



*A Summary of Legislation for the  
Joint Standing Committees  
of the 121<sup>st</sup> Maine Legislature*

*First Regular Session  
Volume I*

*July 2003*

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*Maine Legislature*

*under the auspices of the  
Legislative Council*

# Maine State Legislature



## Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

### 121st Maine Legislature First Regular Session

#### Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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 arranged alphabetically by committee name 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. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located 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](http://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:

CARRIED OVER PURSUANT TO HP 1212.....	Bills carried over to the 2 <sup>nd</sup> Regular Session
CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed
ONTP.....	Ought Not To Pass report accepted
OTP-ND.....	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

**David C. Elliott, Director**  
**Offices located in Room 215 of the Cross Office Building**

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*Summary of Legislative Action*

*121<sup>st</sup> Legislature*

*First Regular Session*

**121st LEGISLATURE  
FIRST REGULAR SESSION  
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 <sup>4</sup>
				OTP	OTP-AM	ONTP		
<b>ACF</b>	63	3	66	5	24	24	10	32
% of ACF bills	91%	5%	105%	8%	36%	36%	15%	51%
<b>AFA</b>	50	27	77	2	5	37	6	7
% of AFA bills	48%	54%	154%	3%	6%	48%	8%	14%
<b>BEC</b>	92	9	101	11	33	39	9	47
% of BEC bills	84%	10%	110%	11%	33%	39%	9%	51%
<b>CRJ</b>	97	6	103	11	39	31	16	51
% of CRJ bills	89%	6%	106%	11%	38%	30%	16%	53%
<b>EDU</b>	82	8	90	7	18	47	10	28
% of EDU bills	84%	10%	110%	8%	20%	52%	11%	34%
<b>HLT</b>	1	1	2	0	1	0	0	1
% of HLT bills	33%	1%	2%	0%	1%	0%	0%	1%
<b>HHS</b>	102	19	121	8	36	44	14	56
% of HHS bills	73%	19%	119%	7%	30%	36%	12%	55%
<b>IFS</b>	80	10	90	9	27	35	9	39
% of IFS bills	80%	10%	88%	7%	22%	29%	7%	38%
<b>IFW</b>	83	7	90	4	19	53	7	26
% of IFW bills	86%	8%	108%	4%	21%	59%	8%	31%
<b>JUD</b>	112	8	120	14	39	40	19	57
% of JUD bills	88%	7%	107%	12%	33%	33%	16%	51%
<b>LAB</b>	77	13	90	5	26	21	25	41
% of LAB bills	75%	17%	117%	6%	29%	23%	28%	53%
<b>LVA</b>	82	13	95	3	20	31	28	31
% of LVA bills	76%	16%	116%	3%	21%	33%	29%	38%
<b>MAR</b>	36	3	39	2	12	17	5	16
% of MAR bills	86%	8%	108%	5%	31%	44%	13%	44%
<b>NAT</b>	66	3	69	1	29	27	9	37
% of NAT bills	92%	5%	105%	1%	42%	39%	13%	56%
<b>SLG</b>	90	11	101	12	26	28	24	45
% of SLG bills	80%	12%	112%	12%	26%	28%	24%	50%
<b>TAX</b>	152	10	162	3	17	126	6	19
% of TAX bills	88%	7%	107%	2%	10%	78%	4%	13%
<b>TRA</b>	128	5	133	10	39	66	13	52
% of TRA bills	93%	4%	104%	8%	29%	50%	10%	41%
<b>UTE</b>	71	8	79	5	21	25	20	38
% of UTE bills	82%	11%	111%	6%	27%	32%	25%	54%
<b>Not referred<sup>3</sup></b>	12		12					10
% Unref. bills	100%	0%	100%	0%	0%	0%	0%	83%
<b>TOTAL</b>	1476	164	1640	112	431	691	230	633
% of All bills	100%	11%	111%	7%	26%	42%	14%	43%

<sup>1</sup>Total considered includes Bills Reported Out by Law or Joint Order and Joint Study Orders or Joint Resolutions referred to a committee.

<sup>2</sup>Includes joint study orders and joint resolutions carried over to the Second Regular Session.

<sup>3</sup>Votes by a committee to re-refer a bill are not included.

<sup>4</sup>Total does not include four bills that were reported out by law or joint order by a committee that were enacted or 4 Joint Study Orders that were passed, but not referred to a committee.

Prepared by the Office of Policy and Legal Analysis (July 2003)

