Communication, Cooperation and Efficiencies in State Government</b>	<b>PUBLIC 222</b>	<b>Page 676</b>
LD 575	<b>An Act To Amend the Laws Governing the Community Preservation Advisory Committee</b>	<b>PUBLIC 201</b>	<b>Page 689</b>
LD 1452	<b>Resolve, Promoting the Consumption of Maine Farm Products at the State House</b>	<b>RESOLVE 64</b>	<b>Page 708</b>
LD 1498	<b>Resolve, To Establish the Committee To Study the Establishment of a Memorial for Emergency Medical Services Personnel and To Set Aside Space for That Memorial</b>	<b>RESOLVE 124</b>	<b>Page 711</b>
LD 1637	<b>An Act To Implement the Fund for the Efficient Delivery of Local and Regional Services</b>	<b>PUBLIC 266</b>	<b>Page 715</b>



**Not Enacted**

LD 63	An Act To Use the Buying Power of the State To Purchase Heating Oil for Low-income and Elderly Residents	ONTP	Page 673
LD 73	An Act To Prohibit the Federal Government from Owning Property in the State Not Specifically Authorized in the United States Constitution	ONTP	Page 674
LD 521	An Act To Provide Funding for the New Century Community Program	ONTP	Page 687
LD 937	Resolve, To Study the Feasibility of Dividing Maine into 2 States	ONTP	Page 695
LD 1040	An Act To Prevent the Short-term Rental of Unlicensed Properties	ONTP	Page 699
LD 1459	An Act Concerning Payment for Repairs on Private Ways	ONTP	Page 709

***Municipalities and Quasi-Municipalities***

**Enacted**

LD 126	Resolve, Authorizing the City of Gardiner To Refinance Certain Temporary Bond Anticipation Notes Issued for Its Wastewater Project	RESOLVE 2 EMERGENCY	Page 676
LD 140	An Act To Change the Name of T8 SD to Fletchers Landing Township	P & S 3	Page 677
LD 379	An Act To Raise the Marriage Fees	PUBLIC 86	Page 682
LD 473	An Act To Increase Vital Records Fees	PUBLIC 112	Page 684
LD 488	An Act To Clarify City Election Procedures	PUBLIC 59 EMERGENCY	Page 685
LD 557	An Act To Provide Relief from the Cost of Rescue Services to Certain Communities	PUBLIC 413	Page 688
LD 900	Resolve, Directing the State Planning Office To Establish a Process for the Collection of Municipal and County Data	RESOLVE 15	Page 694
LD 991	An Act To Restore Municipal Authority To Review Development Using Flexible Standards	PUBLIC 244	Page 696

<b>LD 1029</b>	<b>An Act To Allow Municipalities To Acquire Title to Abandoned Cemeteries</b>	<b>PUBLIC 225</b>	<b>Page 698</b>
<b>LD 1204</b>	<b>An Act To Amend the Charter of the Farmington Village Corporation</b>	<b>P &amp; S 15</b>	<b>Page 701</b>
<b>LD 1380</b>	<b>An Act To Protect Use of Municipal Seals</b>	<b>PUBLIC 293</b>	<b>Page 706</b>
<b><u>Not Enacted</u></b>			
<b>LD 696</b>	<b>An Act To Amend the Requirements for Publishing Municipal Legal Notices</b>	<b>ONTP</b>	<b>Page 691</b>
<b>LD 773</b>	<b>An Act To Allow Municipalities To Collect Debts through the Placement of Liens on Property</b>	<b>ONTP</b>	<b>Page 693</b>
<b>LD 1127</b>	<b>Resolve, To Establish a Pilot Project To Assist Towns Interested in Multitown Cooperation and Governance</b>	<b>CARRIED OVER</b>	<b>Page 700</b>
<b>LD 1230</b>	<b>An Act To Facilitate and Promote Regional Cooperation</b>	<b>CARRIED OVER</b>	<b>Page 701</b>
<b>LD 1316</b>	<b>An Act To Enable the Town of Livermore Falls To Withdraw from Androscoggin County and Join Franklin County</b>	<b>ONTP</b>	<b>Page 703</b>
<b>LD 1354</b>	<b>An Act To Amend the Procedure for Auditing Municipalities</b>	<b>ONTP</b>	<b>Page 705</b>
<b>LD 1414</b>	<b>An Act To Authorize Municipalities To Create Municipal Fire Districts</b>	<b>CARRIED OVER</b>	<b>Page 707</b>
<b>LD 1431</b>	<b>An Act To Adopt the Municipal Secession and Annexation Procedure for the Town of Islesboro</b>	<b>ONTP</b>	<b>Page 708</b>
<b>LD 1459</b>	<b>An Act Concerning Payment for Repairs on Private Ways</b>	<b>ONTP</b>	<b>Page 709</b>
<b>LD 1481</b>	<b>An Act To Amend the Laws Governing the Enactment Procedures for Ordinances</b>	<b>CARRIED OVER</b>	<b>Page 710</b>
<b>LD 1491</b>	<b>An Act Requiring a Municipality To Provide Proof of Ownership before Selling Acquired Property</b>	<b>ONTP</b>	<b>Page 711</b>

## *State Contracts and Fiscal Procedures*

### Enacted

LD 471	Resolve, To Ensure the Collection and Report of Outsourcing Data	RESOLVE 16 EMERGENCY	Page 684
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### Not Enacted

LD 197	An Act To Reduce Dependence on Fossil Fuels by Advancing Biodiesel Use	ONTP	Page 678
LD 1366	An Act To Give Preference to Companies That Provide Livable Wages and Health Insurance to Their Employees	ONTP	Page 705
LD 1367	An Act To Penalize Companies That Fail To Comply with State Laws	ONTP	Page 706
LD 1422	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Help Voters Control the Cost of Government	DIED ON ADJOURNMENT	Page 707
LD 1478	An Act To Clarify Rights of Retainage in Public Improvement Construction Contracts	ONTP	Page 710

## *State Government-General*

### Enacted

LD 23	An Act to Establish Community Giving Week	PUBLIC 20	Page 673
LD 85	An Act To Establish Moxie as Maine's Official Soft Drink	PUBLIC 136	Page 674
LD 223	An Act To Create a Family Reunion Day in August	PUBLIC 8	Page 678
LD 245	An Act To Enact an Immediate Review System in the Office of Program Evaluation and Government Accountability	PUBLIC 104	Page 679
LD 532	Resolve, To Recognize April 6, 2005 as the National Day of Hope	RESOLVE 6 EMERGENCY	Page 687
LD 900	Resolve, Directing the State Planning Office To Establish a Process for the Collection of Municipal and County Data	RESOLVE 15	Page 694

**Not Enacted**

LD 63	An Act To Use the Buying Power of the State To Purchase Heating Oil for Low-income and Elderly Residents	ONTP	Page 673
LD 68	An Act To Eliminate Daylight Saving Time	ONTP	Page 674
LD 567	An Act To Require Legislative Approval for the State To Accept a Gift of 100 Acres or More of Land	ONTP	Page 689
LD 631	An Act To Establish a Maine Law Sunset Review Committee	CARRIED OVER	Page 690
LD 798	An Act To Establish a Sunset on New State Agencies and Programs	CARRIED OVER	Page 693
LD 1243	An Act To Make Election Day a State Holiday	ONTP	Page 702
LD 1493	Resolve, Directing the Secretary of State To Request That the United States Secretary of Transportation Place Maine in the Atlantic Standard Time Zone	ONTP	Page 711

***State Property***

**Enacted**

LD 489	Resolve, Authorizing the Commissioner of Administrative and Financial Services To Place under Option or Right of First Refusal Certain Property along State Street, Augusta, Maine	RESOLVE 4	Page 686
LD 504	Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate Located along the New Belgrade Road in Augusta	RESOLVE 5	Page 686
LD 1458	Resolve, Regarding the Conveyance of a Right-of-way across the Elizabeth Levinson Center in Bangor	RESOLVE 32	Page 709
LD 1676	Resolve, Authorizing the President of the Maine Community College System To Sell 1.37 Acres of Real Property Owned by Southern Maine Community College in South Portland	RESOLVE 59	Page 717

<b>LD 1681</b>	<b>Resolve, Extending the Authority of the Commissioner of Administrative and Financial Services To Convey the Former Maine State Prison Property in Thomaston and the Kennebec Arsenal Property in Augusta for an Additional Five Years</b>	<b>RESOLVE 98 EMERGENCY</b>	<b>Page 718</b>
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**Not Enacted**

<b>LD 567</b>	<b>An Act To Require Legislative Approval for the State To Accept a Gift of 100 Acres or More of Land</b>	<b>ONTP</b>	<b>Page 689</b>
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*Unorganized Territories*

**Enacted**

<b>LD 1626</b>	<b>Resolve, Regarding the Town of Cooper</b>	<b>RESOLVE 78</b>	<b>Page 714</b>
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**Not Enacted**

<b>LD 671</b>	<b>An Act To Provide a Method of Self-governance to Unorganized Areas</b>	<b>ONTP</b>	<b>Page 691</b>
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*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Taxation*

*August 2005*

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Rep. Earle L. McCormick  
Rep. Leonard Earl Bierman  
Rep. Bruce Q. Hanley*

**JOINT STANDING COMMITTEE ON  
TAXATION**

**Summary of Committee Actions**

I. <b>BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	139	89.7%	8.2%
<u><i>Bills Carried Over</i></u>	<u>14</u>	<u>9.0%</u>	<u>0.8%</u>
<b>Total Bills referred</b>	<b>153</b>	<b>98.7%</b>	<b>9.0%</b>
<b>B. Bills reported out by law or joint order</b>	<b>2</b>	<b>1.3%</b>	<b>0.1%</b>
<b>Total Bills considered by Committee</b>	<b>155</b>	<b>100.0%</b>	<b>9.2%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	1	100.0%	100.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>1</b>	<b>100.0%</b>	<b>100.0%</b>
II. <b>COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	2	1.4%	0.1%
<i>Ought to Pass as Amended</i>	23	16.5%	1.5%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>81</u>	<u>58.3%</u>	<u>5.4%</u>
<b>Total unanimous reports</b>	<b>106</b>	<b>76.3%</b>	<b>7.0%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	31	22.3%	2.1%
<i>Three-way reports</i>	2	1.4%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>33</b>	<b>23.7%</b>	<b>2.2%</b>
<b>Total committee reports</b>	<b>139<sup>1</sup></b>	<b>89.1%</b>	<b>9.2%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
IV. <b>FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	7	4.5%	0.4%
<i>Private and Special Laws</i>	1	0.6%	0.1%
<i>Resolves</i>	4	2.6%	0.2%
<u><i>Constitutional Resolutions</i></u>	<u>1</u>	<u>0.6%</u>	<u>0.1%</u>
<b>Total Enacted or Finally Passed</b>	<b>13</b>	<b>8.4%</b>	<b>0.8%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoes over-ridden</i>	0	0.0%	0.0%
<i>Vetoes sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

1. Total does not include LD 1448 and LD 1617, which were referred to the Taxation Committee, but were not reported out or carried over and were in de

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**LD 2                      RESOLUTION, Proposing an Amendment to the Constitution of      CARRIED OVER  
Maine To Limit the Rate of Change in Taxable Value of  
Homestead Land**

<u>Sponsor(s)</u> PERCY DAMON		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 2 proposed to amend the Constitution to authorize a municipality to limit the rate of change in the tax rate applicable to homestead land, defined as land that is exclusively and continuously owned by one or more residents of the State while the land remains the principal home of each owner, to the rate of change in the purchasing power of United States currency as consistently measured by a reliable index adopted by the Legislature.

This bill was originally considered by the Joint Select Committee on Property Tax Reform. It was recommitted to the Joint Standing Committee on Taxation and carried over by H.P. 1203 to the next special or regular session.

**LD 4                      RESOLUTION, Proposing an Amendment to the Constitution of                      ONTP  
Maine To Change the Property Valuation Process**

<u>Sponsor(s)</u> MARLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 4 proposed to amend the Constitution of Maine to repeal the requirement that property be revalued every 10 years for purposes of the property tax.

**LD 12                      An Act To Implement the School Finance and Tax Reform Act of                      ONTP  
2003**

<u>Sponsor(s)</u> NUTTING J FLETCHER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 12 proposed to implement the School Finance and Tax Reform Act of 2003, as adopted by the voters on June 8, 2004, and require the State to provide 55% of "the total allocation," for kindergarten to grade 12 public school system beginning in fiscal year 2005-06.

This bill also proposed to create an essential programs and services review panel, made up largely of educational practitioners, that would be charged with annually evaluating the school funding allocation system with respect to the model's accuracy and integrity. In addition, the bill proposed to redesign the 100% special education funding requirement, established as a year-to-year reimbursement system according to the School Finance and Tax Reform Act of 2003, as a current-year state funding requirement that operates through the essential programs and



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services allocation system as it pertains to special education. This bill also proposed to establish the system of managing both the Fund for the Efficient Delivery of Educational Services and the Fund for the Efficient Delivery of Local and Regional Services, both of which were created by the School Finance and Tax Reform Act of 2003. By the management systems created in the bill, grants from both funds would be distributed to school administrative units and local or regional governmental units that compete for project financing. The bill proposed to establish the review panels charged with reviewing and awarding the efficiency grants, as well as the funding qualifications and review criteria.

**LD 19                    An Act To Clarify the Law Regarding Transfer Tax Liability for Deeds between Domestic Partners    CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAZUREK	OTP-AM   MAJ ONTP      MIN	H-116

LD 19 proposed to include domestic partners, as defined in the Probate Code, as family members for purposes of the real estate transfer tax exemption for deeds between certain family members.

**Committee Amendment "A" (H-116)** proposed to restrict the exemption proposed by the bill to registered domestic partners.

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 56                    RESOLUTION, Proposing an Amendment to the Constitution of Maine To Facilitate the Repeal of the Taxation of Personal Property Valued at \$1,000 or More    DIED BETWEEN HOUSES**

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

LD 56 proposed to amend the Constitution of Maine to provide that the Legislature is not required to reimburse municipalities for new property tax exemptions or credits if the municipality has not assessed property taxes on that type of property in the 10 years preceding enactment of the exemption or credit.

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**LD 74**                    **An Act To Increase Eligibility for the Property Tax Exemption for CARRIED OVER Veterans'**

<u>Sponsor(s)</u> DAVIS G		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-529
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LD 74 proposed to increase the veterans' property tax exemption from \$5,000 to \$15,000.

**Committee Amendment "A" (H-529)** proposed to replace the bill by expanding eligibility for property tax exemptions to veterans of certain conflicts that do not currently qualify for the exemption.

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 75**                    **An Act To Authorize Municipalities To Give Property Tax Relief to Volunteer Firefighters and Emergency Medical Services Personnel**                    **ONTP**

<u>Sponsor(s)</u> DAVIS G SNOWE-MELLO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 75 proposed to permit a municipality to adopt a plan to reimburse volunteer firefighters and emergency medical services personnel for a portion of property taxes paid to the municipality by those volunteers.

**LD 81**                    **An Act To Establish a Limited Sales-tax-free Shopping Week**                    **ONTP**

<u>Sponsor(s)</u> WOODCOCK BOWLES		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 81 proposed a sales tax exemption during the 3rd week of August for sales of books and clothing valued at \$50 or less and school supplies valued at \$10 or less.

See also LD 452 and LD 747.

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**LD 87**                    **An Act To Phase Out the Corporate Income Tax over a 5-year Period**                    **ONTP**

<u>Sponsor(s)</u> WOODCOCK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 87 was a concept draft that proposed to phase out over a 5-year period Maine taxation of corporate income.

**LD 92**                    **An Act To Provide for Sales Tax Exemption Reciprocity for School Groups Visiting Other Jurisdictions**                    **ONTP**

<u>Sponsor(s)</u> MAYO PERCY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 92 proposed to exempt from the sales tax on meals and lodging sales to groups of schoolchildren who reside in jurisdictions outside this State that offer a similar sales tax exemption to schoolchildren visiting from this State.

**LD 112**                    **An Act To Conform Maine Estate Tax Law with Federal Estate Tax Laws**                    **ONTP**

<u>Sponsor(s)</u> CURLEY PERRY J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 112 proposed to conform Maine estate tax laws with federal estate tax laws.

See also LD 436.

**LD 115**                    **An Act Enabling Municipalities To Establish Municipal Land Banks Funded by Local Option Real Estate Transfer Taxes**                    **ONTP**

<u>Sponsor(s)</u> RECTOR SAVAGE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 115 proposed to authorize municipalities to impose a municipal real estate transfer tax. It would require a municipality to approve such a tax and establish of a land bank program through the municipal referendum process. It contained restrictions on the tax rate and uses of the tax.

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**LD 118**                      **An Act To Provide Tax Relief for People with Functional Limitations**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWLES DAVIS P	OTP-AM	H-108

LD 118 proposed to amend the sales tax exemption for prosthetic devices to include additional aids and mobility devices to accommodate a person's functional limitations.

**Committee Amendment "A" (H-108)** proposed to clarify the items qualifying for a sales tax exemption as prosthetic devices and mobility-enhancing equipment consistent with uniform definitions developed by the Streamlined Sales Tax Project.

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 135**                      **An Act To Authorize a Tax Rebate Program for Established Residents**                      **PUBLIC 395**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON PINEAU	OTP-AM    MAJ ONTP        MIN	H-631    WOODBURY S-302

LD 135 proposed to authorize municipalities to establish property tax rebate programs for elderly taxpayers who have resided in a municipality for at least 10 years on their principal place of residence.

**Committee Amendment "A" (S-302)** proposed to replace the bill with provisions permitting a municipality to adopt a property tax assistance program for persons with homesteads in the municipality who are at least 62 years of age. The program may provide benefits that are a percentage of the Maine Residents Property Tax Program or that do not exceed 50% of property taxes or rent constituting property taxes or that, together with benefits received under the Maine Residents Property Tax Program, do not exceed 60% of property taxes or rent constituting property taxes. The Department of Administrative and Financial Services, Maine Revenue Services would be authorized to disclose information about claimants, other than the claimant's income, to municipalities that have adopted a program.

**House Amendment "A" to Committee Amendment "A" (H-631)** proposed to permit municipalities to restrict a tax rebate program to persons who are at least 62 years of age or make it available to all persons with homesteads in the municipality.

### *Enacted law summary*

Public Law 2005, chapter 395 permits a municipality to adopt a property tax assistance program for persons with homesteads in the municipality. The property tax assistance program may be made available to all persons with

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homesteads in the municipality or it may be restricted to persons with homesteads who are at least 62 years of age. The program may provide benefits that are a percentage of the Maine Residents Property Tax Program or that do not exceed 50% of property taxes or rent constituting property taxes or that, together with benefits received under the Maine Residents Property Tax Program, do not exceed 60% of property taxes or rent constituting property taxes.

**LD 169**                      **An Act To Amend the Law Regarding Resale Certificates**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOODY	OTP-AM    MAJ	H-78
	OTP-AM    MIN	S-122    COURTNEY

LD 169 proposed to repeal changes made in 2004 with regard to sales tax resale certificates that limited issuance of resale certificates to retailers with annual gross sales of \$10,000 or more and required the State Tax Assessor to annually review the gross sales status of each retailer prior to issuing the certificate for the next succeeding calendar year.

**Committee Amendment "A" (H-78)** proposed to change the threshold for issuance of resale certificates from \$10,000 to \$3,000 in annual gross sales and extended the duration of resale certificates from one year to 3 years.

**Senate Amendment "B" to Committee Amendment "A" (S-122)** proposed to make subsequent issuances of annual resale certificates effective for the next 5 calendar years.

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 177**                      **An Act To Increase the Homestead Property Tax Exemption**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDGECOMB SNOWE-MELLO	ONTP	

LD 177 proposed to increase the homestead property tax exemption to \$20,000 per homestead, regardless of value.

Public Law 2005, chapter 2, Part F increased the homestead exemption to \$13,000.

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**LD 179**                      **An Act To Exempt Alternative Power Systems from Property Taxes**                      **ONTP**

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

LD 179 proposed to exempt alternative power systems, including solar, wind and hydroelectric and biomass generators, from property tax.

**LD 189**                      **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide Property Tax Relief to Owners of Property Used for Commercial Fishing and Homestead Land**                      **ONTP**

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

LD 189 proposed to amend the Constitution of Maine to allow the Legislature to provide for the assessment of land and structures used primarily for commercial fishing purposes based on the current use of that property. The Legislature would be required to permit a municipality to choose whether to participate in this current use assessment.

The resolution also proposed to authorize a municipality to limit the rate of change in the taxable value of homestead land to the rate of change in the purchasing power of United States currency as consistently measured by a reliable index adopted by the Legislature.

**LD 195**                      **An Act To Conform the Maine Tax Code with the Federal Health Savings Accounts Laws**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM    MAJ	H-532
PERRY J	ONTP      MIN	H-653    RINES

LD 195 proposed to conform Maine income tax law to federal law regarding contributions to health savings accounts.

Committee Amendment "A" (H-532) and House Amendment "A" (H-653) proposed to make nonsubstantive changes.

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

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See also LD 507.

### **LD 236                    An Act To Change Nonresident Income Tax Filing Requirements    CARRIED OVER**

<u>Sponsor(s)</u> MCCORMICK COURTNEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-530
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LD 236 proposed to increase the minimum taxability thresholds that establish an income tax liability for nonresidents. It proposed to increase the number of days worked in Maine that trigger a nonresident income tax liability from 11 days per year to 21 days per year and establish \$6,000 as the amount of gross income that must be earned before the nonresident's income is subject to taxation.

**Committee Amendment "A" (H-530)** proposed to provide new minimum taxability thresholds for nonresidents. The new thresholds permit greater income-earning activity by nonresidents in the State before Maine income tax liability is triggered. Personal services performed as an employee would be subject to tax if they were performed for more than 12 days and produced more than \$3,000 in income. Income from contractual or sales-related activities would be subject to tax if it exceeded \$3,000 during a year. The amendment also proposed to exclude from the determination of taxability in the State up to 24 days of personal services related to certain training and management functions.

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

See also LD 740.

### **LD 241                    An Act To Ensure That the Exemption for Pensions Is Applied                    ONTP Fairly**

<u>Sponsor(s)</u> DAVIS G	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 241 proposed to eliminate the offset for social security benefits under the income tax exemption for pension benefits.

### **LD 264                    An Act To Repeal the Property Tax Exemption for State and                    ONTP Municipal Property**

<u>Sponsor(s)</u> PERRY J	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 264 proposed to repeal the property tax exemption for property owned by the State or a municipality.

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**LD 275**                      **An Act To Promote Energy Conservation and a Cleaner Environment**                      **CARRIED OVER**

<u>Sponsor(s)</u> COURTNEY BLISS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-101
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LD 275 proposed to substitute a sales tax exemption for 100% of the sale or lease price of a hybrid gasoline-electric vehicle or a fuel-cell or hydrogen-fueled vehicle for the current partial exemption for clean fuel vehicles.

**Committee Amendment "A" (S-101)** proposed to replace the bill and extended the current sales and use tax exemption for certain clean fuel vehicles to January 1, 2010.

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

See also LD 305, LD 308 and LD 778.

**LD 297**                      **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow the Legislature To Authorize Municipalities To Adopt a Property Tax Assistance Program That Reflects a Claimant's Ability To Pay**                      **ONTP**

<u>Sponsor(s)</u>		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 297 proposed to amend the Constitution of Maine to allow the Legislature to authorize municipalities to adopt a property tax assistance program that reflects the resident's ability to pay.

This resolution was reported out by the Joint Select Committee on Property Tax Reform.

**LD 298**                      **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Authorize the Legislature To Allow Municipalities To Exempt from Property Tax a Portion of the Value of Homesteads**                      **ONTP**

<u>Sponsor(s)</u>		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 298 proposed to amend the Constitution of Maine to allow the Legislature to authorize municipalities to exempt from property tax a portion of the value of homesteads.

This resolution was reported out by the Joint Select Committee on Property Tax Reform.



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**LD 305**                      **An Act To Encourage the Use of Clean Fuel Vehicles**                      **ONTP**

<u>Sponsor(s)</u> EDER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 305 proposed to substitute a sales tax exemption for 100% of the sale, lease or conversion price of a hybrid gasoline-electric vehicle or a fuel-cell or hydrogen-fueled vehicle for the current partial exemption for clean fuel vehicles.

This bill also proposed to place a 5% surcharge on the purchase or lease for more than one year of a vehicle that does not attain at least 27.5 miles per gallon, as found in the federal Corporate Average Fuel Economy, CAFE, standards. The surcharge would not apply to commercial motor vehicles.

See also LD 275, LD 308 and LD 778.

**LD 306**                      **An Act To Create the Family Technology Tax Credit**                      **ONTP**

<u>Sponsor(s)</u> BLISS BARTLETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 306 proposed an income tax credit of up to \$1,000 to purchase a home computer system, computer accessories or Internet access for a taxpayer with at least one dependent child. A taxpayer could claim this credit once every 4 years.

**LD 308**                      **An Act To Extend the Tax Credit for Clean Fuel Infrastructure Development**                      **CARRIED OVER**

<u>Sponsor(s)</u> BLISS BARTLETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-189
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LD 308 proposed to extend the income tax credit given for the construction of or improvements to any filling station for the purpose of providing clean fuels to the general public for use in motor vehicles. The tax credit is scheduled to end December 31, 2005; this bill would extend the credit for 3 years to December 31, 2008.

**Committee Amendment "A" (H-189)** proposed to incorporate a fiscal note.

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

See also LD 275, LD 305 and LD 778.

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**LD 313**                      **An Act To Expand Benefits Available under the Maine Residents Property Tax Program**                      **ONTP**

<u>Sponsor(s)</u> EDER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 313 proposed to increase the income limitation for benefits under the Maine Residents Property Tax Program, the so-called "circuit breaker program," to \$51,400 for single-member households and \$80,000 for households with 2 or more members. This bill also proposed to raise the maximum allowable rebate from \$1,000 to \$3,000.

See also LD 1, Public Law 2005, chapter 2, Part E.

**LD 319**                      **An Act To Exempt Retirement and Pension Income from the State Income Tax**                      **ONTP**

<u>Sponsor(s)</u> GLYNN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 319 proposed to increase the income tax deduction for pension income from \$6,000 to \$35,000 for tax years beginning January 1, 2005 and to broaden the definition of eligible "employee retirement plan" to include other retirement plans such as so-called Roth IRAs and simplified employee pension plans.

**LD 320**                      **An Act To Limit Property Acquired by Municipalities due to Tax Delinquency**                      **ONTP**

<u>Sponsor(s)</u> MCKANE SNOWE-MELLO	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 320 proposed to reduce the amount of property acquired by municipalities for nonpayment of taxes by establishing procedures for the development of payment plans both before and after the property is acquired by a municipality. Municipalities would be required to establish procedures for payment plans and to notify persons who are delinquent of those procedures and the availability of property tax relief programs. The municipality would be permitted to set off against delinquent taxes amounts owed by the municipality to the person who is delinquent. If the person who is delinquent in payment of taxes, or in the case of residential property, that person's surviving spouse, continues to reside on or occupy the property, then the municipality could not sell the property to a 3rd party if the person residing on or occupying the residential or commercial property is making a good faith effort to repurchase the property. A former owner or the former owner's surviving spouse would be permitted to buy back the property by payment of delinquent taxes, interest and costs at any time before the property is sold to a 3rd party. A municipality that sold a tax-acquired property would be required to pay the

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funds received in excess of delinquent taxes, interest and costs to the former owner or the former owner's surviving spouse or heirs.

**LD 325**                    **An Act To Clarify the Definition of "Domiciled" for Maine Income Tax Purposes**                    **CARRIED OVER**

<u>Sponsor(s)</u> CUMMINGS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-588 H-658 CUMMINGS
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LD 325 proposed to require the State Tax Assessor to adopt major substantive rules defining and clarifying the meaning of "domiciled" for Maine income tax purposes to eliminate uncertainty and promote voluntary compliance with Maine's income tax laws.

**Committee Amendment "A" (H-588)** proposed to provide specific limitations on the domicile concept in the definition of "resident individual" in the case of an individual who does not maintain a permanent place of abode in Maine and is present in Maine for only short periods of time. This amendment also proposed to provide that domicile determinations could not be based on the location of an individual's professional advisors or on charitable or political contributions.

**House Amendment "A" To Committee Amendment "A" (H-658)** proposed to provide that the specific limitations on the domicile concept in the definition of "resident individual" do not apply to members of the Armed Forces who are absent from Maine in compliance with military or naval orders and who remain Maine residents pursuant to federal law.

This bill, and its adopted amendments, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 328**                    **An Act To Enhance the Maine Earned Income Tax Credit**                    **ONTP**

<u>Sponsor(s)</u> EDER STRIMLING	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 328 proposed to expand the Maine earned income tax credit by increasing it from 5% to 30% of the federal credit and by making it refundable.

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**LD 332**                      **An Act To Exempt Unemployment Benefits from State Income Tax**                      **DIED IN CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK STRIMLING	ONTP      MAJ OTP-AM    MIN	H-404

LD 332 proposed to exempt from income, for purposes of computing Maine income tax, unemployment benefits, beginning January 1, 2005.

**LD 345**                      **An Act To Base the Excise Tax on Motor Vehicles on the Purchase Price**                      **ONTP**

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

LD 345 proposed to require that the excise tax for all motor vehicles and campers be based upon the purchase price of the vehicle rather than "maker's list price."

See also LD 571.

**LD 353**                      **An Act To Exempt the United States Flag and the Flag of the State of Maine from State Taxation**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRESSEY COURTNEY	ONTP      MAJ OTP-AM    MIN	H-77 S-74    GAGNON

LD 353 proposed to exempt the sale of the United States flag from sales tax.

**Committee Amendment "A" (H-77)** proposed to add an effective date of October 1, 2005.

**Senate Amendment "A" (S-74)** proposed to expand the proposed exemption to include the sale of the flag of the State of Maine.

This bill, and its adopted amendments, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

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**LD 356**                      **An Act To Increase the State Income Tax Exemption for Retired Workers in the Maine State Retirement System to the Same Level as That of Retirees under the Social Security System**                      **ONTP**

<u>Sponsor(s)</u> PARADIS GAGNON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 356 proposed to increase the income tax deduction for pension income from \$6,000 to the maximum federal social security benefits reduced by any social security benefits and railroad retirement benefits actually received by the taxpayer.

**LD 358**                      **An Act To Limit Property Tax Abatement for Reasons of Poverty or Infirmary to Applicants' Residential Property**                      **PUBLIC 169**

<u>Sponsor(s)</u> FLETCHER	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 358 proposed to restrict a property tax abatement based on poverty or infirmity to a person's primary residence. The bill was presented in response to *Hustus v. Town of Medway*, 2004 ME 41, in which Maine's Supreme Judicial Court held that there was no limitation in state law governing eligibility for a property tax abatement for poverty or infirmity that prevents the issuance of a poverty-based property tax abatement to the owner of commercial property.

*Enacted law summary*

Public Law 2005, chapter 169 provides that property tax abatement based on poverty or infirmity may only be granted with regard to a person's primary residence.

**LD 362**                      **An Act To Allow Citizens To Voluntarily Pay Extra Income Taxes or Donate Money to the State**                      **ONTP**

<u>Sponsor(s)</u> DUPREY SNOWE-MELLO	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 362 proposed to establish the Maine State Government Fund to be funded by voluntary contributions through an income tax checkoff and through the State's web page. The fund would be used to provide funding to state programs operated by the Department of Health and Human Services, the Department of Education, the Department of Administrative and Financial Services and the Department of Inland Fisheries and Wildlife.

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**LD 365**                      **An Act To Provide the Veterans' Property Tax Exemption to All Veterans**                      **ONTP**

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

LD 365 proposed to expand the \$5,000 property tax exemption for veterans to include veterans who did not serve during a federally recognized war period. The bill would also have restricted the exemption to veterans who had served for a period of at least 2 years or who receive a veteran's disability benefit for total disability.

**LD 370**                      **An Act To Amend the Sales and Use Tax Law Regarding the Food Service and Lodging Industries**                      **ONTP**

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

LD 370 proposed to exempt from sales tax machinery and equipment and other tangible personal property used in the production of prepared food or in the operation of a hotel or rooming house.

**LD 372**                      **An Act To Enhance Property Tax Relief through the State-municipal Revenue-sharing Program**                      **ONTP**

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

LD 372 proposed to change the state-municipal revenue sharing formula by discounting the first 10 mills of a municipality's property tax rate in calculating property tax burden.

**LD 436**                      **An Act To Eliminate Estate Taxes on Family-owned Businesses**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWEN COURTNEY	ONTP    MAJ OTP-AM    MIN	H-589

LD 436 proposed to amend Maine's estate tax to conform to federal provisions beginning in 2005.

**Committee Amendment "A" (H-589)** proposed changes to reflect changes made in Public Law 2005, chapters 12 and 218.

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This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

See also LD 112.

**LD 450**                      **Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory**                      **RESOLVE 10**

<u>Sponsor(s)</u> PERRY J		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-69
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LD 450 proposed to authorize the State Tax Assessor to convey the interest of the State in several parcels of real estate in the unorganized territory that were acquired for nonpayment of property taxes.

*Enacted law summary*

Resolve 2005, chapter 10 authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the unorganized territory that were acquired for nonpayment of property tax.

**LD 452**                      **An Act To Provide a Sales Tax Holiday BY REQUEST**                      **ONTP**

<u>Sponsor(s)</u> HUTTON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 452 proposed an exemption from the sales tax for all items sold on the first weekend in February each year.

See also LD 81 and LD 747.

**LD 475**                      **An Act To Change the Allocation of the Real Estate Transfer Tax**                      **ONTP**

<u>Sponsor(s)</u> KOFFMAN MILLS P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 475 proposed to gradually increase from 50% to 60% by fiscal year 2010-11 the share of the real estate transfer tax that is paid to the Maine State Housing Authority.

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**LD 476**                      **An Act To Increase the Franchise Tax on Financial Institutions**                      **ONTP**

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

LD 476 proposed to increase the franchise tax imposed on a financial institution by raising the portion of the tax on the financial institution's net income from 1% to 2%.

**LD 484**                      **An Act To Enact the Tax Fairness Act**                      **CARRIED OVER**

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

LD 484 is a concept draft that proposed to increase the sales tax and expand the types of products subject to the sales tax. The increased revenue would be used for education funding. The bill would be sent to referendum.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

**LD 507**                      **An Act To Establish Individual Medical Savings Accounts**                      **ONTP**

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

LD 507 proposed to establish standards for the establishment of individual medical savings accounts and to allow an income tax deduction for contributions made by an individual or the individual's employer to those accounts and interest earned on and qualified withdrawals from those accounts up to \$20,000 per tax year.

See also LD 195.

**LD 533**                      **An Act To Tax Gambling Winnings of Nonresidents**                      **ONTP**

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

LD 533 proposed to impose a tax on gambling winnings from activities such as from horse racing and playing slot machines in the State by persons who are not residents of the State if those winnings are required to be reported as federal income.

The provisions of LD 533 were enacted in the Part LLLL of the Part I budget bill, Public Law 2005, chapter 12.



***Joint Standing Committee on Taxation***

**LD 535                    An Act To Clarify for Tax Purposes That Manure Removal and Storage Are Operations Directly Involved in the Raising and Care of Livestock                    CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON MILLETT	OTP-AM	S-88

LD 535 proposed to include in the definition of "commercial agricultural production" the removal and storage of manure related to the production of livestock, thus providing a sales tax exemption for machinery purchased for use in the removal and storage of manure as well as the electricity used to operate the machinery.

**Committee Amendment "A" (S-88)** proposed to add an effective date to the bill.

This bill and its adopted amendment were placed on the Special Appropriations Table and carried over by the Joint Standing Committee on Appropriations and Financial Affairs.

**LD 571                    An Act To Allow a Trade-in Credit in the Calculation of the Automobile Excise Tax                    ONTP**

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

LD 571 proposed to reduce the base value of a motor vehicle for registration excise tax purposes to the maker's list price of the motor vehicle less the amount received for any trade-in of another motor vehicle.

See also LD 345.

**LD 580                    An Act To Encourage Downtown and Urban Revitalization while Meeting the Requirements of New Storm Water Rules                    ONTP**

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

LD 580 proposed an income tax credit to owners or users of property within a service center community or growth area that includes an urban, impaired stream that fails to meet water quality standards because of the effect of storm water from undeveloped lands. The credit would equal the user fee or mitigation costs required to be paid by the taxpayer to a municipality or sanitary district for the management of storm water or for the cost of mitigation by the Department of Environmental Protection.

*Joint Standing Committee on Taxation*

**LD 593**                      **An Act To Alter Trade-in Allowances Regarding Motor Homes**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM    MAJ	H-75
COURTNEY	ONTP        MIN	

LD 593 proposed to allow a sales tax trade-in credit for motor homes.

**Committee Amendment "A" (H-75)** proposed to clarify the definition of "motor home."

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 598**                      **An Act To Provide an Income Tax Modification for the Federal Empowerment Zone Employment Credit**                      **ONTP**

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

LD 598 proposed an income tax deduction for any amount received under the federal empowerment zone employment credit program, which provides tax incentives to businesses who hire employees who live and work in federally designated "empowerment zones." The provisions of this bill are already contained in income tax law.

**LD 610**                      **An Act To Encourage More Dentists To Practice in the State**                      **DIED BETWEEN HOUSES**

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

LD 610 proposed an income tax credit or deduction for the amount of dental student education loan forgiveness when the dentist elects to serve as a practitioner of dental medicine in an underserved population area pursuant to the terms of the Maine Dental Education Loan Program.

*Joint Standing Committee on Taxation*

LD 613

**An Act To Provide Tax Incentives to Small Businesses**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY S	OTP-AM MAJ	H-109
COWGER	ONTP MIN	S-191 STRIMLING

LD 613 proposed to amend the Maine Employment Tax Increment Financing Act to change beginning January 1, 2006 from 5 to one the number of qualified employees a business must add in order to qualify for reimbursement of state income withholding taxes.

**Committee Amendment "A" (H-109)** proposed to add an appropriations and allocations section to the bill.

**Senate Amendment "B" (S-191)** proposed to prohibit an owner-operated business, when the only employee is the owner of the business, from obtaining a benefit under the Maine Employment Tax Increment Financing Act. If such a business were to add an employee, that employee could not have an ownership interest of 50% or more in the business and be considered a "qualified employee" for purposes of the business' obtaining a benefit.

This bill, and its adopted amendments, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

LD 626

**An Act Relating to the Sale of Foreclosed Property**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TWOMEY	ONTP MAJ	H-590
BRYANT B	OTP-AM MIN	
	OTP-AM MIN	

LD 626 proposed to require a municipality that forecloses on residential real estate to return the excess funds, after subtracting the tax lien, interest, fees for recording the lien, costs of mailing notice, court costs and any other expenses incurred in disposing of the real estate. Notice of the availability of the excess funds would be provided to the former owner within 30 days of sale of the real estate or 180 days of the foreclosure, whichever is sooner. If the former owner fails to claim the excess funds within 36 months, the municipality would be required to remit the excess funds to the Treasurer of State for credit to the General Fund. The bill proposed to require any municipality that has availed itself of the tax lien foreclosure process since January 1, 2000 to return any excess funds to the former owners.

**Committee Amendment "A" (H-590)**, a minority report of the committee, proposed to require a municipality to place a notice in a newspaper of general circulation containing certain financial information related to the sale of a foreclosed property when the municipality experiences a net gain of \$10,000 or more from the sale.

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

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**LD 632**                    **An Act To Lower the Tax Burden for Small Businesses and Low-income Families**                    **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWEN COURTNEY	OTP-AM	H-586

LD 632 proposed to conform Maine income tax law to federal provisions concerning bonus depreciation and "Section 179" expensing by eliminating the required addition to income beginning in the 2005 tax year.

**Committee Amendment "A" (H-586)** proposed to incorporate changes enacted as part of Public Law 2005, chapter 12 and add a section making the earned income tax credit refundable and restoring that credit to 5% of the federal credit for tax years beginning in 2005.

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 672**                    **An Act To Promote Ornamental Horticulture by Amending the Definition of "Commercial Agricultural Production"**                    **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLETCHER NUTTING J	OTP-AM	H-174

LD 672 proposed to restrict sales tax exemptions for certain agricultural products to those used in commercial agriculture and to expand the types of agricultural activities for which the exemptions are available. The bill also proposed to impose a sales tax on sales of automobile extended warranties.

**Committee Amendment "A" (H-174)** proposed to restrict the expansion of the agricultural sales tax exemptions proposed in the bill to products used in commercial production of greenhouse and nursery products. It also proposed to remove the expansion of the sales tax to automobile extended warranties.

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.



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**LD 709**                      **An Act Promoting Excise Tax Fairness by Allowing Refunds for Excise Taxes Paid on Vehicles**                      **ONTP**

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

LD 709 proposed to allow a person who registers and pays the excise tax on a vehicle that is subsequently transferred or destroyed to receive a prorated credit of the tax towards the registration of another vehicle or a refund.

**LD 716**                      **An Act To Create an Income Tax Checkoff To Support Veterans' Cemeteries**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON MARTIN	OTP-AM	H-176

LD 716 proposed to establish the Maine Veterans' Memorial Cemetery Maintenance Fund to provide for the maintenance and upkeep of Maine veterans' cemeteries funded by an income tax checkoff.

**Committee Amendment "A" (H-176)** proposed to add an appropriations and allocations section to the bill.

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 731**                      **An Act To Simplify the Maine Residents Property Tax Program**                      **ONTP**

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

LD 731 proposed to permit eligible individuals to claim benefits under the Maine Residents Property Tax Program as a refundable income tax credit.

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**LD 734**                      **An Act To Establish a Long-term Capital Gains Tax Rate**                      **ONTP**

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

LD 734 proposed to tax capital gains from the sale of assets held for more than one year at a flat rate of 3% under the income tax instead of the current graduated income tax rate structure.

**LD 736**                      **An Act To Provide Property Tax Relief to County Taxpayers**                      **ONTP**

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

LD 736 proposed to authorize a county to establish a county real estate transfer tax and to permit that county to retain 100% of the revenue generated by the real estate transfer tax. It requires the county to apply the revenue evenly between a capital reserve account for the county and an account used to reduce the county tax levy. The bill also proposed changes to the Housing Opportunities for Maine Fund to reflect the loss of real estate transfer tax revenue.

**LD 740**                      **An Act To Amend Maine's Nonresident Income Tax Provisions**                      **ONTP**

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

LD 740 proposed to exempt from Maine income tax income from personal services performed by a nonresident in connection with training or education or in connection with a site inspection, review, analysis of management or any other supervision of a Maine-based affiliate or subsidiary by a representative from a parent company not headquartered in Maine.

See also LD 236.

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**LD 745**                    **An Act To Clarify the Definition of "Grocery Staples" To Include Pure Maple Syrup under the Tax Laws**                    **ONTP**

<u>Sponsor(s)</u> WESTON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 745 proposed to exempt candy and products made solely from pure maple syrup from sales tax.

**LD 746**                    **An Act To Exempt Tax on Leased Property Used by Maine's Public Higher Education Institutions**                    **ONTP**

<u>Sponsor(s)</u> PERRY J HUTTON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 746 proposed to exempt real and personal property leased by a state-sponsored postsecondary educational institution from property taxation. It also proposed to exempt from sales tax certain sales of items to an entity that leases real or personal property to a state-sponsored post-secondary educational institution.

**LD 747**                    **An Act To Provide a Sales Tax Exemption during the Holiday Season for Nonprofit Organizations That Purchase Gifts for Underprivileged Children**                    **ONTP**

<u>Sponsor(s)</u> MAYO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 747 proposed a sales tax exemption from Thanksgiving to December 31st for sales to incorporated nonprofit organizations whose primary purpose is providing gifts to underprivileged children.

See also LD 81 and LD 452.

**LD 751**                    **An Act Concerning Counties' Share of the Real Estate Transfer Tax**                    **ONTP**

<u>Sponsor(s)</u> DAMON BARSTOW		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 751 proposed to increase the portion of the real estate transfer tax that is retained by the county by 5% each year beginning February 2006 from the current level of 10% to a maximum of 30% in 2009. The bill also



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proposed to change the distribution percentage of the revenue derived from the transfer tax imposed on deeds or controlling interests in real property to give the Maine State Housing Authority 35% of the revenue.

**LD 752**                    **An Act Regarding Equipment Used in Food Preparation under the BETR Program**                    **ONTP**

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

LD 752 proposed to include in the definition of "qualified business property" under the BETR program equipment used in the preparation of food taxed at 7% under the sales tax.

**LD 778**                    **An Act To Exempt the Sale of Electric, Hybrid or Hydrogen-Fueled Vehicles from State Sales Tax and Excise Tax**                    **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRESSEY SNOWE-MELLO	ONTP	

LD 778 proposed to replace the current partial sales tax exemption for clean fuel vehicles with a 100% sales tax exemption for a hybrid gasoline-electric vehicle, a fuel-cell-fueled vehicle or a hydrogen-fueled vehicle. This bill also proposed a motor vehicle excise tax exemption, for the first 3 model years of a hybrid gasoline-electric vehicle or a fuel-cell-fueled or hydrogen-fueled vehicle, the excise tax due on the vehicle.

See also LD 275, LD 305 and LD 308.

**LD 782**                    **An Act To Provide a Capital Gains Tax Exemption for the Sale of a Business or Unimproved Property for a Taxpayer 50 Years of Age or Older**                    **ONTP**

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

LD 782 proposed an income tax exemption of up to \$500,000 in capital gains from the sale of a business or unimproved property if the taxpayer was 50 years of age or older.

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**LD 785**                      **An Act To Allow Employers To Take a Tax Deduction for Their Employees' Transportation Costs BY REQUEST**                      **ONTP**

<u>Sponsor(s)</u> MARLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 785 proposed to provide an income tax deduction for the amount of federally qualified transportation fringe benefit program payments provided by an employer to an employee.

**LD 791**                      **An Act Concerning the Taxation of Property Owned by Certain Veterans' Organizations**                      **CARRIED OVER**

<u>Sponsor(s)</u> MARTIN PINEAU	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-299
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LD 791 proposed to amend the property tax exemption for benevolent and charitable institutions to permit a partial exemption of multiple use property based on the portion owned and occupied or used solely by the exempt institution.

**Committee Amendment "A" (S-299)** proposed to change the title of the bill and replace the provisions of the original bill with an expansion of the property tax exemption for veterans' organizations to apply to property owned, occupied and used by those organizations to further charitable purposes. If a portion of the property were used solely for purposes not related to the veterans' organization, that portion would be subject to property tax.

This bill and its adopted amendment were placed on the Special Appropriations Table and carried over to the next special or regular session.

**LD 827**                      **An Act To Preserve Farmland and Timberland following the Death of an Owner**                      **ONTP**

<u>Sponsor(s)</u> FLETCHER ANDREWS	<u>Committee Report</u> OTP-AM    MAJ ONTP        MIN	<u>Amendments Adopted</u>
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LD 827 proposed to exempt from the estate tax the value of eligible farmland and timberland.

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**LD 828**                    **An Act To Have Counties Retain All the Proceeds from the Real Estate Transfer Tax**                    **ONTP**

<u>Sponsor(s)</u> PINKHAM		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 828 proposed to increase from 10% to 100% the amount of the real estate transfer tax that is retained by the county in which the tax is collected.

**LD 841**                    **An Act To Reform the Taxation of Malt Liquor and Wine**                    **INDEF PP**

<u>Sponsor(s)</u> MILLS P		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 841 proposed to replace current excise and premium taxes on beer and wine with uniform excise and premium taxes based on the alcohol content of the product. The excise tax would be 1 cent for each 1/10 of an ounce of 100% alcohol. The premium tax would be 2/10 of a cent for each 1/10 of an ounce of 100% alcohol.

Before reference to committee, this bill was ruled improperly before the House of Representatives by the Speaker as in violation of Article IV, Part 3, Section 9 of the Maine Constitution which requires bills raising a revenue to originate in the House of Representatives.

**LD 851**                    **An Act To Maintain Traditional Recreational Uses in Maine's Forests**                    **ONTP**

<u>Sponsor(s)</u> SAVIELLO MARTIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 851 proposed to remove eligibility under the Maine Tree Growth Tax Law for a parcel of land greater than 10,000 acres to which public access for recreational use is limited or prohibited.

See also LD 988 and LD 1328.

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**LD 902**                      **RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Change the Method of Calculating Property Values To  
Preserve Home Ownership in Maine**                      **ONTP**

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

LD 902 proposed to amend the Constitution of Maine to establish the base property value for real property for property tax purposes as the just value of the property as of April 1, 2006. Increases in the value of real property would be limited to the just value of any improvements or degradations to the property and the lower of the rate of inflation and the actual increase in value of the real property, unless there is a change of ownership. If there were a change of ownership, the value of the property would be changed to the higher of the actual purchase price and the just value of the property on the April 1st preceding the change in ownership.

**LD 965**                      **RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Provide a \$5,000 Property Tax Exemption to Veterans,  
Regardless of Home Value**                      **ONTP**

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

LD 965 proposed to amend the Constitution of Maine to provide, beginning with the property tax year 2006, a property tax exemption for the first \$5,000 of taxable value of real estate owned by a veteran of the Armed Forces of the United States.

**LD 972**                      **An Act To Exempt Military Pensions for Future Military Retirees** **CARRIED OVER  
from State Income Tax**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE DAVIS P	ONTP      MAJ OTP-AM    MIN	H-191 S-214 PERRY J

LD 972 proposed to exempt from the state income tax all military pension benefits for military personnel retiring on or after January 1, 2006 received by a Maine resident as a result of service in the active or reserve components of the Army, Navy, Air Force, Marines or Coast Guard.

**Committee Amendment "A" (H-191)** proposed changes to accomplish more effectively the intent of the bill.



*Joint Standing Committee on Taxation*

**LD 1011**

**An Act To Establish the Maine Taxpayers' Bill of Rights**

**ONTP**

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

LD 1011 proposed to impose expenditure limitations on state and local government and to require voter approval of tax and fee increases.

Growth in annual expenditures of the General Fund, the Highway Fund, quasi-governmental organizations, Other Special Revenue funds and local district governments would be limited according to increases in population and inflation. Growth in budgets of school administrative units and state-level educational institutions would be limited according to increases in inflation and student enrollment. For the General Fund and Highway Fund budgets, revenues exceeding the expenditure limitation would be distributed by directing 20% of that excess to a budget stabilization fund and 80% of that excess to a tax relief fund. The budget stabilization funds would be used only in years when revenues are not sufficient to fund the level of expenditure permitted by the growth limits. The tax relief funds would be used to provide tax relief through refunds proportional to individual income tax personal exemptions claimed in the previous tax year or a decrease in motor fuels taxes. For quasi-governmental agencies and state agencies that manage Other Special Revenue funds, the managers of those funds would report excess surpluses to the Legislature with a plan for refund of those revenues.

Under this bill, an increase in revenue would be possible only by a 2/3 vote of each House of the Legislature or the legislative body of a local district or the governing body of a quasi-governmental agency and the approval of the voters of the jurisdiction, if applicable.

**LD 1012**

**An Act To Improve Security at State Courthouses**

**PUBLIC 113**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PELLETIER-SIMPS STRIMLING	OTP-AM	H-173

LD 1012 proposed to create the Courthouse Security Fund to be used to improve security and public safety at Maine court facilities. Revenue for the fund would be generated by an additional sales tax of 7% on the sale of firearms and ammunition for firearms sold by licensed firearm dealers.

**Committee Amendment "A" (H-173)** proposed to delete portions of the bill creating an additional 7% sales tax on the sale of firearms and ammunition for firearms.

***Enacted law summary***

Public Law 2005, chapter 113 creates the Courthouse Security Fund to be used to improve security and public safety at Maine court facilities.

*Joint Standing Committee on Taxation*

**LD 1019                      An Act To Increase the Tax Imposed on Lodging                      ONTP**

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

LD 1019 proposed to increase the sales tax on lodging from 7% to 10%. The bill also proposed to return 30% of the sales tax imposed on lodging to the municipalities in which those taxes were collected.

**LD 1032                      RESOLUTION, Proposing an Amendment to the Constitution of                      ONTP  
Maine To Lower the Income Tax**

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

LD 1032 proposed to amend the Constitution of Maine to establish a timetable for phasing-in a reduction in the maximum individual income tax rate to 3.5% over 5 years. It also proposed to phase-in an income tax exemption of up to \$20,000 over that same time period.

**LD 1059                      An Act To Reduce Maine's Income Tax Burden                      ONTP**

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

LD 1059 proposed to eliminate the income tax on taxable income less than \$24,000 for heads of household or married individuals filing joint returns.

**LD 1060                      RESOLUTION, Proposing an Amendment to the Constitution of                      ONTP  
Maine To Value Land Based on Its Current Use**

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

LD 1060 proposed to amend the Constitution of Maine to require that property taxes be assessed based on current use value rather than just value.

*Joint Standing Committee on Taxation*

**LD 1066**                      **An Act To Repeal the Homestead Property Tax Exemption and Redirect Property Tax Relief Funds to the Maine Residents Property Tax Program**                      **ONTP**

<u>Sponsor(s)</u> TURNER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1066 proposed to repeal the homestead property tax exemption and expand the Maine Residents Property Tax Program, commonly known as the "circuit breaker" program by reducing the property tax to income thresholds from 4% and 8% to 3% and 6%, respectively, and by increasing the maximum benefit payment from \$2,000 to \$3,000.

See also LD 1, Public Law 2005, chapter 2, Parts E and F summarized under the Joint Select Committee on Property Tax Reform.

**LD 1068**                      **An Act To Strengthen Maine's Small Business Economy**                      **ONTP**

<u>Sponsor(s)</u> BROMLEY SMITH N		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1068 proposed to deappropriate 10% of amounts identified as necessary for the Business Equipment Tax Reimbursement program and use those fund for various small business development infrastructure programs administered by the Department of Economic and Community Development and the Department of Labor.

The bill also proposed to authorize the InforME program to generate revenue through fees or surcharges on premium services and to accept funds from all sources, including General Fund appropriations.

See also LD 1691, Public Law 2005, chapter 457, Part BBB which reduced BETR by 10% for the 2006 application year only.

See also LD 1400 and LD 1557.





*Joint Standing Committee on Taxation*

**LD 1094**                      **Resolve, To Study Adoption of the Streamlined Sales and Use Tax Agreement**                      **RESOLVE 110**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LERMAN		H-603

LD 1094 proposed to adopt the Streamlined Sales and Use Tax Agreement and require the Department of Administrative and Financial Services, Bureau of Revenue Services to report to the Second Regular Session of the 122nd Legislature regarding the effect of adopting the agreement and the legislation necessary to bring the State into compliance with the agreement.

**Committee Amendment "A" (H-603)** proposed to remove provisions related to adopting the Streamlined Sales and Use Tax Agreement and to amend the provisions relating to the report and legislation to be submitted by the Department of Administrative and Financial Services, Bureau of Revenue Services.

*Enacted law summary*

Resolve 2005, chapter 110 requires the Bureau of Revenue Services to submit a report to the Second Regular Session of the 122nd Legislature by January 15, 2006 that identifies statutory changes necessary to conform to the Streamlined Sales and Use Tax Agreement and the options available to provide conformity. The report must also identify the impact of available options and the fiscal and policy issues associated with conformity. The report must include implementing legislation that, as nearly as possible, Maine's current sales and use tax laws.

**LD 1102**                      **An Act To Connect the BETR Program with Job Retention**                      **CARRIED OVER**

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

LD 1102 proposed to require that a recipient of benefits under the Business Equipment Tax Reimbursement program be required to refund a portion of benefits received if the recipient reduces its work force by terminating or suspending positions for more than 3 months. If the person is required to refund a portion of the reimbursement, that person would not be permitted to participate in the BETR program for 2 years.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

*Joint Standing Committee on Taxation*

**LD 1103                      An Act To Provide Funding to the Land for Maine's Future Fund                      ONTP**

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

LD 1103 proposed to dedicate a portion of the real estate transfer tax revenue to the Land for Maine's Future Fund instead of the General Fund beginning in fiscal year 2006-07. It would require the Land for Maine's Future Board to dedicate at least 25% of the revenue generated by each county and transferred to the Land for Maine's Future Fund for land acquisitions within the county in which the transfer tax revenue was raised.

**LD 1107                      An Act To Encourage Local Affordable Housing, Open Space and Shore Access through a High Valuation Transfer Tax                      ONTP**

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

LD 1107 proposed to allow a municipality, by local referendum, to impose a local option real estate transfer tax of up to .2% on property valued at \$1,000,000 or more. The registrar of deeds would collect the tax and identify amounts attributable to each municipality to be paid monthly by the county treasurer. Revenue from the tax, after the deduction of administrative costs, could be used by the levying municipality only for the development of affordable, middle-income, senior or workforce housing or the purchase of open space, shore access points or community working properties that are available for public use.

**LD 1110                      An Act To Alleviate Overcrowding in Public Schools                      ONTP**

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

LD 1110 proposed to allow a parent whose child attends an overcrowded school to send that child to another public or private school and seek a property tax credit from the municipality in which the parent lives. The amount of the property tax credit would be determined by the municipality. This bill also proposed an income tax deduction to that parent equal to the difference between the actual cost and the amount of any property tax credit issued by a municipality to the resident.





**Joint Standing Committee on Taxation**

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 1165                      An Act To Encourage the Preservation of Affordable Housing                      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN	OTP-AM    MAJ ONTP        MIN	H-634

LD 1165 proposed to exempt from the income tax capital gains or depreciation recapture associated with the sale of a multifamily affordable housing property. It also proposed to exempt the sale of a multifamily affordable housing property from the real estate transfer tax.

**Committee Amendment "A" (H-634)** proposed changes to improve administration of the exemption from the income tax capital gains and depreciation recapture associated with the sale of multifamily affordable housing property. The amendment also proposed to delete the real estate transfer tax exemption for affordable housing from the bill.

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 1180                      An Act To Create a Property Tax Reimbursement for Commercial Dairy Farms                      ONTP**

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

LD 1180 proposed a property tax reimbursement program for commercial dairy farms that produce and sell at least 10,000 pounds of milk products in each of 6 months in one year. The reimbursement would equal 50% of property taxes paid on real estate that was necessary to support the farm's production of milk products for at least 6 months of the year for which reimbursement is sought.

**LD 1181                      An Act To Change the Property Tax Year for the Unorganized Territory                      ONTP**

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

LD 1181 proposed to change the property tax year for real and personal property located in the unorganized territory from April 1st to April 1st annually to February 1st to February 1st annually and to require that the tax be assessed as of February 1st annually.

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**LD 1191                      An Act To Provide Tax-exempt Status to Service Dog Trainers                      ONTP**

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

LD 1191 proposed a sales tax exemption for certain purchases of essential goods and services made by an organization that trains service dogs used to assist persons with disabilities, as long as the organization is tax exempt under the United States Internal Revenue Code, Section 501(c)(3).

**LD 1199                      RESOLUTION, Proposing an Amendment to the Constitution of                      ONTP  
Maine To Limit Property Valuation Increases for Persons 65  
Years of Age or Older or Disabled Persons**

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

LD 1199 proposed to amend the Constitution of Maine to limit the increase of the taxable value of real property owned by persons who are 65 years of age or older or who are disabled to the rate of cost-of-living adjustments to Social Security benefits. The Legislature would be authorized to enact a means test or other income eligibility standards for determining participation.

**LD 1226                      An Act To Amend the Laws Governing the Taxation of Time-                      ONTP  
share Estates**

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

LD 1226 proposed to permit a municipality to require by ordinance that a condominium unit in which time-share estates have been created to be valued for real estate tax purposes as if the unit were owned by a single taxpayer and to require the managing entity or condominium association to collect the taxes.

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**LD 1235**                      **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That a Citizen-initiated Measure That Imposes a New or Increased Tax or Fee Be Approved by the Legislature and Signed by the Governor**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRESSEY SNOWE-MELLO	ONTP	

LD 1235 proposed to amend the Constitution of Maine to require that, in order to become law, a citizen-initiated measure that imposes a new or increased tax or fee must be approved by the Legislature and signed by the Governor.

**LD 1240**                      **An Act To Change the Maine Income Tax Rates**                      **ONTP**

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

LD 1240 proposed to repeal the existing graduated individual income tax rates, exempt income below poverty level, provide 4 graduated tax rates from 1% to 10% and repeal the standard deductions, itemized deductions and personal exemptions.

**LD 1244**                      **An Act To Clarify the Municipal Responsibility To Provide Assessing Information to Property Owners**                      **PUBLIC 187**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON STRIMLING	OTP-AM    MAJ ONTP        MIN	H-302

LD 1244 proposed to require each property tax bill issued by a municipality to clearly state the acreage that is the subject of the property tax bill.

**Committee Amendment "A" (H-302)** proposed to replace the provisions of the bill and require municipal officials with custodial authority over property tax assessing records to make entire assessment records available in a timely manner to property owners requesting those records.

*Enacted law summary*

Public Law 2005, chapter 187 requires municipal officials with custodial authority over property tax assessing records to make entire assessment records available in a timely manner to property owners requesting those records.



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**LD 1258**                    **An Act To Provide for Department of Labor Services and Other Services in Unorganized Territories**                    **CARRIED OVER**

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

LD 1258 proposed to assess landowners in the unorganized territory a fee equal to .01% of equalized state valuation for the landowners' property. The revenue from the fee would be used to offset the cost of providing services, such as police and fire protection, game warden services and services provided by Department of Labor personnel, in the unorganized territory.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

**LD 1264**                    **An Act To Amend Maine's Estate Tax Law**                    **ONTP**

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

LD 1264 proposed to allow for a special estate tax election at the state level so that the estate of an individual with a surviving spouse may fully fund the taxable estate with an amount equal to the federal exclusion without changing the taxable nature of the estate for Maine purposes.

The provisions of this bill were included in the Part 1 budget bill, Public Law 2005, chapter 12, Part N summarized under the Joint Standing Committee on Appropriations and Financial Affairs.

**LD 1301**                    **An Act To Support Affordable Housing**                    **ONTP**

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

LD 1301 proposed to allow a municipality, by local referendum, to impose a local option real estate sales tax of 1% on the sale of property for more than \$1,000,000. Revenue from the tax would be distributed by the municipality levying the tax to local nonprofit housing organizations for the purpose of building, buying or developing affordable rental and owner-occupied housing in the municipality for eligible individuals or families. An "eligible individual or family" is defined as an individual or family whose total adjusted gross income is less than 120% of the median income for the United States Department of Labor district in which the eligible property was sold. If the municipality has no local nonprofit housing organization, the municipality would send the revenue to the Maine State Housing Authority.

*Joint Standing Committee on Taxation*

**LD 1305**

**An Act To Encourage Long-term Holding of Maine Timberland  
and Sustainable Forest Management**

**PUBLIC 416**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD	OTP-AM MAJ	H-403
DAMON	ONTP MIN	

LD 1305 proposed an income tax deduction for the taxable gain on the sale of eligible timberlands held for at least a 10-year period beginning on or after January 1, 2005. The amount of the deduction is increased in 10% increments depending on how many years beyond 10 the eligible timberlands are held prior to their sale. If the timberlands are held for at least 19 years after January 1, 2005, the tax deduction is 100% of the gain on the sale of the eligible timberlands.

**Committee Amendment "A" (H-403)** proposed to add a requirement that eligible timberlands be sustainably managed. This amendment also provided that the amount of the deduction would increase from 1/15th of the capital gains to 100% incrementally over a 15-year period beginning after the 10th year of ownership.

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

***Enacted law summary***

Public Law 2005, chapter 416 provides an income tax deduction to individuals and corporations for the taxable gain on the sale of sustainably managed eligible timberlands held for at least a 10-year period beginning on or after January 1, 2005. The amount of the deduction increases over a 15-year from 1/15th of the taxable capital gain for eligible timberlands held for at least 10 years after 2005 to 100% of the capital gain if the eligible timberlands are held for at least 24 years after 2005.

**LD 1314**

**An Act To Provide Safety Net Funds**

**ONTP**

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

LD 1314 proposed to increase the cigarette tax by 4¢ and appropriate the additional funds for the Department of Health and Human Services, Bureau of Health to provide grants to federally qualified health centers and federal Indian Health Service-supported centers.

See also LD 1448 and LD 1617. A \$1.00 cigarette tax increase was enacted in Part AA of Public Law 2005, chapter 457.

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**LD 1328                    An Act To Amend the Maine Tree Growth Tax Law To Encourage CARRIED OVER  
Public Access**

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

LD 1328 proposed to deny Maine Tree Growth Tax Law eligibility for a parcel of land to which public access for recreational use is limited or prohibited.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

See also LD 851 and LD 988.

**LD 1343                    An Act To Simplify Rent and Property Tax Relief                    CARRIED OVER**

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

LD 1343 proposed that a claimant may apply for a benefit under the Maine Residents Property Tax Program on that claimant's individual income tax form.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

**LD 1364                    An Act To Establish Municipal Cost Components for Unorganized                    P & S 9  
Territory Services To Be Rendered in Fiscal Year 2005-06                    EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-172

LD 1364 proposed to establish 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 constitute the property tax for the unorganized territory.

**Committee Amendment "A" (H-172)** proposed corrections to incorporate changes made in Public Law 2005, chapter 12.

*Enacted law summary*

Private and Special 2005, chapter 9 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 constitute the property tax for the unorganized territory.

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Chapter 9 was enacted as an emergency measure effective May 12, 2005.

**LD 1400                    An Act To Reduce Payments under the Business Equipment Tax Reimbursement Program and To Eliminate Double Dipping and Increase Conformity with the Internal Revenue Code                    CARRIED OVER**

<u>Sponsor(s)</u> MILLS P		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1400 proposed to reduce reimbursement under the Business Equipment Tax Reimbursement, BETR, program to 90% of taxes paid and to reduce BETR program reimbursement by the amount of reimbursement under a tax increment financing district.

The bill also proposed to increase the State's conformity with the federal Internal Revenue Code by incorporating the federal exemption amount into the state estate tax and by conforming to the federal tax deductibility of health saving accounts.

Reimbursement under the BETR program was reduced for one year to 90% of taxes paid for the application period beginning August 1, 2006 in Public Law 2005, chapter 457, Part BBB.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

See also LD 1068 and LD 1557.

**LD 1437                    An Act To Broaden the Sales Tax Base and Lower the Sales and Use Tax and Service Provider Tax Rates                    ONTP**

<u>Sponsor(s)</u> PERCY PERRY J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1437 proposed to repeal exemptions, credits and refunds under the sales and use tax and the service provider tax and lower the rate of those taxes from 5% to 2%.

**LD 1448                    An Act To Stabilize and Strengthen the MaineCare Program                    INDEF PP**

<u>Sponsor(s)</u> PINGREE MAYO		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1448 contained the following proposals.

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Part A of this bill proposed to increase the tax on cigarettes by \$1 per pack beginning October 15, 2005.

Part B proposed to establish the MaineCare Stabilization Fund, an Other Special Revenue fund, to prevent the loss of services or increased costs of services under the MaineCare program under the Maine Revised Statutes, Title 22, chapter 855 or the elderly low-cost drug program under Title 22, section 254. Part B also proposed to require the collection of the full amount owed to the Department of Health and Human Services of rebates on injectable drugs administered in a health care facility.

Part C proposed to require the Department of Health and Human Services to contract for services to maximize Medicare billing and require coordination of benefits among the Medicare program and the MaineCare program and the elderly low-cost drug program. Part C also proposed to require the adoption of procedures to ensure the collection of interest on late drug rebate payments to the Department of Health and Human Services.

Part D proposed to maximize federal veterans' benefits, including reviews of eligibility by the Department of Health and Human Services, recovery of amounts owed for veterans' care and adoption or amendment of rules regarding administration of medication to veterans in long-term care facilities.

This bill was referred jointly to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Taxation. The committees did not vote on this bill.

See also LD 1314 and LD 1617. A \$1.00 cigarette tax increase was enacted in Part AA of Public Law 2005, chapter 457. The MaineCare Stabilization Fund was enacted in Part JJJ of Public Law 2005, chapter 457.

**LD 1462                      An Act To Make Minor Substantive Changes to the Tax Laws                      PUBLIC 332**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODBURY PERRY J	OTP-AM	H-392 S-232 PERRY J

LD 1462 was submitted by the Department of Administrative and Financial Services and proposed to make the following minor substantive changes to the laws governing taxation.

1. Authorize employees of the Department of Administrative and Financial Services, Bureau of Revenue Services to represent the bureau in District Court at arraignments for violation of any criminal provision of the Maine Revised Statutes, Title 36.
2. Amend the definition of "tax" to include any amount assessed by the State Tax Assessor under Title 36.
3. Establish a civil penalty for persons who are required to file returns electronically and who fail to do so.
4. Permit disclosure of confidential tax information to the Department of Health and Human Services for purposes related to the administration and collection of the hospital tax and the service provider tax.
5. Correct the name of the state agency to which information pertaining to the quality child care investment credit may lawfully be disclosed.

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6. Authorize the Bureau of Revenue Services to provide copies of pass-through entity tax returns to members, officers and certain other related parties of the entity.
7. Permit the Bureau of Revenue Services to disclose whether a person has been issued a resale certificate under the sales and use tax law.
8. Authorize the Bureau of Revenue Services to disclose to the Department of the Secretary of State, Bureau of Motor Vehicles or the Department of Inland Fisheries and Wildlife, Bureau of Administrative Services whether use tax has been paid on a vehicle or recreational vehicle.
9. Clarify the State Tax Assessor's authority to require electronic filing of payroll taxes by payroll processors and certain large employers.
10. Extend the period within which a municipality that has experienced a sudden and severe disruption in its municipal valuation may request an adjustment to its equalized valuation by about 105 days.
11. Clarify that film production qualifies as production for purposes of the sales and use tax law.
12. Amend the definition of "retail sale" to provide that sales for resale are not retail sales when made to the holder of a valid resale certificate or to an out-of-state retailer that is not required to register as a seller in the State.
13. Make the distribution of natural gas a taxable service under the sales and use tax law to ensure consistency in the taxation of charges for distribution of natural gas regardless of whether they are bundled with the sale of the gas.
14. Extend the period for which a resale certificate is effective from one year to 3 years.
15. Provide that a credit for sales tax paid by a retailer on purchases for resale may be claimed on the return filed for the period in which the tax was paid, rather than on the return filed for the period in which the item was sold.
16. Decrease the period for requesting an off-road refund under the gasoline tax law from 15 months to 12 months for consistency with other similar provisions, clarify that the 1¢ reduction in the reimbursement applies to each gallon of fuel and that refund applications may be filed for other than monthly periods and eliminate convoluted and archaic language.
17. Increase the period for requesting a common carrier refund under the gasoline tax law from 9 months to 12 months for consistency with other similar provisions.
18. Increase the period for requesting a common carrier refund under the special fuel tax law from 9 months to 12 months for consistency with other similar provisions.
19. Decrease the period for requesting an off-road refund under the special fuel tax law from 15 months to 12 months for consistency with other similar provisions and clarify that the 1¢ reduction in the reimbursement applies to each gallon of fuel and that refund applications may be filed for other than monthly periods.

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20. Require nonresident taxpayers to include in Maine-source income any winnings from wagering or gambling activities conducted in Maine.
21. Clarify that trusts and entities subject to the franchise tax on financial institutions are not required to withhold Maine income taxes from distributable Maine-source income of nonresident members.
22. Authorize setoff of income tax refunds against liabilities arising from redeterminations under the Maine Residents Property Tax Program.
23. Bar a refund of overpaid withheld income taxes to a pass-through entity if the overpayment results from income tax actually withheld from members of the pass-through entity and remitted to the Department of Administrative and Financial Services, Maine Revenue Services pursuant to the Maine Revised Statutes, Title 36, section 5250-B. Instead, the overpayment would be refunded directly to the individual member when that member claims a withholding credit on the member's individual income tax return.
24. Provide for accrual of interest on debts attributable to a redetermination under the Maine Residents Property Tax Program and authorize setoff of current-year benefits to recover overpayments from prior years. It would also clarify that appeals of redeterminations are governed by Title 36, section 151 and eliminates gender-specific language.
25. Clarify procedures relating to denial and recovery of excessive claims attributable to fraud or negligence under the Maine Residents Property Tax Program, replaces the special 1% per month rate of interest applicable to these debts with a rate generally applicable to overdue taxes and clarify that intent is an element of the crime of filing a fraudulent claim for the claimant as well as for the preparer or the supplier of information or an assistant of those persons.
26. Clarify that compensation received after 2003 from personal services performed in the State prior to 2004 by a nonresident individual is taxable to the State only if the personal services are performed in the State for more than 10 days during the year in which the compensation is received. It further clarified that compensation received after 2003 for personal services performed after 2003 by a nonresident individual is taxable to the State only if the personal services are performed in the State for more than 10 days during the year in which the compensation was earned.

**Committee Amendment "A" (H-392)** proposed to make technical corrections, add new minor substantive changes to the tax laws and delete sections that were unnecessary, duplicative of changes in other bills or considered not to be minor.

**Senate Amendment "A" To Committee Amendment "A" (S-232)** proposed to change the timing of establishment of the rate of interest on delinquent municipal taxes by the Treasurer of State to be more consistent with current practice.

### *Enacted law summary*

Public Law 2005, chapter 332 makes the following changes to the laws governing taxation:

1. It authorizes employees of the Department of Administrative and Financial Services, Bureau of Revenue Services to represent the bureau in District Court at arraignments for violation of any criminal provision of the Maine Revised Statutes, Title 36.

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2. It amends the definition of "tax" to include any amount assessed by the State Tax Assessor under Title 36.
3. It establishes a civil penalty for persons who are required to file returns electronically and who fail to do so.
4. It permits disclosure of confidential tax information to the Department of Health and Human Services for purposes related to the administration and collection of the new hospital tax and the service provider tax.
5. It corrects the name of the state agency to which information pertaining to the quality child care investment credit may lawfully be disclosed.
6. It authorizes the Bureau of Revenue Services to provide copies of pass-through entity tax returns to members, officers and certain other related parties of the entity.
7. It permits the Bureau of Revenue Services to disclose whether a person has been issued a resale certificate under the sales and use tax law.
8. It authorizes the Bureau of Revenue Services to disclose to the Department of the Secretary of State, Bureau of Motor Vehicles or the Department of Inland Fisheries and Wildlife, Bureau of Administrative Services whether use tax has been paid on a vehicle or recreational vehicle.
9. It clarifies the State Tax Assessor's authority to require electronic filing of payroll taxes by payroll processors and certain large employers.
10. It extends the period within which a municipality that has experienced a sudden and severe disruption in its municipal valuation may request an adjustment to its equalized valuation. This will give municipal officials requesting an adjustment due to sudden and severe disruption the same filing period as that provided under current law for filing an appeal on the equalized valuation or minimum assessing standards.
11. It changes the basis for establishment of the maximum interest rate that may be charged by municipalities on overdue property taxes from the highest conventional rate on commercial unsecured loans to the prime interest rate plus 3 percentage points.
12. It clarifies that film production qualifies as production for purposes of the sales and use tax and the service provider tax.
13. It provides that a credit for sales tax paid by a retailer on purchases for resale may be claimed on the return filed for the period in which the tax was paid, rather than on the return filed for the period in which the item was sold. If the credit exceeds tax liability, the retailer may receive a refund or carry the credit forward.
14. It decreases the period for requesting an off-road refund under the gasoline tax law from 15 months to 12 months for consistency with similar provisions, clarifies that the 1¢ reduction in the reimbursement applies to each gallon of fuel and that refund applications may be filed for other than monthly periods.
15. It increases the period for requesting a common carrier refund under the gasoline tax or the special fuel tax from 9 months to 12 months for consistency with similar provisions.



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16. It decreases the period for requesting an off-road refund under the special fuel tax law from 15 months to 12 months for consistency with other provisions and clarifies that the 1¢ reduction in the reimbursement applies to each gallon of fuel and that refund applications may be filed for other than monthly periods.
17. It requires nonresident taxpayers to include in Maine-source income any winnings from wagering or gambling activities conducted in Maine including 3rd party payments.
18. It clarifies that trusts and entities subject to the franchise tax on financial institutions are not required to withhold Maine income taxes from distributable Maine-source income of nonresident members.
19. It authorizes setoff of income tax refunds against liabilities arising from redeterminations under the Maine Residents Property Tax Program.
20. It bars a refund of overpaid withheld income taxes to a pass-through entity if the overpayment results from income tax actually withheld from members of the pass-through entity and remitted to the Department of Administrative and Financial Services, Maine Revenue Services pursuant to the Maine Revised Statutes, Title 36, section 5250-B. Instead, the overpayment is refunded directly to the individual member when that member claims a withholding credit on the member's individual income tax return.
21. It provides for accrual of interest on debts attributable to a redetermination under the Maine Residents Property Tax Program and authorizes setoff of current-year benefits to recover overpayments from prior years. It also clarifies that appeals of redeterminations are governed by Title 36, section 151 and eliminates gender-specific language.
22. It clarifies procedures relating to denial and recovery of excessive claims attributable to fraud or negligence under the Maine Residents Property Tax Program, replaces the special 1% per month rate of interest applicable to these debts with a rate generally applicable to overdue taxes and clarifies that intent is an element of the crime of filing a fraudulent claim for the claimant as well as for the preparer or the supplier of information or an assistant of those persons.
23. It clarifies that compensation received after 2003 from personal services performed in the State prior to 2004 by a nonresident individual is taxable to the State only if the personal services are performed in the State for more than 10 days during the year in which the compensation is received. It further clarifies that compensation received after 2003 for personal services performed after 2003 by a nonresident individual is taxable to the State only if the personal services are performed in the State for more than 10 days during the year in which the compensation was earned.

**LD 1520**

**An Act To Provide Reimbursement for Road Maintenance to  
Property Owners in the Unorganized Territory**

**ONTP**

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

LD 1520 is a concept draft that proposed to provide reimbursement for road maintenance to property owners in the unorganized territory. To be eligible for reimbursement, a property owner must be a member of an organized

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road association that has a road maintenance plan, that maintains at least 4 miles of road and that permits year-round recreational access to the public over roads maintained by the association, including access to boat launches and snowmobile trails. This reimbursement would be at a per mile rate and based upon how many miles of road an association maintains. A portion of the property taxes paid by these property owners would be used to provide this reimbursement.

**LD 1534**                      **An Act To Encourage the Production of Biodiesel from Forest Products, Agricultural Products and Waste Vegetable Oil**                      **ONTP**

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

LD 1534 proposed to allow a municipality to refund a portion of the property tax on personal property paid by a taxpayer who produces fuel derived from forest products, agricultural products or waste vegetable oil that is from within the State and produced in the State. It also proposed to exempt that fuel from the gasoline tax. These provisions would be repealed December 31, 2012.

**LD 1546**                      **An Act Concerning Technical Changes to the Tax Laws**                      **PUBLIC 218**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODBURY PERRY J	OTP-AM	H-391

LD 1546 was submitted by the Department of Administrative and Financial Services and proposed to make the following technical changes to the laws governing taxation.

1. Correct the name of the Department of Administrative and Financial Services, Bureau of Revenue Services in a statute relating to state civil service positions.
2. Clarify that the fees established for service of tax warrants by sheriffs and deputy sheriffs apply to warrants for all taxes imposed under the Maine Revised Statutes, Title 36.
3. Provide for the assessment and collection of liabilities arising from failure of a 3rd party to surrender property subject to levy in the same manner as other tax liabilities and clarify that the rate of interest imposed on liabilities arising from failure of a 3rd party to surrender property subject to levy is the general rate applicable to unpaid taxes. The change would establish progressive enforcement procedures for collecting these debts and incorporate appropriate taxpayer protections in the collection process.
4. Relocate the substantive provisions of existing Title 36, sections 1964 and 3240, which relate to priority of tax debts, to the general administrative provisions of Title 36.

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5. Extend the due date of the tax incidence report by 3 months from October 1st of each even-numbered year to January 1st of each odd-numbered year to ensure that the report is based on the latest economic and revenue forecasts developed for use in the Governor's biennial budget.
6. Expand the provision for inclusion of untaxed real property of widows and children of deceased veterans in the assessor's inventory to incorporate changes enacted in 2004 that broadened the veterans' exemption to include property of widowers of deceased veterans.
7. Expand the provision for abatement of property taxes for widows and children of deceased veterans to incorporate changes enacted in 2004 that broadened the veterans' exemption to include property of widowers of deceased veterans.
8. Add a specific requirement that a person who sells tangible personal property or taxable services in Maine on behalf of the owner must register as a seller and collect and remit Maine sales tax on those sales consistent with the long-standing interpretation of the statutes by the agency.
9. Clarify that provisions relating to certain sales of products for internal human consumption through vending machines are applicable regardless of the form of payment accepted by the vending machines.
10. Clarify that the sales tax exclusion for sales of furniture, audio media and audio equipment for rental is limited to those circumstances where the subsequent rental is subject to the service provider tax.
11. Clarify that the storage and use subject to the use tax includes storage and use of property purchased by casual sale, if the sale of that property would be subject to tax.
12. Repeal a sales tax exemption that is not currently being administered because the Office of the Attorney General has advised the Bureau of Revenue Services that it violates the commerce clause of the United States Constitution.
13. Clarify that a corporation or limited liability company cannot be a nonresident for purposes of the immediate removal exemptions in the sales and use tax law if it is organized in Maine or has its principal place of business in Maine consistent with the long-standing interpretation of the exemption statutes by Maine Revenue Services.
14. Update the sales and use tax exemption for snowmobiles and ATVs owned by nonresidents for consistency with other existing statutes and establish a provision to cover registration of property in the State when the owner made actual use of the property outside the State but was not required under the laws of that state to register it for that use.
15. Clarify a statute requiring payment of use tax at the time of registration of property required to be registered for use in this State with the Secretary of State or the Commissioner of Inland Fisheries and Wildlife.
16. Delete unnecessary and ineffective provisions relating to bankruptcy.
17. Repeal a provision relating to priority of taxes that is being relocated to the uniform administrative provisions of Title 36.

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18. Amend the sales tax refund statute to provide for a refund in situations where a retailer has erroneously computed and paid the tax but did not collect the tax from the customer and establish a specific statutory basis for current agency practice.
19. Correct a cross-reference to federal regulations in the definition of "mobile telecommunications services" to make it consistent with federal law.
20. Define "nonprofit" for purposes of the service provider tax law.
21. Describe more precisely certain acts designated as crimes under the service provider tax law.
22. Clarify that certain sales of fabrication services for incorporation into real property of an exempt entity are not subject to the service provider tax.
23. Repeal a redundant criminal statute in the motor fuel tax laws.
24. Add special fuel tax, interest and penalties owed by retailers of low-energy fuels to the list of tax debts designated as personal and recoverable by civil action.
25. Repeal a provision relating to priority of taxes that is being relocated to the uniform administrative provisions of Title 36.
26. Repeal a redundant definition of "person" from the estate tax law.
27. Combine the cigarette tax imposed by Title 36, section 4365 and the additional cigarette tax imposed by Title 36, section 4366-D into a single tax that is equal to the sum of the 2 existing taxes.
28. Simplify the tobacco products tax law by deleting references to tax rates that are no longer in effect.
29. Repeal a redundant statute related to giving notice under the real estate transfer tax law.
30. Clarify that individual income tax modifications related to increased federal expense limitations are based on the expense actually used in the year the asset is placed in service.
31. Clarify that individual income tax modifications related to the federal work opportunity credit and the empowerment zone employment credit cannot be claimed more than once.
32. Clarify that corporate income tax modifications related to increased federal expense limitations are based on the expense actually used in the year the asset is placed in service.
33. Clarify that corporate income tax modifications related to the federal work opportunity credit and the empowerment zone employment credit cannot be claimed more than once.
34. Clarify the amount of corporate income tax adjustments relating to federal net operating loss carry-backs.
35. Clarify the statute of limitations regarding income tax claims for credit or refund to explicitly state that a claim attributable to a net operating loss carry-back must relate to a period for which net operating loss carry-backs are allowed.

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36. Replace a requirement that the Bureau of Revenue Services provide a telefile application under the Maine Residents Property Tax Program with a more general requirement for an electronic filing option.
37. Consolidate 2 overlapping but inconsistent provisions enacted in 2004 that exclude gambling equipment from reimbursement under the BETR program.
38. Correct the name of the Bureau of Revenue Services in a statute providing for representation on the Multistate Tax Commission.
39. Eliminate a requirement that the cost of outreach activities intended to encourage participation in the Maine Residents Property Tax Program must be paid from the amounts appropriated for the program because there is no longer a specific appropriation for the Maine Residents Property Tax Program.
40. Clarify the definition of "nonprofit" in the sales tax law.
41. Correct a typographical error in the estate tax law.
42. Clarify the formula for proration of the state credit amount for purposes of calculation of estate tax on nonresident estates.
43. Clarify that a Maine estate tax return is required to be filed whenever the federal gross estate, increased by the amount of adjusted taxable gifts, exceeds the exclusion amount in effect prior to enactment of the federal Economic Growth Tax Relief Reconciliation Act of 2001.
44. Clarify the pension exclusion in the State's individual income tax law.
45. Amend the definition of "year for which relief is requested" under the Maine Residents Property Tax Program to incorporate changes made in the application period in Public Law 2005, chapter 2.
46. Shorten the allowable extension period under the Maine Residents Property Tax Program from 6 months to 2 months to reflect the expansion of the application period under Public Law 2005, chapter 2.

**Committee Amendment "A" (H-39)** proposed to correct provisions in the bill, add new technical changes identified after the bill was printed and remove provisions considered unnecessary or not technical in nature.

### *Enacted law summary*

Public Law 2005, chapter 218 makes the following changes to the laws governing taxation.

1. It corrects the name of the Department of Administrative and Financial Services, Bureau of Revenue Services in a statute relating to state civil service positions.
2. It clarifies that the fees established for service of tax warrants by sheriffs and deputy sheriffs apply to warrants for all taxes imposed under the Maine Revised Statutes, Title 36.
3. It provides for the assessment and collection of liabilities arising from failure of a 3rd party to surrender property subject to levy in the same manner as other tax liabilities and clarifies that the rate of interest

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imposed on liabilities arising from failure of a 3rd party to surrender property subject to levy is the general rate applicable to unpaid taxes. The change establishes progressive enforcement procedures for collecting these debts and incorporates taxpayer protections in the collection process.

4. It relocates the substantive provisions of existing Title 36, sections 1964 and 3240, which relate to priority of tax debts, to the general administrative provisions of Title 36.
5. It extends the due date of the tax incidence report by 3 months from October 1st of each even-numbered year to January 1st of each odd-numbered year. Extending the deadline will ensure that the report is based on the latest economic and revenue forecasts developed for use in the Governor's biennial budget.
6. It expands the provision for inclusion of untaxed real property of widows and children of deceased veterans in the assessor's inventory to include untaxed real property of widowers of deceased veterans. This makes the requirement consistent with changes enacted in 2004 that broadened the veterans' exemption to include property of widowers of deceased veterans.
7. It expands the provision for abatement of property taxes for widows and children of deceased veterans to include widowers of deceased veterans. This makes the abatement provision consistent with changes enacted in 2004 that broadened the veterans' exemption to include property of widowers of deceased veterans.
8. It adds a specific requirement that a person who sells tangible personal property or taxable services in Maine on behalf of the owner must register as a seller and collect and remit Maine sales tax on those sales. This requirement is consistent with the long-standing interpretation of the statutes by the bureau of Maine Revenue Services.
9. It clarifies that provisions relating to certain sales of products for internal human consumption through vending machines are applicable regardless of the form of payment accepted by the vending machines.
10. It clarifies that the sales tax exclusion for sales of furniture, audio media and audio equipment for rental is limited to those circumstances where the subsequent rental is subject to the service provider tax.
11. It clarifies that the storage and use subject to the use tax includes storage and use of property purchased at casual sales, if the sale of that property would be subject to tax.
12. It clarifies that the sales tax exclusion on casual sales of living quarters for less than 15 days does not apply if the seller offers more than one property for rent.
13. It clarifies that a corporation or limited liability company cannot be a nonresident for purposes of the immediate removal exemptions in the sales and use tax law if it is organized in Maine or has its principal place of business in Maine. This is consistent with the long-standing interpretation of the exemption statutes by Maine Revenue Services.
14. It updates the sales and use tax exemption for snowmobiles and ATVs owned by nonresidents for consistency with other existing statutes and establishes a provision to cover registration of property in the State when the owner made actual use of the property outside the State but was not required under the laws of that state to register it for that use.

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15. It clarifies a statute requiring payment of use tax at the time of registration on property required to be registered for use in this State with the Secretary of State or the Commissioner of Inland Fisheries and Wildlife.
16. It deletes unnecessary and ineffective provisions relating to bankruptcy.
17. It repeals a provision relating to priority of taxes that is being relocated to the uniform administrative provisions of Title 36. This provision is inappropriately located in the sales and use tax law since it applies to any tax.
18. It amends the sales tax refund statute to provide for a refund in situations where a retailer has erroneously computed and paid the tax but did not collect the tax from the customer. The change establishes a specific statutory basis for current agency practice. The section also eliminates gender-specific language and makes other grammatical changes.
19. It amends a cross-reference to federal regulations in the definition of "mobile telecommunications services" to make it consistent with federal law.
20. It defines "nonprofit" for purposes of the service provider tax law.
21. It describes more precisely certain acts designated as crimes under the service provider tax law.
22. It clarifies that certain sales of fabrication services for incorporation into real property of an exempt entity are not subject to the service provider tax.
23. It repeals a redundant criminal statute in the motor fuel tax laws.
24. It adds special fuel tax, interest and penalties owed by retailers of low-energy fuels to the list of tax debts designated as personal and recoverable by civil action.
25. It repeals a provision relating to priority of taxes that is being relocated to the uniform administrative provisions of Title 36. This provision is inappropriately located in the motor fuel tax laws since it applies to any tax.
26. It repeals a redundant definition of "person" from the estate tax law. A similar definition exists in the uniform administrative provisions that apply to all taxes.
27. It combines the cigarette tax imposed by Title 36, section 4365 and the additional cigarette tax imposed by Title 36, section 4366-D into a single tax that is equal to the sum of the 2 existing taxes.
28. It simplifies the tobacco products tax law by deleting references to tax rates that are no longer in effect.
29. It repeals a redundant statute related to giving notice under the real estate transfer tax law. The uniform administrative provisions include a similar provision that is applicable to all taxes.
30. It clarifies that individual and corporate income tax modifications related to increased federal expense limitations are based on the expense actually used in the year the asset is placed in service.

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31. It clarifies that individual and corporate income tax modifications related to the federal work opportunity credit and the empowerment zone employment credit cannot be claimed more than once.
32. It clarifies the amount of corporate income tax adjustments relating to federal net operating loss carry-backs.
33. It clarifies the statute of limitations regarding income tax claims for credit or refund to explicitly state that a claim attributable to a net operating loss carry-back must relate to a period for which net operating loss carry-backs are allowed.
34. It replaces a requirement that the Bureau of Revenue Services provide a telefile application under the Maine Residents Property Tax Program with a more general requirement for an electronic filing option. The section also makes various grammatical changes.
35. It consolidates 2 overlapping but inconsistent provisions enacted in 2004 that exclude gambling equipment from reimbursement under the BETR program.
36. It eliminates a requirement that the cost of outreach activities intended to encourage participation in the Maine Residents Property Tax Program must be paid from the amounts appropriated for the program.
37. It clarifies calculation of the estate tax on nonresident estates.
38. It clarifies that a Maine estate tax return is required to be filed whenever the federal gross estate, increased by the amount of adjusted taxable gifts, exceeds the exclusion amount in effect prior to enactment of that federal law.
39. It clarifies the pension exclusion in the State's individual income tax law.
40. It amends the definition for "year for which relief is requested" and calculation of the extension period under the Maine Residents Property Tax Law to reflect changes in the application period enacted in 2004.

**LD 1552                      An Act To Make Owners of Cooperative Housing Eligible for the      CARRIED OVER  
Homestead Exemption**

<u>Sponsor(s)</u> CROSBY MAYO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-584
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LD 1552 proposed to allow residents of a residential cooperative who are shareholders in that cooperative to participate in the Maine resident homestead property tax exemption program by permitting the cooperative housing corporation to apply for an exemption equal to the number of units in the cooperative occupied by persons who would otherwise qualify for the homestead property tax exemption if they owned property currently qualifying as a homestead and requiring the value of the exemption to be apportioned among the eligible shareholders.

**Committee Amendment "A" (H-584)** proposed to clarify the method of applying the exemption for cooperative housing and changes the application date from 2005 to 2006.



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This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 1553                      An Act To Impose a Gross Receipts Tax on "Big Box" Stores                      ONTP**

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

LD 1553 proposed a gross receipts tax of 3% on certain retail stores that are located outside of a downtown, as defined in the Maine Revised Statutes, Title 30-A, section 4301, subsection 5-A. The tax would be imposed on retail stores that have retail floor space greater than 60,000 square feet. Of the amount of revenue collected pursuant to the gross receipts tax, 2/3 would be transferred to the Dirigo Health Fund established under Title 24-A, section 6915, and 1/3 would be transferred to the Small Enterprise Growth Fund established under Title 10, section 383.

**LD 1556                      An Act To Promote and Facilitate Programs That Teach Thinking Skills and Problem Solving                      ONTP**

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

LD 1556 proposed a sales tax exemption for sales to and by certain nonprofit organizations that administer creative problem-solving competitions.

**LD 1557                      An Act To Improve the Business Equipment Tax Reimbursement Program                      CARRIED OVER**

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

LD 1557 proposed to prohibit reimbursement of property taxes under the Business Equipment Tax Reimbursement (BETR) program if the taxes also are reimbursed under a tax increment financing district agreement for property first placed into service on or after April 1, 2007. This bill also proposed to limit BETR reimbursement to 90% of the assessed taxes and reduce the number of years property is eligible for reimbursement from 12 years to 10 years. The savings generated would be used to fund a new program created jointly by the Department of Economic and Community Development and the Department of Administrative and Financial Services, Maine Revenue Services to provide tax assistance to small businesses based on need.

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**Committee Amendment "A" (S-369)** proposed to replace the bill with a resolve establishing a study commission to study L.D. 1660, "An Act To Reduce Income Taxes and Encourage Economic Growth in Maine," personal property tax on business equipment and the Business Equipment Tax Reimbursement program and report to the Legislature by December 15, 2005.

This bill was recommitted to the Joint Standing Committee on Taxation and carried over. LD 1691, Public Law 2005, chapter 457, Part BBB reduced BETR reimbursement by 10% for the 2006 application year only.

See also LD 1068 and LD 1400.

**LD 1563                      An Act To Amend the Revaluation Process by Municipalities                      DIED BETWEEN HOUSES**

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

LD 1563 proposed to require that if the municipal assessors or the chief assessor of a primary assessing area revalue a portion of the municipality or primary assessing area, they could not revalue that portion again until the other portions of the municipality or primary assessing area have been revalued.

**LD 1564                      An Act To Include Intangible Assets when Determining the Value of Property                      ONTP**

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

LD 1564 proposed to require that intangible assets or rights, such as contracts, subsidies, tax credits and licenses, be included in the value of real property for purposes of determining just value.

**LD 1584                      Resolve, Directing the State Tax Assessor To Adjust the State Valuation for the Town of Wiscasset                      RESOLVE 67 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RINES DOW	OTP-AM	H-441

LD 1584 proposed to direct the State Tax Assessor to reduce the 2005 state valuation for the Town of Wiscasset by approximately 31% to \$338,600,000.

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**Committee Amendment "A" (H-441)** proposed to substitute the sum of \$488,450,000 for the 2005 state valuation for the Town of Wiscasset for the purpose of calculating the county tax assessed in 2005 to prevent the municipality's county tax liability from changing as a result of the resolve.

### *Enacted law summary*

Resolve 2005, chapter 67 requires the State Tax Assessor to reduce the 2005 state valuation for the Town of Wiscasset to \$338,600,000 for purposes other than apportionment of county taxes. The reduction is the result of the loss of property tax valuation under a settlement with regard the property of the Maine Yankee Atomic Power Company.

Resolve 2005, chapter 67 was finally passed as an emergency measure effective May 31, 2005.

**LD 1585**                      **An Act To Provide a Temporary Sales Tax Exemption for Prescription Drugs for Animals**                      **CARRIED OVER**

<u>Sponsor(s)</u> MCKENNEY PERRY J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-440
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LD 1585 proposed to provide a sales tax exemption for sales of medicines for animals sold on a doctor's prescription before July 1, 2005, if sales tax had not been collected. If a person collected sales tax on the sale of medicines for animals prior to July 1, 2005, that person would be required to remit those taxes to the State Tax Assessor.

**Committee Amendment "A" (H-440)** proposed to incorporate a fiscal note.

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 1587**                      **An Act To Modernize Maine's Tax Code**                      **CARRIED OVER**

<u>Sponsor(s)</u> DUDLEY STRIMLING	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1587 proposed the following components to reform Maine's tax structure.

Part A proposed to increase benefits under the Maine Residents Property Tax Program, the so-called "circuit breaker program," by changing the tax-to-income threshold to 100% of the benefit base that exceeds 5% of income; increasing the maximum rebate to \$5,000; increasing the renter rebate to 25%; and allowing persons to use the income tax form to file for a refundable credit.

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Part B proposed to increase from 5.1% to 8.5% the percentage of sales and income tax revenues transferred to the Local Government Fund for revenue sharing.

Part C proposed to reform the income tax by increasing the personal exemption amount to equal the federal amount, increase the earned income credit and make it refundable and create a 10% income tax bracket for income of \$100,000 or more for single filers, \$150,000 or more for persons filing as heads of household and \$200,000 for persons filing married joint returns.

Part D proposed to include, in the services subject to the service provider tax, amusement and recreational, business, personal and professional services. The provision of those services would be subject to the 5% tax. Part D also proposed to eliminate the sales tax exemption for sales of short-term publications, limit the exemption on funeral services and repeal the exemption on coin-operated vending machine sales.

Part E proposed to increase the sales tax on lodging from 7% to 10%.

Part F proposed to reform the business equipment tax reimbursement (BETR) program by limiting state reimbursement to 70% of the taxes paid on eligible property reduced by the amount of tax reimbursement received for the property through a tax increment financing agreement.

Part G proposed to provide that, for property first placed in service in property tax years beginning after April 1, 2005, property used in, or in support of, the provision of a nonqualified service or a retail sales facility would not be eligible for BETR reimbursement.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

See also LD 484, 705, 1437, 1595 and 1605.

**LD 1594                      An Act To Provide an Income Tax Exemption to Recent College Graduates Who Work in Maine To Help Them Pay College Loans                      CARRIED OVER**

Sponsor(s)  
STEDMAN

Committee Report

Amendments Adopted

LD 1594 proposed to establish the Graduate Retention Program, the purpose of which would be to encourage recent college or advanced degree program graduates to work in Maine. The program would be available to persons who are recent graduates of a postsecondary school, have outstanding education loans and promise to work for a Maine employer for at least 4 years. The program would allow eligible participants to have an amount withheld from their pay equal to or more than the standard withholding for Maine income taxes for a single individual. The amount withheld would be paid by the employer directly to the holder of the education loan and would be considered payment of Maine income taxes by the participant. Eligibility would be limited to 4 years.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

*Joint Standing Committee on Taxation*

**LD 1595**

**An Act To Rebalance Maine's Tax Code**

**CARRIED OVER**

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

LD 1595 proposed to make the following major changes to Maine's tax structure beginning January 1, 2006.

Part A proposed to change the existing graduated income tax program into a flat tax rate of 6% and repeal the alternative minimum tax.

Part B proposed to tie the standard deduction and personal exemption under the income tax to the same amount as the federal standard deduction and personal exemption and eliminate the so-called "marriage penalty."

Part C proposed to restore the income tax credit for child care expenses to 25% of the federal tax credit.

Part D proposed to increase the earned income tax credit to 25% of the federal earned income credit and make it refundable.

Part E proposed to conform the deductibility of health savings accounts and business expensing with federal law.

Part F proposed to increase the exemption for estates under the estate tax to the same amount as under federal law.

Part G proposed to amend the Maine Residents Property Tax Program, also known as the circuit breaker program, by raising the maximum benefit from \$2,000 to \$3,000 and increasing to \$5,000 the maximum property taxes and rent constituting property taxes that may be considered in calculating the benefit.

Part H proposed to repeal certain sales tax exemptions and expand the application of the sales and use tax.

Part I proposed to decrease the general sales tax rate and the service provider tax rate from 5% to 4%. Part I also proposed to increase the rate of sales tax imposed on liquor sold in licensed establishments from 7% to 10%; lodging in a hotel, rooming house or tourist or trailer camp from 7% to 10%; the rental of a motor vehicle for less than one year from 10% to 20%; and prepared food from 7% to 8%.

Part J proposed to increase the real estate transfer tax from \$2.20 per \$500 to \$5.00 per \$500.

Part K proposed to provide an income tax credit of 50% of the real estate transfer tax paid on a permanent residence.

Part L proposed to increase the tax on cigarettes by 50¢ to \$1.50 per pack, the tax on smokeless tobacco products from 62% to 100% of the wholesale price, the tax on cigars from 16% to 25% of the wholesale price and the tax on other tobacco products from 16% to 100% of the wholesale sales price.

Part M proposed to increase the excise tax on malt liquor from 25¢ per gallon to 50¢ per gallon, on wine from 30¢ per gallon to \$1 per gallon and on hard cider from 25¢ per gallon to \$1 per gallon.

## *Joint Standing Committee on Taxation*

**Committee Amendment "A" (H-698)** proposed to replace the original bill and make the following changes to Maine tax law.

Part A proposed to increase the low-income tax credit under the income tax by increasing the threshold of taxable income below which no taxes are due from \$2,000 to \$4,000 for single individuals and married persons filing separately, \$6,000 for persons filing as heads of households and \$8,000 for persons filing married joint returns.

Part B proposed to conform the standard deduction under the income tax to the federal standard deduction beginning with the 2006 tax year, thereby eliminating the marriage penalty.

Part C proposed to conform the personal exemption under the income tax to the same amount as the federal personal exemption.

Part D proposed to lower the top income tax rate from 8.5% to 8.25% for the 2006 tax year.

Part E proposed to conform the income tax treatment of health savings accounts with the federal income tax exclusion and deduction.

Part F proposed to increase state reimbursement for the homestead exemption to 100% of municipal property taxes lost as a result of the exemption beginning in 2006.

Part G proposed to increase the maximum benefit under the Maine Residents Property Tax program from \$2,000 to \$3,000 and increase to \$5,000 the maximum amount of property tax that may be used to calculate benefits.

Part H proposed to expand the tax base under the sales tax by repealing sales tax exemptions for packaging materials, ships' stores, railroad track materials and certain short-term rentals and by extending the sales tax to amusements, personal services, personal property services, home care services, real property services, lawn and landscaping services, taxi, limousine and same day courier services, telephone directory advertising and safe deposit box rental. This Part also proposed to reinstitute the sales tax on snack foods and extend the service provider tax to basic cable and satellite television and radio service and to consumer interstate telephone calls.

Part I proposed to increase the sales tax on meals and lodging, liquor served at licensed establishments and prepared food from 7% to 8% and increase the sales tax on short-term rentals of automobiles from 10% to 15%.

Part J proposed to increase the excise tax on malt liquor from 25¢ per gallon to 60¢ per gallon, on wine from 30¢ per gallon to \$1 per gallon and on hard cider from 25¢ per gallon to \$1 per gallon.

Part K proposed to establish a tax on the distribution, manufacture and wholesale of soft drinks and soft drink products.

Part L proposed to change the rate structure for the real estate transfer tax to provide that a transferor and a transferee of the property must pay a transfer tax starting at \$1 per \$1,000 of value of the property for property valued at less than \$100,000, increasing to \$7 per \$1,000 of value for real estate with a value exceeding \$1,000,000. The revenue from the portion of the tax received to the State and attributable to transfers by deed tax is credited 65% to the General Fund and 35% to the Housing Opportunities for Maine Fund.

Part M proposed to require the State to pay 55% of the costs of essential programs and services under the education finance laws beginning in fiscal year 2006-07.



*Joint Standing Committee on Taxation*

**LD 1607                      An Act To Provide Incentives for Maine Film Production                      CARRIED OVER**

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

LD 1607 proposed to establish a tax benefit for media production companies making productions in whole or in part in Maine. Under the bill, a media production company that meets certain criteria would be allowed a reimbursement of taxes withheld from wages related to the Maine production.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

**LD 1616                      An Act To Delay the Implementation of the Increase in the                      ONTP**  
**Homestead Exemption**

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

LD 1616 proposed to delay for one year the increase in the homestead property tax exemption amount to \$13,000 per permanent homestead, scheduled to begin with property tax years beginning on or after April 1, 2005.

**LD 1617                      An Act To Reduce Tobacco Use and Improve Health                      INDEF PP**

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

LD 1617 proposed to increase the cigarette excise tax from \$1 to \$2.50 per pack and allocate the new revenue to a variety of health-related purposes. It also proposed to reduce the percentage discount paid to distributors for tax stamps that the distributors purchase and affix.

This bill was referred jointly to the Joint Standing Committee on Taxation and the Joint Standing Committee on Health and Human Services. The committees did not vote on this bill.

See also LD 1314 and LD 1448. A \$1.00 cigarette tax increase was enacted in Part AA of Public Law 2005, chapter 457.



**Joint Standing Committee on Taxation**

**LD 1625                      An Act To Fully Fund the Homestead Exemption                      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM    MAJ	S-306
BOWLES	ONTP        MIN	

LD 1625 proposed to increase state reimbursement to municipalities for property taxes foregone due to the homestead property tax exemption to 100%.

**Committee Amendment "A" (S-306)** proposed to fund the increase in state reimbursement for the homestead exemption by a transfer of funds that are projected to be available in the Maine Budget Stabilization Fund and statewide deappropriations. The Commissioner of Administrative and Financial Services would be directed to present legislation to implement the deappropriations. If none were presented, the Governor would be directed to make curtailments consistent with the deappropriations.

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 1634                      An Act To Impose a Real Estate Transfer Tax Based on the Value of the Property                      ONTP**

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

LD 1634 proposed to change the rate of the real estate transfer tax imposed on the buyer and seller of real property and the manner of imposition. The buyer of property would be charged a flat tax of \$2 per \$1,000 of value of the property being purchased. The seller of the property would be charged a tax rate dependent on the value of the property being sold, starting at \$2 per \$1,000 of value of the property for property valued at less than \$300,000, increased for every \$100,000 in property value by \$1 per \$1,000 of the value of the property being sold. A maximum tax rate of 1% of the value of the property being sold would be reached for property valued at \$1,000,000 or more. The revenue from the tax would be credited to the so-called circuit breaker reserve to fund the Maine Residents Property Tax Program except for 10%, which is retained by the county collecting the tax.

**LD 1636                      Resolve, To Study the Cost of the Provision of Certain Governmental Services in the Unorganized Territories                      RESOLVE 125 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM	H-587
MARTIN		

LD 1636 proposed to establish the Commission To Study the Cost of Providing Certain Services in the Unorganized Territories to study and report to the Legislature on the cost and funding for providing fire

## *Joint Standing Committee on Taxation*

protection and preparedness services, land use planning services, education services and other services in the unorganized territories. The report would be due December 7, 2005.

**Committee Amendment "A" (H-587)** proposed to increase the membership of the Commission to Study the Cost of Providing Certain Services in the Unorganized Territories by adding 2 members of the House of Representatives, a county representative and 2 landowners and add additional qualifications for certain members. The amendment also proposed to specify August 1, 2005 as the deadline for the first meeting of the commission.

### *Enacted law summary*

Resolve 2005, chapter 125 establishes the Commission To Study the Cost of Providing Certain Services in the Unorganized Territories to study and report to the Legislature on the cost and reimbursement for providing fire protection and preparedness services, land use planning services and education services in the unorganized territories. The report is due December 7, 2005.

Resolve 2005, chapter 125 was finally passed as an emergency measure effective June 23, 2005.

**LD 1647**                      **An Act To Award Income Tax Credits for Boiler or Furnace Systems That Reduce or Eliminate Certain Pollutants**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY PERRY J	OTP-AM	H-628

LD 1647 proposed to provide a credit against corporate income taxes to businesses that put into operation on or after June 1, 2005 a furnace or boiler system that burns organic material and eliminates nitrogen oxides without increasing other pollutants or reduces particulate emissions to a level that is 20% below standards established by the Department of Environmental Protection, Board of Environmental Protection. The credit would be equal to 1.5¢ per kilowatt-hour or its equivalent in heat energy produced by the furnace or boiler system. A business with an existing boiler or furnace system placed into operation prior to June 1, 2005 could qualify for the tax credit if it modified its boiler or furnace system to burn more cleanly, but only to the extent of the kilowatt-hours or equivalent heat energy attributable to the modification.

**Committee Amendment "A" (H-628)** proposed to extend the income tax credit to businesses that are not corporations, eliminate the transferability of credits, require certifications of eligible systems by the Department of Environmental Protection, clarify the application of the credit and repeal the credit after 5 years. The amendment also proposed to require the Department of Administrative and Financial Services, Bureau of Revenue Services to report annually on the use of the credit as part of its economic development incentive report.

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

*Joint Standing Committee on Taxation*

**LD 1660**

**An Act To Reduce Income Taxes and Encourage Economic Growth in Maine**

**CARRIED OVER**

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

LD 1660, a Governor's Bill, proposed the following changes to Maine income tax and the taxation of business personal property.

Part A proposed to increase the existing low-income tax credit threshold from \$2,000 to \$4,750. The increase in the threshold would apply to tax years beginning after 2004 and be funded through tax year 2009 by suspending the annual inflation adjustment to the dollar bracket amounts of the individual income tax schedules.

Part A also proposed to reduce individual income tax rates in 3 ways. First, it proposed to reduce the top marginal tax rate from 8.5% to 8.45% for tax years beginning with 2005. Second, for tax years 2006 to 2009, it proposed to use a portion of the revenue savings from the suspension of the annual inflation adjustment to permanently reduce the tax rates over the same period. The annual inflation adjustment would be reinstated for tax years beginning after 2009. Third, starting with tax years beginning in 2008, the rates would be further reduced 1% each year until the 2005 rates have been reduced by a total of 10% by virtue of this adjustment. This rate reduction would be applied prior to, and in addition to, the rate reduction funded from suspending the inflation adjustment. The rate reductions effected by Part A would be permanent. The individual alternative minimum tax rates would also be reduced to ensure that taxpayers do not become subject to the Maine alternative minimum tax solely as a result of the regular income tax rate reductions.

Part B proposed to establish a property tax exemption for property of qualified businesses that would be first subject to property tax assessment on or after April 1, 2007 in the absence of the exemption. Property first subject to property tax assessment prior to April 1, 2007 would remain eligible for the Business Equipment Tax Reimbursement, "BETR," program for the duration of the 12-year window for BETR program entitlement. Property that is no longer eligible for the BETR program because it has been subject to BETR reimbursement for the full 12-year period for BETR program entitlement would then be eligible for the business equipment property tax exemption.

Part B further proposed to establish the rate of reimbursement the State must pay to municipalities for property tax revenue lost as a result of the exemption. For the 2007 and 2008 property tax years, the rate of reimbursement would be 75% and for 2009 and subsequent property tax years, the rate of reimbursement would be 50%. Municipalities would be reimbursed 100% with respect to property that is no longer eligible for the BETR program because it has been subject to BETR reimbursement for the full 12-year period for BETR program entitlement.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

*Joint Standing Committee on Taxation*

S.P. 316

**JOINT ORDER Establishing the Task Force to Study the Feasibility of Retiring the Income Tax**

**ONTP**

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

S. P. 316 was a Joint Order that proposed to establish the Task Force to Study the Feasibility of Retiring the Income Tax comprised of 15 legislators to study the feasibility of retiring the income tax by putting a percentage of state revenue each year into an endowment fund to be used to phase out the income tax.

## Joint Standing Committee on Taxation

### SUBJECT INDEX

#### *Administration of Tax Laws*

##### Enacted

LD 450	Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory	RESOLVE 10	Page 734
LD 1364	An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2005-06	P & S 9 EMERGENCY	Page 762
LD 1462	An Act To Make Minor Substantive Changes to the Tax Laws	PUBLIC 332	Page 764
LD 1546	An Act Concerning Technical Changes to the Tax Laws	PUBLIC 218	Page 769
LD 1636	Resolve, To Study the Cost of the Provision of Certain Governmental Services in the Unorganized Territories	RESOLVE 125 EMERGENCY	Page 784

##### Not Enacted

LD 169	An Act To Amend the Law Regarding Resale Certificates	CARRIED OVER	Page 724
LD 1011	An Act To Establish the Maine Taxpayers' Bill of Rights	ONTP	Page 749
LD 1181	An Act To Change the Property Tax Year for the Unorganized Territory	ONTP	Page 757
LD 1235	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That a Citizen-initiated Measure That Imposes a New or Increased Tax or Fee Be Approved by the Legislature and Signed by the Governor	ONTP	Page 759
LD 1520	An Act To Provide Reimbursement for Road Maintenance to Property Owners in the Unorganized Territory	ONTP	Page 768
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## *Income Tax - General*

### Enacted

LD 1305	An Act To Encourage Long-term Holding of Maine Timberland and Sustainable Forest Management	PUBLIC 416	Page 761
LD 1584	Resolve, Directing the State Tax Assessor To Adjust the State Valuation for the Town of Wiscasset	RESOLVE 67 EMERGENCY	Page 777

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LD 87	An Act To Phase Out the Corporate Income Tax over a 5-year Period	ONTP	Page 722
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LD 236	An Act To Change Nonresident Income Tax Filing Requirements	CARRIED OVER	Page 726
LD 241	An Act To Ensure That the Exemption for Pensions Is Applied Fairly	ONTP	Page 726
LD 306	An Act To Create the Family Technology Tax Credit	ONTP	Page 728
LD 308	An Act To Extend the Tax Credit for Clean Fuel Infrastructure Development	CARRIED OVER	Page 728
LD 319	An Act To Exempt Retirement and Pension Income from the State Income Tax	ONTP	Page 729
LD 325	An Act To Clarify the Definition of "Domiciled" for Maine Income Tax Purposes	CARRIED OVER	Page 730
LD 328	An Act To Enhance the Maine Earned Income Tax Credit	ONTP	Page 730
LD 332	An Act To Exempt Unemployment Benefits from State Income Tax	DIED IN CONCURRENCE	Page 731
LD 356	An Act To Increase the State Income Tax Exemption for Retired Workers in the Maine State Retirement System to the Same Level as That of Retirees under the Social Security System	ONTP	Page 732
LD 362	An Act To Allow Citizens To Voluntarily Pay Extra Income Taxes or Donate Money to the State	ONTP	Page 732

<b>LD 507</b>	<b>An Act To Establish Individual Medical Savings Accounts</b>	<b>ONTP</b>	<b>Page 735</b>
<b>LD 533</b>	<b>An Act To Tax Gambling Winnings of Nonresidents</b>	<b>ONTP</b>	<b>Page 735</b>
<b>LD 580</b>	<b>An Act To Encourage Downtown and Urban Revitalization while Meeting the Requirements of New Storm Water Rules</b>	<b>ONTP</b>	<b>Page 736</b>
<b>LD 598</b>	<b>An Act To Provide an Income Tax Modification for the Federal Empowerment Zone Employment Credit</b>	<b>ONTP</b>	<b>Page 737</b>
<b>LD 610</b>	<b>An Act To Encourage More Dentists To Practice in the State</b>	<b>DIED BETWEEN HOUSES</b>	<b>Page 737</b>
<b>LD 632</b>	<b>An Act To Lower the Tax Burden for Small Businesses and Low-income Families</b>	<b>CARRIED OVER</b>	<b>Page 739</b>
<b>LD 700</b>	<b>An Act To Provide Tax Benefits for Sale of Leased Land Used as a Primary Residence</b>	<b>CARRIED OVER</b>	<b>Page 740</b>
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<b>LD 740</b>	<b>An Act To Amend Maine's Nonresident Income Tax Provisions</b>	<b>ONTP</b>	<b>Page 742</b>
<b>LD 782</b>	<b>An Act To Provide a Capital Gains Tax Exemption for the Sale of a Business or Unimproved Property for a Taxpayer 50 Years of Age or Older</b>	<b>ONTP</b>	<b>Page 744</b>
<b>LD 785</b>	<b>An Act To Allow Employers To Take a Tax Deduction for Their Employees' Transportation Costs BY REQUEST</b>	<b>ONTP</b>	<b>Page 745</b>
<b>LD 972</b>	<b>An Act To Exempt Military Pensions for Future Military Retirees from State Income Tax</b>	<b>CARRIED OVER</b>	<b>Page 747</b>
<b>LD 1011</b>	<b>An Act To Establish the Maine Taxpayers' Bill of Rights</b>	<b>ONTP</b>	<b>Page 749</b>
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<b>LD 1059</b>	<b>An Act To Reduce Maine's Income Tax Burden</b>	<b>ONTP</b>	<b>Page 750</b>
<b>LD 1110</b>	<b>An Act To Alleviate Overcrowding in Public Schools</b>	<b>ONTP</b>	<b>Page 754</b>

LD 1150	An Act To Promote and Facilitate Personal Retirement Saving in Maine	ONTP	Page 756
LD 1158	An Act To Allow Employee Retirement Disability Benefits To Be Eligible for the Pension Deduction under Maine Income Tax Law	CARRIED OVER	Page 756
LD 1165	An Act To Encourage the Preservation of Affordable Housing	CARRIED OVER	Page 757
LD 1240	An Act To Change the Maine Income Tax Rates	ONTP	Page 759
LD 1594	An Act To Provide an Income Tax Exemption to Recent College Graduates Who Work in Maine To Help Them Pay College Loans	CARRIED OVER	Page 779
LD 1606	An Act To Sunset Income Tax Checkoffs	ONTP	Page 782
LD 1607	An Act To Provide Incentives for Maine Film Production	CARRIED OVER	Page 783
LD 1647	An Act To Award Income Tax Credits for Boiler or Furnace Systems That Reduce or Eliminate Certain Pollutants	CARRIED OVER	Page 785
LD 1660	An Act To Reduce Income Taxes and Encourage Economic Growth in Maine	CARRIED OVER	Page 786
S.P. 316	JOINT ORDER Establishing the Task Force to Study the Feasibility of Retiring the Income Tax	ONTP	Page 787

### *Miscellaneous Taxes*

**Enacted**

None

**Not Enacted**

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LD 345	An Act To Base the Excise Tax on Motor Vehicles on the Purchase Price	ONTP	Page 731
LD 372	An Act To Enhance Property Tax Relief through the State-municipal Revenue-sharing Program	ONTP	Page 733



LD 436	An Act To Eliminate Estate Taxes on Family-owned Businesses	CARRIED OVER	Page 733
LD 476	An Act To Increase the Franchise Tax on Financial Institutions	ONTP	Page 735
LD 571	An Act To Allow a Trade-in Credit in the Calculation of the Automobile Excise Tax	ONTP	Page 736
LD 613	An Act To Provide Tax Incentives to Small Businesses	CARRIED OVER	Page 738
LD 709	An Act Promoting Excise Tax Fairness by Allowing Refunds for Excise Taxes Paid on Vehicles	ONTP	Page 741
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LD 827	An Act To Preserve Farmland and Timberland following the Death of an Owner	ONTP	Page 745
LD 841	An Act To Reform the Taxation of Malt Liquor and Wine	INDEF PP	Page 746
LD 1264	An Act To Amend Maine's Estate Tax Law	ONTP	Page 760
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LD 1448	An Act To Stabilize and Strengthen the MaineCare Program	INDEF PP	Page 763
LD 1553	An Act To Impose a Gross Receipts Tax on "Big Box" Stores	ONTP	Page 776
LD 1617	An Act To Reduce Tobacco Use and Improve Health	INDEF PP	Page 783

### *Property Tax - General*

#### Enacted

LD 358	An Act To Limit Property Tax Abatement for Reasons of Poverty or Infirmity to Applicants' Residential Property	PUBLIC 169	Page 732
LD 1244	An Act To Clarify the Municipal Responsibility To Provide Assessing Information to Property Owners	PUBLIC 187	Page 759

<b>LD 1364</b>	<b>An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2005-06</b>	<b>P &amp; S 9 EMERGENCY</b>	<b>Page 762</b>
<b>LD 1584</b>	<b>Resolve, Directing the State Tax Assessor To Adjust the State Valuation for the Town of Wiscasset</b>	<b>RESOLVE 67 EMERGENCY</b>	<b>Page 777</b>
<b>LD 1636</b>	<b>Resolve, To Study the Cost of the Provision of Certain Governmental Services in the Unorganized Territories</b>	<b>RESOLVE 125 EMERGENCY</b>	<b>Page 784</b>
 <b><u>Not Enacted</u></b>			
<b>LD 320</b>	<b>An Act To Limit Property Acquired by Municipalities due to Tax Delinquency</b>	<b>ONTP</b>	<b>Page 729</b>
<b>LD 626</b>	<b>An Act Relating to the Sale of Foreclosed Property</b>	<b>CARRIED OVER</b>	<b>Page 738</b>
<b>LD 851</b>	<b>An Act To Maintain Traditional Recreational Uses in Maine's Forests</b>	<b>ONTP</b>	<b>Page 746</b>
<b>LD 988</b>	<b>An Act To Amend the Maine Tree Growth Tax Law</b>	<b>ONTP</b>	<b>Page 748</b>
<b>LD 1151</b>	<b>An Act To Allow Citizens Who Have Been Overbilled for Property Taxes To Reduce Their Payments in Succeeding Years</b>	<b>ONTP</b>	<b>Page 756</b>
<b>LD 1181</b>	<b>An Act To Change the Property Tax Year for the Unorganized Territory</b>	<b>ONTP</b>	<b>Page 757</b>
<b>LD 1226</b>	<b>An Act To Amend the Laws Governing the Taxation of Time-share Estates</b>	<b>ONTP</b>	<b>Page 758</b>
<b>LD 1258</b>	<b>An Act To Provide for Department of Labor Services and Other Services in Unorganized Territories</b>	<b>CARRIED OVER</b>	<b>Page 760</b>
<b>LD 1328</b>	<b>An Act To Amend the Maine Tree Growth Tax Law To Encourage Public Access</b>	<b>CARRIED OVER</b>	<b>Page 762</b>
<b>LD 1563</b>	<b>An Act To Amend the Revaluation Process by Municipalities</b>	<b>DIED BETWEEN HOUSES</b>	<b>Page 777</b>

***Property Tax - Exemptions***

**Enacted**

**None**

**Not Enacted**

<b>LD 56</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine To Facilitate the Repeal of the Taxation of Personal Property Valued at \$1,000 or More</b>	<b>DIED BETWEEN HOUSES</b>	<b>Page 720</b>
<b>LD 74</b>	<b>An Act To Increase Eligibility for the Property Tax Exemption for Veterans'</b>	<b>CARRIED OVER</b>	<b>Page 721</b>
<b>LD 179</b>	<b>An Act To Exempt Alternative Power Systems from Property Taxes</b>	<b>ONTP</b>	<b>Page 725</b>
<b>LD 264</b>	<b>An Act To Repeal the Property Tax Exemption for State and Municipal Property</b>	<b>ONTP</b>	<b>Page 726</b>
<b>LD 298</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine To Authorize the Legislature To Allow Municipalities To Exempt from Property Tax a Portion of the Value of Homesteads</b>	<b>ONTP</b>	<b>Page 669</b>
<b>LD 365</b>	<b>An Act To Provide the Veterans' Property Tax Exemption to All Veterans</b>	<b>ONTP</b>	<b>Page 733</b>
<b>LD 746</b>	<b>An Act To Exempt Tax on Leased Property Used by Maine's Public Higher Education Institutions</b>	<b>ONTP</b>	<b>Page 743</b>
<b>LD 791</b>	<b>An Act Concerning the Taxation of Property Owned by Certain Veterans' Organizations</b>	<b>CARRIED OVER</b>	<b>Page 745</b>
<b>LD 965</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide a \$5,000 Property Tax Exemption to Veterans, Regardless of Home Value</b>	<b>ONTP</b>	<b>Page 747</b>
<b>LD 1066</b>	<b>An Act To Repeal the Homestead Property Tax Exemption and Redirect Property Tax Relief Funds to the Maine Residents Property Tax Program</b>	<b>ONTP</b>	<b>Page 751</b>
<b>LD 1110</b>	<b>An Act To Alleviate Overcrowding in Public Schools</b>	<b>ONTP</b>	<b>Page 754</b>
<b>LD 1134</b>	<b>An Act Providing Senior Citizens with an Optional Deferred Payment Plan for the Payment of Property Taxes</b>	<b>ONTP</b>	<b>Page 755</b>
<b>LD 1552</b>	<b>An Act To Make Owners of Cooperative Housing Eligible for the Homestead Exemption</b>	<b>CARRIED OVER</b>	<b>Page 775</b>
<b>LD 1616</b>	<b>An Act To Delay the Implementation of the Increase in the Homestead Exemption</b>	<b>ONTP</b>	<b>Page 783</b>

LD 1625            An Act To Fully Fund the Homestead Exemption            CARRIED OVER    Page 784

*Property Tax - Reimbursement*

Enacted

LD 135            An Act To Authorize a Tax Rebate Program for            PUBLIC 395    Page 723  
Established Residents

Not Enacted

LD 75            An Act To Authorize Municipalities To Give            ONTP            Page 721  
Property Tax Relief to Volunteer Firefighters and  
Emergency Medical Services Personnel

LD 297            RESOLUTION, Proposing an Amendment to the            ONTP            Page 669  
Constitution of Maine To Allow the Legislature To  
Authorize Municipalities To Adopt a Property Tax  
Assistance Program That Reflects a Claimant's  
Ability To Pay

LD 313            An Act To Expand Benefits Available under the            ONTP            Page 729  
Maine Residents Property Tax Program

LD 752            An Act Regarding Equipment Used in Food            ONTP            Page 744  
Preparation under the BETR Program

LD 1066           An Act To Repeal the Homestead Property Tax            ONTP            Page 751  
Exemption and Redirect Property Tax Relief Funds  
to the Maine Residents Property Tax Program

LD 1068           An Act To Strengthen Maine's Small Business            ONTP            Page 751  
Economy

LD 1102           An Act To Connect the BETR Program with Job            CARRIED OVER    Page 753  
Retention

LD 1180           An Act To Create a Property Tax Reimbursement            ONTP            Page 757  
for Commercial Dairy Farms

LD 1343           An Act To Simplify Rent and Property Tax Relief            CARRIED OVER    Page 762

LD 1400           An Act To Reduce Payments under the Business            CARRIED OVER    Page 763  
Equipment Tax Reimbursement Program and To  
Eliminate Double Dipping and Increase Conformity  
with the Internal Revenue Code

<b>LD 1534</b>	<b>An Act To Encourage the Production of Biodiesel from Forest Products, Agricultural Products and Waste Vegetable Oil</b>	<b>ONTP</b>	<b>Page 769</b>
<b>LD 1557</b>	<b>An Act To Improve the Business Equipment Tax Reimbursement Program</b>	<b>CARRIED OVER</b>	<b>Page 776</b>
<b>LD 1660</b>	<b>An Act To Reduce Income Taxes and Encourage Economic Growth in Maine</b>	<b>CARRIED OVER</b>	<b>Page 786</b>

***Property Tax - Valuation***

**Enacted**

None

**Not Enacted**

<b>LD 2</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Rate of Change in Taxable Value of Homestead Land</b>	<b>CARRIED OVER</b>	<b>Page 668</b>
<b>LD 4</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Property Valuation Process</b>	<b>ONTP</b>	<b>Page 719</b>
<b>LD 189</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide Property Tax Relief to Owners of Property Used for Commercial Fishing and Homestead Land</b>	<b>ONTP</b>	<b>Page 725</b>
<b>LD 902</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Method of Calculating Property Values To Preserve Home Ownership in Maine</b>	<b>ONTP</b>	<b>Page 747</b>
<b>LD 1009</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow Real Estate To Be Valued Differently Based on the Residency of the Owner</b>	<b>ONTP</b>	<b>Page 748</b>
<b>LD 1060</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine To Value Land Based on Its Current Use</b>	<b>ONTP</b>	<b>Page 750</b>
<b>LD 1199</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit Property Valuation Increases for Persons 65 Years of Age or Older or Disabled Persons</b>	<b>ONTP</b>	<b>Page 758</b>

LD 1564	An Act To Include Intangible Assets when Determining the Value of Property	ONTP	Page 777
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*Real Estate – Transfer Tax*

Enacted

None

Not Enacted

LD 19	An Act To Clarify the Law Regarding Transfer Tax Liability for Deeds between Domestic Partners	CARRIED OVER	Page 720
LD 115	An Act Enabling Municipalities To Establish Municipal Land Banks Funded by Local Option Real Estate Transfer Taxes	ONTP	Page 722
LD 475	An Act To Change the Allocation of the Real Estate Transfer Tax	ONTP	Page 734
LD 736	An Act To Provide Property Tax Relief to County Taxpayers	ONTP	Page 742
LD 751	An Act Concerning Counties' Share of the Real Estate Transfer Tax	ONTP	Page 743
LD 828	An Act To Have Counties Retain All the Proceeds from the Real Estate Transfer Tax	ONTP	Page 746
LD 1086	An Act To Increase the Real Estate Transfer Tax on Out-of-state Purchasers	ONTP	Page 752
LD 1090	An Act To Create a Grandparent-to-grandchild Exemption in the Real Estate Transfer Tax	CARRIED OVER	Page 752
LD 1103	An Act To Provide Funding to the Land for Maine's Future Fund	ONTP	Page 754
LD 1107	An Act To Encourage Local Affordable Housing, Open Space and Shore Access through a High Valuation Transfer Tax	ONTP	Page 754
LD 1301	An Act To Support Affordable Housing	ONTP	Page 760

<b>LD 1634</b>	<b>An Act To Impose a Real Estate Transfer Tax Based on the Value of the Property</b>	<b>ONTP</b>	<b>Page 784</b>
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### *Sales Tax*

#### Enacted

<b>LD 1012</b>	<b>An Act To Improve Security at State Courthouses</b>	<b>PUBLIC 113</b>	<b>Page 749</b>
<b>LD 1094</b>	<b>Resolve, To Study Adoption of the Streamlined Sales and Use Tax Agreement</b>	<b>RESOLVE 110</b>	<b>Page 753</b>

#### Not Enacted

<b>LD 81</b>	<b>An Act To Establish a Limited Sales-tax-free Shopping Week</b>	<b>ONTP</b>	<b>Page 721</b>
<b>LD 92</b>	<b>An Act To Provide for Sales Tax Exemption Reciprocity for School Groups Visiting Other Jurisdictions</b>	<b>ONTP</b>	<b>Page 722</b>
<b>LD 118</b>	<b>An Act To Provide Tax Relief for People with Functional Limitations</b>	<b>CARRIED OVER</b>	<b>Page 723</b>
<b>LD 169</b>	<b>An Act To Amend the Law Regarding Resale Certificates</b>	<b>CARRIED OVER</b>	<b>Page 724</b>
<b>LD 275</b>	<b>An Act To Promote Energy Conservation and a Cleaner Environment</b>	<b>CARRIED OVER</b>	<b>Page 727</b>
<b>LD 305</b>	<b>An Act To Encourage the Use of Clean Fuel Vehicles</b>	<b>ONTP</b>	<b>Page 728</b>
<b>LD 353</b>	<b>An Act To Exempt the United States Flag and the Flag of the State of Maine from State Taxation</b>	<b>CARRIED OVER</b>	<b>Page 731</b>
<b>LD 370</b>	<b>An Act To Amend the Sales and Use Tax Law Regarding the Food Service and Lodging Industries</b>	<b>ONTP</b>	<b>Page 733</b>
<b>LD 452</b>	<b>An Act To Provide a Sales Tax Holiday BY REQUEST</b>	<b>ONTP</b>	<b>Page 734</b>
<b>LD 484</b>	<b>An Act To Enact the Tax Fairness Act</b>	<b>CARRIED OVER</b>	<b>Page 735</b>
<b>LD 535</b>	<b>An Act To Clarify for Tax Purposes That Manure Removal and Storage Are Operations Directly Involved in the Raising and Care of Livestock</b>	<b>CARRIED OVER</b>	<b>Page 736</b>
<b>LD 593</b>	<b>An Act To Alter Trade-in Allowances Regarding Motor Homes</b>	<b>CARRIED OVER</b>	<b>Page 737</b>

<b>LD 672</b>	<b>An Act To Promote Ornamental Horticulture by Amending the Definition of "Commercial Agricultural Production"</b>	<b>CARRIED OVER</b>	<b>Page 739</b>
<b>LD 745</b>	<b>An Act To Clarify the Definition of "Grocery Staples" To Include Pure Maple Syrup under the Tax Laws</b>	<b>ONTP</b>	<b>Page 743</b>
<b>LD 747</b>	<b>An Act To Provide a Sales Tax Exemption during the Holiday Season for Nonprofit Organizations That Purchase Gifts for Underprivileged Children</b>	<b>ONTP</b>	<b>Page 743</b>
<b>LD 778</b>	<b>An Act To Exempt the Sale of Electric, Hybrid or Hydrogen-Fueled Vehicles from State Sales Tax and Excise Tax</b>	<b>ONTP</b>	<b>Page 744</b>
<b>LD 1019</b>	<b>An Act To Increase the Tax Imposed on Lodging</b>	<b>ONTP</b>	<b>Page 750</b>
<b>LD 1074</b>	<b>An Act To Stimulate Economic Development in Maine's Aviation Industry</b>	<b>CARRIED OVER</b>	<b>Page 752</b>
<b>LD 1116</b>	<b>An Act To Exempt from the Sales Tax Electricity Used in Homes</b>	<b>CARRIED OVER</b>	<b>Page 755</b>
<b>LD 1132</b>	<b>An Act To Dedicate a Portion of Sales Tax Revenue to Municipalities and Counties</b>	<b>ONTP</b>	<b>Page 755</b>
<b>LD 1191</b>	<b>An Act To Provide Tax-exempt Status to Service Dog Trainers</b>	<b>ONTP</b>	<b>Page 758</b>
<b>LD 1437</b>	<b>An Act To Broaden the Sales Tax Base and Lower the Sales and Use Tax and Service Provider Tax Rates</b>	<b>ONTP</b>	<b>Page 763</b>
<b>LD 1556</b>	<b>An Act To Promote and Facilitate Programs That Teach Thinking Skills and Problem Solving</b>	<b>ONTP</b>	<b>Page 776</b>
<b>LD 1585</b>	<b>An Act To Provide a Temporary Sales Tax Exemption for Prescription Drugs for Animals</b>	<b>CARRIED OVER</b>	<b>Page 778</b>

***Tax Reform***

**Enacted**

**None**



**Not Enacted**

<b>LD 12</b>	<b>An Act To Implement the School Finance and Tax Reform Act of 2003</b>	<b>ONTP</b>	<b>Page 719</b>
<b>LD 705</b>	<b>An Act To Relieve the Income Tax Burden in the State through Revenue-neutral Means</b>	<b>ONTP</b>	<b>Page 740</b>
<b>LD 1011</b>	<b>An Act To Establish the Maine Taxpayers' Bill of Rights</b>	<b>ONTP</b>	<b>Page 749</b>
<b>LD 1437</b>	<b>An Act To Broaden the Sales Tax Base and Lower the Sales and Use Tax and Service Provider Tax Rates</b>	<b>ONTP</b>	<b>Page 763</b>
<b>LD 1587</b>	<b>An Act To Modernize Maine's Tax Code</b>	<b>CARRIED OVER</b>	<b>Page 778</b>
<b>LD 1595</b>	<b>An Act To Rebalance Maine's Tax Code</b>	<b>CARRIED OVER</b>	<b>Page 780</b>
<b>LD 1605</b>	<b>An Act To Reform the Income Tax for Middle-income and Lower-income Families</b>	<b>CARRIED6 OVER</b>	<b>Page 782</b>

*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Transportation*

*August 2005*

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*Rep. William P. Browne*

*Rep. Douglas A. Thomas*

**JOINT STANDING COMMITTEE ON  
TRANSPORTATION**

**Summary of Committee Actions**

I. <b>BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	112	91.8%	6.6%
<i><u>Bills Carried Over</u></i>	10	8.2%	0.6%
<b>Total Bills referred</b>	122	100.0%	7.2%
<b>B. Bills reported out by law or joint order</b>	0	0.0%	0.0%
<b>Total Bills considered by Committee</b>	122	100.0%	7.2%
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i><u>Orders and Resolutions Carried Over</u></i>	0	0.0%	0.0%
<b>Total Orders and Resolutions Referred</b>	0	0.0%	0.0%
		<b>% of this Committee's Reports</b>	<b>% of All Committee Reports</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	14	12.5%	0.9%
<i>Ought to Pass as Amended</i>	29	25.9%	1.9%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	50	44.6%	3.3%
<b>Total unanimous reports</b>	93	83.0%	6.2%
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	18	16.1%	1.2%
<i>Three-way reports</i>	1	0.9%	0.1%
<i><u>Four-way reports</u></i>	0	0.0%	0.0%
<b>Total divided reports</b>	19	17.0%	1.3%
<b>Total committee reports</b>	112	91.8%	7.4%
<b>III. CONFIRMATION HEARINGS</b>	1	N/A	N/A
		<b>% of Comm Bills/Papers</b>	<b>% of All Bills/Papers</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>		
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	39	32.0%	2.3%
<i>Private and Special Laws</i>	1	0.8%	0.1%
<i>Resolves</i>	6	4.9%	0.4%
<i><u>Constitutional Resolutions</u></i>	0	0.0%	0.0%
<b>Total Enacted or Finally Passed</b>	46	37.7%	2.7%
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	0	0.0%	0.0%
<b>Total number of rules reviewed</b>	0	0.0%	0.0%
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	0	0.0%	0.0%
<b>Total</b>	0	0.0%	0.0%

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

*Joint Standing Committee on Transportation*

**LD 3**                      **Resolve, To Equalize Funding of Rail Service from New Hampshire**                      **ONTP**

<u>Sponsor(s)</u> MARLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 3 proposed to authorize the Northern New England Passenger Rail Authority to assess a surcharge on tickets purchased in New Hampshire for travel on the Downeaster passenger rail service. It further proposed to require all money received from the surcharge to be used solely for the payment of operational costs for the Downeaster passenger rail service.

**LD 13**                      **An Act To Amend the Laws Governing Commercial Vehicle Length Limits**                      **PUBLIC 170**

<u>Sponsor(s)</u> DAMON MARLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-166
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LD 13 proposed to allow a 48-foot trailer to transport rough-sawn, milled or finished lumber with an overhang of 18 inches or less.

**Committee Amendment "A" (S-166)** replaced the bill and proposed to clarify that a load on a combination vehicle with a 48-foot trailer may overhang the structural portion of the trailer as long as the overall length does not exceed 69 feet.

*Enacted law summary*

Public Law 2005, chapter 170 clarifies that a load on a combination vehicle with a 48-foot trailer may overhang the structural portion of the trailer as long as the overall length does not exceed 69 feet.

**LD 18**                      **An Act To Require the Department of Transportation To Maintain the Morneault Road in Grand Isle**                      **ONTP**

<u>Sponsor(s)</u> SMITH W MARTIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 18 proposed to require the Department of Transportation to maintain the Morneault Road in Grand Isle.

*Joint Standing Committee on Transportation*

**LD 36**

**An Act To Promote Access to Transportation for Seniors**

**PUBLIC 71**

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

LD 36 proposed to provide an exemption from dealer licensing laws for public or nonprofit organizations that use automobile donations to provide transportation for persons 65 years of age or older or that take personal automobiles in trade from persons 65 years of age or older in exchange for transportation services.

*Enacted law summary*

Public Law 2005, chapter 71 provides an exemption from dealer licensing laws for public or nonprofit organizations that use automobile donations to provide transportation for persons 65 years of age or older or that take personal automobiles in trade from persons 65 years of age or older in exchange for transportation services.

**LD 38**

**An Act To Enhance Highway Safety**

**ONTP**

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

LD 38 proposed to require rear lights on motor vehicles to be on during the same circumstances when headlights are required to be illuminated.

**LD 39**

**An Act To Amend the Definition of Authorized Emergency Vehicle**

**PUBLIC 14**

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

LD 39 proposed to amend the definition of "authorized emergency vehicle" to include a vehicle operated by a municipal rescue chief, deputy chief or assistant chief.

**Committee Amendment "A" (S-16)** proposed to define a rescue vehicle as a vehicle operated by a municipal rescue chief, deputy chief or assistant chief and allow a rescue vehicle to be equipped with a red light or a combination of red and white light.



***Joint Standing Committee on Transportation***

**LD 71                                      An Act To Amend the Law Pertaining to Nitrous Oxide Systems                                      PUBLIC 31**

<u>Sponsor(s)</u> MCKENNEY	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 71 proposed to allow a person to operate a motor vehicle equipped with a nitrous oxide system on a public way if the vehicle is en route to or from a car show, a fill station or an off-highway competition or event.

***Enacted law summary***

Public Law 2005, chapter 31 allows a person to operate a motor vehicle equipped with a nitrous oxide system on a public way if the vehicle is en route to or from a car show, a fill station or an off-highway competition or event.

**LD 79                                      An Act To Allow the Issuance of Vanity Plates for Buses                                      ONTP**

<u>Sponsor(s)</u> BROMLEY CLOUGH	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 79 proposed to authorize the Secretary of State to issue vanity registration plates for buses.

**LD 80                                      An Act To Amend the Law Governing Use of Seat Belts                                      ONTP**

<u>Sponsor(s)</u> SAVAGE SAMPSON	<u>Committee Report</u> OTP      MAJ ONTP    MIN	<u>Amendments Adopted</u>
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LD 80 proposed to allow a police officer to detain and cite a vehicle operator or passenger 18 years of age or older solely for failing to wear a seat belt. Current law prohibits the enforcement of the seat belt law unless the driver has been stopped for another violation of a law.

**LD 88                                      An Act To Eliminate Automobile Inspection Requirements                                      ONTP**

<u>Sponsor(s)</u> WOODCOCK	<u>Committee Report</u> ONTP    MAJ OTP      MIN	<u>Amendments Adopted</u>
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LD 88 proposed to repeal statutory provisions that require motor vehicles registered in the State to have an annual motor vehicle inspection.

*Joint Standing Committee on Transportation*

**LD 113**                      **An Act To Allow Animal Control Officers and Individuals Who Collect Trash To Use Flashing Amber Lights on Their Vehicles**                      **PUBLIC 15**

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

LD 113 proposed to allow animal control officers and businesses that collect trash to use flashing amber lights on their vehicles.

*Enacted law summary*

Public Law 2005, chapter 15 allows animal control officers and businesses that collect trash to use flashing amber lights on their vehicles.

**LD 124**                      **An Act To Require Informational Signs on the Maine Turnpike for The Theater at Monmouth**                      **ONTP**

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

LD 124 proposed to require that 2 directional signs for The Theater at Monmouth be placed on the Maine Turnpike near the Sabattus exit.

**LD 128**                      **An Act To Create a License Plate for the Elks Organization**                      **CARRIED OVER**

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

LD 128 proposes to authorize the issuance of a special registration plate for the Benevolent Protective Order of Elks that will fund special programs of that fraternal and civic organization.

This bill was carried over by H.P. 1203 to any special or regular session of the 122<sup>nd</sup> Legislature.



**Joint Standing Committee on Transportation**

**LD 131**

**An Act To Equitably Maintain the Fiscal Sustainability of the Highway Fund**

**DIED ON  
ADJOURNMENT**

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

LD 131 proposed to delay the adjustment for inflation of the excise tax on internal combustion engine fuel and distillates from 2005 to 2007.

**Committee Amendment "A" (H-96)** proposed to replace the bill and would partially maintain the buying power of the Highway Fund by adjusting the fuel tax rate on gasoline to reflect inflation and by adjusting the fuel tax rate on diesel fuel so that it is equal to the gasoline tax rate as of July 1, 2006. (Not adopted)

**Senate Amendment "A" to Committee Amendment "A" (S-54)** proposed to remove the emergency preamble and emergency clause from the bill. (Not adopted)

**Senate Amendment "B" to Committee Amendment "A" (S-98)** proposed to repeal the laws that provide for the adjustment for inflation of the excise tax on internal combustion engine fuel and distillates effective July 1, 2007. (Not adopted)

**Senate Amendment "C" to Committee Amendment "A" (S-99)** proposed to replace the bill and would require the gas tax rate to remain at 25.2¢ per gallon and the tax on distillates to remain at 26.3¢ per gallon from July 1, 2005 until June 30, 2007. The amendment also proposed to delay the adjustment of the excise tax on internal combustion engine fuel and distillates from 2005 to 2007. (Not adopted)

**LD 132**

**An Act To Amend the Law Governing Construction Flaggers**

**ONTP**

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

LD 132 proposed to require all flaggers controlling traffic on or adjacent to a public way to receive flagger training. Current law only requires privately employed flaggers at highway construction sites on public ways to be trained in controlling traffic.

**Committee Amendment "A" (H-47)**, the committee minority report, proposed to require publicly and privately employed flaggers to receive annual training in controlling traffic at construction sites. The amendment proposed to clarify that flagger training must comply with the standards set forth in the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways. It would also require flagger training materials to be paid for by the Department of Transportation. The amendment further proposed to exempt an individual providing flagging services in an emergency situation where there is imminent danger of damage or injury to property or personal health and safety from training requirements. This amendment was not adopted.

*Joint Standing Committee on Transportation*

**LD 138**                      **Resolve, To Provide Efficient Highway Access to Central Maine Medical Services**                      **ONTP**

<u>Sponsor(s)</u> GAGNON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 138 proposed to direct the Department of Transportation to authorize the construction of a new entrance from Interstate 95 to the planned Central Maine Medical Services Regional Cancer Treatment facility on the Old Belgrade Road in Augusta.

**LD 152**                      **An Act To Change the Oversight of the Maine Pilotage Commission**                      **ONTP**

<u>Sponsor(s)</u> DAMON MARLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 152 proposed to change the oversight of the Maine Pilotage Commission from the Department of Transportation to the Maine Port Authority.

**LD 153**                      **An Act To Require Enforcement of the Low-emission Vehicle Program**                      **ONTP**

<u>Sponsor(s)</u> COWGER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 153 proposed to prohibit a person from registering a new vehicle unless the person provides proof to the Secretary of State that the vehicle is certified to meet California-emission certified standards. As proposed, the bill would prevent a resident from purchasing a vehicle outside the State that does not comply with the low-emission vehicle program described in the Maine Revised States, Title 38, section 585-D and registering the vehicle in Maine.

**LD 155**                      **Resolve, To Direct the Department of Transportation To Build a Truck Escape Ramp on Route 16**                      **ONTP**

<u>Sponsor(s)</u> MILLS P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 155 proposed to require the Department of Transportation to construct a truck escape ramp on Route 16 in Bingham to slow and stop vehicles that are out of control due to a loss of braking ability.

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**LD 163                      Resolve, To Designate a Certain Intersection in Sidney as the Trooper Jeffrey S. Parola Memorial                      RESOLVE 1**

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

LD 163 proposed to designate the intersection of Lyons Road and Route 104 in Sidney as the Trooper Jeffrey S. Parola Memorial. Trooper Parola was killed at this intersection while dutifully responding to a tactical team call.

**Enacted law summary**

Resolve 2005, chapter 1 designates the intersection of Lyons Road and Route 104 in Sidney as the Trooper Jeffrey S. Parola Memorial. Trooper Parola was killed at this intersection while dutifully responding to a tactical team call.

**LD 171                      An Act To Allocate Funds To Erect a Bridge between Madawaska and Pelletier Island in St. Agatha                      ONTP**

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

LD 171 proposed to provide a Highway Fund allocation to the Department of Transportation to construct a bridge between Madawaska and Pelletier Island in St. Agatha.

**LD 172                      An Act Requiring Protective Headgear for All Operators and Passengers on Motorcycles, Motor-driven Cycles and Mopeds                      ONTP**

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

LD 172 proposed to require use of helmets by all operators and passengers of motorcycles, motor-driven cycles and mopeds.

**Committee Amendment "A" (H-221)**, the committee minority report, proposed to require use of helmets by all operators and passengers of motorcycles, motor-driven cycles or attached side cars under 21 years of age. It also proposed to require an operator of a motorcycle to wear protective eyewear when operating a motorcycle if the motorcycle is not equipped with a windshield or screen that protects the operator's eyes and face. This amendment was not adopted.

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**LD 175**                      **An Act To Permit Logo Signs on the Maine Turnpike**                      **ONTP**

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

LD 175 proposed to authorize the Maine Turnpike Authority to install logo signs on the Maine Turnpike and direct the Maine Turnpike Authority to adopt major substantive rules to establish application and installation procedures.

**LD 202**                      **An Act To Clarify Matters Relating to the Offices of Secretary and Treasurer of the Maine Turnpike Authority**                      **PUBLIC 54**

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

LD 202 proposed to clarify that the offices of secretary and treasurer of the Maine Turnpike Authority may be held simultaneously by 2 persons or by one person.

*Enacted law summary*

Public Law 2005, chapter 54 clarifies that the offices of secretary and treasurer of the Maine Turnpike Authority may be held simultaneously by 2 persons or by one person.

**LD 213**                      **Resolve, To Require That the Department of Transportation Install a Traffic Light in West Enfield**                      **DIED BETWEEN HOUSES**

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

LD 213 proposed to direct the Department of Transportation to install a 4-way flashing beacon traffic light at the intersection of U.S. Route 2 and Route 155 in West Enfield.

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**LD 224**                      **An Act To Amend the Law Governing Student Rates on Maine State Ferry Service Ferries**                      **PUBLIC 9**

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

LD 224 proposed to allow year-round free use of the scheduled Maine State Ferry Service to the towns of North Haven, Vinalhaven, Islesboro, Swan's Island and Frenchboro for school functions or school-sponsored activities.

***Enacted law summary***

Public Law 2005, chapter 9 allows year-round free use of the scheduled Maine State Ferry Service to the towns of North Haven, Vinalhaven, Islesboro, Swan's Island and Frenchboro for school functions or school-sponsored activities.

**LD 243**                      **An Act To Allow Emergency Responders To Equip Their Vehicles with 2 Emergency Flashing Lights**                      **PUBLIC 299**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS G	OTP-AM	H-220 S-270 DAMON

LD 243 proposed to permit municipal and volunteer firefighters and emergency medical services personnel to use any combination of 2 flashing red or white lights on personal vehicles while en route to or at the scene of fires or other emergencies. It would also provide that such vehicles are covered by the rules of operation applying to authorized emergency vehicles. The bill also proposed to require that a person may only use flashing lights on a personal vehicle upon completion of a state-certified emergency vehicle operators or emergency ambulance operators course.

**Committee Amendment "A" (H-220)** replaced the bill and proposed to allow municipal and volunteer firefighters and emergency medical services personnel to use either one flashing red light or any combination of 2 red or white lights on personal vehicles while en route to or at the scene of fires or other emergencies. It also proposed to require that a person may only use emergency lights on a personal vehicle upon completion of a state-certified emergency vehicle operators or emergency ambulance operators course.

**Senate Amendment "A" to Committee Amendment "A" (S-270)** replaced Committee Amendment "A" and proposed to remove the requirement that municipal and volunteer firefighters and emergency medical service personnel who are responding to the scene of an emergency in personal vehicles be trained in emergency vehicle operation. It also proposed to allow personal vehicles of municipal and volunteer firefighters and emergency medical services personnel to be equipped with flashing red or combination red and white lights facing to the front of the vehicle for use while en route to or at the scene of emergencies.

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### *Enacted law summary*

Public Law 2005, chapter 299 allows personal vehicles of municipal and volunteer firefighters and emergency medical services personnel to be equipped with flashing red or combination red and white lights facing to the front of the vehicle for use while en route to or at the scene of emergencies.

**LD 252                      Resolve, To Name Interstate 295 Ronald Reagan Memorial Highway                      ONTP**

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

LD 252 proposed to name Interstate 295 the Ronald Reagan Memorial Highway.

**LD 255                      An Act To Require a Person Operating Farm Equipment on Public Roads To Be Adequately Trained                      ONTP**

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

LD 255, a concept draft pursuant to Joint Rule 208, proposed to require that, prior to operating a farm vehicle on a public road, a person must demonstrate proficiency in the operation of that vehicle.

**Committee Amendment "A" (H-165)**, the committee minority report, proposed to direct the Department of the Secretary of State, Bureau of Motor Vehicles, in conjunction with the Department of Agriculture, Food and Rural Resources, the Department of Public Safety and the Maine Farm Bureau Association to examine the feasibility of implementing a mandatory training course for the operation of farm vehicles on public roads. The amendment further proposed to require the Bureau of Motor Vehicles to submit a report with its findings and recommendations to the Joint Standing Committee on Transportation no later than November 1, 2005. This amendment was not adopted.

**LD 258                      An Act To Repeal Gasoline Tax Indexing                      ONTP**

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

LD 258 proposed to repeal the annual inflation indexing of the excise tax on motor fuel.

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**LD 277**

**An Act Regarding the Management and Use of Sears Island**

**PUBLIC 277**

<u>Sponsor(s)</u> MCKENNEY COURTNEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-439
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LD 277 proposed to require that Sears Island be managed primarily for industrial and commercial purposes.

**Committee Amendment "A" (H-439)** proposed to remove language from the bill that would require that Sears Island be managed primarily for industrial and commercial purposes. It further proposed to require the Commissioner of Transportation to bring before the joint standing committee of the Legislature having jurisdiction over transportation matters for review and approval any proposal that would alter the current land use, ownership or jurisdiction of lands owned by the State within the Port of Searsport presently under the jurisdiction of the Department of Transportation.

*Enacted law summary*

Public Law 2005, chapter 277 requires the Commissioner of Transportation to bring before the joint standing committee of the Legislature having jurisdiction over transportation matters for review and approval any proposal that would alter the current land use, ownership or jurisdiction of lands owned by the State within the Port of Searsport presently under the jurisdiction of the Department of Transportation.

**LD 279**

**An Act To Require Trains in the State To Operate with a Minimum of 5 Employees**

**ONTP**

<u>Sponsor(s)</u> CLARK	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 279 proposed to require railroad companies to operate each train with a minimum of 5 employees.

**LD 334**

**An Act Allowing Certain Commercial Vehicles at Canadian Weight Limits To Travel from the Canadian Border at Calais to Baileyville**

**PUBLIC 421**

<u>Sponsor(s)</u> JOY RAYE	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-261 S-319 MARTIN S-388 DAMON
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LD 334 proposed to authorize the Commissioner of Transportation to conduct a pilot project allowing certain commercial vehicles at Canadian weight limits to travel from the Canadian border at Houlton to New Limerick and from the Canadian border at Calais to Baileyville. It proposed to require trucks participating in the pilot

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project to display a credential obtained for a fee from the Secretary of State. The bill also proposed to require the Commissioner of Transportation to submit a report on the status of the pilot project and recommendations to the joint standing committee of the Legislature having jurisdiction over transportation matters for presentation to the First Regular Session of the 126th Legislature.

**Committee Amendment "A" (H-261)**, the committee majority report, proposed to shorten the length of the pilot project from 10 years to five years and limit the allowable route of travel to travel from the Canadian border at Calais to Baileyville. The amendment also proposed to require that the report of the Commissioner of Transportation be submitted to the joint standing committee of the 124th Legislature having jurisdiction over transportation matters and include information on the impact of the pilot project on road conditions.

**Senate Amendment "A" (S-319)** proposed to require the approval of the United States Department of Transportation, Federal Highway Administration prior to the pilot project's taking effect.

**Senate Amendment "A" to Committee Amendment "A" (S-388)** proposed to remove the appropriations and allocations section from the amendment.

### *Enacted law summary*

Public Law 2005, chapter 421 authorizes the Commissioner of Transportation, upon approval of the United States Department of Transportation, Federal Highway Administration, to conduct a five-year pilot project allowing certain commercial vehicles at Canadian weight limits to travel from the Canadian border at Calais to Baileyville. The law requires trucks participating in the pilot project to display a credential obtained for a fee from the Secretary of State. The law also requires the Commissioner of Transportation to submit a report on the status of the pilot project and recommendations to the joint standing committee of the Legislature having jurisdiction over transportation matters for presentation to the First Regular Session of the 124th Legislature.

**LD 360**

**An Act To Allow Retired Firefighters To Retain Their Firefighter License Plates**

**PUBLIC 80**

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

LD 360 proposed to authorize the issuance of a special license plate for retired firefighters that would fund special programs that offer fire prevention and fire safety training.

**Committee Amendment "A" (H-131)** replaced the bill and proposed to allow retired firefighters to retain their firefighter license plates with approval from the fire chief, assistant fire chief or acting fire chief. Upon the death of the firefighter, it proposed to allow the family of the firefighter to retain the license plate but would prohibit its use on a vehicle.



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### *Enacted law summary*

Public Law 2005, chapter 80 allows retired firefighters to retain their firefighter license plates with approval from the fire chief, assistant fire chief or acting fire chief. Upon the death of the firefighter, the law allows the family of the firefighter to retain the license plate but prohibits its use on a vehicle.

**LD 371                      An Act To Distribute Revenue in the Law Enforcement Agency Reimbursement Fund to Municipalities and Counties and To Assist Law Enforcement Officers with Unmet Catastrophic Medical Needs                      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE MARLEY	OTP-AM	S-110

LD 371 proposed to require that any balance in the Law Enforcement Agency Reimbursement Fund remaining at the end of the fiscal year be distributed among municipalities according to a population-based revenue-sharing formula. It proposed to provide that if a municipality does not qualify because it does not employ at least one law enforcement officer or contract with a county to provide patrol service, then the county in which that municipality is located receives the nonqualifying municipality's share of the fund.

**Committee Amendment "A" (S-110)** proposed to create the Law Enforcement Benevolent Fund to be used to meet the unmet financial needs of injured and ill law enforcement officers and their families. The amendment proposed to require that 10% of any balance in the Law Enforcement Agency Reimbursement Fund at the end of the fiscal year be transferred to the Law Enforcement Benevolent Fund. It also proposed to distribute any funds remaining in the Law Enforcement Agency Reimbursement Fund after funds are transferred to the Law Enforcement Benevolent Fund to municipalities and counties according to a population-based revenue-sharing formula as provided in the original bill.

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature

**LD 375                      An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2006                      P & S 2**

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

LD 375 proposed to make allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2006 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

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### *Enacted law summary*

Private and Special Law 2005, chapter 2 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, 2006 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

**LD 380**                      **An Act To Allow Small Car Carriers To Haul the Maximum Allowed Vehicles**                      **ONTP**

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

LD 380 proposed to allow a vehicle weighing more than 10,000 pounds or combination of vehicles with dealer plates to transport 4 automobiles, trucks or truck tractors at any time.

**LD 395**                      **An Act Concerning Street Rod Standards**                      **PUBLIC 34**

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

LD 395 proposed to repeal the requirement of membership in a qualified street rod owners organization to qualify a vehicle as a street rod.

### *Enacted law summary*

Public Law 2005, chapter 34 repeals the requirement of membership in a qualified street rod owners organization in order to qualify a vehicle as a street rod.

**LD 418**                      **An Act To Exempt Certain Tires from the Speed Rating Requirements**                      **PUBLIC 66  
EMERGENCY**

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

LD 418 proposed to exempt motor vehicle tires purchased on or before September 13, 2003 and motor vehicle snow tires from speed rating requirements

**Committee Amendment "A" (H-117)** replaced the bill and proposed to remove the requirement that a vehicle must be equipped with tires that meet or exceed the load and speed rating of the original equipment tires. The amendment also proposed to add an emergency preamble and emergency clause to the bill.

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**Enacted law summary**

Public Law 2005, chapter 66 removes the requirement that a vehicle must be equipped with tires that meet or exceed the load and speed rating of the original equipment tires.

Public Law 2005, chapter 66 was enacted as an emergency measure effective April 29, 2005.

**LD 419                    An Act To Create a License Plate for the National Rifle Association                    CARRIED OVER**

<u>Sponsor(s)</u> CEBRA	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 419 proposes to authorize the issuance of a special registration plate for the National Rifle Association that will fund special programs that offer firearm training and safety and hunter training and safety.

This bill was carried over by H.P. 1203 to any special or regular session of the 122<sup>nd</sup> Legislature.

**LD 437                    An Act To Create an Agriculture Recognition License Plate                    CARRIED OVER**

<u>Sponsor(s)</u> TRAHAN NUTTING J	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 437 proposes to authorize the issuance of an agriculture recognition registration plate to support programs that benefit the Maine Ag in the Classroom Association and other agricultural youth organizations approved by that association.

This bill was carried over by H.P. 1203 to any special or regular session of the 122<sup>nd</sup> Legislature.

**LD 439                    An Act To Implement the Recommendations of the Commission To Study Public Health Concerning Alternative Roadways                    ONTP**

<u>Sponsor(s)</u> CRAVEN MARTIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 439 proposed to require the Department of Transportation to expend at least 1% of its annual Highway Fund allocation for highway improvement, construction and maintenance on the construction and maintenance of alternative roadways. It also proposed to require the Commissioner of Transportation to study the economic

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development impact of constructing and maintaining alternative roadways and submit a report for presentation to the First Regular Session of the 125th Legislature.

**LD 441**                      **An Act To Change the Fine Structure for Overweight Hauling Vehicles**                      **ONTP**

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

LD 441 proposed to reduce the fine assessed for an excessive vehicle weight violation if the owner of the commercial vehicle has a gross income of less than \$100,000. The bill also proposed to prohibit a law enforcement officer from issuing more than one citation to a commercial vehicle operator for an inspection or excessive vehicle weight violation within a 24-hour period. It further proposed to require multiple reductions of fines that apply to an excessive vehicle weight violation to be combined.

**LD 446**                      **An Act To Mandate Payment of Licensed Sign Language Interpreters for Driver Education Students**                      **PUBLIC 411**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-168

LD 446 proposed to require the Secretary of State to provide certified deaf interpreter services or computer-assisted real-time transcription for deaf and hard-of-hearing persons required to complete a driver education or motorcycle driver education course and examination in order to qualify for a driver's license or instruction permit.

**Committee Amendment "A" (S-168)** proposed to clarify that the Secretary of State must provide licensed interpreter services for deaf and hard-of-hearing persons required to complete a driver education or motorcycle driver education course and examination in order to qualify for a driver's license or instruction permit. The amendment also proposed to add an appropriations and allocations section to the bill.

### *Enacted law summary*

Public Law 2005, chapter 411 requires the Secretary of State to provide licensed interpreter services or computer-assisted real-time transcription for deaf and hard-of-hearing persons required to complete a driver education or motorcycle driver education course and examination in order to qualify for a driver's license or instruction permit.

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**LD 492                      An Act To Create a Special Higher Education License Plate                      CARRIED OVER**

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

LD 492 proposes to authorize the issuance of a higher education special registration plate to honor institutions of higher learning in Maine and to fund the Maine State Grant Program.

This bill was carried over by H.P. 1203 to any special or regular session of the 122<sup>nd</sup> Legislature.

**LD 495                      An Act To Reduce School Truancy                      ONTP**

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

LD 495 proposed to provide that a person under 17 years of age may not apply for an instruction permit to operate a motor vehicle or motorcycle and may not apply for a license unless that person provides proof that the person has not been declared habitually truant.

**Committee Amendment "A" (H-369)**, the committee minority report, proposed to clarify that a public school student under 17 years of age may not apply for an instruction permit to operate a motor vehicle or motorcycle and may not apply for a license unless that person provides proof that the person has not been declared habitually truant. The amendment also proposed to repeal these provisions June 30, 2008. This amendment was not adopted.

**LD 498                      An Act To Amend the Laws Relating to Changeable Signs                      PUBLIC 195**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN	OTP-AM    MAJ ONTP      MIN	H-291

LD 498 proposed to authorize a municipality to adopt an ordinance to regulate changeable signs within that municipality that is more or less stringent than state standards except for changeable signs located on interstate corridors.

**Committee Amendment "A" (H-291)**, the committee majority report, proposed to remove language from the bill that would allow a municipality to adopt an ordinance to regulate changeable signs that is more or less stringent than state standards. The amendment also proposed to authorize a municipality to adopt an ordinance to regulate the changing of messages displayed on a changeable sign, except that a municipality may not allow flashing.

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**Enacted law summary**

Public Law 2005, chapter 195 authorizes a municipality to adopt an ordinance to regulate the changing of messages displayed on a changeable sign, except that a municipality may not allow flashing.

**LD 501                      An Act To Amend the Operator's License and Nondriver Identification Card Requirements for Nonimmigrants                      CARRIED OVER**

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

LD 501 proposes to require an applicant for a driver's license or a nondriver identification card who is a nonimmigrant to provide the Secretary of State written proof, evidence or documentation that the applicant's presence in the United States is authorized under federal law. It also proposes to provide that a driver's license or nondriver identification card issued to a nonimmigrant is not valid past the expiration date of the nonimmigrant's permission to remain in the United States.

This bill was carried over by H.P. 1203 to any special or regular session of the 122<sup>nd</sup> Legislature.

**LD 505                      An Act Relating to the Northern New England Passenger Rail Authority                      PUBLIC 312 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY SAVAGE	OTP-AM	H-362 S-192 DAMON

LD 505 proposed to amend the Passenger Rail Service Act as follows:

1. It proposed to repeal the section of law pertaining to initial funding for the Northern New England Passenger Rail Authority.
2. It proposed to expand the membership of the board of directors of the Northern New England Passenger Rail Authority to include the Commissioner of the Department of Transportation, or designee and the Commissioner of the Department of Economic and Community Development or designee.
3. It proposed to change provisions relating to the liability of a passenger rail service provider to clarify that more than one passenger rail service provider may be covered under a single liability insurance policy.
4. It proposed to provide that any documents or records of the Northern New England Passenger Rail Authority relating to employment applications are confidential.

**Committee Amendment "A" (H-362)** proposed to do the following:

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1. It proposed to add an emergency preamble and emergency clause to the bill.
2. It proposed to require members of the board of directors of the Northern New England Passenger Rail Authority who are appointed by the Governor to be confirmed by the joint standing committee of the Legislature having jurisdiction over transportation matters.
3. It proposed to direct the Department of Transportation to develop a plan to extend the current Downeaster passenger rail service northward from Portland to Brunswick and Rockland so that this extended service is in operation no later than January 1, 2008. It further proposed to direct the Department of Transportation to submit a report with its findings and recommendations to the Joint Standing Committee on Transportation no later than January 1, 2006.

**Senate Amendment "A" to Committee Amendment "A" (S-192)** proposed to require the Governor's appointees to the board of directors of the Northern New England Passenger Rail Authority to be confirmed by the Legislature instead of the joint standing committee of the Legislature having jurisdiction over transportation matters.

### *Enacted law summary*

Public Law 2005, chapter 312 amends the Passenger Rail Service Act as follows:

1. It repeals the section of law pertaining to initial funding for the Northern New England Passenger Rail Authority.
2. It expands the membership of the board of directors of the Northern New England Passenger Rail Authority to include the Commissioner of the Department of Transportation, or designee and the Commissioner of the Department of Economic and Community Development or designee.
3. It requires members of the board of directors of the Northern New England Passenger Rail Authority who are appointed by the Governor to be confirmed by the Legislature.
4. It changes provisions relating to the liability of a passenger rail service provider to clarify that more than one passenger rail service provider may be covered under a single liability insurance policy.
5. It provides that any documents or records of the Northern New England Passenger Rail Authority relating to employment applications are confidential.
6. It directs the Department of Transportation to develop a plan to extend the current Downeaster passenger rail service northward from Portland to Brunswick and Rockland so that this extended service is in operation no later than January 1, 2008. It also directs the Department of Transportation to submit a report with its findings and recommendations to the Joint Standing Committee on Transportation no later than January 1, 2006.

Public Law 2005, chapter 312 was enacted as an emergency measure effective June 7, 2005.

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**LD 510**                      **An Act Concerning Dismantling of Railroad Track**                      **CARRIED OVER**

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

LD 510 proposes to amend the law establishing procedures for dismantling railroad track so that it applies to any track, not just state-owned track.

This bill was carried over by H.P. 1203 to any special or regular session of the 122<sup>nd</sup> Legislature.

**LD 511**                      **Resolve, Directing the State Police, Commercial Vehicle Enforcement Division To Examine Enforcement Methods**                      **ONTP**

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

LD 511 proposed to direct the Department of Public Safety, Bureau of State Police, Commercial Vehicle Enforcement Division in conjunction with the Department of Transportation to examine the impact of its enforcement procedures, including, but not limited to, its fine structure and schedule of traffic infractions, on the trucking industry and on the State.

**LD 524**                      **An Act To Facilitate Reimbursement of Public Utilities Relocation Costs**                      **PUBLIC 282 EMERGENCY**

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

LD 524 proposed to allow the Department of Transportation to reimburse a utility for the cost of moving or relocating facilities as a result of a highway construction project to the extent such payments by the department are in turn eligible for reimbursement from federal funds under 23 United States Code, Section 123.

**Committee Amendment "A" (H-458)** replaced the bill and proposed to allow the Department of Transportation to use federal transportation funds to reimburse a National Register Historic District for the portion of the cost to move or relocate overhead utilities underground on the National Highway System to the extent that such payments are eligible for reimbursement under the federal surface transportation program under 23 United States Code, Section 133 (2005).

*Enacted law summary*

Public Law 2005, chapter 282 allows the Department of Transportation to use federal transportation funds to reimburse a National Register Historic District for the portion of the cost to move or relocate overhead utilities



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underground on the National Highway System to the extent that such payments are eligible for reimbursement under the federal surface transportation program under 23 United States Code, Section 133 (2005).

Public Law 2005, chapter 282 was enacted as an emergency measure effective June 2, 2005.

**LD 525**                      **An Act To Ban the Use of Handheld Cellular Telephones while Operating a Motor Vehicle**                      **ONTP**

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

LD 525 proposed to prohibit the use of a handheld cellular telephone while operating a motor vehicle. The bill also proposed to clarify 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.

**Committee Amendment "A" (H-164)**, the committee minority report, replaced the bill and proposed to define the term "distracted driving" and provide that a person who engages in distracted driving commits a traffic infraction. It also proposed to provide that a distracted driving violation may be enforced only if a law enforcement officer has detained the operator of the motor vehicle for a moving violation. The amendment further proposed to preempt municipal ordinances relating to the use of mobile telephones. This amendment was not adopted.

**LD 528**                      **An Act To Exempt Insurers of Commercial Vehicle Fleets from the Requirement of Notification to the Secretary of State When Insurance Is Cancelled**                      **PUBLIC 95**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE MCKENNEY	OTP-AM	S-95

LD 528 proposed to exempt the insurer of a fleet of 3 or more vehicles with commercial automobile coverage from the requirement to notify the Secretary of State when insurance is cancelled, terminated or lapsed.

**Committee Amendment "A" (S-95)** proposed a technical amendment to the bill.

*Enacted law summary*

Public Law 2005, chapter 95 exempts the insurer of a fleet of 3 or more vehicles with commercial fleet automobile coverage from the requirement to notify the Secretary of State when insurance is cancelled, terminated or lapsed.

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**LD 529**                      **An Act To Allow Vehicles Owned by Sanitary or Sewer Districts To Use Municipal License Plates**                      **ONTP**

<u>Sponsor(s)</u> SAVAGE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 529 proposed to require the Secretary of State to issue municipal plates for a vehicle owned by a sanitary or sewer district.

**LD 555**                      **An Act To Enhance Driver Education and Safety**                      **PUBLIC 174  
EMERGENCY**

<u>Sponsor(s)</u> FLETCHER SNOWE-MELLO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-289
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LD 555 proposed to authorize an individual or entity to provide voluntary advanced driver education instruction to a person at least 21 years of age who has a valid driver's license.

**Committee Amendment "A" (H-289)** replaced the bill and proposed to authorize an advanced driver education course, establish instructor licensing and curriculum requirements and provide penalties for noncompliance with the statutory provisions governing advanced driver education.

*Enacted law summary*

Public Law 2005, chapter 174 authorizes an advanced driver education course, establishes instructor licensing and curriculum requirements and provides penalties for noncompliance with the statutory provisions governing advanced driver education.

Public Law 2005, chapter 174 was enacted as an emergency measure effective May 20, 2005.

**LD 606**                      **Resolve, To Require the Department of Transportation To Rebuild the Frank J. Wood Bridge between Brunswick and Topsham**                      **ONTP**

<u>Sponsor(s)</u> RICHARDSON J EDMONDS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 606 proposed to require the Department of Transportation to rebuild the Frank J. Wood Bridge between Brunswick and Topsham.

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**LD 607**                      **An Act To Extend Passenger Rail Service to Midcoast Maine**                      **ONTP**

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

LD 607 proposed to direct the Northern New England Passenger Rail Authority to extend regularly scheduled passenger rail service between Portland and Rockland and points in between beginning January 2006.

**LD 614**                      **An Act To Eliminate the Rebate Process for Refunding the State Gas Tax**                      **ONTP**

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

LD 614 proposed to exempt fuel bought and used in a political subdivision's vehicles from the state motor fuel tax. Current law allows a political subdivision of the State to apply to the State Tax Assessor for a reimbursement of the tax paid on fuel bought and used in the political subdivision's vehicles.

**LD 616**                      **An Act To Alter Wrecker Registrations**                      **ONTP**

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

LD 616 proposed to require dealer wrecker registrations to designate the number of damaged vehicles that the wrecker is built to safely carry.

**LD 634**                      **An Act To Amend the Electronic Insurance Cancellation Notification Law**                      **PUBLIC 428**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISCHER DAMON	OTP-AM    MAJ OTP-AM    MIN	H-518 S-389    DAMON

LD 634 proposed to allow a 15-day reconciliation period at the Secretary of State's office to reconcile motor vehicle insurance cancellations with reinstatements and policies placed with a different company before the Secretary of State sends out a notification of suspension. It also proposed to require the Secretary of State to accept by electronic transmittal evidence of insurance for insured persons who are changing insurance carriers.

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The bill further proposed to amend the content of the notification of cancellation to require the name, address and date of birth of the insured or insureds of the motor vehicle, instead of the owner or owners.

**Committee Amendment "A" (H-518)**, the committee majority report, proposed to remove language from the bill that amends the content of the notification of cancellation to require the name, address and date of birth of the insured or insureds of the motor vehicle instead of the owner or owners. It further proposed to require the Secretary of State to accept evidence of motor vehicle insurance for insured persons who are changing insurance carriers electronically as of January 1, 2007. It also proposed to add an appropriations and allocations section to the bill and remove the emergency clause and emergency preamble from the bill.

**Committee Amendment "B" (H-519)**, the committee minority report, proposed to remove language from the bill that amends the content of the notification of cancellation to require the name, address and date of birth of the insured or insureds of the motor vehicle instead of the owner or owners. It also proposed to remove language from the bill that requires the Secretary of State to accept evidence of motor vehicle insurance for insured persons who are changing insurance carriers. It further proposed to add an appropriations and allocations section to the bill. This amendment was not adopted.

**Senate Amendment "A" to Committee Amendment "A" (S-389)** proposed to remove the appropriations and allocations section from the amendment.

### *Enacted law summary*

Public Law 2005, chapter 428 allows a 15-day reconciliation period at the Secretary of State's office to reconcile motor vehicle insurance cancellations with reinstatements and policies placed with a different company before the Secretary of State sends out a notification of suspension. The law further requires the Secretary of State to accept evidence of motor vehicle insurance for insured persons who are changing insurance carriers electronically as of January 1, 2007.

LD 650

**An Act To Protect Maine's Groundfishing Industry**

PUBLIC 260

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

LD 650 proposed to clarify that a person who pays for fuel used in commercial groundfishing is eligible for a refund of the state taxes paid on that fuel, less the administrative fee of 1¢ per gallon.

### *Enacted law summary*

Public Law 2005, chapter 260 clarifies that a person who pays for fuel used in commercial groundfishing is eligible for a refund of the state taxes paid on that fuel, less the administrative fee of 1¢ per gallon.

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LD 657

An Act To Amend the Axle Weight Laws

PUBLIC 426

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS MARTIN	OTP-AM	H-459 S-390 DAMON

LD 657 proposed to require that for vehicle weight violations for vehicles for which the law provides a tolerance, the base on which the fine is calculated must be the actual weight plus the tolerance allowed.

**Committee Amendment "A" (H-459)** replaced the bill and proposed to amend the calculation of tandem axle weight fines for 6-axle trucks hauling special commodities to clarify that the lower fine applies. It also proposed to amend the axle weight fine schedules to eliminate relatively steep fine increases for smaller violations for trucks hauling forest products. The amendment further proposed to eliminate axle weight fine violations during the months of January and February on most state roads.

**Senate Amendment "A" to Committee Amendment "A" (S-390)** proposed to repeal these provisions on September 15, 2007.

*Enacted law summary*

Public Law 2005, chapter 426 reduces the fines assessed for excessive axle weight violations by changing the methodology of fine calculations for certain 4-axle and 6-axle commercial vehicles and eliminates axle weight fine violations during the months of January and February on most state roads. The law repeals these provisions on September 15, 2007.

LD 690

Resolve, Authorizing Relocation of a Certain Private Driveway on  
Route 26

ONTP

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

LD 690 proposed to authorize the Department of Transportation to allow the relocation of a private driveway on a limited-access portion of Route 26.

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**LD 698**                      **An Act To Provide for the Temporary Suspension of the Tax on Motor Fuel**                      **ONTP**

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

LD 698 proposed to suspend the tax imposed on internal combustion engine fuel and on special fuels if the retail price of those fuels exceeds by 50% or more the weekly average retail price of the fuel for the previous 52 weeks or calendar year. The bill also proposed to cap the inflation index on motor fuels at 2% annually.

**Committee Amendment "A" (S-111)**, the committee minority report, proposed to add a fiscal note to the bill.

**LD 712**                      **An Act To Reimburse the Town of St. Agatha and Other Towns in Category II for Costs Incurred in Erecting a Salt and Gravel Storage Shed as Mandated by the State**                      **ONTP**

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

LD 712 proposed to allocate \$1,400,000 from the Highway Fund for the purpose of providing funds to municipalities for the construction of Priority 1 and Priority 2 sand and salt sheds.

**LD 729**                      **An Act To Clarify the City of Portland's Interest in the Maine State Pier**                      **ONTP**

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

LD 729 proposed to confirm the intent of the Legislature as shown in the Legislative Record and the deed from the Department of Transportation to the City of Portland dated February 1, 1982, whereby the State conveyed to the city all of the State's legal interest and rights in the Maine State Pier and the submerged lands associated with the pier.

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**LD 733**                      **An Act To Reward Veterans for Their Service**                      **ONTP**

<u>Sponsor(s)</u> LINDELL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 733 proposed to allow an honorably discharged veteran of the United States Armed Forces to receive one set of license plates for a noncommercial vehicle with a lifetime exemption from registration fees and excise taxes.

**LD 735**                      **An Act To Clarify Registration for Noncommercial Trucks and  
Registration Requirements for Nonresidents**                      **ONTP**

<u>Sponsor(s)</u> SAVIELLO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 735 proposed to clarify that seasonal nonresident visitors to Maine who are domiciled in this State for less than 179 days are not required to register their vehicles in this State. The bill also proposed to remove the requirement that noncommercial trucks in excess of 6,000 pounds be registered as commercial vehicles.

**LD 738**                      **An Act To Make Additional Allocations from the Highway Fund  
and Other Funds for the Expenditures of State Government and  
To Change Certain Provisions of State Law Necessary to the  
Proper Operations of State Government for the Fiscal Year  
Ending June 30, 2005**                      **PUBLIC 37  
EMERGENCY**

<u>Sponsor(s)</u> MARLEY DAMON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-46
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LD 738 proposed to do the following:

Part A authorized certain transfers of excess equity of the State Retiree Health Insurance Fund to the General Fund Compensation and Benefit Plan account and Highway Fund Compensation and Benefit Plan account within the Department of Administrative and Financial Services and to the Highway Fund unallocated surplus and other funds or entities of origin.

Part B made allocations of funds for approved reclassifications and range changes.

**Committee Amendment "A" (H-46)** proposed to make certain reclassification adjustments.

*Enacted law summary*

Public Law 2005, chapter 37 does the following.

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Part A authorizes certain transfers of excess equity of the State Retiree Health Insurance Fund to the General Fund Compensation and Benefit Plan account and Highway Fund Compensation and Benefit Plan account within the Department of Administrative and Financial Services and to the Highway Fund unallocated surplus and other funds or entities of origin.

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

Public Law 2005, chapter 37 was enacted as an emergency measure effective April 1, 2005.

**LD 739**

**An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007**

**PUBLIC 36  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY DAMON	OTP-AM	H-72

LD 739 proposed to do the following:

Part A made allocations of funds.

Part B adjusted allocations of funds representing reduction proposals or adjustments to current services.

Part C required the calculation and transfer of statewide savings in the Highway Fund from extending the amortization schedule of the unfunded liability of the Maine State Retirement System for fiscal years 2005-06 and 2006-07 that are identified in Part B, section 1.

Part D required the calculation and transfer of statewide savings and identification of position eliminations in the Highway Fund from the review of the current organizational structure, systems and operations of information technology units.

**Committee Amendment "A" (H-72)** replaced the bill and proposed to do the following:

Part A made allocations of funds.

Part B adjusted allocations of funds representing reduction proposals or adjustments to current services.

Part C required the calculation and transfer of statewide savings in the Highway Fund from extending the amortization schedule of the unfunded liability of the Maine State Retirement System for fiscal years 2005-06 and 2006-07.

Part D required the calculation and transfer of statewide savings and identification of position eliminations in the Highway Fund from the review of the current organizational structure, systems and operations of information technology units.



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Part E required the calculation and transfer of statewide savings in the Highway Fund from savings in the cost of health insurance for fiscal years 2005-06 and 2006-07.

Part F provided one-time funding to the Office of Program Evaluation and Government Accountability for the review of departments and agencies that are funded by the Highway Fund.

Part G used \$2,000,000 of the anticipated \$8,150,000 increase in the funding of the Urban-Rural Initiative Program for funding municipal sand and salt storage facilities on a one-time basis for fiscal year 2005-06 and fiscal year 2006-07. This Part also directed the Department of Transportation, in conjunction with the Department of Environmental Protection, to investigate and submit a report to the Joint Standing Committee on Transportation whether environmental and health benefits of constructing some or all Priority 3 sand and salt storage facilities outweigh the cost of such construction.

**Senate Amendment "A" to Committee Amendment "A" (S-42)** proposed to remove Part G of the committee amendment, which proposed to use \$2,000,000 from the Urban-Rural Initiative Program to fund municipal sand and salt storage facilities. (Not adopted)

**Senate Amendment "B" to Committee Amendment "A" (S-43)** proposed to remove the emergency preamble and the emergency clause from the bill. (Not adopted)

### *Enacted law summary*

Public Law 2005, chapter 36 does the following:

Part A makes allocations of funds.

Part B adjusts allocations of funds representing reduction proposals or adjustments to current services.

Part C requires the calculation and transfer of statewide savings in the Highway Fund from extending the amortization schedule of the unfunded liability of the Maine State Retirement System for fiscal years 2005-06 and 2006-07.

Part D requires the calculation and transfer of statewide savings and identification of position eliminations in the Highway Fund from the review of the current organizational structure, systems and operations of information technology units.

Part E requires the calculation and transfer of statewide savings in the Highway Fund from savings in the cost of health insurance for fiscal years 2005-06 and 2006-07.

Part F provides one-time funding to the Office of Program Evaluation and Government Accountability for the review of departments and agencies that are funded by the Highway Fund.

Part G uses \$2,000,000 of the anticipated \$8,150,000 increase in the funding of the Urban-Rural Initiative Program for funding municipal sand and salt storage facilities on a one-time basis for fiscal year 2005-06 and fiscal year 2006-07. This Part also directs the Department of Transportation, in conjunction with the Department of Environmental Protection, to investigate and submit a report to the Joint Standing Committee on

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Transportation whether environmental and health benefits of constructing some or all Priority 3 sand and salt storage facilities outweigh the cost of such construction.

Public Law 2005, chapter 36 was enacted as an emergency measure effective April 1, 2005.

**LD 763**                      **An Act Regarding the Collection, Use, Verification and Storage of Social Security Numbers**                      **PUBLIC 250**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACOBSEN COURTNEY	ONTP      MAJ OTP-AM    MIN	H-368

LD 763 proposed to require an applicant for a driver's license to provide proof of citizenship or documentation that the applicant is a legal resident in the United States. This bill also proposed to require the Secretary of State to notify the United States Department of Homeland Security, United States Citizenship and Immigration Services if an applicant fails to provide such proof.

**Committee Amendment "A" (H-368)**, the committee minority report, replaced the bill and proposed to require the Secretary of State to collect, store and verify the social security numbers of all applicants for driver's licenses or nondriver identification cards. The amendment also proposed to prohibit the Secretary of State from issuing a driver's license or nondriver identification card to a person who does not have a valid social security number unless the person provides written proof to the Secretary of State that the person is ineligible to receive a social security number.

***Enacted law summary***

Public Law 2005, chapter 250 requires the Secretary of State to collect, store and verify the social security numbers of all applicants for driver's licenses or nondriver identification cards. The law also prohibits the Secretary of State from issuing a driver's license or nondriver identification card to a person who does not have a valid social security number unless the person provides written proof to the Secretary of State that the person is ineligible to receive a social security number.

**LD 774**                      **Resolve, To Require the Department of Transportation To Put a Bicycle Lane on Route 5 in Waterboro**                      **ONTP**

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

LD 774 proposed to require the Department of Transportation to install a bicycle lane on Route 5 in Waterboro extending from Route 202 in East Waterboro to the Chadbourne Ridge Road in North Waterboro.

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**LD 814**                      **Resolve, To Require the Department of Transportation To Use Adjustable Warning Signs**                      **ONTP**

<u>Sponsor(s)</u> SNOWE-MELLO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 814 proposed to direct the Department of Transportation to institute the use of adjustable warning signs that have changeable messages of "SLOW" and "STOP" at road construction sites.

**LD 821**                      **Resolve, To Continue Efforts of the Department of Transportation To Balance Public Safety and Access to Land by Landowners**                      **RESOLVE 23**

<u>Sponsor(s)</u> KAELIN		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 821 proposed to direct the Department of Transportation to continue to hold hearings on Chapter 299: Highway Driveway and Entrance Rules, Parts A and B as authorized by Resolve 2001, chapter 46.

*Enacted law summary*

Resolve 2005, chapter 23 directs the Department of Transportation to continue to hold public hearings on Chapter 299: Highway Driveway and Entrance Rules, Parts A and B as authorized by Resolve 2001, chapter 46.

**LD 823**                      **Resolve, To Allow for Seasonal Commercial Vehicle Registration**                      **ONTP**

<u>Sponsor(s)</u> THOMPSON SNOWE-MELLO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 823 proposed to direct the Secretary of State to establish a new commercial vehicle registration class for seasonal commercial vehicles, so that seasonal registrations can be suspended for a period of time without penalty and resumed within the year.

**LD 831**                      **An Act To Clarify the Law Relating to Motor Vehicle Repair Posters**                      **PUBLIC 189**

<u>Sponsor(s)</u> MCKENNEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-249
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LD 831 proposed to require that motor vehicle repair facilities provide notice that a fee for shop supplies is being charged if the repair facility charges a separate line item for shop supplies. It also proposed to permit a repair

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facility to bill shop supplies as a percentage of labor or by other calculation as a single line item and would require the repair facility to explain shop supplies upon request.

**Committee Amendment "A" (H-249)** replaced the bill and proposed to clarify that a repair facility must provide notice that a fee for shop supplies is being charged if the repair facility charges a separate line item for shop supplies. The amendment also proposed to require repair facilities to provide notice that the repair facility used the same labor rate method in estimates and charges to customers. The amendment further proposed to repeal a provision of law that requires a motor vehicle repair notice to include information on the National Automobile Dealer's Association Official Used Car Guide New England Edition.

*Enacted law summary*

Public Law 2005, chapter 189 clarifies that a repair facility must provide notice that a fee for shop supplies is being charged if the repair facility charges a separate line item for shop supplies. The law requires repair facilities to provide notice that the repair facility used the same labor rate method in estimates and charges to customers. It also repeals a provision of law that requires a motor vehicle repair notice to include information on the National Automobile Dealer's Association Official Used Car Guide New England Edition.

**LD 833**

**An Act To Promote Safe Routes to School**

**ONTP**

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

LD 833 proposed to do the following:

1. Require a motor vehicle operator to obey hand signals and hand-held traffic control devices used by a school crossing guard, a law enforcement officer or any person authorized to direct traffic;
2. Double the fines of various traffic violations if the violations are committed in a school zone or within 100 feet of a school bus with activated flashing lights, with half of the fine going into the School Zone Safety Fund, established to promote school zone safety and fund school zone safety projects;
3. Give school crossing guards and other persons authorized to direct traffic the authority to report violations in a school zone or within 100 feet of a school bus with activated flashing lights;
4. Impose the same liability on owners of vehicles that are reported to have committed a violation in a school zone or within 100 feet of a school bus with activated flashing lights as on owners of vehicles reported to have illegally passed a school bus.

**Committee Amendment "A" (H-250)**, the committee minority report, proposed to add an appropriations and allocations section to the bill. This amendment was not adopted.

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**LD 850**                      **Resolve, Directing the Department of Transportation To Use Composite Manufactured Materials**                      **ONTP**

<u>Sponsor(s)</u> MCKENNEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 850 proposed to direct the Department of Transportation to use composite manufactured materials developed by the University of Maine's Advanced Engineered Wood Composites Center in a portion of its construction relating to roads and bridges.

**LD 899**                      **Resolve, Directing the Department of Transportation To Erect Signs on the Maine Turnpike Directing Motorists to "Historic Downtown Saco"**                      **ONTP**

<u>Sponsor(s)</u> HOBBINS VALENTINO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 899 proposed to direct the Department of Transportation to erect directional signs on the Maine Turnpike directing motorists to historic downtown Saco.

**LD 911**                      **An Act To Honor Air Force Veterans**                      **ONTP**

<u>Sponsor(s)</u> BARSTOW SAVAGE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 911 proposed to authorize the Secretary of State to issue Air Medal decals for use on special veterans motor vehicle registration plates.

**LD 915**                      **An Act To Amend the Motor Vehicle Habitual Offender Law**                      **ONTP**

<u>Sponsor(s)</u> CLARK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 915, a concept draft pursuant to Joint Rule 208, proposed to amend the motor vehicle habitual offender law under the Maine Revised Statutes, Title 29-A, section 2551 to allow an offender to receive a conditional license for work purposes after 6 months of suspension if some of the underlying offenses are minor offenses.

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**LD 930**                      **An Act To Amend the Procedure for Election of the Casco Bay Island Transit District Board**                      **ONTP**

<u>Sponsor(s)</u> MARLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 930 proposed, beginning in 2006, to require the direct election of each of the directors of the Casco Bay Island Transit District by the voters of the island on which the director is required to reside or own property; only voters of the island that the director represents may vote for or against that director. The bill also proposed to continue to require the 2 at-large directors to be elected by all the voters of the 6 islands.

**LD 947**                      **An Act To Clarify the Laws Regarding Motor Vehicle Title Applications**                      **ONTP**

<u>Sponsor(s)</u> MAYO MARLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 947, a concept draft pursuant to Joint Rule 208, proposed to clarify the laws regarding motor vehicle title applications.

**LD 960**                      **Resolve, To Study the Feasibility of Off-road Bike and Walking Paths along the Busiest Commuting Corridors of the State**                      **ONTP**

<u>Sponsor(s)</u> WOODBURY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 960 proposed to require the Department of Transportation to conduct a study on the feasibility, benefits and cost of constructing a network of off-road bike and walking paths along the commuting corridors with the highest volume of traffic in the State.

**LD 1038**                      **An Act To Improve Landowners' Access to Their Land**                      **PUBLIC 188**

<u>Sponsor(s)</u> MAYO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-145
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LD 1038 proposed to require the Department of Transportation to waive certain requirements in rule and issue a permit for a driveway when no other location exists for vehicular access to a property.

**Committee Amendment "A" (S-145)**, the committee majority report, proposed to clarify that the Department of Transportation may waive certain requirements in rule and issue a permit for a driveway when no other location

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exists for vehicular access to a property unless it is determined inconsistent with access management safety standards.

### *Enacted law summary*

Public Law 2005, chapter 188 clarifies that the Department of Transportation may waive certain requirements in rule and issue a permit for a driveway when no other location exists for vehicular access to a property unless it is determined inconsistent with access management safety standards.

**LD 1069**                      **An Act To Exempt the Transportation of Products Essential for Agricultural Operations from Certain Restrictions Posted on Roads**                      **ONTP**

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

LD 1069 proposed to exempt vehicles delivering supplies or products necessary for an agricultural operation from restrictions placed on roads concerning weight, speed, operation and equipment during certain periods of the year.

**LD 1077**                      **An Act To Allow Accent Lighting on Motor Vehicles**                      **PUBLIC 183**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMPSON DAMON	OTP-AM	H-290

LD 1077 proposed to allow optional accent lighting on motor vehicles that conforms to federal regulations and does not create a safety hazard.

**Committee Amendment "A" (H-290)** replaced the bill and proposed to allow for auxiliary lights on the exterior of motor vehicles that conform to statutory requirements regarding size, color, visibility and location. The amendment also proposed to permit blue interior lighting on motor vehicles.

### *Enacted law summary*

Public Law 2005, chapter 183 allows for auxiliary lights on the exterior of motor vehicles that conform to statutory requirements regarding size, color, visibility and location. The law also permits blue interior lighting on motor vehicles.

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**LD 1082**

**An Act To Prohibit Passing in Designated No-passing Zones**

**PUBLIC 141**

<u>Sponsor(s)</u> CARR DAVIS P	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-209
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LD 1082 proposed to prohibit passing a vehicle when the road is painted with an unbroken center line or an unbroken line in the operator's lane.

**Committee Amendment "A" (H-209)** proposed to clarify that the placing of highway markings on a roadway is prima facie evidence that the markings have been placed by the official act or direction of lawful authority.

*Enacted law summary*

Public Law 2005, chapter 141 prohibits passing a vehicle when the road is painted with an unbroken center line or an unbroken line in the operator's lane. The law also clarifies that the placing of highway markings on a roadway is prima facie evidence that the markings have been placed by the official act or direction of lawful authority.

**LD 1119**

**Resolve, To Examine Driver's License Fees**

**ONTP**

<u>Sponsor(s)</u> BARSTOW	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1119 proposed to direct the Secretary of State to examine driver's license fees in this State and the time periods in which a license is valid and compare it to other states. If the secretary's examination finds that the levels and time periods are not comparable to the levels and time periods in other states, the bill proposed to authorize the secretary to make adjustments.

**LD 1122**

**Resolve, To Establish the Wabanaki Trail**

**RESOLVE 42**

<u>Sponsor(s)</u> LORING MITCHELL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-262
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LD 1122 proposed to establish a task force consisting of the Department of Economic and Community Development and its Office of Tourism, the Department of Transportation and the University of Maine System in conjunction with the Penobscot Nation to jointly develop the Wabanaki Trail, including designating roads, routes and points of interest, creating signage and creating maps that include old canoe trails on waterways.

**Committee Amendment "A" (H-262)** proposed to clarify that the task force shall create web-based maps. The amendment also proposed to strike language from the bill authorizing the Joint Standing Committee on Transportation to report out a bill to the Second Regular Session of the 122nd Legislature.



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***Enacted law summary***

Resolve 2005, chapter 42 establishes a task force consisting of the Department of Economic and Community Development and its Office of Tourism, the Department of Transportation and the University of Maine System in conjunction with the Penobscot Nation to jointly develop the Wabanaki Trail, including designating roads, routes and points of interest, creating signage and creating web-based maps that include old canoe trails on waterways.

**LD 1124                      An Act To Allow the Secretary of State To Review License Suspensions                      ONTP**

<u>Sponsor(s)</u> HOBBINS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1124 proposed to allow a person who received a driver's license suspension of more than 18 months to petition the Secretary of State for reinstatement after 18 months of the suspension. The bill proposed to authorize the Secretary of State to reinstate the license of the petitioner if the Secretary of State finds extraordinary circumstances justifying the reinstatement. The bill would not apply to suspensions directly ordered by the Secretary of State.

**LD 1129                      An Act To Protect Young Drivers                      DIED BETWEEN HOUSES**

<u>Sponsor(s)</u> DAMON PARADIS	<u>Committee Report</u> OTP-AM    MAJ ONTP        MIN	<u>Amendments Adopted</u> S-144
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LD 1129 proposed to prohibit a person who is operating a motor vehicle under the terms and conditions of a juvenile provisional license from operating that vehicle if it is equipped with or contains a radar detector. **Committee Amendment "A" (S-144)**, the committee majority report, replaced the bill and proposed to prohibit a person under 18 years of age who is operating a motor vehicle under the terms and conditions of an intermediate license from operating that vehicle if it is equipped with or contains a radar detector. This amendment was not adopted.

**LD 1146                      An Act Regarding the Fines Imposed on Overweight Vehicles                      ONTP**

<u>Sponsor(s)</u> JACKSON MARTIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1146 proposed to eliminate the imposition of fines on overweight vehicles from December 1st to April 15th.

*Joint Standing Committee on Transportation*

**LD 1148**                      **An Act To Recognize the Recipients of the Korea Defense Service Medal**                      **PUBLIC 420**

<u>Sponsor(s)</u> BROWN EDMONDS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u>
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LD 1148 proposed to add the Korea Defense Service Medal to the list of special commemorative decals for medals awarded that can be used with special veterans registration plates.

**Committee Amendment "A" (H-248)** proposed to add an appropriations and allocations section to the bill.

*Enacted law summary*

Public Law 2005, chapter 420 adds the Korea Defense Service Medal to the list of special commemorative decals for medals awarded that can be used with special veterans registration plates.

**LD 1159**                      **An Act To Promote Transportation Investments within Downtowns and Urban Compacts**                      **CARRIED OVER**

<u>Sponsor(s)</u> FISHER DAMON	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1159, a concept draft pursuant to Joint Rule 208, proposes to do the following:

1. It would apply to development projects that generate more than 100 passenger car equivalents at the peak hour that are located in:
  - A. An area designated as a growth management area in a local growth management plan that has been found by the State to be consistent with the growth management program;
  - B. The compact area of an urban compact municipality; or
  - C. A downtown as defined in the Maine Revised Statutes, Title 30-A, section 5222, subsection 8.

The Department of Transportation would be required to match each dollar a municipality raises through the assessment of taxes on the real and personal property value created by the project through tax increment financing if the proceeds of that assessment are expended to make transportation improvements that are eligible for Highway Fund participation and will improve the level of service or substandard conditions. No state funds may be used to relieve the developer of financial obligations under a traffic movement permit approved by the Department of Transportation. Fifty percent of the unallocated surplus in the Highway Fund at the end of each fiscal year must be set aside in a nonlapsing account to support this provision, but such account may not exceed \$10,000,000. In addition, if the above circumstances are met, the Department of

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Administrative and Financial Services would also be required to match each dollar raised through municipal tax increment financing with the eligible expenditure of those funds being for transportation improvements or related utility and storm water improvements. The department's contribution would be financed and limited by a defined portion of the state tax increment of net new sales and income taxes generated by the development project.

2. It would provide that for such development projects, the Department of Transportation is authorized to use federal advance construction support with the up-front financing provided through private or municipal capital. The department would be authorized to apply funds required to be expended by the developer as a condition of a traffic movement permit to match federal funds and finance debt to support advance construction as long as the department uses those funds to complete a project that includes the improvements the developer is required to make under the traffic movement permit. The department would also be authorized to apply the proceeds of tax increment financing derived from the development project to match federal funds or support debt to finance the cost of advance construction.
3. It would provide a process for municipalities to build roads without federal or state financial participation that could be purchased by the State or assumed for maintenance responsibilities if the road meets state design standards and criteria for classification as a major collector or arterial highway.
4. It would provide a new structure for assessing traffic impact fees on a regional basis that would be expended to address deficiencies inside growth management areas, urban compacts or downtowns caused in part by through traffic generated on a regional basis.

LD 1163

**An Act To Amend the Laws Regulating Custom Vehicles**

PUBLIC 321

<u>Sponsor(s)</u> TRAHAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-517
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LD 1163 proposed to define the terms "blue dot taillight," "custom vehicle" and "street rod," repeal the existing standards for street rods and establish registration, certification, title, safety and inspection requirements for street rods and custom vehicles.

**Committee Amendment "A" (H-517)** replaced the bill and proposed to define the term "custom vehicle" and establish registration and safety inspection requirements for custom vehicles. It also proposed to require the Chief of the State Police to convene a committee of interested parties to provide advice and technical assistance regarding custom vehicles and recommendations on potential inspection standards and procedures. It would further require the committee to report back to the Joint Standing Committee on Transportation no later than February 1, 2006 with any findings and recommendations.

### *Enacted law summary*

Public Law 2005, chapter 321 defines the term "custom vehicle" and establishes registration and safety inspection requirements for custom vehicles. It also requires the Chief of the State Police to convene a committee of interested parties to provide advice and technical assistance regarding custom vehicles and recommendations on potential inspection standards and procedures. It further requires the committee to report back to the Joint Standing Committee on Transportation no later than February 1, 2006 with any findings and recommendations.

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**LD 1201                      Resolve, Authorizing a Review of Inspection Requirements for                      ONTP**  
**Vehicles with Aftermarket Modifications**

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

LD 1201 proposed to direct the Department of the Secretary of State, Bureau of Motor Vehicles and the Chief of the State Police to review existing inspection requirements for vehicles that have been equipped with aftermarket modifications.

**LD 1211                      An Act To Permit the Expanded Use of Changeable Signs for                      ONTP**  
**Governmental Entities and Public Facilities**

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

LD 1211 proposed to add civic, conference, convention and athletic facilities to the list of organizations that can erect and maintain signs without having to obtain a license or permit. The bill also proposed to exempt these organizations from the 20-minute time limit on changeable message signs.

**LD 1217                      An Act To Permit the Stopping of Traffic by Charitable Nonprofit                      PUBLIC 106**  
**Organizations for Certain Fund-raising Projects**

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

LD 1217 proposed to exempt a charitable nonprofit organization incorporated in or recognized by the State from the laws prohibiting the stopping of traffic by hawkers and vendors if the organization receives municipal and local law enforcement authorization for an event or project.

***Enacted law summary***

Public Law 2005, chapter 106 exempts a charitable nonprofit organization incorporated in or recognized by the State from the laws prohibiting the stopping of traffic by hawkers and vendors if the organization receives municipal and local law enforcement authorization for an event or project.

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LD 1233

**An Act To Reorganize the Northern New England Passenger Rail Authority**

ONTP

<u>Sponsor(s)</u> GERZOFSKY EDMONDS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1233 proposed to do the following:

1. Require the Northern New England Passenger Rail Authority to seek and use such funds as are necessary to extend the current Downeaster passenger rail service northward from Portland to Brunswick, with this extension, as well as connecting service to Rockland, to be in operation no later than January 1, 2007;
2. Increase the size of the board of directors of the authority from 5 members to 7 members, with one of the additional members being the Commissioner of Transportation or the commissioner's designee and the other additional member being appointed to represent a passenger rail advocacy organization by the Governor;
3. Provide that any replacements for the current 5 members of the authority's board of directors, and any further replacements for those directors, are to be appointed by the Governor and subject to approval of the joint standing committee of the Legislature having jurisdiction over transportation matters; and
4. Provide that, after July 1, 2006, the authority may not employ any person or hire any consultants or others, but that, instead, on and after that date, the Department of Transportation shall provide all persons, consultants and others as the authority and the department jointly determine necessary to carry out the purposes of the authority.

LD 1280

**Resolve, To Name the New Augusta Bridge**

RESOLVE 22

<u>Sponsor(s)</u> LERMAN MITCHELL	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1280 proposed to establish the Augusta Bridge Naming Committee, composed of the Augusta legislative delegation, the mayor and 3 city councilors of Augusta and a resident of Kennebec County. It would require the committee to propose a name for the new Augusta bridge that crosses the Kennebec River north of the Father Curran Bridge to the Joint Standing Committee on Transportation no later than December 7, 2005.

*Enacted law summary*

Resolve 2005, chapter 22 establishes the Augusta Bridge Naming Committee, composed of the Augusta legislative delegation, the mayor and 3 city councilors of Augusta and a resident of Kennebec County. The law requires the committee to propose a name for the new Augusta bridge that crosses the Kennebec River north of the Father Curran Bridge to the Joint Standing Committee on Transportation no later than December 7, 2005.

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**LD 1333                      Resolve, To Require the Department of Transportation To                      ONTP**  
**Improve Highway Signs in the Greater Augusta Area**

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

LD 1333 proposed to direct the Department of Transportation to consult with greater Augusta industries and the Kennebec Valley Chamber of Commerce and erect directional signs to assist drivers to determine the best routes available to business services and the best routes available to Augusta from the coast and to the coast from Augusta.

**LD 1337                      An Act To Allow Firefighters and Emergency Service Personnel                      PUBLIC 167**  
**To Direct Traffic**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS R	OTP-AM	S-167

LD 1337 proposed to create the position of "public safety official" and authorize this position to control traffic in emergency situations. It also proposed to provide that failure to comply with the directions of a public safety official commits an traffic infraction for which the registered owner of the vehicle is responsible unless proven otherwise.

**Committee Amendment "A" (S-167)** proposed to replace the bill and would authorize municipal and volunteer firefighters and emergency medical services personnel to direct traffic at or reroute traffic around an emergency scene or training operation if the firefighters or emergency medical service personnel are trained in traffic direction and designated as public safety traffic flaggers by the chief official of the fire department or the emergency medical service. It also proposed to create 2 new traffic infractions, one for the operator failing to obey a public safety traffic flagger and the other for the registered owner of a vehicle involved in such an incident.

***Enacted law summary***

Public Law 2005, chapter 167 authorizes municipal and volunteer firefighters and emergency medical services personnel to direct traffic at or reroute traffic around an emergency scene or training operation if the firefighters or emergency medical service personnel are trained in traffic direction and designated as public safety traffic flaggers by the chief official of the fire department or the emergency medical service. The law also creates 2 new traffic infractions, one for the operator failing to obey a public safety traffic flagger and the other for the registered owner of a vehicle involved in such an incident.

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LD 1341

**An Act To Amend the Motor Vehicle Laws**

PUBLIC 314

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON MARLEY	OTP-AM	S-255

LD 1341 proposed to amend the motor vehicle laws as follows:

1. It proposed to amend the definition of altered vehicle by deleting the language limiting altered vehicles to those motor vehicles with a gross vehicle weight rating of 10,000 pounds or less.
2. It proposed to amend the definition of an antique vehicle so that an antique vehicle cannot be an altered vehicle.
3. It proposed to expand the partial inspection requirements for a farm truck to include safety glass.
4. It proposed to expand the partial inspection requirements for a fish truck to include safety glass and tires.
5. It proposed to repeal language that establishes a fee and standards for modified show vehicles.
6. It proposed to insert language that was inadvertently repealed during the First Regular Session of the 121st Legislature making it a traffic infraction to operate a motor vehicle for the first 90 days with an expired Maine license.
7. It proposed to require that vehicles registered in this State displaying a valid certificate of inspection from another state be inspected one year after the date of that inspection rather than by the certificate's inspection date.
8. It proposed to amend the commercial motor vehicle inspection requirements.
9. It proposed to require trailers and semitrailers to be equipped with 2 rear lights.
10. It proposed to allow for an exception to the speed rating requirements for tires.
11. It proposed to repeal language requiring the Chief of State Police to maintain a paper record of each commercial vehicle stopped and required to be weighed.
12. It proposed to require overwidth mowers and light farm vehicles and equipment moving on a highway at night to display clearance lights or reflectors.

**Committee Amendment "A" (S-255)** proposed to do the following.

1. It proposed to remove language that amends the definition of altered vehicle to include motor vehicles with a gross vehicle weight of 10,000 pounds or more.
2. It proposed to remove language that amends the commercial motor vehicle inspection requirements.

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3. It proposed to remove language that allows for an exception to the speed and load rating requirements for tires.
4. It proposed to clarify that a person who is served with a Violation Summons and Complaint for operating a motor vehicle with an inadequate or amplified muffler or exhaust system must provide satisfactory evidence that the muffler or exhaust system does not emit a noise in excess of 95 decibels.
5. It proposed to remove language that requires a vehicle used for plowing snow on private ways to be equipped with and use a rotary flashing light when entering a public way while engaged in a plowing activity.

### *Enacted law summary*

Public Law 2005, chapter 314 amends the motor vehicle laws as follows:

1. It amends the definition of an antique vehicle so that an antique vehicle cannot be an altered vehicle.
2. It expands the partial inspection requirements for a farm truck to include safety glass.
3. It expands the partial inspection requirements for a fish truck to include safety glass and tires.
4. It repeals language that establishes a fee and standards for modified show vehicles.
5. It inserts language that was inadvertently repealed during the First Regular Session of the 121st Legislature making it a traffic infraction to operate a motor vehicle for the first 90 days with an expired Maine license.
6. It requires that vehicles registered in this State displaying a valid certificate of inspection from another state be inspected one year after the date of that inspection rather than by the certificate's inspection date.
7. It requires trailers and semitrailers to be equipped with 2 rear lights.
8. It repeals language requiring the Chief of State Police to maintain a paper record of each commercial vehicle stopped and required to be weighed.
9. It requires overwidth mowers and light farm vehicles and equipment moving on a highway at night to display clearance lights or reflectors.
10. It clarifies that a person who is served with a Violation Summons and Complaint for operating a motor vehicle with an inadequate or amplified muffler or exhaust system must provide satisfactory evidence that the muffler or exhaust system does not emit a noise in excess of 95 decibels.
11. It removes language that requires a vehicle used for plowing snow on private ways to be equipped with and use a rotary flashing light when entering a public way while engaged in a plowing activity.



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LD 1363

**An Act To Make Supplemental Highway Allocations for the Expenditures of State Government and To Change Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007**

**PUBLIC 405  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY DAMON	OTP-AM	H-663

LD 1363 proposed to do the following:

Part A proposed to make supplemental allocations for fiscal years 2005-06 and 2006-07.

Part B proposed to make allocations of funds for approved reclassifications and range changes.

Part C proposed to make the following changes to Department of Transportation programs:

1. It would eliminate the Collector Road Improvement Fund.
2. It would authorize the transfer of any remaining Highway Fund balances in the Collector Road Program at the end of fiscal year 2004-05 to the Highway and Bridge Improvement program as a result of merging the Collector Road Program into the Highway and Bridge Improvement program.
3. It would authorize the transfer of any remaining Highway Fund balances in the Traffic Services program and the Bridge Maintenance program at the end of fiscal year 2004-05 to the Highway Maintenance program as a result of merging the Traffic Services program and Bridge Maintenance program into the Highway Maintenance program.
4. It would change the name of the Motor Transport Services program to Fleet Services.
5. It would change the name of the Highway Maintenance program to Maintenance and Operations.
6. It would change the name of the Administration and Planning program to Administration.
7. It would change the name of the Transportation Services program to Public Transportation.

Part D proposed to provide for a Maine National Guard specialty license plate.

**Committee Amendment "A" (H-663)** replaced the bill and proposed to do the following:

Part A proposed to make allocations of funds.

Part B proposed to make allocations for approved reclassifications and range changes.

Part C proposed to make various statutory changes necessary to complete a financial reorganization of the Department of Transportation.

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Part D proposed to make changes to accomplish range changes for the Chief of the State Police and Deputy Chief of the State Police.

Part E proposed to deallocate funds for the Department of Transportation.

Part F proposed to authorize the transfer of the unallocated balance of the Highway Fund at the end of fiscal year 2004-05 to the Department of Transportation for capital program needs.

Part G proposed to expand the use of the state infrastructure bank within the Department of Transportation to allow revolving loans to be made to state agencies, quasi-state government agencies and public and private utility districts.

Part H proposed to establish the funding ratio for the radio network debt service in fiscal year 2007-08.

Part I proposed to establish a certain amount of nonlapsing funds for the Department of the Secretary of State, Bureau of Motor Vehicles at the end of fiscal year 2004-05 and allows the transfer of those funds from Personal Services to All Other.

Part J proposed to allocate funds for the Department of Transportation crew reclassification.

Part K proposed to establish that the City of Portland is required to designate a light rail commuter corridor.

Part L proposed to deallocate funds for the State Police program within the Department of Public Safety.

Part M proposed to allocate funds for the Department of Administrative and Financial Services and the Department of Transportation.

Part N proposed to establish that a sportsman registration plate may not be issued until certain financial requirements are met.

**Senate Amendment "A" to Committee Amendment "A" (S-364)** proposed to repeal the laws that provide for the adjustment for inflation of the excise tax on internal combustion engine fuel and distillates effective January 1, 2007. This amendment was not adopted.

### *Enacted law summary*

Public Law 2005, chapter 405 does the following:

Part A makes allocations of funds.

Part B makes allocations for approved reclassifications and range changes.

Part C makes various statutory changes necessary to complete a financial reorganization of the Department of Transportation.

Part D makes changes to accomplish range changes for the Chief of the State Police and Deputy Chief of the State Police.

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Part E deallocates funds for the Department of Transportation.

Part F authorizes the transfer of the unallocated balance of the Highway Fund at the end of fiscal year 2004-05 to the Department of Transportation for capital program needs.

Part G expands the use of the state infrastructure bank within the Department of Transportation to allow revolving loans to be made to state agencies, quasi-state government agencies and public and private utility districts.

Part H establishes the funding ratio for the radio network debt service in fiscal year 2007-08.

Part I establishes a certain amount of nonlapsing funds for the Department of the Secretary of State, Bureau of Motor Vehicles at the end of fiscal year 2004-05 and allows the transfer of those funds from Personal Services to All Other.

Part J allocates funds for the Department of Transportation crew reclassification.

Part K establishes that the City of Portland is required to designate a light rail commuter corridor.

Part L deallocates funds for the State Police program within the Department of Public Safety.

Part M allocates funds for the Department of Administrative and Financial Services and the Department of Transportation.

Part N establishes that a sportsman registration plate may not be issued until certain financial requirements are met.

Public Law 2005, chapter 405 was enacted as an emergency measure effective June 17, 2005.

**LD 1396                      An Act To Create a Specialty License Plate for Members of the                      CARRIED OVER  
Maine National Guard**

<u>Sponsor(s)</u> PLOWMAN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1396 proposes to authorize the issuance of a special registration plate for past and present members of the Maine National Guard that will help fund the Maine Military Family Relief Fund.

This bill was carried over by H.P. 1203 to any special or regular session of the 122<sup>nd</sup> Legislature.



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**LD 1463**

**An Act To Amend the Motor Vehicle Laws**

**PUBLIC 433  
EMERGENCY**

<u>Sponsor(s)</u> MARLEY DAMON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-600
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LD 1463 proposed to do the following:

1. Make technical changes to the Medical Advisory Board;
2. Clarify that the definition of "immediate family member" includes stepgrandparent, stepbrother, stepsister and stepchild;
3. Eliminate the current reactivation fee of \$10 for registrants who voluntarily surrender or cancel their vehicle registrations;
4. Require that registrants under the 8-year and 12-year semipermanent registration program register a minimum of 5 trailers;
5. Allow for the issuance of vanity firefighter plates and clarify the definition of eligible individuals;
6. Make violation of the vehicle title bond requirements under the Maine Revised Statutes, Title 29-A, section 659 a traffic infraction in conformance with the definition and penalty applied for such infractions by the courts;
7. Exempt vehicles that are not self-propelled and vehicles 10 years or older from the requirement that the vehicle's odometer reading be disclosed at the time the vehicle is transferred to maintain consistency with federal law;
8. Exempt vehicle dealers that primarily sell vehicles more than 15 years old from selling more than one vehicle per month in order to qualify for renewal of dealer plates;
9. Exempt a vehicle dealer from state dealer licensing requirements if the dealer is licensed by another jurisdiction and sells vehicles only to licensed dealers in Maine;
10. Require that all vehicles that have service vehicle plates attached to have the name of the licensed dealership on the sides of the vehicle;
11. Change odometer fraud from a Class D to a Class C crime;
12. Make operating a motor vehicle on Pickerel Pond a traffic infraction to maintain consistency in the designation of offenses in the motor vehicle laws;
13. Amend the definition of "school bus" to ensure that Maine is in conformance with federal law; and

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14. Allow the Secretary of State to suspend a registration if the registrant fails to provide information on the registration application as required under Title 29-A, section 401.

**Committee Amendment "A" (H-600)** proposed to do the following:

1. Add an emergency preamble and emergency clause to the bill;
2. Remove language from the bill that requires registrants under the 8-year and 12-year semipermanent registration program to register a minimum of 5 trailers;
3. Remove language from the bill that would allow the issuance of vanity firefighter plates;
4. Clarify that the definition of "school bus" does not include a private school activity bus;
5. Expand insurance fraud reporting immunity protection to state law enforcement officers;
6. Authorize the Secretary of State to issue special commemorative decals for use with special veterans registration plates to applicants awarded the Korea Defense Service Medal, the Global War on Terrorism Medal, the Iraq Campaign Medal and the Afghanistan Campaign Medal;
7. Require the State to comply with applicable federal laws governing commercial driver's licenses;
8. Require a person electing to pay a driver's license reinstatement fee electronically to pay the fee associated with the electronic transmittal;
9. Authorize the Secretary of State to provide a copy of a driving history covering more than 3 years for a fee of \$10;
10. Create fines for a new resident who fails to register a motor vehicle within 30 days of establishing residency;
11. Prohibit a person with a juvenile provisional license from operating a motor vehicle with any amount of alcohol in the blood;
12. Define "access aisle" and prohibits a person from parking in the access aisle; and
13. Clarify that a vehicle operating under the provisions of an overweight permit is not subject to the tire width requirement of 600 pounds per inch of tire width.

### ***Enacted law summary***

Public Law 2005, chapter 433 does the following:

1. It makes technical changes to the Medical Advisory Board;
2. It clarifies that the definition of "immediate family member" includes stepgrandparent, stepbrother, stepsister and stepchild;

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3. It eliminates the current \$10 reactivation fee for registrants who voluntarily surrender or cancel their vehicle registrations;
4. It makes a violation of the vehicle title bond requirements under the Maine Revised Statutes, Title 29-A, section 659 a traffic infraction in conformance with the definition and penalty applied for such infractions by the courts;
5. It exempts vehicles that are not self-propelled and vehicles 10 years or older from the requirement that the vehicle's odometer reading be disclosed at the time the vehicle is transferred to maintain consistency with federal law;
6. It exempts vehicle dealers that primarily sell vehicles more than 15 years old from selling more than one vehicle per month in order to qualify for renewal of dealer plates;
7. It exempts a vehicle dealer from state dealer licensing requirements if the dealer is licensed by another jurisdiction and sells vehicles only to licensed dealers in Maine;
8. It requires that all vehicles that have service vehicle plates attached to have the name of the licensed dealership on the sides of the vehicle;
9. It changes odometer fraud from a Class D to a Class C crime;
10. It makes operating a motor vehicle on Pickerel Pond a traffic infraction to maintain consistency in the designation of offenses in the motor vehicle laws;
11. It amends the definition of "school bus" to ensure that Maine is in conformance with federal law, while clarifying that the definition of "school bus" does not include a private school activity bus;
12. It allows the Secretary of State to suspend a registration if the registrant fails to provide information on the registration application as required under Title 29-A, section 401;
13. It expands insurance fraud reporting immunity protection to state law enforcement officers;
14. It authorizes the Secretary of State to issue special commemorative decals for use with special veterans registration plates to applicants awarded the Korea Defense Service Medal, the Global War on Terrorism Medal, the Iraq Campaign Medal and the Afghanistan Campaign Medal;
15. It requires the State to comply with applicable federal laws governing commercial driver's licenses;
16. It requires a person electing to pay a driver's license reinstatement fee electronically to pay the fee associated with the electronic transmittal;
17. It authorizes the Secretary of State to provide a copy of a driving history covering more than 3 years for a fee of \$10;
18. It creates fines for a new resident who fails to register a motor vehicle within 30 days of establishing residency;

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- 19. It prohibits a person with a juvenile provisional license from operating a motor vehicle with any amount of alcohol in the blood;
- 20. It defines "access aisle" and prohibits a person from parking in the access aisle; and
- 21. It clarifies that a vehicle operating under the provisions of an overweight permit is not subject to the tire width requirement of 600 pounds per inch of tire width.

Public Law 2005, chapter 433 was enacted as an emergency measure effective June 23, 2005.

**LD 1464                      An Act To Amend the Laws Relating to Motorized Scooters,                      CARRIED OVER  
Motor-driven Cycles and Mopeds**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMPSON SAVAGE		H-626

LD 1464 proposes to amend current law regarding 2-wheeled and 3-wheeled vehicles and off-road vehicles as follows:

- 1. It amends the definition of "moped" by establishing criteria for wheel number and size and electric-powered motors;
- 2. It repeals the definition of "motorcycle" and replaces it with a definition that establishes criteria for wheels and electric-powered motors;
- 3. It repeals the definition of "motor-driven cycles";
- 4. It amends the definition of "motorized scooter" by establishing criteria for wheel number and size and electric-powered motors;
- 5. It defines the term "off-road vehicle" and prohibits the operation of an off-road vehicle on a public way unless operation is authorized by statute;
- 6. It amends the definition of "scooter" by excluding scooters that are powered by motors;
- 7. It enacts a provision that off-road vehicles may not be registered under the Maine Revised Statutes, Title 29-A;
- 8. It removes references in Title 29-A to motor-driven cycles;
- 9. It eliminates the requirement that businesses that sell motor-driven cycles be licensed as motor vehicle dealers;
- 10. It removes a reference to motorized scooter under vehicles that are regulated as bicycles or toy vehicles;



## *Joint Standing Committee on Transportation*

11. It establishes a provision to treat off-road vehicles operated on ways the same as all-terrain vehicles operated on ways; and
12. It establishes a provision to make it a traffic infraction to operate an off-road vehicle on a public way or parking area.

**Committee Amendment "A" (H-626)** proposes to amend the definitions of "motorcycle" and "moped" to include criteria for wheel size and electric powered motors. It also proposes to clarify that the definition of a motor vehicle does not include an all-terrain vehicle unless the all-terrain vehicle is issued a special registration permit in accordance with the Maine Revised Statutes, Title 29-A, section 501. It further proposes to clarify that an all-terrain vehicle is not subject to licensing provisions under Title 29-A, chapter 11 unless the all-terrain vehicle is issued a special registration permit in accordance with Title 29-A, section 501.

This bill was carried over by H.P. 1203 to any special or regular session of the 122<sup>nd</sup> Legislature.

**LD 1544**                      **An Act To Exempt Vehicles Hauling Equipment Used for Timber Harvesting from Certain Restrictions Posted on Roads**                      **ONTP**

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

LD 1544 proposed to exempt vehicles used in Aroostook County, Piscataquis County, Somerset County, Washington County, Oxford County and Franklin County for the trucking of equipment used in timber harvesting operations from restrictions placed on roads concerning weight, speed, operation and equipment on weekends during the months of June through August.

**LD 1571**                      **An Act To Allow Certain Modifications of Motor Vehicles**                      **PUBLIC 276**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS DOW	OTP-AM	H-457

LD 1571 proposed to provide that a vehicle with or without antilock brakes may be modified, including the installation of larger tires, with proof of an electronic control module or electronic control unit reprogramming or recalibration, when applicable. This bill also proposed to permit the installation of vehicle-specific engineered systems and components.

**Committee Amendment "A" (H-457)** replaced the bill and proposed to provide that a motor vehicle may be modified, including the suspension and tires.

## *Joint Standing Committee on Transportation*

### *Enacted law summary*

Public Law 2005, chapter 276 provides that a motor vehicle may be modified, including the suspension and tires. The law also clarifies that a motor vehicle may not be operated on a public way or receive a certificate of inspection with a frame end height lower than the vehicle was originally manufactured if originally manufactured to be less than 10 inches.

<b>LD 1576</b>	<b>An Act To Amend the Motor Vehicle Laws Relating to the Assignment of Security Interests</b>	<b>PUBLIC 234 EMERGENCY</b>
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<u>Sponsor(s)</u> SAVAGE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-185
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LD 1576 proposed to provide an exemption to the requirements that a lienholder who assigns a security interest in a motor vehicle must notify the Secretary of State and have a certificate of title issued with the assignee named as lienholder for a lienholder who assigns a security interest if the lienholder retains the obligation to perform servicing functions in connection with the security interest.

**Committee Amendment "A" (S-185)** proposed to clarify that the definition of "servicing functions" includes the requirement that the lienholder named on the title retain possession of the title certificate.

### *Enacted law summary*

Public Law 2005, chapter 234 provides an exemption to the requirements that a lienholder who assigns a security interest in a motor vehicle must notify the Secretary of State and have a certificate of title issued with the assignee named as lienholder for a lienholder who assigns a security interest if the lienholder retains the obligation to perform servicing functions in connection with the security interest.

Public Law 2005, chapter 234 was enacted as an emergency measure effective May 25, 2005.

<b>LD 1583</b>	<b>Resolve, Directing the Department of Transportation To Strengthen Guardrails on Old County Road in Rockland and Thomaston</b>	<b>RESOLVE 48</b>
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<u>Sponsor(s)</u> MAZUREK SAVAGE	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1583 proposed to direct the Department of Transportation to inspect the guardrails on Old County Road in Rockland and Thomaston and to take action necessary to ensure they meet current safety standards.

## Joint Standing Committee on Transportation

### Enacted law summary

Resolve 2005, chapter 48 directs the Department of Transportation to inspect the guardrails on Old County Road in Rockland and Thomaston and to take action necessary to ensure they meet current safety standards.

**LD 1623                      An Act To Require the Inspection of All Commercial Trailers at Time of Sale                      ONTP**

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

LD 1623 proposed to require that at the time of purchase a trailer or semitrailer must have a valid inspection sticker, or the buyer must be given notice by the seller that the trailer or semitrailer needs to be inspected.

**LD 1650                      An Act To Provide Property Tax Relief by Requiring the State To Maintain and Repair All Bridges in Maine                      ONTP**

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

LD 1650 proposed to require the State to construct, improve and maintain all bridges in Maine, regardless of the size of the bridge or whether the bridge is located on a state, state aid or local road.

**LD 1662                      An Act To Amend the Law Governing the Department of Transportation's Contracting Authority                      PUBLIC 313**

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

LD 1662 proposed to clarify the Department of Transportation's authority to procure and let contracts for transportation-related services and contracts for construction and maintenance. It would clarify that the department may let contracts relating to all modes of transportation and confirm that the department may purchase supplies, materials and equipment necessary for project-specific maintenance activities. The bill also proposed to confirm that the department may maintain qualifications and performance data for consultants and may prequalify bidders.

## *Joint Standing Committee on Transportation*

### *Enacted law summary*

Public Law 2005, chapter 313 clarifies the Department of Transportation's authority to procure and let contracts for transportation-related services and contracts for construction and maintenance. It clarifies that the department may let contracts relating to all modes of transportation and confirms that the department may purchase supplies, materials and equipment necessary for project-specific maintenance activities. This law also confirms that the department may maintain qualifications and performance data for consultants and may prequalify bidders.

## Joint Standing Committee on Transportation

### SUBJECT INDEX

#### *Bridges*

##### Enacted

LD 1280	Resolve, To Name the New Augusta Bridge	RESOLVE 22	Page 830
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##### Not Enacted

LD 171	An Act To Allocate Funds To Erect a Bridge between Madawaska and Pelletier Island in St. Agatha	ONTP	Page 796
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LD 606	Resolve, To Require the Department of Transportation To Rebuild the Frank J. Wood Bridge between Brunswick and Topsham	ONTP	Page 811
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LD 1650	An Act To Provide Property Tax Relief by Requiring the State To Maintain and Repair All Bridges in Maine	ONTP	Page 844
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#### *Emergency Vehicles*

##### Enacted

LD 39	An Act To Amend the Definition of Authorized Emergency Vehicle	PUBLIC 14	Page 790
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LD 243	An Act To Allow Emergency Responders To Equip Their Vehicles with 2 Emergency Flashing Lights	PUBLIC 299	Page 798
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##### Not Enacted

None

## *Fuel Tax*

### Enacted

LD 650	An Act To Protect Maine's Groundfishing Industry	PUBLIC 260	Page 813
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### Not Enacted

LD 131	An Act To Equitably Maintain the Fiscal Sustainability of the Highway Fund	DIED ON ADJOURNMENT	Page 794
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LD 258	An Act To Repeal Gasoline Tax Indexing	ONTP	Page 799
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LD 614	An Act To Eliminate the Rebate Process for Refunding the State Gas Tax	ONTP	Page 812
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LD 698	An Act To Provide for the Temporary Suspension of the Tax on Motor Fuel	ONTP	Page 815
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## *General Highway Fund*

### Enacted

LD 738	An Act To Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2005	PUBLIC 37 EMERGENCY	Page 816
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LD 739	An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007	PUBLIC 36 EMERGENCY	Page 817
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LD 1363	An Act To Make Supplemental Highway Allocations for the Expenditures of State Government and To Change Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007	PUBLIC 405 EMERGENCY	Page 834
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**Not Enacted**

LD 712	An Act To Reimburse the Town of St. Agatha and Other Towns in Category II for Costs Incurred in Erecting a Salt and Gravel Storage Shed as Mandated by the State	ONTP	Page 815
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*Inspection*

**Enacted**

LD 528	An Act To Exempt Insurers of Commercial Vehicle Fleets from the Requirement of Notification to the Secretary of State When Insurance Is Cancelled	PUBLIC 95	Page 810
LD 634	An Act To Amend the Electronic Insurance Cancellation Notification Law	PUBLIC 428	Page 812

**Not Enacted**

LD 88	An Act To Eliminate Automobile Inspection Requirements	ONTP	Page 792
LD 1201	Resolve, Authorizing a Review of Inspection Requirements for Vehicles with Aftermarket Modifications	ONTP	Page 829
LD 1623	An Act To Require the Inspection of All Commercial Trailers at Time of Sale	ONTP	Page 844

*Miscellaneous*

**Enacted**

LD 224	An Act To Amend the Law Governing Student Rates on Maine State Ferry Service Ferries	PUBLIC 9	Page 798
LD 1122	Resolve, To Establish the Wabanaki Trail	RESOLVE 42	Page 825

Not Enacted

LD 371	An Act To Distribute Revenue in the Law Enforcement Agency Reimbursement Fund to Municipalities and Counties and To Assist Law Enforcement Officers with Unmet Catastrophic Medical Needs	CARRIED OVER	Page 802
LD 729	An Act To Clarify the City of Portland's Interest in the Maine State Pier	ONTP	Page 815
LD 930	An Act To Amend the Procedure for Election of the Casco Bay Island Transit District Board	ONTP	Page 823

*Motor Carriers*

Enacted

LD 13	An Act To Amend the Laws Governing Commercial Vehicle Length Limits	PUBLIC 170	Page 789
LD 334	An Act Allowing Certain Commercial Vehicles at Canadian Weight Limits To Travel from the Canadian Border at Calais to Baileyville	PUBLIC 421	Page 800
LD 657	An Act To Amend the Axle Weight Laws	PUBLIC 426	Page 814

Not Enacted

LD 441	An Act To Change the Fine Structure for Overweight Hauling Vehicles	ONTP	Page 805
LD 511	Resolve, Directing the State Police, Commercial Vehicle Enforcement Division To Examine Enforcement Methods	ONTP	Page 809
LD 823	Resolve, To Allow for Seasonal Commercial Vehicle Registration	ONTP	Page 820
LD 1069	An Act To Exempt the Transportation of Products Essential for Agricultural Operations from Certain Restrictions Posted on Roads	ONTP	Page 824
LD 1146	An Act Regarding the Fines Imposed on Overweight Vehicles	ONTP	Page 826



<b>LD 1544</b>	<b>An Act To Exempt Vehicles Hauling Equipment Used for Timber Harvesting from Certain Restrictions Posted on Roads</b>	<b>ONTP</b>	<b>Page 842</b>
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### *Motor Vehicles*

#### Enacted

<b>LD 36</b>	<b>An Act To Promote Access to Transportation for Seniors</b>	<b>PUBLIC 71</b>	<b>Page 790</b>
<b>LD 113</b>	<b>An Act To Allow Animal Control Officers and Individuals Who Collect Trash To Use Flashing Amber Lights on Their Vehicles</b>	<b>PUBLIC 15</b>	<b>Page 793</b>
<b>LD 395</b>	<b>An Act Concerning Street Rod Standards</b>	<b>PUBLIC 34</b>	<b>Page 803</b>
<b>LD 418</b>	<b>An Act To Exempt Certain Tires from the Speed Rating Requirements</b>	<b>PUBLIC 66 EMERGENCY</b>	<b>Page 803</b>
<b>LD 555</b>	<b>An Act To Enhance Driver Education and Safety</b>	<b>PUBLIC 174 EMERGENCY</b>	<b>Page 811</b>
<b>LD 831</b>	<b>An Act To Clarify the Law Relating to Motor Vehicle Repair Posters</b>	<b>PUBLIC 189</b>	<b>Page 820</b>
<b>LD 1077</b>	<b>An Act To Allow Accent Lighting on Motor Vehicles</b>	<b>PUBLIC 183</b>	<b>Page 824</b>
<b>LD 1163</b>	<b>An Act To Amend the Laws Regulating Custom Vehicles</b>	<b>PUBLIC 321</b>	<b>Page 828</b>
<b>LD 1341</b>	<b>An Act To Amend the Motor Vehicle Laws</b>	<b>PUBLIC 314</b>	<b>Page 832</b>
<b>LD 1463</b>	<b>An Act To Amend the Motor Vehicle Laws</b>	<b>PUBLIC 433 EMERGENCY</b>	<b>Page 838</b>
<b>LD 1571</b>	<b>An Act To Allow Certain Modifications of Motor Vehicles</b>	<b>PUBLIC 276</b>	<b>Page 842</b>
<b>LD 1576</b>	<b>An Act To Amend the Motor Vehicle Laws Relating to the Assignment of Security Interests</b>	<b>PUBLIC 234 EMERGENCY</b>	<b>Page 843</b>

**Not Enacted**

LD 38	An Act To Enhance Highway Safety	ONTP	Page 790
LD 79	An Act To Allow the Issuance of Vanity Plates for Buses	ONTP	Page 792
LD 153	An Act To Require Enforcement of the Low-emission Vehicle Program	ONTP	Page 795
LD 255	An Act To Require a Person Operating Farm Equipment on Public Roads To Be Adequately Trained	ONTP	Page 799
LD 616	An Act To Alter Wrecker Registrations	ONTP	Page 812
LD 735	An Act To Clarify Registration for Noncommercial Trucks and Registration Requirements for Nonresidents	ONTP	Page 816
LD 947	An Act To Clarify the Laws Regarding Motor Vehicle Title Applications	ONTP	Page 823
LD 1464	An Act To Amend the Laws Relating to Motorized Scooters, Motor-driven Cycles and Mopeds	CARRIED OVER	Page 841

***Operator's License***

**Enacted**

LD 446	An Act To Mandate Payment of Licensed Sign Language Interpreters for Driver Education Students	PUBLIC 411	Page 805
LD 763	An Act Regarding the Collection, Use, Verification and Storage of Social Security Numbers	PUBLIC 250	Page 819

**Not Enacted**

LD 495	An Act To Reduce School Truancy	ONTP	Page 806
LD 501	An Act To Amend the Operator's License and Nondriver Identification Card Requirements for Nonimmigrants	CARRIED OVER	Page 807
LD 915	An Act To Amend the Motor Vehicle Habitual Offender Law	ONTP	Page 822

LD 1119	Resolve, To Examine Driver's License Fees	ONTP	Page 825
LD 1124	An Act To Allow the Secretary of State To Review License Suspensions	ONTP	Page 826
LD 1129	An Act To Protect Young Drivers	DIED BETWEEN HOUSES	Page 826

### *Railroads*

#### Enacted

LD 505	An Act Relating to the Northern New England Passenger Rail Authority	PUBLIC 312 EMERGENCY	Page 807
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#### Not Enacted

LD 3	Resolve, To Equalize Funding of Rail Service from New Hampshire	ONTP	Page 789
LD 279	An Act To Require Trains in the State To Operate with a Minimum of 5 Employees	ONTP	Page 800
LD 510	An Act Concerning Dismantling of Railroad Track	CARRIED OVER	Page 809
LD 607	An Act To Extend Passenger Rail Service to Midcoast Maine	ONTP	Page 812
LD 1233	An Act To Reorganize the Northern New England Passenger Rail Authority	ONTP	Page 830

### *Registration Plates*

#### Enacted

LD 360	An Act To Allow Retired Firefighters To Retain Their Firefighter License Plates	PUBLIC 80	Page 801
LD 1148	An Act To Recognize the Recipients of the Korea Defense Service Medal	PUBLIC 420	Page 827

**Not Enacted**

LD 128	An Act To Create a License Plate for the Elks Organization	CARRIED OVER	Page 793
LD 419	An Act To Create a License Plate for the National Rifle Association	CARRIED OVER	Page 804
LD 437	An Act To Create an Agriculture Recognition License Plate	CARRIED OVER	Page 804
LD 492	An Act To Create a Special Higher Education License Plate	CARRIED OVER	Page 806
LD 529	An Act To Allow Vehicles Owned by Sanitary or Sewer Districts To Use Municipal License Plates	ONTP	Page 811
LD 733	An Act To Reward Veterans for Their Service	ONTP	Page 816
LD 911	An Act To Honor Air Force Veterans	ONTP	Page 822
LD 1396	An Act To Create a Specialty License Plate for Members of the Maine National Guard	CARRIED OVER	Page 836
LD 1430	An Act To Establish Special License Plates to Honor Maine Residents Serving Overseas	CARRIED OVER	Page 837

***Roads***

**Enacted**

LD 45	Resolve, To Rename Chick Road in Lebanon and Sanford after the Late State Representative Howard Chick	RESOLVE 13	Page 791
LD 163	Resolve, To Designate a Certain Intersection in Sidney as the Trooper Jeffrey S. Parola Memorial	RESOLVE 1	Page 796

**Not Enacted**

LD 18	An Act To Require the Department of Transportation To Maintain the Morneault Road in Grand Isle	ONTP	Page 789
LD 47	An Act To Require the State To Provide Winter Maintenance on State Aid Highways	ONTP	Page 791

LD 132	An Act To Amend the Law Governing Construction Flaggers	ONTP	Page 794
LD 138	Resolve, To Provide Efficient Highway Access to Central Maine Medical Services	ONTP	Page 795
LD 155	Resolve, To Direct the Department of Transportation To Build a Truck Escape Ramp on Route 16	ONTP	Page 795
LD 252	Resolve, To Name Interstate 295 Ronald Reagan Memorial Highway	ONTP	Page 799
LD 439	An Act To Implement the Recommendations of the Commission To Study Public Health Concerning Alternative Roadways	ONTP	Page 804

### *Signs*

#### Enacted

LD 498	An Act To Amend the Laws Relating to Changeable Signs	PUBLIC 195	Page 806
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#### Not Enacted

LD 124	An Act To Require Informational Signs on the Maine Turnpike for The Theater at Monmouth	ONTP	Page 793
LD 175	An Act To Permit Logo Signs on the Maine Turnpike	ONTP	Page 797
LD 814	Resolve, To Require the Department of Transportation To Use Adjustable Warning Signs	ONTP	Page 820
LD 899	Resolve, Directing the Department of Transportation To Erect Signs on the Maine Turnpike Directing Motorists to "Historic Downtown Saco" BY REQUEST	ONTP	Page 822
LD 1211	An Act To Permit the Expanded Use of Changeable Signs for Governmental Entities and Public Facilities	ONTP	Page 829
LD 1333	Resolve, To Require the Department of Transportation To Improve Highway Signs in the Greater Augusta Area	ONTP	Page 831
LD 1429	An Act To Amend the Laws Governing the Size, Placement and Use of Certain On-premises Signs	ONTP	Page 837

## *Traffic Regulations*

### Enacted

LD 71	An Act To Amend the Law Pertaining to Nitrous Oxide Systems	PUBLIC 31	Page 792
LD 1082	An Act To Prohibit Passing in Designated No-passing Zones	PUBLIC 141	Page 825
LD 1217	An Act To Permit the Stopping of Traffic by Charitable Nonprofit Organizations for Certain Fund-raising Projects	PUBLIC 106	Page 829
LD 1337	An Act To Allow Firefighters and Emergency Service Personnel To Direct Traffic	PUBLIC 167	Page 831

### Not Enacted

LD 80	An Act To Amend the Law Governing Use of Seat Belts	ONTP	Page 792
LD 172	An Act Requiring Protective Headgear for All Operators and Passengers on Motorcycles, Motor-driven Cycles and Mopeds	ONTP	Page 796
LD 380	An Act To Allow Small Car Carriers To Haul the Maximum Allowed Vehicles	ONTP	Page 803
LD 525	An Act To Ban the Use of Handheld Cellular Telephones while Operating a Motor Vehicle	ONTP	Page 810
LD 833	An Act To Promote Safe Routes to School	ONTP	Page 821

## *Transportation Department*

### Enacted

LD 277	An Act Regarding the Management and Use of Sears Island	PUBLIC 277	Page 800
LD 524	An Act To Facilitate Reimbursement of Public Utilities Relocation Costs	PUBLIC 282 EMERGENCY	Page 809

LD 821	<b>Resolve, To Continue Efforts of the Department of Transportation To Balance Public Safety and Access to Land by Landowners</b>	<b>RESOLVE 23</b>	<b>Page 820</b>
LD 1038	<b>An Act To Improve Landowners' Access to Their Land</b>	<b>PUBLIC 188</b>	<b>Page 823</b>
LD 1583	<b>Resolve, Directing the Department of Transportation To Strengthen Guardrails on Old County Road in Rockland and Thomaston</b>	<b>RESOLVE 48</b>	<b>Page 843</b>
LD 1662	<b>An Act To Amend the Law Governing the Department of Transportation's Contracting Authority</b>	<b>PUBLIC 313</b>	<b>Page 844</b>
 <b><u>Not Enacted</u></b>			
LD 59	<b>An Act To Repeal the Authority of the Department of Transportation To Assess Impact Fees on New Businesses</b>	<b>ONTP</b>	<b>Page 791</b>
LD 152	<b>An Act To Change the Oversight of the Maine Pilotage Commission</b>	<b>ONTP</b>	<b>Page 795</b>
LD 213	<b>Resolve, To Require That the Department of Transportation Install a Traffic Light in West Enfield</b>	<b>DIED BETWEEN HOUSES</b>	<b>Page 797</b>
LD 690	<b>Resolve, Authorizing Relocation of a Certain Private Driveway on Route 26</b>	<b>ONTP</b>	<b>Page 814</b>
LD 774	<b>Resolve, To Require the Department of Transportation To Put a Bicycle Lane on Route 5 in Waterboro</b>	<b>ONTP</b>	<b>Page 819</b>
LD 850	<b>Resolve, Directing the Department of Transportation To Use Composite Manufactured Materials</b>	<b>ONTP</b>	<b>Page 822</b>
LD 960	<b>Resolve, To Study the Feasibility of Off-road Bike and Walking Paths along the Busiest Commuting Corridors of the State</b>	<b>ONTP</b>	<b>Page 823</b>
LD 1159	<b>An Act To Promote Transportation Investments within Downtowns And Urban Compacts</b>	<b>CARRIED OVER</b>	<b>Page 827</b>
LD 1453	<b>Resolve, To Improve Public Safety, Enhance Local Communities and Reduce Transportation Expenses</b>	<b>ONTP</b>	<b>Page 837</b>

*Turnpike Authority*

**Enacted**

<b>LD 202</b>	<b>An Act To Clarify Matters Relating to the Offices of Secretary and Treasurer of the Maine Turnpike Authority</b>	<b>PUBLIC 54</b>	<b>Page 797</b>
<b>LD 375</b>	<b>An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2006</b>	<b>P &amp; S 2</b>	<b>Page 802</b>

**Not Enacted**

**None**



*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Utilities and Energy*

*August 2005*

**Members:**

*Sen. Philip L. Bartlett II, Chair  
Sen. Scott W. Cowger  
Sen. Carol Weston*

*Rep. Lawrence Bliss, Chair  
Rep. Herbert Adams  
Rep. Peter L. Rines  
Rep. Christopher W. Babbidge  
Rep. John R. Brautigam  
Rep. Kenneth C. Fletcher  
Rep. Maitland E. Richardson  
Rep. Philip A. Curtis  
Rep. Stacey Allen Fitts  
Rep. Everett W. McLeod, Sr.*

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**JOINT STANDING COMMITTEE ON  
UTILITIES AND ENERGY**

**Summary of Committee Actions**

I. <b>BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	66	86.8%	3.9%
<u><i>Bills Carried Over</i></u>	9	11.8%	0.5%
<b>Total Bills referred</b>	<b>75</b>	<b>98.7%</b>	<b>4.4%</b>
<b>B. Bills reported out by law or joint order</b>	<b>1</b>	<b>1.3%</b>	<b>0.1%</b>
<b>Total Bills considered by Committee</b>	<b>76</b>	<b>100.0%</b>	<b>4.5%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
II. <b>COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	4	6.0%	0.3%
<i>Ought to Pass as Amended</i>	29	43.3%	1.9%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>24</u>	<u>35.8%</u>	<u>1.6%</u>
<b>Total unanimous reports</b>	<b>57</b>	<b>85.1%</b>	<b>3.8%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	9	13.4%	0.6%
<i>Three-way reports</i>	1	1.5%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>10</b>	<b>14.9%</b>	<b>0.7%</b>
<b>Total committee reports</b>	<b>67</b>	<b>88.2%</b>	<b>4.4%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>1</b>	<b>N/A</b>	<b>N/A</b>
IV. <b>FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	22	28.9%	1.3%
<i>Private and Special Laws</i>	10	13.2%	0.6%
<i>Resolves</i>	7	9.2%	0.4%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>39</b>	<b>51.3%</b>	<b>2.3%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	1	25.0%	4.5%
Rules authorized with legislative changes	2	50.0%	9.1%
<u>Rules not authorized by the Legislature</u>	<u>1</u>	<u>25.0%</u>	<u>4.5%</u>
<b>Total number of rules reviewed</b>	<b>4</b>	<b>100.0%</b>	<b>18.2%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

***Joint Standing Committee on Utilities and Energy***

**LD 26**                      **An Act To Authorize a General Fund Bond Issue for Stranded Costs of Transmission and Distribution Utilities**                      **ONTP**

<u>Sponsor(s)</u> FISCHER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 26 proposed a bond issue in the amount of \$1,088,750,000 to be used to pay transmission and distribution utility stranded costs. Stranded costs are the costs of investor-owned utilities that were made unrecoverable as a result of the restructuring of the electric industry. The costs include, among other things, long-term energy contracts, the prices of which exceed market prices. Currently, investor-owned transmission and distribution utilities are provided a reasonable opportunity over time to recover these costs through rates.

**LD 46**                      **An Act To Require Permission of Customers before a Phone Company Can Bill Retroactively**                      **ONTP**

<u>Sponsor(s)</u> TRAHAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 46 proposed to prohibit a telephone utility from retroactively billing a customer without the customer's permission.

**LD 94**                      **An Act To Allow Administrative Penalties Imposed by the Public Utilities Commission To Be Applied To Benefit Customers**                      **PUBLIC 432**

<u>Sponsor(s)</u> BARTLETT BLISS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-18
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LD 94 proposed to permit the Public Utilities Commission to use administrative penalties collected by the commission in excess of \$100,000, net of the commission's expenses, to credit the bills of customers affected by the violation. Currently, all administrative penalties imposed and collected by the Public Utilities Commission are deposited in the Public Utilities Commission Reimbursement Fund and used to defray unbudgeted and incidental commission expenses. Any excess is forwarded to the General Fund.

**Committee Amendment "A" (S-18)** proposed to replace the bill. The amendment proposed to authorize the Public Utilities Commission to apply administrative penalties imposed by the commission in a manner that benefits those customers affected or potentially affected by the violations. If the commission determined this application of the amount to be impractical or unreasonable, commission would be authorized to apply the amount in a manner that would benefit the class or group of customers affected or potentially affected by the violation. The commission would be authorized to apply the amounts in the form of a direct payment or credit to the customers or group or class of customers affected or potentially affected by the violation. The commission would also be authorized to apply the penalties to supplement programs or funds that the commission determines

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would benefit customers affected or potentially affected by the violation. The amendment proposed to require that any amounts applied to supplement an existing program or fund not result in a reduction in other funding provided for the program or fund unless the reduction were outside the commission's control, the commission found application of the penalty to the fund or program was the most appropriate use of the penalty, and the net effect would be an increase in total funding available to the program or fund.

**Enacted law summary**

Public Law 2005, chapter 432 authorizes the Public Utilities Commission to apply administrative penalties it collects in a manner that benefits those customers affected or potentially affected by the violations. If the commission determines this application of the amount to be impractical or unreasonable, it may apply the amount in a manner that benefits the class or group of customers affected or potentially affected by the violation. The commission may apply the amounts in the form of a direct payment or credit to the customers or group or class of customers affected or potentially affected by the violation or to supplement programs or funds that the commission determines would benefit customers affected or potentially affected by the violation. Any amounts applied to supplement an existing program or fund may not result in a reduction in other funding provided for the program or fund unless the reduction is outside the commission's control, the commission finds that application of the penalty amount to the fund or program is the most appropriate use of the penalty, and the net effect will be an increase in total funding available to the program or fund.

**LD 125                      An Act To Allow Timothy Gousse To Purchase Water from the                      ONTP  
   Gardiner Water District**

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

LD 125 proposed to authorize Timothy Gousse of the Town of Chelsea to petition for and receive water service from the Gardiner Water District.

**LD 205                      An Act Providing for Regulation of the Cable Television Industry    CARRIED OVER  
   by the Public Utilities Commission**

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

LD 205 proposed to subject basic tier service rates and services of cable systems to regulation by the Public Utilities Commission. The bill also proposed to establish hearing and complaint procedures for rate increases or product or service changes by a cable system operator and to direct the Public Utilities Commission, on petition of 25 or more customers, to petition the Federal Communications Commission to address any rate increases or changes the Public Utilities Commission found to be unreasonable.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122<sup>nd</sup> Legislature.

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**LD 207**                      **An Act To Require Electric Utilities To Permit Customers To Pay**    **CARRIED OVER**  
**Electric Utility Bills in Their Communities**

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

LD 207 proposed to direct the Public Utilities Commission to ensure that residential customers have the option of paying their electric bills at local, easily accessible and convenient locations such as shopping centers.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 230**                      **An Act Establishing a Role for the Public Advocate in Promoting**                      **PUBLIC 248**  
**Railroad Service Quality**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOTHAM SAVAGE	OTP-AM	H-182 S-188    DAMON

LD 230 proposed to authorize the Public Advocate to initiate and intervene or appear in proceedings before state and federal agencies and courts on behalf of customers of a railroad.

**Committee Amendment "A" (H-182)** proposed to replace the bill. It proposed to direct the Public Advocate to seek to promote and enhance railroad freight service quality. The amendment proposed:

1. To direct the Public Advocate to collect data on the quality of railroad freight service in this State, to organize that data in accordance with a performance matrix developed in consultation with the Department of Transportation and shippers and to provide to the Department of Transportation regular reports on the quality of railroad freight service;
2. To authorize the Public Advocate:
  - A. To provide information to federal, regional or state agencies, groups or organizations;
  - B. To provide advice and assistance to shippers;
  - C. With the consent of the parties, to facilitate or mediate railroad freight service disputes; and
  - D. To take any other appropriate actions consistent with the purposes of this legislation;
3. To provide for confidential treatment of the identity of shippers who provide service quality information to the Public Advocate;
4. To provide \$20,000 each year from the railroad excise tax to fund these activities of the Public Advocate;

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5. To require the Public Advocate to report annually to the Joint Standing Committee on Utilities and Energy with regard to activities taken under this legislation and recommendations for any modifications to the legislation, including funding levels;
6. To repeal all these provisions 90 days after the adjournment of the Second Regular Session of the 123rd Legislature but to authorize the Joint Standing Committee on Utilities and Energy to report out legislation in that session regarding the subject matter of this legislation; and
7. To authorize the Joint Standing Committee on Utilities and Energy to report out legislation concerning railroad freight service to the Second Regular Session of the 122nd Legislature.

**Senate Amendment "A" to Committee Amendment "A" (S-188)** proposed to amend the committee amendment to require the Public Advocate to make the Advocate's annual report on the subject matter of the legislation to both the Joint Standing Committee on Utilities and Energy and the Joint Standing Committee on Transportation. The amendment proposed to remove the authority of the Joint Standing Committee on Utilities and Energy to report out legislation on railroad service quality and to replace it with authorization for the Joint Standing Committee on Utilities and Energy and the Joint Standing Committee on Transportation jointly to report out legislation concerning railroad freight service to the Second Regular Session of the 122nd Legislature and the Second Regular Session of the 123rd Legislature.

### *Enacted law summary*

Public Law 2005, chapter 248 directs the Public Advocate to seek to promote and enhance railroad freight service quality. It accomplishes the following:

1. Directs the Public Advocate to collect data on the quality of railroad freight service in this State, to organize that data in accordance with a performance matrix developed in consultation with the Department of Transportation and shippers and to provide to the Department of Transportation regular reports on the quality of railroad freight service;
2. Authorizes the Public Advocate to provide information to federal, regional or state agencies, groups or organizations; to provide advice and assistance to shippers; with the consent of the parties, to facilitate or mediate railroad freight service disputes; and to take any other appropriate actions consistent with the purposes of this legislation;
3. Provides for confidential treatment of the identity of shippers who provide service quality information to the Public Advocate;
4. Provides \$20,000 each year from the railroad excise tax to fund these activities of the Public Advocate;
5. Requires the Public Advocate to report annually to the Utilities and Energy Committee and the Transportation Committee with regard to activities taken under this legislation and recommendations for any modifications to the legislation, including funding levels;
6. Repeals all the provisions 90 days after the adjournment of the Second Regular Session of the 123rd Legislature but authorizes the Utilities and Energy Committee and the Transportation Committee jointly to report out legislation in that session regarding the subject matter of this legislation; and

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- 7. Authorizes the Utilities and Energy Committee and the Transportation Committee jointly to report out legislation concerning railroad freight service to the Second Regular Session of the 122nd Legislature.

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

**LD 244**

**An Act To Standardize Water Lien Provisions**

**PUBLIC 7**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON E DAVIS P	OTP	

LD 244 proposed to expand current law with regard to the collection of unpaid water utility rates. Currently, water districts created by private and special law have a lien on property served by the district to secure payment of unpaid rates. This bill proposed to provide that all consumer-owned water utilities, which includes municipal water departments, have such liens.

The bill proposed to preserve current law that provides that when a landlord has applied for and is granted water utility service to a multiunit residential rental property, a water utility, which includes any private water company, public water district, or municipal water department, has a lien on the property and on any interest the landlord has in the multiunit residential rental property to secure payment for the water utility's service to that property.

***Enacted law summary***

Public Law 2005, chapter 7 expands current law with regard to the collection of unpaid water utility rates. Currently, water districts created by private and special law have a lien on property served by the district to secure payment of unpaid rates. Public Law 2005, chapter 7 provides that all consumer-owned water utilities, which includes municipal water departments, have such liens.

Public Law 2005, chapter 7 preserves current law that provides that when a landlord has applied for and is granted water utility service to a multiunit residential rental property, a water utility, which includes any private water company or public water district or municipal water department, has a lien on the property and on any interest the landlord has in the multiunit residential rental property to secure payment for the water utility's service to that property.

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LD 276

**An Act To Provide Fair and Equitable Local Calling Service for the People of the State**

ONTP

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

LD 276 proposed to require the commission to amend its basic service calling area rule to provide a flat-rate-unlimited-calling area option that includes both contiguous exchanges and abutting municipalities. The current Public Utilities Commission rule regarding basic service calling areas requires eligible local exchange carriers to provide a flat-rate-unlimited-calling area option that includes contiguous exchanges.

LD 289

**An Act To Protect Consumers and To Modernize Heating Oil Rules and Reporting Requirements**

PUBLIC 91

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RINES BARTLETT	OTP-AM	H-139

LD 289 proposed to repeal a provision of law requiring the State Planning Office (SPO) annually to report to the Joint Standing Committee on Utilities and Energy on statewide storage inventories of petroleum products. The bill did not propose to affect the requirement that petroleum storage facility owners report inventories to the SPO. It also proposed to expand the SPO's duty to report on projected shortfalls of petroleum products to include projected shortfalls of kerosene. The bill also proposed to repeal a section of law establishing the State's petroleum set-aside system.

**Committee Amendment "A" (H-139)** proposed to require SPO to provide, on request, to the Joint Standing Committee on Utilities and Energy, a report on inventories, deliveries, curtailments, shortfalls or other matters relating to the availability of petroleum products in this State.

*Enacted law summary*

Public Law 2005, chapter 91 repeals the requirement that the State Planning Office report annually to the Legislature on statewide storage inventories of petroleum products. It requires the State Planning Office to provide, on request, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters a report on inventories, deliveries, curtailments, shortfalls or other matters relating to the availability of petroleum products in this State. It expands the State Planning Office's duty to report on projected shortfalls of certain fuels by requiring reports on projected shortfalls of kerosene. It repeals the section of law establishing the State's petroleum set-aside system.



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**LD 312**

**An Act To Create a Manufacturing Energy Policy for Maine**

**ONTP**

<u>Sponsor(s)</u> FLETCHER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 312 was a concept draft pursuant to Joint Rule 208. Conceptually the bill proposed the creation of a manufacturing energy policy to support and promote Maine’s manufacturing industry. The bill proposed goals of reducing the cost of energy and of utility service, endorsing cogeneration as the State's primary energy efficiency strategy, promoting distributed generation, encouraging conservation and renewable energy where they can reduce the cost of energy or enhance economic development, pursuing elimination of electricity transmission constraints, protecting minimum interconnection standards for generating units, and supporting development of alternative freight transportation.

Related issues were presented in LD 812.

The committee requested that Office of the Governor form a stakeholder group to examine the issues raised by this bill and LD 812.

**LD 327**

**An Act To Implement Energy Conservation Standards for Affordable Housing**

**ONTP**

<u>Sponsor(s)</u> EDER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 327 proposed to require that the primary consideration by the Maine State Housing Authority in the determination of affordable housing be the sum of mortgage and energy costs. This bill proposed to require that affordable housing programs funded in whole or in part by the State give priority to buildings with the lowest sum of mortgage and energy expenses. This bill proposed to require affordable housing construction programs funded in whole or in part by the State to use the highest energy conservation construction standards for new housing.

The Maine State Housing Authority is currently developing rules related to this matter.

**LD 330**

**An Act To Protect Utility Customers from Imprudently Incurred Costs**

**ONTP**

<u>Sponsor(s)</u> BLISS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 330 proposed to address a specific circumstance: a Federal Energy Regulatory Commission (FERC) wholesale rate determination “for a utility’s ownership interest under a joint ownership agreement.” The bill proposed to require that if FERC in this context found costs to be imprudent and excluded them from wholesale

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rates, this would settle the matter with respect to recovery of those costs in retail rates: the Public Utilities Commission would be directed to exclude recovery of those costs in the utility's retail rates.

**LD 331**                      **An Act To Improve the Operation of Underground Damage Prevention Procedures**                      **PUBLIC 334**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BARTLETT	OTP-AM	H-558

LD 331 proposed to revise the law governing underground damage prevention procedures (known as the "dig safe" law). It proposed:

1. To authorize the Public Utilities Commission to extend by routine technical rule excavation notification requirements that apply to drinking water well construction (which were established by major substantive rule) to other types of excavation. These rules currently allow well drillers to check the Public Utilities Commission's database 30 days before the excavation to determine if any facilities are located in the municipality; if none, the excavator is not required to contact the Dig Safe system;
2. To direct the commission to establish by routine technical rule procedures to reduce the incidence of damage to newly-installed underground facilities in active excavation areas;
3. To provide that the commission may fine operators for any failure to mark their facilities in accordance with the requirements in law. Under current law the commission can impose a fine for failure to mark within the required time limit; it can also fine for inaccurate marking, but only if the marking was done in a reckless or negligent manner; and
4. To clarify that the commission has general authority to adopt rules to implement the dig safe law (the commission has in fact adopted a variety of implementing rules).

**Committee Amendment "A" (H-558)**, which was the unanimous report of the Joint Standing Committee on Utilities and Energy, proposed to make the following changes to the bill:

1. To make all Public Utilities Commission rules implementing the so-called dig safe law, including the new rules authorized by the bill, major substantive rules. It proposed to provide that existing rules of the commission remain in effect but that any amendments to those rules would be subject to legislative review as major substantive rules;
2. To provide that when an underground facility is discovered during an excavation and the location of that facility was, prior to the discovery, unknown or unclear to the underground facility operator, the commission may direct that operator to determine and map the location of the facility for a reasonable distance, as determined by the commission, from the point of discovery;
3. To remove the section of the bill that proposed to authorize the commission to fine operators for any failure to mark their facilities in accordance with the requirements in law; and

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4. To require the commission to adopt rules establishing standards for when and at what level penalties must be assessed for violations of the dig safe law.

*Enacted law summary*

Public Law 2005, chapter 334 revises the law governing underground damage prevention procedures (known as the “dig-safe law”). It:

1. Authorizes the Public Utilities Commission to extend, through major substantive rule, excavation notification requirements that apply to drinking water well construction (established by major substantive rule) to other types of excavation. The rules currently allow well drillers to check the commission’s database 30 days before the excavation to determine if any facilities are located in the municipality; if none, the excavator may go ahead with the excavation without contacting the dig safe system;
2. Directs the commission to establish through major substantive rule procedures to reduce the incidence of damage to newly-installed underground facilities in active excavation areas;
3. Gives the commission general authority to adopt rules to implement the damage prevention laws;
4. Makes all Public Utilities Commission rules implementing the dig safe law major substantive rules. It provides that all existing rules of the commission remain in effect but that any amendments to those rules are subject to legislative review as major substantive rules;
5. Provides that when an underground facility is discovered during an excavation and the location of that facility was, prior to the discovery, unknown or unclear to the underground facility operator, the commission may direct that operator to determine and map the location of the facility for a reasonable distance, as determined by the commission, from the point of discovery; and
6. Requires the commission to adopt major substantive rules establishing standards for when and at what level penalties must be assessed for violations of the dig safe law. In developing the rules, the commission is directed to include consideration of evidence of the past record of successful excavations as well as the seriousness of the current violation.

**LD 352**

**An Act To Assist Cellular Telephone Users**

**ONTP**

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

LD 352 proposed to require cellular telephone providers to provide a service that allows a customer to learn, by calling a telephone number, the exact amount of calling minutes available to that customer in the current billing month. The provider would not be allowed to charge the customer for accessing or using this service.

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LD 355

An Act To Amend the Mexico Water District Charter

P & S 7

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOTHAM BRYANT B	OTP-AM	H-140

LD 355 proposed to increase the compensation a trustee of the Mexico Water District receives from \$300 to \$600 per year and to increase the amount a trustee receives for each meeting attended from \$15 to \$25.

**Committee Amendment "A" (H-140)** proposed to replace the bill and make clear that trustees of the Mexico Water District receive compensation established in accordance with the general law (Title 35-A, section 6410, subsection 7) that governs water district trustee compensation.

*Enacted law summary*

Private and Special Law 2005, chapter 7 makes clear that trustees of the Mexico Water District receive compensation as established in accordance with the provision of the Maine Revised Statutes that governs water district trustee compensation.

LD 389

An Act To Amend the Waldoboro Utility District

P & S 11  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	H-180

LD 389 proposed to clarify that a person may connect to a sewer of the Waldoboro Utility District upon obtaining a permit from the trustees of the district and upon payment of an entrance charge. The bill also proposed to provide that it is the place of residence of the voter who signs a nomination petition for a candidate for trustee, and not the candidate's place of residence, that is required on the petition. The bill also proposed to allow the district to collect rates for the purpose of establishing surplus reserve accounts.

**Committee Amendment "A" (H-180)** proposed to replace the section of the bill relating to the purposes for which the Waldoboro Utility District may collect rates. It proposed to conform those purposes in general to those that govern the rates of sanitary districts under the Maine Revised Statutes, Title 38, section 1202 but to include additional authority for the district to establish reserve accounts, as proposed in the bill. The amendment also proposed to make the expansion in rate-collection authority subject to referendum approval in the district. The amendment also proposed to provide a cross-reference to Title 38, Section 1251, which requires a notice and public hearing prior to the adoption of any new rate schedule by any sewer district.

*Enacted law summary*

Private and Special Law 2005, chapter 11 clarifies that a person may connect to a sewer of the Waldoboro Utility District upon obtaining a permit from the trustees of the district and upon payment of an entrance charge. It clarifies whose residence that must be written on a nomination petition for a candidate for district trustee. It updates the district's charter by cross-referencing the provisions of the Maine Revised Statutes governing trustee

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compensation and requirements for notice and public hearing prior to the adoption of new rate schedules. It also expands the purposes for which the Waldoboro Utility District may collect rates: It conforms those purposes in general to those that govern the rates of sanitary districts under the Maine Revised Statutes, Title 38, section 1202 but includes additional authority for the district to establish reserve accounts.

Private and Special Law 2005, chapter 11 was enacted as an emergency and took effect on May 13, 2005, except that portion of Private and Special Law 2005, chapter 11 that changes the purposes for which the district may collect rates took effect only for the purpose of permitting its submission to the voters of the district in a referendum.

**LD 397**

**An Act To Promote the More Efficient Use of Natural Gas**

**PUBLIC 110**

<u>Sponsor(s)</u> BLISS BARTLETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-185
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LD 397 proposed to require gas utilities that serve at least 5,000 residential consumers (Northern Utilities) to implement cost-effective conservation programs designed to promote efficient use of natural gas. The bill proposed to set minimum funding at 1% of the utility's total revenue; the funding would be recovered from the utility's ratepayers. The bill proposed to require at least 40% of available funds be apportioned among programs for low-income and small business customers; the remainder would be available to other customers. The bill proposed to direct the Public Utilities Commission to adopt rules governing program cost-effectiveness and to make annual reports on the program to the Joint Standing Committee on Utilities and Energy.

**Committee Amendment "A" (H-185)** proposed to make the following changes to the bill:

1. To provide that the apportionment of a gas utility's available funds for conservation programs must be in accordance with rules adopted by the Public Utilities Commission. It proposed to direct the Public Utilities Commission to ensure that a reasonable percentage of funds is available to low-income consumers and to small-business consumers based on an assessment of the opportunity for cost-effective conservation measures for such consumers. It also proposed to direct the commission to define "small business" and to consider definitions of that term used for other programs that assist small businesses; and
2. To change the funding level for conservation programs so that it is calculated using delivery revenues rather than total revenues and to clarify certain other language of the bill.

### ***Enacted law summary***

Public Law 2005, chapter 110 requires gas utilities that serve at least 5,000 residential consumers (which currently includes only Northern Utilities) to implement cost-effective conservation programs. The funding level is capped at 3% of the utility's delivery service revenues. The apportionment of a gas utility's available funds for conservation programs must be in accordance with rules adopted by the Public Utilities Commission. The Public Utilities Commission is required to ensure that a reasonable percentage of funds is available to low-income consumers and to small-business consumers based on an assessment of the opportunity for cost-effective conservation measures for such consumers. The commission is also required to define "small business" and to consider definitions of that term used for other programs that assist small businesses.

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**LD 407**                      **An Act To Place the Emergency Services Communication Bureau**    **CARRIED OVER**  
**within the Department of Public Safety**

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

LD 407 proposed to move the Emergency Services Communication Bureau from within the Public Utilities Commission to within the Department of Public Safety.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 413**                      **An Act To Amend the Charter of the York Sewer District**                      **P & S 22**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS	OTP-AM    A OTP-AM    B ONTP        C	S-281

LD 413 proposed to change the procedure by which the York Sewer District may be dissolved.

**Committee Amendment "A" (S-281)**, which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. The amendment proposed to amend the charter of the York Sewer District to:

1. Cross-reference statutory law requiring municipal review and approval of sewer extensions;
2. Require the York Sewer District to include in its annual report audited financial statements and require the Town of York to include the district's report in the town's annual report;
3. Provide that decisions of the district relating to assessments for sewer construction may be appealed to the Town of York;
4. Establish a process for involuntary dissolution of the York Sewer District and for the transfer of its assets and obligations to the Town of York. The process would be initiated by citizen petition followed by a referendum vote within the town;
5. Add a referendum clause to the bill; and
6. Fix an incorrect reference in a prior private and special law.

**Committee Amendment "B" (S-282)**, which was one of 2 minority reports of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. The amendment was the same as the majority report except that rather than establishing a process for the involuntary dissolution of the York Sewer District, it proposed to establish a process for the recall of the trustees of the York Sewer District.

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### *Enacted law summary*

Private and Special Law 2005, chapter 22 amends the charter of the York Sewer District to:

1. Cross-reference statutory law requiring municipal review and approval of sewer extensions;
2. Require the York Sewer District to include in its annual report audited financial statements and require the Town of York to include the district's report in the town's annual report;
3. Provide that decisions of the district relating to assessments for sewer construction may be appealed to the Town of York;
4. Establish a process for involuntary dissolution of the York Sewer District and for the transfer of its assets and obligations to the Town of York. The process is initiated by citizen petition followed by a referendum vote within the town; and
5. Fix an incorrect reference in the current charter.

Private and Special Law 2005, chapter 22 does not take effect unless approved by referendum vote within the district.

**LD 459**

**An Act To Amend the Mexico Sewer District Charter**

**P & S 8**

Sponsor(s)  
HOTHAM  
BRYANT B

Committee Report  
OTP-AM

Amendments Adopted  
H-138

LD 459 proposed to increase the compensation of each trustee of the Mexico Sewer District to \$20 for each regular or special meeting and increases the maximum annual compensation for each trustee from \$200 to \$300.

**Committee Amendment "A" (H-138)** proposed to replace the substance of the bill. It proposed to make clear that trustees of the Mexico Sewer District receive compensation as established in accordance with the provision of general law (Title 38, Section 1252) that governs sewer district trustee compensation.

### *Enacted law summary*

Private and Special Law 2005, chapter 8 clarifies that trustees of the Mexico Sewer District receive compensation as established in accordance with the provision of the Maine Revised Statutes that governs sewer district trustee compensation.

***Joint Standing Committee on Utilities and Energy***

**LD 497**                      **An Act To Amend the Charter of the Boothbay Region Water District**                      **ONTP**

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

LD 497 proposed to require that a trustee of the Boothbay Region Water District reside in a household to which the district's service is provided.

**LD 499**                      **An Act To Amend the Charter of the Boothbay Harbor Sewer District**                      **ONTP**

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

LD 499 proposed to extend the territory of the Boothbay Harbor Sewer District to include all of the territory of the Town of Boothbay. The bill also proposed to increase the debt limit of the Boothbay Harbor Sewer District from \$5,500,000 to \$8,500,000.

**LD 523**                      **An Act Authorizing the Public Utilities Commission To Designate a Sole Provider of 2-1-1 Information and Referral Services in Maine**                      **PUBLIC 51  
EMERGENCY**

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

LD 523 proposed to designate 2-1-1 Maine, Incorporated as the sole entity entitled to use the 2-1-1 telephone number assigned by the Federal Communications Commission to be used for access to community information and referral services.

**Committee Amendment "A" (H-100)** proposed to replace the substance of the bill and to modify the title and emergency preamble to reflect the changes to the bill. The amendment proposed to authorize the Public Utilities Commission to designate an appropriate entity to be the sole entity entitled to use the 2-1-1 telephone number assigned by the Federal Communications Commission for access to information and referral services. The amendment proposed to allow a designation for no more than 3 years but to allow the designation to be renewed, after review, for successive terms. Before making a designation or renewing a designation, the commission would be required to determine that the designation or renewal was in the public interest. The commission would be authorized to suspend, terminate or modify a designation if it determined the public interest was no longer served by the designation or in response to actions by the Federal Communications Commission that affect the availability or assigned use of the 2-1-1 number.



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The amendment proposed to direct the commission to make a designation within 60 days of the effective date of the Act or the receipt by the commission of a request from an entity for designation, whichever is later, provided the commission determines the designation is in the public interest.

### *Enacted law summary*

Public Law 2005, chapter 51 authorizes the Public Utilities Commission to designate an appropriate entity to be the sole entity entitled to use the 2-1-1 telephone number assigned by the Federal Communications Commission for access to information and referral services. A designation may extend for no more than 3 years but may be renewed, after review, for successive terms. Before making a designation or renewing a designation, the commission shall determine that the designation or renewal is in the public interest. The commission is authorized to suspend, terminate or modify a designation if it determines the public interest is no longer served by the designation or in response to actions by the Federal Communications Commission that affect the availability or assigned use of the 2-1-1 number.

The commission must make a designation within 60 days of the effective date of this Act or the receipt by the commission of a request from an entity for designation, whichever is later, provided the commission determines the designation is in the public interest.

Public Law 2005, chapter 51 was enacted as an emergency measure effective April 20, 2005.

**LD 563**

**An Act To Assist Persons with Pulmonary Disabilities**

**PUBLIC 132**

Sponsor(s)  
FAIRCLOTH

Committee Report  
OTP-AM

Amendments Adopted  
H-181

LD 563 proposed to require the Public Utilities Commission to establish an equitable-treatment program to ensure the electricity bill assistance provided to low-income residential customers who for health reasons must use electric oxygen pumps is substantially equivalent among the various transmission and distribution utility service territories. Pursuant to current law, the Public Utilities Commission has established different low-income assistance programs in different transmission and distribution utility territories. As a result, low-income customers of Central Maine Power Company are offered a percent-of-income program that generally provides greater benefits than those offered under other transmission and distribution utility programs. This bill proposed to address this inequity.

**Committee Amendment "A" (H-181)** proposed to modify the language governing the establishment of the equitable-treatment program. It proposed to remove the requirement that overall program benefits provided to low-income persons who use oxygen pumps be substantially equivalent throughout the State. Since the low-income programs of the various transmission and distribution utilities are dissimilar in many ways, that requirement might be difficult to achieve and conflict with the goal of establishing an administratively simple and inexpensive program. The amendment proposed to provide that the program ensure that low-income assistance benefits mitigate, to an extent that is reasonably equivalent throughout the State, the increased electric costs associated with the use of oxygen pumps. The amendment also proposed to ensure that only persons eligible for benefits under the current programs would be eligible for the adjustment provided under the equitable-treatment program.

## *Joint Standing Committee on Utilities and Energy*

### ***Enacted law summary***

Public Law 2005, chapter 132 requires the commission to establish an equitable-treatment program to ensure that electricity bill assistance benefits provided to low-income residential customers who for health reasons must use electric oxygen pumps mitigate, to an extent that is reasonably equivalent throughout the State, the increased electric costs associated with the use of oxygen pumps. Only persons eligible for benefits under the current utility programs are eligible for the adjustment provided under the equitable-treatment program.

Pursuant to current law, the Public Utilities Commission has established different low-income assistance programs in different transmission and distribution utility territories. As a result, low-income customers of Central Maine Power Company are offered a percent-of-income program that generally provides greater benefits than those offered under other transmission and distribution utility programs. The equitable-treatment program is designed to mitigate the difference in benefits provided to low-income residential customers who for health reasons must use electric oxygen pumps.

**LD 637**

**An Act To Allow Qualified Health Centers To Obtain  
Telecommunications Education Access Funding**

**CARRIED OVER**

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

LD 637 proposed to add "qualified health centers" to the entities eligible to receive funding from the telecommunications education access fund (MTEAF). "Qualified health centers" would be defined to include federally qualified health centers as well as any health center that provides free public access in medically underserved areas, if the Public Utilities Commission and Department of Health and Human Services determine that including the health center is in the public interest. MTEAF funds would be available for connectivity, ensuring the health centers are capable of using advanced technology equipment, electronic database content, and the provision of telecommunications equipment and increased bandwidth necessary to support electronic health records and telemedicine in medically underserved areas.

The committee by letter requested that the Public Utilities Commission examine the issues raised by the bill and the possible use of universal service funds for these purposes.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122<sup>nd</sup> Legislature.

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**LD 642**                      **An Act To Limit Telephone Utility Expenses Related to the Relocation of Call Centers**                      **ONTP**

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

LD 642 proposed to provide that the costs of upgrading or installing a new or expanded telephone system or network to accommodate a call center that has relocated from one location within the State to another location within the State must be charged by the telephone utility to the owner or operator of that call center and may not be charged to any other customer.

**LD 656**                      **An Act To Revise the Salary Range of Certain Public Utilities Commission Employees**                      **PUBLIC 23**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BARTLETT	OTP-AM	H-25

LD 656 proposed to amend a provision of law in order to raise the salary range of 6 positions at the Public Utilities Commission and to correct the omission of the director of energy programs from this provision of law.

**Committee Amendment "A" (H-25)** proposed to incorporate a fiscal note.

*Enacted law summary*

Public Law 2005, chapter 23 amends a provision of law governing the salary range of division directors at the Public Utilities Commission: general counsel, director of finance, administrative director, director of technical analysis, and director of consumer assistance. It corrects the omission from this provision of the director of energy programs. It raises the salary range for all the positions.

**LD 662**                      **An Act To Limit Increases in Telephone or Electric Service Rates to a Maximum of 3% Annually**                      **CARRIED OVER**

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

LD 662 proposed to provide that rates set by the Public Utilities Commission for a telephone utility may not increase for any customer by more than 3% in any 12-month period. It also proposed to require the commission to ensure that the total of the regulated rate for transmission and distribution service plus any stranded costs

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charge plus the charge for standard-offer service does not increase for any customer by more than 3% in any 12-month period.

**LD 711**                      **An Act To Improve the Energy Efficiency of Buildings To Be Owned or Occupied by the State**                      **ONTP**

<u>Sponsor(s)</u> EDER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 711 proposed to require the Public Utilities Commission to adopt by routine technical rule an energy efficiency building code for use in the construction of all buildings built by or for the occupancy of the State, beginning with construction initiated on or after July 1, 2006.

**LD 789**                      **An Act Pertaining to Internet Services**                      **ONTP**

<u>Sponsor(s)</u> SULLIVAN BLISS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 789 proposed to amend a Maine telecommunications policy relating to access to computer-based information services. It proposed to make it the policy of the State that affordable access to “high-speed Internet services and related information networks” be made available throughout the State. The issues raised by the bill relate to complex areas of telecommunications law that are currently in some flux; certain related issues are currently in litigation. A key matter of current interest relates to the Public Utilities Commission’s role in governing access by competitive local exchange carriers (CLECs) to elements of the established networks of local telephone companies (incumbent local exchange carriers or ILECs). The legal issues involve a complex interplay between the provisions of the federal Telecommunication Act of 1996, Federal Communication Commission implementation of that Act, the Public Utilities Commission’s role in implementation of the Act, and the Public Utilities Commission’s authority under State law to regulate ILECs, consistent with federal law and rules, to promote competition in the telecommunications industry and broadband deployment.

**LD 824**                      **An Act To Allow the Public Utilities Commission To Consider the Health of Maine's Manufacturing Economy in the Design of Electric Rates and Energy Policy**                      **ONTP**

<u>Sponsor(s)</u> FLETCHER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 824 proposed to allow the Public Utilities Commission to consider the health of the State's manufacturing economy in proceedings affecting utility rate design or the allocation of stranded costs, in state energy policy proceedings, and in regional and federal energy policy proceedings. This bill relates to issues raised by LD 312.

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**LD 848**                      **An Act To Restore to Maine Citizens Responsible Access to Sebago Lake**                      **ONTP**

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

LD 848 proposed to allow a structure to be built on the shore of Sebago Lake without Portland Water District approval as long as the owner of the proposed structure received approval from municipal and state authorities.

**LD 849**                      **An Act To Require That Certain Water Districts Install Sand Filtration Systems To Ensure the Safety and Purity of the Water Supply**                      **ONTP**

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

LD 849 proposed to require water districts that serve more than 45,000 customers to install a sand filtration system and to prohibit such water districts from raising rates to consumers in order to pay for the filtration system. This bill proposed to require that the water district sell land that is not essential to its provision of water district services to fund the filtration system. This bill also proposed to direct the Public Utilities Commission to review whether such water districts should be organized as separate entities performing separate functions such as water distribution and water treatment.

**LD 860**                      **An Act To Efficiently Use Funds of the Public Utilities Commission**                      **P & S 6  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BARTLETT	OTP-AM	H-141

LD 860 proposed to allow the Public Utilities Commission to carry forward and use 100% of surplus funds from both FY 05 and 06. See LD 868, which relates to the same matter.

**Committee Amendment "A" (H-141)** proposed to incorporate a fiscal note.

*Enacted law summary*

Private and Special Law 2005, chapter 6 authorizes the Public Utilities Commission to carry forward to the next fiscal year 100% of unexpended funds in fiscal year 2005 and fiscal year 2006. Currently, under 35-A MRSA §116(5), the commission is authorized to carry forward up to 5% of the total annual assessment. Amounts in excess of this must either be presented to the Legislature for allocation to the commission or used to reduce the



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LD 868

An Act To Ensure Equity in Funding

PUBLIC 135  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BARTLETT	OTP-AM	H-198

LD 868 proposed to change the apportionment of the assessment on public utilities to fund the Public Utilities Commission. It did not propose to change the total amount of the assessment. Currently the assessment is apportioned statutorily between transmission and distribution utilities (T&Ds) and all other public utilities (\$3,772,000 from T&Ds; \$1,733,000 from all other utilities) and among utilities within these categories based on each utility's in-state gross operating revenues. The bill proposed to apportion the assessment between each category of utility (T&Ds, gas utilities, telephone utilities, water utilities, and the Casco Bay Ferry Service) based on time spent by the commission on each; apportionment among utilities within each category would be based on each utility's in-state gross operating revenues.

The bill also proposed to require the Office of the Public Advocate to use the same method in apportioning its assessment.

The bill proposed to direct the Public Utilities Commission to account for time spent on energy supply issues and report the accounting by March 1, 2006 to the Joint Standing Committee on Utilities and Energy. The committee would be authorized to report out a bill based on the results of the study.

**Committee Amendment "A" (H-198)** proposed to strike and replace the bill. It proposed to

1. Apportion the assessment on public utilities to fund the Public Utilities Commission and the Office of the Public Advocate based on an accounting of resources devoted by each agency to matters related to the various categories of utilities. Within each utility category, the assessment would be based on gross intrastate operating revenues;
2. Provide that all unspent funds derived from the Public Advocate assessment and Public Utilities Commission assessment do not lapse but are carried forward to the next fiscal year (LD 860 relates to this same matter);
3. Clarify that the Public Advocate assessment does not produce revenues to fund the State Nuclear Safety Advisor, a position that is separately funded;
4. Direct the Public Utilities Commission to account for resources devoted to matters relating to entities other than public utilities. It proposed to direct the commission to report the results to the Joint Standing Committee on Utilities and Energy no later than March 1, 2006 and to authorize the committee to report out a bill to the Second Regular Session of the 122nd Legislature relating to the Public Utilities Commission and Public Advocate assessments.

***Enacted law summary***

Public Law 2005, chapter 135 modifies laws relating to the assessments which provide funding for the Public Utilities Commission and the Office of the Public Advocate.

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1. It apportions the assessments on public utilities to fund the Public Utilities Commission and the Office of the Public Advocate based on an accounting of resources devoted by each agency to matters related to the various categories of utilities. Within each utility category, the assessment is based on gross intrastate operating revenues;
2. It provides that all unspent funds derived from the Public Advocate assessment and Public Utilities Commission assessment do not lapse but are carried forward to the next fiscal year;
3. It clarifies that the Public Advocate assessment does not produce revenues to fund the State Nuclear Safety Advisor, a position that is separately funded; and
4. It directs the Public Utilities Commission to account for resources devoted to matters relating to entities other than public utilities. It directs the commission to report the results to the Joint Standing Committee on Utilities and Energy no later than March 1, 2006 and authorizes the committee to report out a bill to the Second Regular Session of the 122nd Legislature relating to assessments which provide funding for the Public Utilities Commission and the Office of the Public Advocate.

Public Law 2005, chapter 135 was enacted as an emergency measure effective May 18, 2005.

**LD 913                      An Act To Promote Green Power Use at State Buildings                      ONTP**

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

LD 913 proposed that by January 1, 2008 all electricity consumed in state-owned or state-leased buildings be supplied by renewable resources. It proposed to require the chair of the Energy Resources Council to develop a plan to achieve this requirement and to submit that plan to the Joint Standing Committee on Utilities and Energy and the Joint Standing Committee on State and Local Government by April 1, 2006.

**LD 982                      An Act To Revise the Charter of the Kennebunk Sewer District                      P & S 13  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BABBIDGE SULLIVAN	OTP-AM	H-183

LD 982 proposed substantially to revise the Kennebunk Sewer District Charter, including adding a provision to the charter allowing for voter petition to hold recall elections for a trustee.

**Committee Amendment "A" (H-183)** proposed to make a number of clarifying and technical changes to the bill. It also proposed to make the following more substantive changes:



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1. Modify the timing of a recall election to allow the election to be called up to 90 days after a recall petition has been certified;
2. Reduce the terms of the trustees from 5 years to 3 years;
3. Preserve a provision of the current charter, proposed to be removed by the bill, allowing district meetings to be called by voter petition;
4. Clarify that the district may contract to provide for the disposal of storm and surface water;
5. Replace a provision granting particular enforcement powers to the district with a provision that cross-references the enforcement power specified in statute for all sewer districts. It also proposed to authorize the district to pursue any other legal remedies that may be available to it under other applicable laws;
6. Clarify that the district is a quasi-municipal corporation pursuant to statutes and that its securities are legal investments; and
7. Add an emergency preamble and emergency clause and modify the referendum language to allow but not require a referendum to be held (to avoid a municipal mandate).

***Enacted law summary***

Private and Special Law 2005, chapter 13 revises the Kennebunk Sewer District Charter. It makes a variety of changes designed to incorporate into the charter provisions from the Sanitary District Enabling Law, including a provision providing a process for the recall of district trustees. It modifies some provisions that it incorporates. It also reduces the terms of the trustees from 5 years to 3 years; current trustees continue to serve until their terms expire.

Private and Special Law 2005, chapter 13 was enacted as an emergency and took effect on May 20, 2005 but only for the purposes of permitting its submission to the voters of the district in a referendum.

<b>LD 1008</b>	<b>Resolve, To Establish a Study Commission To Analyze Regulations Applicable to Sewer Districts</b>	<b>ONTP</b>
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<u>Sponsor(s)</u> NASS R	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1008 proposed to establish a study commission to analyze rules and regulations applicable to sewer districts. Sewer districts are not subject to economic regulation by the Public Utilities Commission; the rules that govern the districts are environmental regulations administered by the Department of Environmental Protection.

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**LD 1028**                      **An Act To Prevent Fraudulent and Deceptive Sales Practices by Internet Service Providers**                      **ONTP**

<u>Sponsor(s)</u> VAUGHAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1028 proposed to require Internet service providers (ISPs) who offer free trial service to give recipients, prior to the expiration of the free service, notice of the cost to continue service. It proposed to prohibit an ISP from charging until the person has accepted the terms of the new agreement. The bill also proposed to require an ISP to prorate charges for a cancelled account to reflect the number of days in the billing period for which service was actually provided.

**LD 1047**                      **Resolve, To Study the Feasibility of Expanding the Market for American Fuels**                      **ONTP**

<u>Sponsor(s)</u> BARTLETT BLISS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1047 proposed to direct the Energy Resources Council (ERC) to study the feasibility of expanding the market for biodiesel fuel in Maine and of using biodiesel in place of petroleum-based diesel in a public facility, such as a university or college. It proposed to require the ERC to examine the capacity for producing biodiesel in the state as well as how to “strengthen the link between producing biodiesel fuel and increasing economic development.” It proposed to require a report to be submitted to Joint Standing Committee on Utilities and Energy by January 17, 2006 and to authorize the committee to submit legislation in response to the report during the Second Regular Session of the 122nd Legislature.

These issues are related to biofuel issues which the ERC was directed to study pursuant to Resolves 2003, Chapter 50; the committee requested that the ERC use that study to examine biodiesel issues.

**LD 1051**                      **Resolve, Establishing a Study Commission To Examine Water District Fees Assessed for Fire Suppression**                      **ONTP**

<u>Sponsor(s)</u> COURTNEY CAMPBELL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1051 was a concept draft pursuant to Joint Rule 208. It proposed to establish a study commission to examine water district fees assessed for fire suppression. The membership of the study commission would include interested parties throughout the State. The study commission would be charged with examining whether water district fees assessed for fire suppression are equitable and the ramifications of altering those fees and whether the amounts charged to municipalities should be limited in some way. The commission would be given authority to report its findings to the Second Regular Session of the 122nd Legislature.

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The committee by letter requested that the PUC, working with certain stakeholder groups, develop materials and educational seminars so that municipalities and water utilities better understand the methodology for the calculation public fire protection charges and the rationality behind that methodology.

**LD 1052                      An Act To Require Municipalities To Institute Sewer Service Charges                      ONTP**

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

LD 1052 proposed to require municipalities after January 1, 2007 to pay for a municipal sewer or disposal system only through user fees and to prohibit a town from paying any such costs from other municipal funds. Currently municipalities that provide sewer service have the option whether or not to institute user fees to pay for some or all sewer system costs.

**LD 1065                      An Act To Promote Economic Development and Sustainable Energy                      CARRIED OVER**

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

LD 1065 proposed to amend the law concerning the eligible resource portfolio requirement for competitive electricity providers. The bill proposed to:

1. Modify eligibility for the current 30% eligible resource portfolio requirement and rename it a Tier 1 portfolio requirement. It proposed to modify the definition of renewable resources that qualify for this requirement by eliminating reference to federally-qualified (PURPA) small power facilities; qualifying eligibility for wind facilities by requiring at least 50% of the wind power be generated on land of tribes federally recognized after January 1, 1979; and adding landfill gas to the list of eligible resources;
2. Add a Tier 2 requirement for which only a subset of Tier 1 renewable resources would qualify: hydroelectric, biomass and municipal solid waste facilities would be excluded from Tier 2 resources. It proposed to establish as an initial requirement that 1% of a competitive electricity provider’s portfolio be met with Tier 2 resources; the percentage would increase 1/2 % each year to 5% in 2014;
3. Establish an alternative compliance payment of \$35/megawatt-hour for unmet Tier 2 requirements and provide that funds collected be used by the Public Utilities Commission to provide “per-megawatt-hour support payments” to resources eligible for Tier 2; and
4. Require the Public Utilities Commission to allow Tier 2 requirements to be met using renewable credits if it finds a reliable system of credit trading exists.

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The committee, by letter, requested that a stakeholder group be formed to examine mechanisms to achieve the goals of this legislation.

This bill relates to the same matter as LD 1434.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 1081**                      **Resolve, Directing the Department of Public Safety and the Public Utilities Commission To Review the E-9-1-1 System**                      **ONTP**

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

LD 1081 proposed to direct the Department of Public Safety and the Public Utilities Commission to develop a proposal to improve the efficiency of the E-9-1-1 system and to submit their proposal and any implementing legislation to the Second Regular Session of the 122nd Legislature.

**LD 1098**                      **Resolve, To Establish Energy Standards for Residential Rental Properties**                      **RESOLVE 109**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDER STRIMLING	OTP-AM	H-487

LD 1098 proposed to require the Public Utilities Commission to study energy standards for existing and new construction of residential rental properties and report to Joint Standing Committee on Utilities and Energy by January 1, 2006. The bill also proposed to require the Public Utilities Commission to propose energy efficiency standards for residential rental properties that are occupied year-round; the standards would be required to include certain elements specified in the bill; the standards would require existing residential rental properties that do not meet the standards to meet them by January 1, 2010 or within 90 days of sale, whichever occurred first; and the standards would be required to include a penalty of 1% market value or twice monthly rent for each year a building is out of compliance.

**Committee Amendment "A" (H-487)** proposed to replace the resolve. The amendment proposed to direct the Public Utilities Commission and the Maine State Housing Authority to coordinate discussions among interested stakeholders concerning the energy efficiency of and appropriate efficiency standards for rental properties. It also proposed to direct the Public Utilities Commission and the Maine State Housing Authority to develop a disclosure form by which landlords inform prospective renters whether the rental units meet mandatory or model state energy efficiency codes or standards and of the renters' ability under the Maine Revised Statutes, Title 14, chapter 710-C to discover the units' previous energy consumption and utility costs. The Public Utilities Commission and the Maine State Housing Authority would be required to submit a report on these activities no later than January 31, 2006. The Joint Standing Committee on Utilities and Energy would be authorized to report

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out legislation relating to the subject matter of the resolve to the Second Regular Session of the 122nd Legislature.

### *Enacted law summary*

Resolve 2005, chapter 109 directs the Public Utilities Commission and the Maine State Housing Authority to coordinate discussions among interested stakeholders concerning the energy efficiency of and appropriate efficiency standards for rental properties. It also directs the Public Utilities Commission and the Maine State Housing Authority to develop a disclosure form by which landlords inform prospective renters whether the rental units meet mandatory or model state energy efficiency codes or standards and of the renters' ability under the Maine Revised Statutes, Title 14, chapter 710-C to discover the units' previous energy consumption and utility costs. The Public Utilities Commission and the Maine State Housing Authority are required to submit a report on these activities no later than January 31, 2006. The Joint Standing Committee on Utilities and Energy is authorized to report out legislation relating to the subject matter of the resolve to the Second Regular Session of the 122nd Legislature.

**LD 1101**

**An Act To Designate Pay Phone Locations in the Public Interest**

**PUBLIC 131**

<u>Sponsor(s)</u> ADAMS DAMON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-199
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LD 1101 proposed to direct the Public Utilities Commission to adopt routine technical rules to identify locations in the state for public-interest payphones. It proposed to establish certain locations where public-interest pay phones could be designated by the commission, such as where other forms of communication are not available, certain security settings (e.g., jails), or locations for which citizens petition for designation. It proposed to require, prior to removal of a public-interest pay phone, 30-day notice to the commission by the owner of the phone. It proposed that costs of public-interest pay phones be paid through an assessment on owners of pay phones in the State.

**Committee Amendment "A" (H-199)** proposed to replace the bill. It proposed to direct the Public Utilities Commission to establish by rule a process for providing for public-interest pay phones. The commission would be directed to establish procedures for citizens to petition for public-interest pay phones and standards for reviewing such petitions. A proposed public-interest pay phone would be required to fulfill a public health, safety or welfare policy objective, and the commission would be required to find that a pay phone would not otherwise remain or be placed at a proposed public-interest pay phone location by the operation of the competitive marketplace. Funding for these pay phones would be limited to \$50,000 per year and would come from the state universal service fund.

The amendment proposed to require the Public Utilities Commission to provide annual reports to the Joint Standing Committee on Utilities and Energy on public-interest pay phones, and to authorize the committee to report out legislation on the subject to the First Regular Session of the 123rd Legislature.

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### *Enacted law summary*

Public Law 2005, chapter 131 directs the Public Utilities Commission to establish by rule a process for providing for public-interest pay phones. The commission is directed to establish procedures for citizens to petition for public-interest pay phones and standards for reviewing such petitions. A proposed public-interest pay phone must fulfill a public health, safety or welfare policy objective, and the commission must find that a pay phone would not otherwise remain or be placed at a proposed public-interest pay phone location by the operation of the competitive marketplace. Funding for these pay phones is limited to \$50,000 per year and is provided from the state universal service fund.

The Public Utilities Commission is required to provide annual reports to the Joint Standing Committee on Utilities and Energy on public-interest pay phones. The committee is authorized to report out legislation on the subject to the First Regular Session of the 123rd Legislature (2007).

**LD 1113                      An Act To Create the Fryeburg Water District**

**P & S 14  
EMERGENCY**

<u>Sponsor(s)</u> MUSE HASTINGS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-251
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LD 1113 proposed to create the Fryeburg Water District.

**Committee Amendment "A" (H-251)** proposed to change the bill to:

1. Modify the description of the territory of the proposed Fryeburg Water District to ensure that no portion extends beyond the borders of this State;
2. Clarify the authority of the district to arrange for continued service to customers of the Fryeburg Water Company located outside the territory of the district;
3. Clarify the authority of the district to sell water to bulk water exporters;
4. Provide that the district may take by eminent domain the property and franchise of the Fryeburg Water Company located within the territory of the district and remove an unneeded eminent domain provision that appeared in the bill;
5. Clarify the referendum provision of the bill and provide for one unified referendum question rather than 2 separate referendum questions; and
6. Add an emergency preamble and an emergency clause to the bill.

### *Enacted law summary*

Private and Special Law 2005, chapter 14 creates the Fryeburg Water District. The territory of the district runs to but does not extend beyond the borders of this State. The district is authorized to arrange for continued service to

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customers of the Fryeburg Water Company located outside the territory of the district, including those located in New Hampshire, provided appropriate arrangements can be made. It provides that the district may sell water to bulk water exporters in accordance with applicable laws. It provides that the district may take by eminent domain the property and franchise of the Fryeburg Water Company located within the territory of the district.

Private and Special Law 2005, chapter 14 was enacted as an emergency and took effect on May 20, 2005 but only for the purpose of permitting its submission to the voters of the district in a referendum.

**LD 1128                      An Act Directing the State Planning Office To Study Municipal Capabilities To Become Providers of Internet Services                      P & S 19**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM    MAJ ONTP        MIN	S-162

LD 1128 proposed to provide that the authority of a municipality to amend its charter under home rule authority does not restrict a municipality's authority to become a provider of wireless Internet services.

The bill also proposed to require the State Planning Office, in conjunction with the Public Utilities Commission and the Department of Economic and Community Development, to study the economic, technological and funding issues associated with municipalities providing wireless Internet services to their communities. The bill proposed to require the State Planning Office to submit a report of its findings to the Joint Standing Committee on Utilities and Energy and authorize the committee to report out a bill after reviewing the report.

**Committee Amendment "A" (S-162)**, which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to remove section 1 of the bill concerning municipal authority to become a provider of wireless Internet service. Municipalities appear currently to have this authority under their home rule authority. The amendment also proposed to change the reporting deadline for the study required by the bill from September 12, 2005 to September 12, 2006.

Related bills: LD 789 and LD 1440.

***Enacted law summary***

Private and Special Law 2005, chapter 19 requires the Executive Department, State Planning Office, in conjunction with the Public Utilities Commission and the Department of Economic and Community Development, to study the economic, technological and funding issues associated with municipalities providing wireless Internet services to their communities. The bill requires the State Planning Office to submit a report on its findings to the Utilities and Energy Committee by September 12, 2006 and authorizes the committee to report out a bill to the 1<sup>st</sup> Regular Session of the 123<sup>rd</sup> Legislature.

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LD 1162

An Act To Permit the Establishment of Regional Water Councils

**PUBLIC 209  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW BARTLETT	OTP-AM	H-308

LD 1162 proposed to allow water utilities to form regional water councils. Such councils would be formed as and have the powers of nonprofit corporations; they would also have the power to undertake studies, promote cooperative arrangements, and make recommendations to members and other public agencies that perform functions within the region. In addition they would exercise on behalf of members any power, privilege or authority capable of exercise by a member "except essential legislative powers or eminent domain authority." The PUC would serve as coordinator between councils and would be authorized to distribute state and federal funds to the councils. The PUC would be authorized to adopt rules to establish procedures and audit requirements related to the commission's role as coordinator and distributor of funds. The councils would not be water utilities and so not subject to PUC regulation.

**Committee Amendment "A" (H-308)** proposed to make the following changes to the bill:

1. Clarify that a water utility is not required to become a member of a regional water council;
2. Limit a regional water council's powers to those of a nonprofit corporation (it would retain the bill's prohibition on a regional water council becoming a water utility);
3. Specify that a regional water council may provide purchasing, billing, accounting and customer services to its members;
4. Specify that State funds otherwise available to water utilities may not be made conditional on a water utility's membership in a regional water council;
5. Clarify that a regional water council is a nonprofit corporation and not a governmental organization;
6. Remove the requirement that the Public Utilities Commission serve as a coordinator between regional water councils and the State and clarify that available grant and other funds would not be required to pass through the commission to regional water councils;
7. Clarify that water utilities that are members of a regional water council remain fully subject to Public Utilities Commission jurisdiction and authority; and
8. Add an emergency preamble and emergency clause.

***Enacted law summary***

Public Law 2005, chapter 209 allows water utilities to form regional water councils. A council is formed as and has the powers of a nonprofit corporation. It is not a governmental organization. In addition to its powers as a nonprofit corporation, a council may also undertake studies, promote cooperative arrangements, make recommendations to members and other public agencies that perform functions within the region, and provide



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purchasing, billing, accounting and customer services to its members. A regional water council may not exercise any power that would cause it to become a water utility and no water utility is required to become a member of a regional water council. The PUC is authorized to provide assistance to the councils; grant and other funds available to regional water councils are not required to pass through the commission. No fund or service of the State or instrumentalities otherwise available to water utilities may be made conditional on a water utility's membership in a regional water council. Water utilities that are members of a regional water council remain fully subject to Public Utilities Commission jurisdiction and authority.

Public Law 2005, chapter 209 was passed as an emergency and took effect May 24, 2005.

**LD 1198**

**An Act To Promote Responsible Advertising by Public Utilities**

**PUBLIC 204**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	ONTP    MAJ	H-296
BARTLETT	OTP-AM    MIN	

LD 1198 relates to “commercial messages” sent by a public utility to its customers. The bill proposed to define “commercial messages” to mean those sent to customers “for the sole purpose of promoting consumption of a regulated service or product.” The bill proposed to prohibit a public utility from charging customers for the costs of such messages. The bill also proposed to prohibit a public utility from sending such messages unless the customer has given written consent to receiving them.

**Committee Amendment "A" (H-296)**, which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. The amendment proposed to provide that rules adopted by the Public Utilities Commission concerning the following activities by public utilities are major substantive rules: promotional advertising; promotional allowances, including, but not limited to, the granting of promotional rebates or credits; advertising to promote corporate image or goodwill; or political activities. The Public Utilities Commission currently has rules on these matters (Chapter 83). This amendment would require any amendments to those rules to be subject to approval by the Legislature.

### ***Enacted law summary***

Public Law 2005, chapter 204 makes the rules of the Public Utilities Commission concerning the following public utility matters major substantive rules: promotional advertising; promotional allowances, including, but not limited to, the granting of promotional rebates or credits; advertising to promote corporate image or goodwill; and political activities. The Public Utilities Commission's current rules on these matters are in Chapter 83 of its rules.

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LD 1259

An Act To Sustain Maine Schools and Libraries

PUBLIC 251

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R BLISS	OTP-AM	S-116 S-201 BARTLETT

LD 1259 proposed to increase the amount the Public Utilities Commission may collect from carriers for contributions to the Maine telecommunications education access fund (MTEAF). The current law limits the collection from carriers to 0.5% of retail charges for telecommunications services. This bill proposed to increase the collection limit to 0.8% for fiscal years 2005-06 and 2006-07 and to 0.6% in fiscal year 2008 and beyond. The increases would allow the Public Utilities Commission to cover costs associated with delays in federal E-rate discounts and to fund up to \$500,000 per year to pay for the digital library at the University of Maine (MARVEL).

**Committee Amendment "A" (S-116)** proposed to do the following:

1. Replace the provision of the bill that would increase the cap on the amount collected for the MTEAF by different amounts in different years. The amendment proposed simply to increase it to 0.7% of intrastate retail charges;
2. Add a provision requiring the Public Utilities Commission to provide a report to the Joint Standing Committee on Utilities and Energy detailing the status of available revenues and expenditures, including federal funds, for the schools and libraries program supported by the MTEAF;
3. Authorize the Joint Standing Committee on Utilities and Energy to report out legislation to the Second Regular Session of the 122nd Legislature concerning the subject of the Public Utilities Commission report; and
4. Add an emergency preamble and an emergency clause to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-201)** proposed to remove the emergency preamble and the emergency clause.

***Enacted law summary***

Public Law 2005, chapter 251 increases the amount the Public Utilities Commission may collect from carriers for contributions to the telecommunications education access fund. The current law limits the collection from carriers to 0.5% of retail charges for telecommunications services. Public Law 2005, chapter 251 increases the amount collected to 0.7% of intrastate retail charges, allowing the commission to cover costs while recipients await E-rate discounts and to fund up to \$500,000 per year to pay for electronic databases. The Public Utilities Commission is required to provide a report to the Utilities and Energy Committee detailing the status of available revenues and expenditures, including federal funds, for the schools and libraries program supported by the telecommunications education access fund.

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**LD 1282**

**An Act To Clarify the Process To Enforce Dig Safe Requirements**

**ONTP**

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

LD 1282 proposed to prohibit the Public Utilities Commission from imposing fines or requiring participation in a dig safe educational requirements for violations of the "dig safe" law if 3 standards are met: fewer than 2% of the violator's excavations in the last year resulted in violations; the cost to repair the facility damaged by the current violation is less than \$5,000; and there were no injuries as a result of the violation.

Related issues were presented in LD 331.

**LD 1290**

**An Act To Improve Funding for Telecommunications Relay Services**

**PUBLIC 305**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BARTLETT	OTP-AM	H-559

LD 1290 proposed to move funding for telecommunications relay services from its current embedded subsidy in local exchange carrier bills into the state universal service fund, which is funded by assessments on all intrastate telecommunications providers. The bill proposed to provide that the Telecommunications Relay Services Advisory Council recommend funding level requirements; the Public Utilities Commission would ultimately authorize funding levels based on a determination of what is reasonable. The bill proposed certain guidelines for determining a reasonable level of funding.

**Committee Amendment "A" (H-559)** proposed to remove a provision in law currently prohibiting the Public Utilities Commission from requiring contributions to the state universal service fund to cover amounts authorized to be transferred from that fund to the Communications Equipment Fund. The Communications Equipment Fund provides funding for telecommunications equipment for deaf and hard-of-hearing persons. The amendment also proposed to make a technical correction to avoid a conflict.

***Enacted law summary***

Public Law 2005, chapter 305 moves the funding source for telecommunications relay services from its current embedded subsidy in local exchange carrier bills into the state universal service fund, which is funded by assessments on all intrastate telecommunications providers. It provides that the Telecommunications Relay Services Advisory Council must develop recommended funding level requirements; the Public Utilities Commission then makes the final decision on funding levels.

Public Law 2005, chapter 305 removes a provision in law currently prohibiting the Public Utilities Commission from requiring contributions to the state universal service fund in order to cover amounts authorized to be transferred from that fund to the Communications Equipment Fund. The Communications Equipment Fund provides funding for telecommunications equipment for deaf and hard-of-hearing persons.

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LD 1342

**An Act Reducing Oversight Expense for Decommissioning  
Nuclear Power Plants To Benefit Electric Ratepayers**

**PUBLIC 254**

<u>Sponsor(s)</u> BARTLETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-227
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LD 1342 bill proposed to implement portions of a recent Federal Energy Regulatory Commission settlement, approved in August 2004, related to decommissioning Maine Yankee. The bill proposed to establish fixed annual fees to cover all State fees, costs and assessments with respect to Maine Yankee, other than compliance costs associated with the federal Resource Conservation and Recovery Act. It would also repeal certain state monitoring and oversight activities.

Part A of the bill proposed to establish a single assessment to be paid by Maine Yankee for all state activities related to the site, including safety, radiation and environmental monitoring and security. The payment to the State would be \$90,000 for the end of '05; \$360,000 for calendar years 2006 and 2007; \$296,667 in '08; and \$170,000 every year thereafter until the spent fuel is removed from the site and the interim spent fuel storage installation is finally decommissioned. Part A would also eliminate the requirement in the Maine Revised Statutes, Title 35-A for monitoring and reporting of routine radioactive releases from a nuclear power plant.

Part B of the bill proposed to eliminate the State Nuclear Safety Inspector position. It also proposed to eliminate the fees associated that position, the Health and Environmental Testing Lab, and the Nuclear Safety Advisor. It proposed to remove a requirement that assessments on low-level radioactive waste generators to fund the Radioactive Waste Fund result in a specific total amount; Maine Yankee would remain subject to assessments for actual shipments of low-level radioactive waste.

Part C proposed to eliminate, after the payment made in July 2005, the requirement that Maine Yankee reimburse the Department of Environmental Protection for costs incurred by the department in conducting activities related to the decommissioning. It proposed to amend the sunset on the fee to fund the Advisory Commission on Radioactive Waste and to allow any remaining funds to be kept by the DEP rather than returned to Maine Yankee.

**Committee Amendment "A" (S-227)** proposed to preserve the position of the State Nuclear Safety Inspector through September 30, 2006. This amendment would establish a fund within the Office of the Public Advocate to receive the unified state assessment on the licensee operating the interim spent fuel storage facility in this State (Maine Yankee). The Public Advocate would be directed to disburse amounts in the fund to agencies or to other appropriate state funds in order to pay or contribute to the payment of costs incurred by agencies with respect to federal or state proceedings; safety, radiation and environmental monitoring; and security or other oversight-related activities related to the decommissioning of Maine Yankee or the development or operation of an interim spent fuel storage facility in this State. The Public Advocate would be required to keep an annual accounting of all funds received by the fund and all disbursements from the fund and to make a report of this accounting to the Joint Standing Committee on Utilities and Energy by the first Monday in February of each year.

The committee by letter requested that the Public Advocate examine possible funding sources for preserving the State Nuclear Safety Inspector position beyond September 30, 2006.

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### *Enacted law summary*

Public Law 2005, chapter 254 establishes fixed annual fees to cover all State fees, costs and assessments with respect to Maine Yankee, other than compliance costs associated with the federal Resource Conservation and Recovery Act. It repeals certain state monitoring and oversight activities. It implements portions of a recent Federal Energy Regulatory Commission settlement related to decommissioning the facility that was approved in August 2004.

Public Law 2005, chapter 254 establishes a single assessment, to be paid by the licensee operating an interim spent fuel storage facility in this State, for all state activities related to the site, including safety, radiation and environmental monitoring and security. The payment to the State is \$90,000 for the end of 2005; \$360,000 for calendar years 2006 and 2007; \$296,667 in 2008; and \$170,000 every year thereafter until the spent fuel is removed from the site and the interim spent fuel storage installation is finally decommissioned. It establishes a fund within the Office of the Public Advocate to receive the unified state assessment on the licensee. The Public Advocate is directed to disburse amounts in the fund in order to pay or contribute to the payment of costs incurred by agencies with respect to federal or state proceedings; safety, radiation and environmental monitoring; and security or other oversight-related activities related to the decommissioning of a nuclear power plant or the development or operation of an interim spent fuel storage facility in this State. The Public Advocate is required to keep an annual accounting of all funds received by the fund and all disbursements from the fund and to make a report of this accounting to the Utilities and Energy Committee by the first Monday in February of each year.

Public Law 2005, chapter 254 eliminates the requirement in the Maine Revised Statutes, Title 35-A for monitoring and reporting of routine radioactive releases from a nuclear power plant.

Public Law 2005, chapter 254 terminates the position of the State Nuclear Safety Inspector on September 30, 2006. It also eliminates the fees associated with funding that position, the Health and Environmental Testing Lab, and the Nuclear Safety Advisor. It also removes a requirement that assessments on low-level radioactive waste generators to fund the Radioactive Waste Fund result in a specific total amount; Maine Yankee will remain subject to assessments for actual shipments of low-level radioactive waste.

Public Law 2005, chapter 254 eliminates, after the payment made in July 2005, the requirement that Maine Yankee reimburse the Department of Environmental Protection for costs incurred by the department in conducting activities related to the decommissioning. It also amends the sunset on the fee to fund the Advisory Commission on Radioactive Waste and allows any remaining funds to be kept by the DEP rather than returned to Maine Yankee.

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**LD 1347**                      **Resolve, Directing the Public Utilities Commission To Amend Its Rules Governing Net Energy Billing**                      **CARRIED OVER-**  
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINKHAM		

LD 1347 proposed to direct the Public Utilities Commission to amend its rules governing net energy billing as follows: to change the requirement that the renewable facility used for net energy billing be located on or in the vicinity of the customer's premises to a requirement that it be located in the service area of a utility and to require a utility to provide net energy billing to a customer based on all accounts in that customer's name. Current Public Utilities Commission net billing rules (Ch. 313) allow for netting self-generation against power from the system (including transmission and delivery service) over a 12-month period by a renewable generator with a capacity of 100kW or less that is "located on or in the vicinity of the customer's premises." The PUC currently interprets its rules to allow all structures owned by a customer and located near the generator to be net billed; it does not permit an association of customers to net their load against the generator's output.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 1373**                      **An Act To Implement Emergency Medical Dispatch Services for E-9-1-1 Calls**                      **PUBLIC 303**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS BARTLETT	OTP-AM	H-560

LD 1373 proposed to require the Emergency Services Communication Bureau within the Public Utilities Commission, in consultation with the Emergency Medical Services Board, to adopt rules governing certification of (qualifications for and standards to be observed by) providers of emergency medical dispatch services who respond to E-9-1-1 calls. Beginning in 2007, the rules would regulate the provision of emergency medical dispatch services in response to E-9-1-1 calls and require all persons handling E-9-1-1 calls to meet certain qualifications.

**Committee Amendment "A" (H-560)** proposed to amend the bill as follows:

1. Move the certification of emergency medical dispatch services from the Public Utilities Commission, Emergency Services Communication Bureau to the Department of Public Safety, Emergency Medical Services' Board;
2. Limit the application of the certification requirements to public safety answering points and their employees;
3. Provide funding from the E-9-1-1 fund to cover the Emergency Medical Services' Board's costs of implementing the certification requirements;

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4. Provide that the Emergency Services Communication Bureau use the E-9-1-1 fund to pay the costs of training incurred by public safety answering points in meeting the certification requirements; and
5. Remove the penalty provision in the bill for violations of the certification requirements. Under current law, these violations would be grounds for licensing actions by the Emergency Medical Services' Board.

*Enacted law summary*

Public Law 2005, chapter 303 requires the Emergency Medical Services Board, in consultation with the Emergency Services Communication Bureau within the Public Utilities Commission, to adopt rules governing qualifications for and standards to be observed by public service answering points (PSAPs) in responding to E-9-1-1 calls. Beginning in 2007, the rules regulate the provision of emergency medical dispatch services in response to E-9-1-1 calls and require all PASPs and their employees handling E-9-1-1 calls to meet certain standards and qualifications. Under current law, violations of these requirements will be grounds for licensing actions by the Emergency Medical Services' Board. Public Law 2005, chapter 303 provides funding from the E-9-1-1 fund to cover the costs of the Emergency Medical Services' Board in implementing the certification requirements. It also provides that the Emergency Services Communication Bureau use the E-9-1-1 fund to pay the costs of training incurred by PSAPs in meeting the certification requirements.

**LD 1375**

**An Act To Improve Cooperative Energy Purchasing for Schools, Towns and Nonprofits**

**PUBLIC 190**

<u>Sponsor(s)</u> STRIMLING	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1375 proposed to expand the authority of the Maine Municipal Bond Bank (MMBB) to aggregate government units (counties, municipalities, SADs, community school districts, and quasi-municipal entities such as water and sewer districts) and nonprofits to purchase in bulk petroleum products, fuel oil and natural gas. Under current law, the MMBB can provide this aggregation service with respect to the purchase of electricity only. Under other law, the Maine Health and Higher Educational Facilities Authority (MHHEFA) has authority to make similar bulk purchases on behalf of non-profit healthcare and higher education facilities and the University of Maine System.

*Enacted law summary*

Public Law 2005, chapter 190 expands the authority of the Maine Municipal Bond Bank (MMBB) to aggregate government units (counties, municipalities, SADs and community school districts, and quasi-municipal entities such as water and sewer districts) and nonprofits to purchase in bulk petroleum products, fuel oil and natural gas.

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**LD 1377**

**An Act Regarding Municipally Owned Street Lighting**

**CARRIED OVER**

<u>Sponsor(s)</u> WOODCOCK		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1377 proposed to:

1. Allow a municipality to acquire existing transmission and distribution utility-owned streetlights and compensate the utility for the acquisition;
2. Provide that a municipality may purchase energy for street lighting owned or leased by the municipality;
3. Allow a municipality to use the space on poles previously used by the transmission and distribution utility for its lighting equipment; and
4. Set limits on standards a transmission and distribution utility may apply to municipal lighting equipment.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 1379**

**An Act To Amend the Maine Wind Energy Act**

**CARRIED OVER**

<u>Sponsor(s)</u> STRIMLING FLETCHER		<u>Committee Report</u> OTP-AM MAJ OTP-AM MIN		<u>Amendments Adopted</u> S-365 BARTLETT
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LD 1379 proposed to establish various policies and incentives to promote the construction of wind generation facilities as well as wind energy equipment manufacturing facilities. It also proposed a legislative finding regarding transmission upgrades connecting northern and eastern Maine and southern Maine. Specifically, the bill proposed to

1. Authorize the transfer of up to \$2 million/year for up to 10 years from the conservation program fund to the Finance Authority of Maine (FAME) to provide capitalization for FAME financing of wind energy projects and to direct FAME and the Public Utilities Commission to determine the most cost effective ways to use FAME authority to assist in financing wind development;
2. Allow a business to be designated to receive Pine Tree Development Zone benefits if it would support the construction by that business of a wind-powered generator;
3. Allow a competitive electricity provider to meet the resource portfolio requirements of Title 35-A, section 3210 through renewable credits, if a reliable credit-trading system exists;
4. Create legislative findings that it is in the public interest to encourage the construction of 300 megawatts of wind generation by 2010 and that it is in the public interest to encourage the development of wind energy research and generation equipment manufacturing facilities;



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5. Create a legislative finding that enhancement of transmission from northern and eastern Maine to southern Maine is essential to wind development and to the efficient connection of northern and eastern Maine with the rest of the U.S.;
6. Establish as the policy of the State that political subdivisions, agencies and public officials "take every reasonable action to encourage and expedite" permitting and financing of wind projects and siting, permitting, financing and construction of wind energy research and manufacturing facilities; and
7. Direct the Board of Environmental Protection to adopt by January 15, 2006 major substantive rules to streamline the process for review and permitting of wind-power generation up to 100 megawatts, deal on a general basis with wind permitting issues in order to "narrow the regulatory focus", and determine, in consultation with LURC, "preferred" wind project siting areas (areas 50,000 acres or more in size).

**Committee Amendment "A" (S-283)**, (not adopted) was the majority report of the Joint Standing Committee on Utilities and Energy; it proposed to replace the bill. The amendment proposed to establish as the policy of the State that its political subdivisions, agencies and public officials take every reasonable action to encourage the attraction of appropriately sited wind-energy-related development consistent with high environmental standards; the permitting and financing of wind energy projects; and the siting, permitting, financing and construction of wind energy research and manufacturing facilities where appropriate.

This amendment also proposed to direct the Energy Resources Council to study and report on the type of electricity generation referred to as "community wind." The council would be directed to provide a report of its findings and recommendations by January 13, 2006. The Joint Standing Committee on Utilities and Energy would be authorized to report out legislation regarding community wind to the Second Regular Session of the 122nd Legislature.

**Committee Amendment "B" (S-284)**, (not adopted), was the minority report of the Joint Standing Committee on Utilities and Energy; it proposed to replace the bill. The amendment proposed to:

1. Authorize the granting of Pine Tree Development Zone benefits to an entity if granting such benefits would support construction in the State by that entity of a community wind power generator with a capacity of no more than 10 megawatts;
2. Direct the Public Utilities Commission to adopt rules allowing the use of renewable energy credits to satisfy the resource portfolio requirements of Title 35-A, section 3210;
3. Require the Public Utilities Commission, in consultation with the Department of Environmental Protection and the Finance Authority of Maine, to develop recommendations on ways of promoting community wind power generator projects of up to 10 megawatts;
4. Establish a legislative finding that it is in the public interest to encourage the construction in the State by 2010 of up to 300 megawatts of wind energy capacity, including but not limited to community wind power generator capacity;
5. Establish as the policy of the State that its political subdivisions, agencies and public officials take every reasonable action to encourage the attraction of appropriately sited wind-energy-related development consistent with high environmental standards; the permitting and financing of wind energy projects; and the siting, permitting, financing and construction of wind energy research and manufacturing facilities;

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6. Require the Board of Environmental Protection to adopt by January 15, 2006 rules that deal on a general basis with issues that arise in the permitting of wind energy facilities of any size;
7. Direct the Public Utilities Commission to determine the most effective ways for the commission to assist in the financing of wind energy projects; and
8. Direct the Department of Environmental Protection and the Maine Land Use Regulation Commission to provide a report to the Joint Standing Committee on Utilities and Energy on the agencies' siting guidelines and authorize the committee to report out legislation on wind energy to the Second Regular Session of the 122nd Legislature.

**House Amendment "A" to Committee Amendment "B" (H-667)** (not adopted), proposed to make a variety of changes to Committee Amendment "B." It proposed to limit the Commissioner of Economic and Community Development's discretion in designating a wind power developer as a qualified Pine Tree Development Zone business to "the property, equipment and employees used primarily as part of a community wind power generator." It proposed to expand the legislative finding regarding the public's interest in the construction of wind energy capacity in the state: instead of the construction of up to 300 megawatts by 2010, the amendment proposed that it was in the public's interest that there be at least that amount by that date. It proposed to provide that wind-energy related development be consistent with state and federal environmental standards (rather than "high environmental standards"). It proposed to extend the date by which the Board of Environmental Protection would be required to adopt rules that deal on a general basis with issues that arise in the permitting of wind energy facilities as well as the reporting deadline for Department of Environmental Protection and the Maine Land Use Regulation Commission report to the Joint Standing Committee on Utilities and Energy on the agencies' siting guidelines.

**Senate Amendment "A" to Committee Amendment "B" (S-322)** (not adopted), proposed to add provisions to Committee Amendment "B" that would direct the Public Utilities Commission to study and report on the type of electricity generation referred to as "community wind" and to submit legislation to provide a strategy to rapidly implement feasible community wind sites. The amendment also proposed to require the Public Utilities Commission to explore combining cell phone towers and similar structures with wind power generating equipment and structures.

**Senate Amendment "B" to Committee Amendment "B" (S-341)** (not adopted), proposed to make the same changes to Committee Amendment "B" as proposed in House Amendment "A" with one further addition: to require the Public Utilities Commission to seek effective ways to assist in developing long-term contracts for the generation of electricity by community wind power and to adopt major substantive rules to implement and govern such long-term contracts.

**Senate Amendment "A" (S-365)** (adopted in both houses), proposed to replace the bill. The amendment proposed to incorporate the provisions of Committee Amendment "B" as amended by House Amendment "A" and Senate Amendment "A" (S-322) with the following changes.

1. It proposed to remove the authority of the Commissioner of Economic and Community Development to include community wind power generators as Pine Tree Development Zone businesses but to give any qualified legal entity that owns a community wind power generator sales tax and income tax benefits similar to those given to Pine Tree Development Zone entities. An entity could be certified for these benefits if it qualified prior to January 1, 2010. It proposed to provide for the availability of the sales tax exemption

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through December 31, 2010 and to limit availability of the income tax credit to 10 consecutive years after a certified generator begins operation.

2. It proposed to specify that general wind power permitting guidelines required to be adopted by the Board of Environmental Protection do not affect the municipal permitting process.
3. It proposed to remove the finding that it is in the public interest to encourage the construction and operation of 300 megawatts of community wind power generators in the state; instead, the amendment proposed to provide that it is in the public interest to encourage the construction and operation of community wind power generators in the state. (The summary of the amendment, however, indicates a different intent which is not reflected in the amendment: to establish a "requirement...that the installed capacity of the community wind power generator project be 300 megawatts.")

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 1392**                      **Resolve, Regarding Legislative Review of Portions of Chapter 301: Standard Offer Service, a Major Substantive Rule of the Public Utilities Commission**                      **RESOLVE 65 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-420
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LD 1392 proposed legislative authorization of the portions of Chapter 301: Standard Offer Service, that constitute a major substantive rule of the Public Utilities Commission. Those portions provided for the incorporation of new renewable resources into a portion of the standard offer supply when it would reduce price volatility, provide a hedging strategy, and provide a competitively priced supply option. The rule proposed to limit application to standard offer service for residential and small non-residential classes; to provide for periodic (at least once every 5 years) solicitation of bids, generally for a minimum term length of 6 years, and the evaluation of the bids in accordance with the rule's standards; and to allow the commission to waive the solicitation requirement if it found a substantial likelihood that the standards would not be met. In accordance with the enabling law, the rule proposed to provide that the commission or the standard offer provider enter into the contracts with the suppliers.

**Committee Amendment "A" (H-420)** proposed to change the resolve and not to authorize final adoption of the provisionally adopted major substantive rule. The amendment proposed to authorize the commission to submit revised or new rules on the same subject matter for review in the Second Regular Session of the 122nd Legislature.

***Enacted law summary***

Resolve 2005, chapter 65 does not authorize final adoption of those portions of Chapter 301: Standard Offer Service that constitute a provisionally adopted major substantive rule of the Public Utilities Commission. It authorizes the commission to submit revised or new rules on the same subject matter for review in the Second Regular Session of the 122nd Legislature.

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Resolve 2005, chapter 65 was enacted as an emergency and took effect on May 31, 2005.

**LD 1418**                      **Resolve, To Direct the Public Utilities Commission to Examine Issues Related to the Collection of Certain Fees on Prepaid Wireless Telephone Services**                      **RESOLVE 62**

<u>Sponsor(s)</u> BLISS BARTLETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-419
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LD 1418 proposed to amend the law concerning the E-9-1-1 surcharge to include prepaid wireless telephone service. The bill proposed to require the service provider to collect from the customer a surcharge for the period of the prepaid service at a rate of 50 cents per month. The provider would be given the option of collecting the surcharge at the time the customer purchases the service or at the beginning of each month for which time is left on the service.

**Committee Amendment "A" (H-419)** proposed to replace the bill and turn the bill into a resolve. The amendment would direct the Public Utilities Commission to examine methods of ensuring equity in funding the E-9-1-1 system, the Telecommunications Education Access Fund, and the universal service fund through the collection of fees on prepaid wireless telephone service. The commission would be directed to submit its report with its recommendations to the Joint Standing Committee on Utilities and Energy by February 2006. The Joint Standing Committee on Utilities and Energy would be authorized to report out a bill on this subject matter to the Second Regular Session of the 122nd Legislature.

*Enacted law summary*

Resolve 2005, chapter 62 directs the Public Utilities Commission to examine methods of ensuring equity in funding the E-9-1-1 system, the Telecommunications Education Access Fund and the universal service fund through the collection of fees on prepaid wireless telephone service. The commission is directed to submit its report with its recommendations to the Joint Standing Committee on Utilities and Energy by February 2006. The Joint Standing Committee on Utilities and Energy is authorized to report out a bill on the subject matter of the report to the Second Regular Session of the 122nd Legislature.

**LD 1434**                      **An Act To Reform the Renewable Electricity Portfolio Standard**                      **ONTP**

<u>Sponsor(s)</u> BLISS BARTLETT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1434 proposed to amend the eligible resource portfolio requirement for competitive electricity providers. The bill proposed to:

1. Modify the current portfolio requirement by disqualifying a generator that sells its electrical output to a transmission and distribution utility;

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2. Establish a "Tier 2 Requirement," which would require that a certain percentage of a competitive electricity provider's portfolio be supplied by one of the following: generators built after January 1, 2005 that use certain renewable resources; hydroelectric generators that install adequate fish passage systems after January 1, 2005; or biomass generators that burn biomass harvested using sustainable forest management practices and that meet certain emission standards. The requirement would initially be 2% and increase by 0.5% each year until it reached 7%. A generator that sold its electrical output to a transmission and distribution utility would not qualify to meet this requirement;
3. Require that any resource used to satisfy the portfolio requirements be scheduled for delivery and delivered to the New England Power Pool region or to the Maritimes Control Area;
4. Authorize the Public Utilities Commission to allow the portfolio requirements to be met through the use of renewable credits;
5. Allow the portfolio requirements to be satisfied through alternative compliance payments; and
6. Establish a fund into which all alternative compliance payments would be paid and from which disbursements would be made by the Public Utilities Commission to resources that qualify to meet the Tier 2 Requirement.

This bill relates to the same matter as LD 1065.

**LD 1435                      An Act Establishing Minimum Energy Efficiency Standards for                      CARRIED OVER  
Certain Products Sold or Installed in the State**

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

LD 1435 proposed to direct the Public Utilities Commission to adopt by rule certain minimum efficiency standards for 20 products; the commission would be authorized to set higher standards or add new standards for other products if it found the standards to be cost-effective for consumers.

The bill proposed to establish a compliance schedule with 4 different timeframes: for 13 products, the standards would apply to those sold on or after January 1, 2007 or installed for compensation after January 1, 2008; for 3 products the compliance dates would be January 1, 2008 and January 1, 2009, respectively; for 2 products the compliance dates would be January 1, 2010 and January 1, 2011, respectively; for 2 products no compliance dates would be established. For these last 2 products (residential boilers/furnaces and furnace air handlers) the commission would be directed to consult with the Attorney General to determine whether state standards are preempted and to submit legislation for compliance dates based on whether a waiver of the federal standards is required or received.

The bill proposed to require the commission to determine, by January 1, 2006, whether standards "as stringent as" those established in the bill have been adopted in at least 3 other states. If the commission found this not to

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be the case for one or more of the products, it would be required to submit legislation to delay the compliance dates for those products by one year.

The bill proposed to direct the commission to adopt procedures for testing compliance; provide for certification by manufacturers to the commission of compliance (with exceptions for certain products); require manufactures to mark or label products as in compliance (with exceptions for certain products); authorize the commission to undertake tests of products and conduct inspections of distributors and retailers of products; and authorize the Attorney General to enforce compliance.

**Committee Amendment "A" (H-307)**, which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to remove digital television adapters from the list of products required to meet energy efficiency standards.

**House Amendment "A" (H-364), House Amendment "B" (H-365), House Amendment "C" (H-366), House Amendment "D" (H-397), Senate Amendment "A" (S-233) and House Amendment "B" to Committee Amendment "A" (H-377)** each proposed to eliminate various products from the list of products required to meet energy efficiency standards. **House Amendment "B" to Committee Amendment "A" (H-377)** also proposed further to narrow the scope of the bill, remove the commission's authority to undertake inspections and investigations for purposes of enforcing standards, change compliance dates for certain products, require the commission, in testing product compliance, to use test methods approved by the United States Department of Energy and to change all rule-makings to major substantive rule-makings.

**House Amendment "F" (H-619)** proposed to change the requirement in the bill that the commission review at least 3 other states' laws for similar energy efficiency requirements by specifying that the 3 other states be New England states and that one of them be New Hampshire.

**House Amendment "A" to Committee Amendment "A" (H-370), House Amendment "C" to Committee Amendment "A" (H-411), House Amendment "E" (H-548), Senate Amendment "B" (S-310) and House Amendment "D" to Committee Amendment "A" (H-549)** proposed to establish a rebate program for purchases of products that meet energy efficiency standards. Some of these amendments proposed to replace the mandatory standards with the rebate program while other amendments proposed to supplement the mandatory standards with the rebate program. The amendments also proposed to narrow in various ways the list of products.

**LD 1440                    An Act To Encourage the Implementation of High-speed Internet    CARRIED OVER**  
**Access in Rural and Isolated Areas**

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

LD 1440 was a concept draft pursuant to Joint Rule 208. It proposed to encourage high-speed Internet access in areas of the State underserved or currently not served because of technical and market barriers by:

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1. Creating the Maine Internet Access Authority in the Public Utilities Commission to encourage collaboration between Internet service providers, traditional communications providers, state and local governmental entities and economic and community development groups;
2. Requiring towns to better accommodate wireless Internet access from Internet service providers by providing access to water towers or other similarly accessible towers and public buildings for no cost or a greatly reduced fee;
3. Encouraging Internet access in rural communities and competition among Internet service providers in larger communities by creating a state matching fund for implementation of new creative Internet access technologies or for laying messenger wire in communities on current pole structures for Internet access; and
4. Requiring all Internet, Voice-over-Internet Protocol and broadband service providers to include all fees in the advertised prices of their products.

LDs 1128 and 789 also relate to the expansion of broadband services.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 1442**                      **An Act To Facilitate Energy Self-sufficiency for Maine's Offshore Islands**                      **P & S 21**

<u>Sponsor(s)</u> PINGREE DAMON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-486
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LD 1442 proposed to permit a consumer-owned utility to sell wholesale generation service, beyond sales that are merely incidental, when necessary to reduce the cost of providing retail service. Under current law, a consumer-owned transmission and distribution utility may not sell wholesale generation service except incidental sales necessary to reduce the cost of providing retail service.

**Committee Amendment "A" (H-320)**, which was the original majority report of the committee, proposed to narrow the focus of the bill. Under the amendment, consumer-owned transmission and distribution utilities located on and serving the residents of an offshore island would be permitted to sell wholesale generation service in order to reduce the cost of providing retail service.

**Committee Amendment "B" (H-486)** was developed after the bill was recommitted to the committee. It proposed to replace the bill. This amendment proposed to narrow the focus of the bill to Fox Islands Electric Cooperative, Inc. The amendment proposed to allow the Fox Islands Electric Cooperative, Inc. to sell wholesale generation service in order to reduce its cost of providing retail service.

### ***Enacted law summary***

Private and Special Law 2005, chapter 21 provides that the Fox Islands Electric Cooperative, Inc. may sell wholesale generation service in order to reduce its cost of providing retail service. Under current law, a consumer-owned transmission and distribution utility may not sell wholesale generation service except incidental

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sales necessary to reduce the cost of providing retail service. Private and Special Law 2005, chapter 21 provides somewhat broader authority to the Fox Islands Electric Cooperative, Inc.

**LD 1586**

**An Act To Encourage the Use of Solar Energy**

**PUBLIC 459**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAUTIGAM	OTP-AM MAJ	H-615
COURTNEY	OTP-AM MIN	S-403 ROTUNDO

LD 1586 proposed to provide for rebates, sales tax exemptions and income tax credits for installations of solar thermal systems and photovoltaic systems in residential or commercial properties. Specifically the bill proposed to:

1. Establish a rebate program for qualified installations of solar energy systems. The rebate would be available to owners or tenants of residential or commercial buildings; in the case of newly built residences, to the original owner or occupant. The amount of \$500,000/year from the Public Utilities Commission's Conservation Program Fund would be made available for the following rebates for the following installations. A rebate of \$3/watt for first 2 kilowatts of capacity and \$1/watt for next kilowatt of capacity for qualified photovoltaic systems (peak capacity no more than 100kW, installed in residential or commercial building by master electrician certified by the North American Board of Certified Energy Practitioners or "NAPCEP", and connected to the grid). A rebate equal to the lesser of 25% of system cost (including installation) or \$500 for a qualified solar thermal system designed to heat water (installed by licensed plumber certified by PUC in residential or commercial building and connected to the grid) or a qualified solar thermal system designed to heat air (installed in a residential or commercial building and connected to the grid);
2. Establish a sales tax exemption for sales of solar energy equipment related to the installation of the following in an individual's principal residence or a commercial building: photovoltaic systems with peak capacity no more than 100kW or solar thermal systems designed to heat water or air (no installation or connection-to-the-grid requirements); and
3. Establish an income tax credit equal to lesser of 25% of the cost of the system, including installation, or \$500 (may not reduce tax due to less than zero; credit exceeding tax due can be carried forward for use in next 3 years) for solar thermal systems designed to heat water or air (no installation or connection-to-the-grid requirements).

**Committee Amendment "A" (H-615)**, which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. This amendment proposed to preserve the basic provisions of the bill but to makes the following changes.

1. Rather than using funds from the conservation program fund for the solar energy rebate program, the amendment proposed to establish a new fund. Funds for the new fund would be collected in the same manner as for the conservation program fund. The assessment for the new fund would be capped at 0.005 cents per kilowatt hour. The cap on the assessment for the conservation program fund would be reduced by the same amount so that there would be no net increase in total assessment as a result of the combined assessments.



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2. It proposed to provide that qualified solar installations made after July 1, 2005 would qualify for the rebate program.
3. It proposed to modify the installation requirements for the rebate program.
  - A. Between July 1, 2005 and January 1, 2007, a solar photovoltaic system would need to be installed by a master electrician who has completed a training course to prepare for certification by NABCEP or by a master electrician working in conjunction either with a person who has been certified by NABCEP or a person who has completed a training course to prepare for such certification. On or after January 1, 2007, the system would need to be installed by a master electrician who has been certified by NABCEP or by a master electrician working in conjunction with a person who has been so certified.
  - B. A solar thermal system designed to heat water would need to be installed by a licensed plumber who has been certified by the commission to install such systems or by a licensed plumber working in conjunction with a person who has been certified by the commission to install such systems.
4. It proposed to provide for the Public Utilities Commission to establish standards and procedures for demonstrating qualification for the rebate program and to provide that the commission allow a person to demonstrate the date a system was installed by the date of a net metering arrangement with a transmission and distribution utility or a dated bill of sale for the system.
5. It proposed to modify the sales tax exemption for installations of qualified solar energy equipment to provide for a tax reimbursement rather than an exemption, to allow systems installed on or after July 1, 2005 to qualify, and to provide administrative procedures to implement the reimbursement program.
6. It proposed to modify the income tax credit to provide administrative procedures to implement the credit and to clarify that the credit is allowed in tax years beginning on or after January 1, 2005.

**Committee Amendment "B" (H-616)**, which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. The amendment proposed to preserve the basic provisions of the bill and to make the same changes to the bill as proposed in the majority report, except that it proposed to provide that all funding for the solar energy rebate program be provided from the General Fund. The amendment proposed to provide \$500,000 each year for this purpose.

**Senate Amendment "A" to Committee Amendment "A" (S-403)** proposed to amend Committee Amendment "A" by removing the income tax credit and sales tax reimbursement provisions. It proposed to increase the maximum rebate for the purchase and installation of a solar thermal system (air or water) from \$500 to \$1,250. It proposed to provide that 25% of the solar energy rebate program fund would be allotted to rebates for solar photovoltaic systems; 75% of the fund would be allotted to the installation of solar thermal systems (air or water).

This amendment proposed to limit the participation in the solar energy rebate program to residents of the State and to repeal the program on December 31, 2008.

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### Enacted law summary

Public Law 2005, chapter 459 provides rebates for the purchase and installation of solar water heating and solar air heating systems and solar electric, or "photovoltaic," systems for residential or commercial buildings. Qualified solar installations made by qualified installers after July 1, 2005 qualify for the rebate program. Funding for the program is provided through an assessment on transmission and distribution utilities; the assessment is capped at 0.005 cents per kilowatt hour and is deposited in the solar energy rebate program fund. The cap on the assessment for the conservation program fund is reduced by the same amount so that there is no net increase in total assessment as a result of the combined assessments. Rebates for solar photovoltaic systems are limited to 25% of the solar energy rebate program fund and rebates for solar thermal systems are limited to 75% of the fund per fiscal year.

Installations of qualified photovoltaic systems (peak capacity no more than 100kW, installed in residential or commercial building by certain qualified persons, and connected to the grid) are eligible for a rebate of \$3/watt for first 2 kilowatts of capacity and \$1/watt for next kilowatt of capacity. Installations of qualified solar thermal systems designed to heat water (installed by certain qualified persons in a residential or commercial building and connected to the grid) or qualified solar thermal systems designed to heat air (installed in a residential or commercial building and connected to the grid) are eligible for a rebate equal to the lesser of 25% of system cost (including installation) or \$1,250. Participation in the solar energy rebate program is limited to residents of the State.

Between July 1, 2005 and January 1, 2007, a solar photovoltaic system must be installed by a master electrician who has completed a training course to prepare for certification by the North American Board of Certified Energy Practitioners (NABCEP) or by a master electrician working in conjunction either with a person who has been certified by NABCEP or a person who has completed a training course to prepare for certification by a NABCEP; on or after January 1, 2007, the system must be installed by a master electrician who has been certified by a NABCEP or by a master electrician working in conjunction with a person who has been certified by NABCEP. A solar thermal system designed to heat water may be installed by a licensed plumber who has been certified by the commission to install such systems or by a licensed plumber working in conjunction with a person who has been certified by the commission to install such systems.

The Public Utilities Commission administers the rebate program.

The program is repealed on December 31, 2008.

LD 1591

**Resolve, Regarding Legislative Review of Chapter 920: Maine Model Building Energy Code, a Major Substantive Rule of the Public Utilities Commission**

**RESOLVE 88  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM MAJ

H-510

OTP-AM MIN

LD 1591 proposed to provide legislative authorization for Chapter 920: Maine Model Building Energy Code, a major substantive rule of the Public Utilities Commission.

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**Committee Amendment "A" (H-510)**, which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to authorize final adoption of the rule, provided certain changes to the rule were made. The required changes include

1. Technical changes to clarify the model code standards;
2. The addition of exemptions for modular housing, owner-built homes, and log homes; and
3. Changes to ensure the application of the model code and its relation to existing mandatory standards are consistent with statute.

The amendment also proposed to require the Public Utilities Commission to absorb any costs associated with the implementation of the rule.

**Committee Amendment "B" (H-511)**, which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed not to authorize final adoption of the rule.

This bill relates to the energy code issues in LD 1685.

***Enacted law summary***

Resolve 2005, chapter 88 authorizes adoption of Chapter 920: Maine Model Building Energy Code, a major substantive rule of the Public Utilities Commission provided certain changes to rule are made. The required changes include technical changes to clarify the model code standards; the addition of exemptions for modular housing, owner-built homes, and log homes; and changes to ensure the application of the model code and its relation to existing mandatory standards are consistent with statute. It also requires the Public Utilities Commission to absorb any costs associated with the implementation of the rule.

Resolve 2005, chapter 88 was enacted as an emergency and took effect on June 3, 2005.

<b>LD 1610</b>	<b>Resolve, Regarding Legislative Review of Portions of Chapter 306: Uniform Information Disclosure and Informational Filing Requirements, a Major Substantive Rule of the Public Utilities Commission</b>	<b>RESOLVE 57 EMERGENCY</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1610 proposed to authorize the portions of Chapter 306: Uniform Information Disclosure and Informational Filing Requirements that constitute a major substantive rule of the Public Utilities Commission.



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calls and the Maine Center on Deafness, to examine how to ensure that the E-9-1-1 system adequately handles calls made by persons who are deaf, hard-of-hearing or speech-impaired. The Emergency Services Communication Bureau is required, no later than January 15, 2006, to report to the Joint Standing Committee on Utilities and Energy the results of the stakeholder process. The Joint Standing Committee on Utilities and Energy is authorized to report out legislation relating to the subject matter of this resolve to the Second Regular Session of the 122nd Legislature.

**LD 1613**

**An Act To Promote the Use of Public Safety Telecommunications  
Equipment by the Deaf and Hard-of-hearing Community**

**PUBLIC 336**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM    MAJ OTP-AM    MIN	S-285

LD 1613 proposed to establish a discount program for deaf or hard-of-hearing persons for wireless or 2-way pager service used to receive emergency alerts issued by any state or federal agency.

Under current law, \$85,000/year is transferred from the Public Utilities Commission's universal service fund (USF) to the Communications Equipment Fund administered by the Department of Labor, Bureau or Rehabilitation Services for use in providing telecommunications equipment for the deaf and hard-of-hearing, including for emergency alert equipment and training needs. The commission is authorized to require telecommunications carriers to contribute to the USF to cover this transfer. The commission is also authorized to transfer from the USF up to an additional \$37,500/year to the Communications Equipment Fund if sufficient federal funding for Communications Equipment Fund purposes is not received; this amount must be absorbed by the USF; the PUC is currently not authorized to assess carriers to collect this amount.

The bill would continue to require the commission to transfer \$85,000/year from the USF to Communications Equipment Fund; the funds would be available generally for telecommunications equipment for the deaf and hard of hearing. The bill would also continue to allow the commission to transfer an additional \$37,500/year from the USF to Communications Equipment Fund but would allow the PUC to assess carriers to recover this amount; these funds also would be available generally for telecommunications equipment for the deaf and hard of hearing. The bill would establish a new discount program for deaf or hard-of-hearing persons who have income less than 225% of the federal poverty level: \$10/month discount (or the total service charge, whichever is less) for wireless or 2-way pager service used to receive emergency alerts issued by any state or federal agency (the person would receive the discount and carrier would be reimbursed from the fund). To fund this new program, the bill would provide up to \$300,000/year from the E-911 fund and up to \$300,000/year from the USF.

**Committee Amendment "A" (S-285)**, which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill but to preserve much of its substance. The amendment proposed to:

1. Establish a program for deaf and hard-of-hearing individuals with incomes less than 135% of the federal poverty level to provide a discount to help offset the costs of owning a wireless communications device or 2-way pager that is used to receive state or federal emergency notifications;

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2. Provide funding for the program by allowing transfers of funds from the state universal service fund to the Communications Equipment Fund for use exclusively for the program: up to \$60,000 in fiscal year 2005-06, up to \$90,000 in fiscal year 2006-07, and up to \$120,000 in each subsequent fiscal year;
3. Repeal the law currently prohibiting the Public Utilities Commission from requiring contributions to the state universal service fund in order to cover the \$37,500/year currently authorized to be transferred from that fund to the Communications Equipment Fund;
4. Direct the Public Utilities Commission, in consultation with the Department of Labor, Bureau of Rehabilitation Services, to make recommendations prior to January 31, 2008 on whether the amount of funding authorized to be transferred from the universal service fund to the proposed new discount program is appropriate and sufficient and whether adjustments should be made to the authorized amount; and
5. Add an allocation section.

**Committee Amendment "B" (S-286)**, which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. This amendment proposed to:

1. Provide to a deaf or hard-of-hearing person who has an income of less than 135% of the federal poverty level a discount of up to \$10 per month in the service charge for any wireless communications device or 2-way pager that is used to receive emergency alerts issued by any state or federal agency;
2. Provide funding for this program from the General Fund;
3. Authorize and direct the Department of Labor, Bureau of Rehabilitation Services and the State Purchasing Agent to attempt, to the extent practicable, to reduce the service charges for wireless communications devices or 2-way pagers incurred by deaf or hard-of-hearing persons eligible for the discounts established under the amendment through an appropriate bidding or other procedure to achieve bulk discounts on such charges;
4. Direct the Department of Labor, Bureau of Rehabilitation Services to report to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Utilities and Energy by January 5, 2007 recommendations for appropriate funding levels to continue the discount program proposed to be established under the amendment;
5. Repeal the law currently prohibiting the Public Utilities Commission from requiring contributions to the state universal service fund in order to cover the \$37,500/year currently authorized to be transferred from that fund to the Communications Equipment Fund; and
6. Add an appropriations and allocations section.

### *Enacted law summary*

Public Law 2005, chapter 336:

1. Establishes a program for deaf and hard-of-hearing individuals with incomes less than 135% of the federal poverty level to provide a discount to help offset the costs of owning a wireless communications device or 2-way pager that is used to receive state or federal emergency notifications;

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2. Provides funding for the program by allowing transfers of funds from the state universal service fund to the Communications Equipment Fund for exclusive use of the program;
3. Removes a provision currently prohibiting the Public Utilities Commission from requiring contributions to the state universal service fund in order to cover amounts currently authorized to be transferred from that fund to the Communications Equipment Fund; and
4. Directs the Public Utilities Commission, in consultation with the Department of Labor, Bureau of Rehabilitation Services, to make recommendations prior to January 31, 2008 on whether the amount of funding authorized to be transferred from the universal service fund to the discount program is appropriate and sufficient and whether adjustments should be made to the authorized amount.

LD 1658

**An Act To Expand the Powers of the Stonington Sanitary District**

**P & S 24**

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

LD 1658 proposed to alter the powers, territory and trustee qualifications of the Stonington Sanitary District. The district was created pursuant to the sanitary district enabling law. The bill proposed to expand the district's territory to include the entire Town of Stonington; require that all trustees reside within the district and that 4 of the trustees reside in households that use the district's services; and authorize the district to provide septic services to entities not connected to the district's facilities. The bill proposed to make these changes subject to local referendum approval.

**Committee Amendment "A" (H-561)** proposed to strike the emergency preamble and emergency clause and to provide that all trustees reside within the district and that 4 of the trustees reside in households connected to the district's facilities.

***Enacted law summary***

Private and Special Law 2005, chapter 24 expands the territory and powers and adds new residency requirements for the trustees of the Stonington Sanitary District. The new powers granted to the district, which was established pursuant to the Sanitary District Enabling law and not by private and special law charter, are the authority to implement seasonal rates and to provide septic services to entities not connected to the district's facilities.

Private and Special Law 2005, chapter 24 is subject to approval by district referendum.

*Joint Standing Committee on Utilities and Energy*

**LD 1665**                      **Resolve, Regarding Legislative Review of Chapter 11:  
PBX/Multiline Telephone System (MLTS) Requirements, a Major  
Substantive Rule of the Public Utilities Commission**                      **RESOLVE 89  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-509

LD 1665 proposed to authorize final adoption of Chapter 11: PBX/Multiline Telephone System (MLTS) Requirements, a major substantive rule of the Public Utilities Commission.

**Committee Amendment "A" (H-509)** proposed to authorize final adoption of the provisionally adopted rule provided that the rule is amended to add an application section specifying that nothing in the rule requires any local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenues.

*Enacted law summary*

Resolve 2005, chapter 89 authorizes final adoption of Chapter 11: PBX/Multiline Telephone System (MLTS) Requirements, a provisionally adopted major substantive rule of the Public Utilities Commission provided that the rule is amended to add an application section specifying that nothing in the rule requires any local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenues.

Resolve 2005, chapter 89 was enacted as an emergency and took effect on June 3, 2005.

**LD 1675**                      **An Act To Make a Standard Alternative Form of Regulation  
Available to Rural Telephone Companies**                      **CARRIED OVER**

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

LD 1675 proposed to create an exception for rural telephone companies from the law governing the establishment of alternative forms of regulation (AFOR). It proposed to require the Public Utilities Commission to adopt any AFOR proposed by a rural telephone company if

1. The term of the AFOR is 5 or more years;
2. The AFOR allows the telephone company to establish rates without PUC review, provided the company's local basic rates do not exceed comparable Verizon's rates (if the company has lower basic rates before the AFOR, it would be permitted to increase its rates to the level of Verizon's; the AFOR would also be required to allow the company to increase local rates above Verizon's rates as necessary to offset exogenous events);
3. The AFOR allows the telephone company to choose to continue to receive universal service funds to meet its revenue requirement in the same amount as it received before the AFOR, subject to adjustment equal to the change in Verizon's basic service rates (receipt of such universal service funds currently are tied to the level of Verizon's basic rates);



*Joint Standing Committee on Utilities and Energy*

4. The AFOR requires the telephone company to meet the requirements of the access rate law; and
5. The AFOR subjects the telephone company to service quality standards similar to those that apply to Verizon.

The Public Utilities Commission would not be permitted to adopt provisions inconsistent with these provisions without the telephone company's approval.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 1685**

**An Act Regarding Energy Codes**

**PUBLIC 350**

Sponsor(s)

Committee Report  
OTP

Amendments Adopted

LD 1685, was reported out by the Joint Standing Committee on Utilities and Energy pursuant to the Maine Revised Statutes, Title 5, section 3327, subsection 4, with a unanimous "ought-to-pass" report. The bill proposed several changes to the residential and commercial building energy codes.

*Enacted law summary*

Public Law 2005, chapter 350:

1. Provides for the Public Utilities Commission rather than the Department of Economic and Community Development to administer statutory energy efficiency building performance standards;
2. Changes certain definitions in the energy efficiency building performance standards laws to make them consistent with the model building energy code adopted by major substantive rule of the Public Utilities Commission;
3. Updates the mandatory building energy standards for multifamily residential buildings less than 4 stories in height to the standards adopted in the model building energy code;
4. Directs the Public Utilities Commission to provide information about the mandatory commercial building standards to entities involved in permitting building construction so that the information can be distributed to persons applying for such permits. It authorizes the commission to distribute the forms or other educational materials to entities involved in the design or construction of commercial buildings; and
5. Provides that municipalities may adopt an amended version of the model building energy code that does not include certain parts or portions of that code or that creates new exemptions from its requirements; it does not permit a municipality to adopt a version that includes modifications to any standard established in the model code.

## Joint Standing Committee on Utilities and Energy

### SUBJECT INDEX

#### *Electricity*

##### Enacted

LD 563	An Act To Assist Persons with Pulmonary Disabilities	PUBLIC 132	Page 861
LD 1392	Resolve, Regarding Legislative Review of Portions of Chapter 301: Standard Offer Service, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 65 EMERGENCY	Page 887
LD 1442	An Act To Facilitate Energy Self-sufficiency for Maine's Offshore Islands	P & S 21	Page 891
LD 1610	Resolve, Regarding Legislative Review of Portions of Chapter 306: Uniform Information Disclosure and Informational Filing Requirements, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 57 EMERGENCY	Page 895

##### Not Enacted

LD 26	An Act To Authorize a General Fund Bond Issue for Stranded Costs of Transmission and Distribution Utilities	ONTP	Page 847
LD 207	An Act To Require Electric Utilities To Permit Customers To Pay Electric Utility Bills in Their Communities	CARRIED OVER	Page 849
LD 330	An Act To Protect Utility Customers from Imprudently Incurred Costs	ONTP	Page 853
LD 662	An Act To Limit Increases in Telephone or Electric Service Rates to a Maximum of 3% Annually	CARRIED OVER	Page 863
LD 824	An Act To Allow the Public Utilities Commission To Consider the Health of Maine's Manufacturing Economy in the Design of Electric Rates and Energy Policy	ONTP	Page 864

LD 1065	An Act To Promote Economic Development and Sustainable Energy	CARRIED OVER	Page 871
LD 1347	Resolve, Directing the Public Utilities Commission To Amend Its Rules Governing Net Energy Billing	CARRIED OVER- +	Page 882
LD 1377	An Act Regarding Municipally Owned Street Lighting	CARRIED OVER	Page 884
LD 1379	An Act To Amend the Maine Wind Energy Act	CARRIED OVER	Page 884
LD 1434	An Act To Reform the Renewable Electricity Portfolio Standard	ONTP	Page 888

### *Energy*

#### Enacted

LD 289	An Act To Protect Consumers and To Modernize Heating Oil Rules and Reporting Requirements	PUBLIC 91	Page 852
LD 1098	Resolve, To Establish Energy Standards for Residential Rental Properties	RESOLVE 109	Page 872
LD 1375	An Act To Improve Cooperative Energy Purchasing for Schools, Towns and Nonprofits	PUBLIC 190	Page 883
LD 1586	An Act To Encourage the Use of Solar Energy	PUBLIC 459	Page 892
LD 1591	Resolve, Regarding Legislative Review of Chapter 920: Maine Model Building Energy Code, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 88 EMERGENCY	Page 894
LD 1685	An Act Regarding Energy Codes	PUBLIC 350	Page 901

#### Not Enacted

LD 312	An Act To Create a Manufacturing Energy Policy for Maine	ONTP	Page 853
LD 327	An Act To Implement Energy Conservation Standards for Affordable Housing	ONTP	Page 853
LD 711	An Act To Improve the Energy Efficiency of Buildings To Be Owned or Occupied by the State	ONTP	Page 864

LD 824	An Act To Allow the Public Utilities Commission To Consider the Health of Maine's Manufacturing Economy in the Design of Electric Rates and Energy Policy	ONTP	Page 864
LD 913	An Act To Promote Green Power Use at State Buildings	ONTP	Page 868
LD 1047	Resolve, To Study the Feasibility of Expanding the Market for American Fuels	ONTP	Page 870
LD 1065	An Act To Promote Economic Development and Sustainable Energy	CARRIED OVER	Page 871
LD 1379	An Act To Amend the Maine Wind Energy Act	CARRIED OVER	Page 884
LD 1435	An Act Establishing Minimum Energy Efficiency Standards for Certain Products Sold or Installed in the State	CARRIED OVER	Page 889

*Dig Safe*

Enacted

LD 331	An Act To Improve the Operation of Underground Damage Prevention Procedures	PUBLIC 334	Page 854
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Not Enacted

LD 1282	An Act To Clarify the Process To Enforce Dig Safe Requirements	ONTP	Page 879
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*E911*

Enacted

LD 1373	An Act To Implement Emergency Medical Dispatch Services for E-9-1-1 Calls	PUBLIC 303	Page 882
LD 1612	Resolve, To Ensure Proper Handling by the E-9-1-1 System of Calls Made by Persons Who Are Deaf, Hard-of-hearing or Speech-impaired	RESOLVE 63	Page 896

**Not Enacted**

<b>LD 407</b>	<b>An Act To Place the Emergency Services Communication Bureau within the Department of Public Safety</b>	<b>CARRIED OVER</b>	<b>Page 858</b>
<b>LD 1081</b>	<b>Resolve, Directing the Department of Public Safety and the Public Utilities Commission To Review the E-9-1-1 System</b>	<b>ONTP</b>	<b>Page 872</b>

***General Utility/Miscellaneous***

**Enacted**

<b>LD 1198</b>	<b>An Act To Promote Responsible Advertising by Public Utilities</b>	<b>PUBLIC 204</b>	<b>Page 877</b>
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**Not Enacted**

**None**

***Natural Gas***

**Enacted**

<b>LD 397</b>	<b>An Act To Promote the More Efficient Use of Natural Gas</b>	<b>PUBLIC 110</b>	<b>Page 857</b>
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**Not Enacted**

**None**

***Nuclear Power***

**Enacted**

<b>LD 1342</b>	<b>An Act Reducing Oversight Expense for Decommissioning Nuclear Power Plants To Benefit Electric Ratepayers</b>	<b>PUBLIC 254</b>	<b>Page 880</b>
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**Not Enacted**

**None**

*PUC/Public Advocate/Energy Resources Council*

Enacted

LD 94	An Act To Allow Administrative Penalties Imposed by the Public Utilities Commission To Be Applied To Benefit Customers	PUBLIC 432	Page 847
LD 230	An Act Establishing a Role for the Public Advocate in Promoting Railroad Service Quality	PUBLIC 248	Page 849
LD 523	An Act Authorizing the Public Utilities Commission To Designate a Sole Provider of 2-1-1 Information and Referral Services in Maine	PUBLIC 51 EMERGENCY	Page 860
LD 656	An Act To Revise the Salary Range of Certain Public Utilities Commission Employees	PUBLIC 23	Page 863
LD 860	An Act To Efficiently Use Funds of the Public Utilities Commission	P & S 6 EMERGENCY	Page 865
LD 868	An Act To Ensure Equity in Funding	PUBLIC 135 EMERGENCY	Page 867

Not Enacted

None

*Telecommunications/Internet*

Enacted

LD 523	An Act Authorizing the Public Utilities Commission To Designate a Sole Provider of 2-1-1 Information and Referral Services in Maine	PUBLIC 51 EMERGENCY	Page 860
LD 1101	An Act To Designate Pay Phone Locations in the Public Interest	PUBLIC 131	Page 873
LD 1128	An Act Directing the State Planning Office To Study Municipal Capabilities To Become Providers of Internet Services	P & S 19	Page 875
LD 1259	An Act To Sustain Maine Schools and Libraries	PUBLIC 251	Page 878
LD 1290	An Act To Improve Funding for Telecommunications Relay Services	PUBLIC 305	Page 879

<b>LD 1418</b>	<b>Resolve, To Direct the Public Utilities Commission to Examine Issues Related to the Collection of Certain Fees on Prepaid Wireless Telephone Services</b>	<b>RESOLVE 62</b>	<b>Page 888</b>
<b>LD 1613</b>	<b>An Act To Promote the Use of Public Safety Telecommunications Equipment by the Deaf and Hard-of-hearing Community</b>	<b>PUBLIC 336</b>	<b>Page 897</b>
<b>LD 1665</b>	<b>Resolve, Regarding Legislative Review of Chapter 11: PBX/Multiline Telephone System (MLTS) Requirements, a Major Substantive Rule of the Public Utilities Commission</b>	<b>RESOLVE 89 EMERGENCY</b>	<b>Page 900</b>
 <b><u>Not Enacted</u></b>			
<b>LD 46</b>	<b>An Act To Require Permission of Customers before a Phone Company Can Bill Retroactively</b>	<b>ONTP</b>	<b>Page 847</b>
<b>LD 276</b>	<b>An Act To Provide Fair and Equitable Local Calling Service for the People of the State</b>	<b>ONTP</b>	<b>Page 852</b>
<b>LD 352</b>	<b>An Act To Assist Cellular Telephone Users</b>	<b>ONTP</b>	<b>Page 855</b>
<b>LD 637</b>	<b>An Act To Allow Qualified Health Centers To Obtain Telecommunications Education Access Funding</b>	<b>CARRIED OVER</b>	<b>Page 862</b>
<b>LD 642</b>	<b>An Act To Limit Telephone Utility Expenses Related to the Relocation of Call Centers</b>	<b>ONTP</b>	<b>Page 863</b>
<b>LD 789</b>	<b>An Act Pertaining to Internet Services</b>	<b>ONTP</b>	<b>Page 864</b>
<b>LD 1028</b>	<b>An Act To Prevent Fraudulent and Deceptive Sales Practices by Internet Service Providers</b>	<b>ONTP</b>	<b>Page 870</b>
<b>LD 1440</b>	<b>An Act To Encourage the Implementation of High-speed Internet Access in Rural and Isolated Areas</b>	<b>CARRIED OVER</b>	<b>Page 890</b>
<b>LD 1675</b>	<b>An Act To Make a Standard Alternative Form of Regulation Available to Rural Telephone Companies</b>	<b>CARRIED OVER</b>	<b>Page 900</b>

## *Cable TV*

### Enacted

None

### Not Enacted

<b>LD 205</b>	<b>An Act Providing for Regulation of the Cable Television Industry by the Public Utilities Commission</b>	<b>CARRIED OVER</b>	<b>Page 848</b>
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## *Water/Sewer (non-charter)*

### Enacted

<b>LD 244</b>	<b>An Act To Standardize Water Lien Provisions</b>	<b>PUBLIC 7</b>	<b>Page 851</b>
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<b>LD 864</b>	<b>An Act To Streamline Sewer District Borrowing and Amend Laws Governing Water District Borrowing To Ensure Consistency</b>	<b>PUBLIC 192 EMERGENCY</b>	<b>Page 866</b>
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<b>LD 1162</b>	<b>An Act To Permit the Establishment of Regional Water Councils</b>	<b>PUBLIC 209 EMERGENCY</b>	<b>Page 876</b>
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### Not Enacted

<b>LD 848</b>	<b>An Act To Restore to Maine Citizens Responsible Access to Sebago Lake</b>	<b>ONTP</b>	<b>Page 865</b>
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<b>LD 849</b>	<b>An Act To Require That Certain Water Districts Install Sand Filtration Systems To Ensure the Safety and Purity of the Water Supply</b>	<b>ONTP</b>	<b>Page 865</b>
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<b>LD 1008</b>	<b>Resolve, To Establish a Study Commission To Analyze Regulations Applicable to Sewer Districts</b>	<b>ONTP</b>	<b>Page 869</b>
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<b>LD 1051</b>	<b>Resolve, Establishing a Study Commission To Examine Water District Fees Assessed for Fire Suppression</b>	<b>ONTP</b>	<b>Page 870</b>
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<b>LD 1052</b>	<b>An Act To Require Municipalities To Institute Sewer Service Charges</b>	<b>ONTP</b>	<b>Page 871</b>
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*Water/Sewer (charter changes)*

Enacted

LD 355	An Act To Amend the Mexico Water District Charter	P & S 7	Page 856
LD 389	An Act To Amend the Waldoboro Utility District	P & S 11 EMERGENCY	Page 856
LD 413	An Act To Amend the Charter of the York Sewer District	P & S 22	Page 858
LD 459	An Act To Amend the Mexico Sewer District Charter	P & S 8	Page 859
LD 982	An Act To Revise the Charter of the Kennebunk Sewer District	P & S 13 EMERGENCY	Page 868
LD 1113	An Act To Create the Fryeburg Water District	P & S 14 EMERGENCY	Page 874
LD 1658	An Act To Expand the Powers of the Stonington Sanitary District	P & S 24	Page 899

Not Enacted

LD 125	An Act To Allow Timothy Gousse To Purchase Water from the Gardiner Water District	ONTP	Page 848
LD 497	An Act To Amend the Charter of the Boothbay Region Water District	ONTP	Page 860
LD 499	An Act To Amend the Charter of the Boothbay Harbor Sewer District	ONTP	Page 860

*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Unreferenced Bills not Included*

*In Individual Committee Bill Summaries*

*August 2005*

*Unreferenced Bills Not Included In Committee Summaries*

LD 89

**An Act To Give the Commissioner of Inland Fisheries and Wildlife the Authority To Allow the Operation of Snowmobiles Registered outside the State at Special Events Occurring in the State**

**PUBLIC 1  
EMERGENCY**

Sponsor(s)  
MARTIN  
PARADIS

Committee Report

Amendments Adopted

This bill proposed that snowmobiles registered in another state or in a Canadian province could be operated without a Maine registration at a special event or festival organized that occurred in this State if such operation was approved by the Commissioner of Inland Fisheries and Wildlife. It proposed to repeal the provision of law that allowed the commissioner to designate one weekend a year as an open snowmobile weekend when snowmobiles registered outside the State could be used in the State without being registered in the State.

Enacted law summary

Public Law 2005, chapter 1 provides that snowmobiles registered in another state or in a Canadian province may be operated without a Maine registration at a special event or festival organized to occur in this State if such operation is approved by the Commissioner of Inland Fisheries and Wildlife. It repeals the provision of law that allows the commissioner to designate one weekend a year as an open snowmobile weekend when snowmobiles registered outside the State may be used in the State without being registered in the State.

Public Law 2005, chapter 1 was enacted as an emergency measure effective January 18, 2005.

LD 316

**An Act To Repeal the Excise Tax on Motor Vehicles**

**DIED BETWEEN  
HOUSES**

Sponsor(s)  
FISCHER

Committee Report

Amendments Adopted

This bill proposed to repeal the excise tax that is levied on motor vehicles and camper trailers but retain the excise tax levied on aircraft and mobile homes.

*Unreferenced Bills Not Included In Committee Summaries*

**LD 877**                      **Resolve, To Prevent the Upstream Migration of Exotic Species**                      **INDEF PP**  
**past the Fish River Falls and into the Fish River Watershed**

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

LD 877 proposed to direct the Commissioner of Marine Resources to implement a program to prevent the upstream migration of exotic species past the Fish River Falls and into the Fish River watershed in Aroostook County.

**LD 1322**                      **Resolve, To Ensure the Effective Implementation of Alewife**                      **DIED BETWEEN**  
**Restoration on the Sebasticook River Watershed**    **HOUSES**

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

LD 1322 proposed to require the Department of Marine Resources to develop and perform a comprehensive cost and benefit analysis of the restoration of alewives to specified waterways of the Sebasticook River system. It proposed to require the department to report to the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Marine Resources by January 15, 2006, and to delay further efforts to reintroduce alewives to the specified waterways until the committees have had an opportunity to review the report and approve further efforts to reintroduce alewives.

**LD 1581**                      **Resolve, To Ensure Effective Implementation of Alewife**                      **DIED BETWEEN**  
**Restoration on the Sebasticook River Watershed**    **HOUSES**

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

LD 1581 proposed to require the Department of Marine Resources to develop and perform a comprehensive cost and benefit analysis of the restoration of alewives to specified waterways of the Sebasticook River system. It proposed to require the department to report to the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Marine Resources by January 15, 2006, and to delay further efforts to reintroduce alewives to the specified waterways until the committees have had an opportunity to review the report and approve further efforts to reintroduce alewives.

*Unreferenced Bills Not Included In Committee Summaries*

LD 1644

**An Act Regarding the Unused Pharmaceutical Disposal Program**

**PUBLIC 297  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

H-426 PINGREE

LD 1644 proposed to allow the acceptance into the Unused Pharmaceutical Disposal Program Fund of public funds that are not General Fund funds and change the beginning date of the program from July 1, 2005 to July 1, 2006.

*Enacted law summary*

Public Law 2005, chapter 297 allows the acceptance into the Unused Pharmaceutical Disposal Program Fund of public funds that are not General Fund funds and changes the beginning date of the program from July 1, 2005 to July 1, 2006. The law requires that the program operate with funding only from the Unused Pharmaceutical Disposal Program Fund and establishes the procedure for notification to the State Budget Officer that funding has been procured. The law authorizes operation of the program for 2 years when funding for 2 years has been procured.

Public Law 2005, chapter 297 was enacted as an emergency measure effective June 2, 2005.

LD 1688

**An Act To Establish the Maine-New Hampshire Cooperative Trails**

**PUBLIC 456**

Sponsor(s)

BRYANT B  
MUSE

Committee Report

Amendments Adopted

LD 1688 proposed to designate 2 trails in Maine and New Hampshire as the Maine-New Hampshire Cooperative Trails and allows a snowmobile registered in either Maine or New Hampshire to be operated on the portion of those trails located in Maine. It would require the Commissioner of Inland Fisheries and Wildlife to adopt rules regarding the grooming and maintenance of the Maine-New Hampshire Cooperative Trails and payment or reimbursement for those services by users of the trails based on the average per mile cost of providing those services by Maine and New Hampshire. It would also require the Director of the Off-Road Vehicle Division of the Bureau of Parks and Lands within the Department of Conservation to work with the director of New Hampshire's snowmobile program to develop and place signs clearly identifying the Maine-New Hampshire Cooperative Trails.

*Enacted law summary*

Public Law, chapter 456 designates 2 trails in Maine and New Hampshire as the Maine-New Hampshire Cooperative Trails and allows a snowmobile registered in either Maine or New Hampshire to be operated on the portion of those trails located in Maine. It requires the Commissioner of Inland Fisheries and Wildlife to adopt rules regarding the grooming and maintenance of the Maine-New Hampshire Cooperative Trails and payment or reimbursement for those services by users of the trails based on the average per mile cost of providing those

*Unreferenced Bills Not Included In Committee Summaries*

services by Maine and New Hampshire. It requires the Director of the Off-Road Vehicle Division of the Bureau of Parks and Lands within the Department of Conservation to work with the director of New Hampshire's snowmobile program to develop and place signs clearly identifying the Maine-New Hampshire Cooperative Trails.

**LD 1689**

**An Act To Ensure Maine's Readiness To Respond to Decisions  
Relative to the Base Realignment and Closure Process**

**P & S 27  
EMERGENCY**

Sponsor(s)  
RICHARDSON J  
EDMONDS

Committee Report

Amendments Adopted

LD 1689 proposed to request that the Governor identify up to \$100,000 of funds previously appropriated by the Legislature, yet no longer needed for the intended purpose, and transfer those funds by financial order to assist communities affected by the Base Realignment and Closure Commission process no later than June 30, 2005. The bill proposed to require the Commissioner of Administrative and Financial Services to report to the Governor, the President of the Senate and the Speaker of the House no later than October 1, 2005 regarding the expenditure of the funds.

*Enacted law summary*

Private and Special Law 2005, chapter 27 requests that the Governor identify up to \$100,000 of funds previously appropriated by the Legislature, yet no longer needed for the intended purpose, and transfer those funds by financial order to assist communities affected by the Base Realignment and Closure Commission process no later than June 30, 2005. The law requires the Commissioner of Administrative and Financial Services to report to the Governor, the President of the Senate and the Speaker of the House no later than October 1, 2005 regarding the expenditure of the funds.

Private and Special Law 2005, chapter 27 was enacted as an emergency measure effective June 21, 2005.

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