**120th LEGISLATURE  
FIRST REGULAR SESSION**

**Summary of Committee Actions**

<b>I. 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>	1455	89.0%
<u><i>Bills Carried Over</i></u>	<u>164</u>	10.0%
<b>Total Bills referred</b>	<b>1619</b>	<b>99.0%</b>
<b>B. Bills reported out by law or joint order</b>	<b>4</b>	<b>0.2%</b>
<b>C. Bills introduced without reference</b>	<b>12</b>	<b>0.7%</b>
<b>Total Bills considered by Legislature</b>	<b>1635</b>	<b>100.0%</b>
<b>Orders and Resolutions referred to Committees</b>		
<i>Joint Study Orders referred and voted out</i>	4	80.0%
<i>Joint Resolutions referred and voted out</i>	1	20.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	0.0%
<b>Total Orders and Resolutions Referred</b>	<b>5</b>	<b>100.0%</b>
<b>II. 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>	112	7.7%
<i>Ought to Pass as Amended</i>	431	29.4%
<i>Ought to Pass as New Draft</i>	0	0.0%
<u><i>Ought Not to Pass</i></u>	<u>691</u>	<u>47.2%</u>
<b>Total unanimous reports</b>	<b>1234</b>	<b>84.3%</b>
<b>B. Divided committee reports</b>		
<i>Two-way reports</i>	227	15.5%
<i>Three-way reports</i>	3	0.2%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>230</b>	<b>15.7%</b>
<b>Total Committee reports</b>	<b>1464</b>	<b>100.0%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>38</b>	<b>N/A</b>
<b>IV. 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>	5	125.0%
<i>Public laws</i>	506	30.9%
<i>Private and Special Laws</i>	32	2.0%
<i>Resolves</i>	98	6.0%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>641</b>	<b>39.2%</b>
<b>B. Resolves to authorize major substantive rules</b>		
Rules authorized without legislative changes	8	53.3%
Rules authorized with legislative changes	7	46.7%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>15</b>	<b>100.0%</b>
<b>C. Bills vetoed or held by Governor</b>		
<i>Vetoed over-ridden</i>	0	0.0%
<i>Vetoed sustained</i>	2	0.1%
<u><i>Held by the Governor</i></u>	<u>2</u>	<u>0.1%</u>
<b>Total</b>	<b>4</b>	<b>0.2%</b>

*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Agriculture, Conservation and Forestry*

*July 2003*

*Members:*

*Sen. Bruce S. Bryant, Chair  
Sen. Richard Kneeland  
Sen. Edward M. Youngblood*

*Rep. Linda Rogers McKee, Chair  
Rep. Jacqueline A. Lundeen  
Rep. Raymond G. Pineau  
Rep. John F. Piotti  
Rep. Nancy E. Smith  
Rep. Roderick W. Carr  
Rep. Ken Honey  
Rep. Kenneth C. Fletcher  
Rep. Eugene L. Churchill  
Rep. John Eder*

*Staff:*

*Jill Ippoliti, Legislative Analyst*

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13 State House Station  
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**JOINT STANDING COMMITTEE ON  
AGRICULTURE, CONSERVATION AND FORESTRY**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	62	95.4%	3.8%
<u><i>Bills Carried Over</i></u>	<u>3</u>	<u>4.6%</u>	<u>0.2%</u>
<b>Total Bills referred</b>	<b>65</b>	<b>100.0%</b>	<b>4.0%</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>65</b>	<b>100.0%</b>	<b>4.0%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	1	100.0%	20.0%
<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>20.0%</b>
		<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>	5	7.9%	0.3%
<i>Ought to Pass as Amended</i>	24	38.1%	1.6%
<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>38.1%</u>	<u>1.6%</u>
<b>Total unanimous reports</b>	<b>53</b>	<b>84.1%</b>	<b>3.6%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	10	15.9%	0.7%
<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>10</b>	<b>15.9%</b>	<b>0.7%</b>
<b>Total committee reports</b>	<b>63</b>	<b>100.0%</b>	<b>4.3%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>4</b>	<b>N/A</b>	<b>N/A</b>
		<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>	1	100.0%	25.0%
<i>Public laws</i>	25	38.5%	1.5%
<i>Private and Special Laws</i>	3	4.6%	0.2%
<i>Resolves</i>	3	4.6%	0.2%
<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>32</b>	<b>49.2%</b>	<b>2.0%</b>
<b>B. Major substantive rules</b>			
Authorized without legislative changes	0	0.0%	0.0%
Authorized with legislative changes	0	0.0%	0.0%
<u>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.

Prepared by the Office of Policy and Legal Analysis  
121st Legislature, First Regular Session



## Joint Standing Committee on Agriculture, Conservation & Forestry

### SUBJECT INDEX

#### *Agriculture-Dairy and Livestock*

##### Enacted

LD 85	An Act to Further Define a Strain of Maine Standardbred Horses	PUBLIC 31 EMERGENCY	Page 7
LD 181	An Act to Clarify the Definition of Livestock	PUBLIC 334	Page 9
LD 338	An Act to Stabilize the Maine Dairy Industry	CARRIED OVER	Page 12
LD 593	An Act To Provide Temporary Emergency Relief to Maine Dairy Farmers	P & S 2 EMERGENCY	Page 14
LD 738	An Act To Save Maine Dairy Farms	CARRIED OVER	Page 16
LD 1378	An Act To Provide Financial Relief for Maine Dairy Farmers	PUBLIC 120 EMERGENCY	Page 25
LD 1583	An Act Concerning the Animal Health and Disease Control Laws	PUBLIC 386	Page 34

##### Not Enacted

None

#### *Agriculture-Development and Marketing*

##### Enacted

LD 1282	An Act To Amend the Laws Governing Agricultural Marketing and Bargaining	PUBLIC 329	Page 24
LD 1430	An Act To Improve Farmer Participation in the Agricultural Marketing Loan Fund	PUBLIC 168	Page 27
LD 1461	An Act To Improve Participation in the Farms for the Future Program	PUBLIC 167	Page 29

**Not Enacted**

LD 870                    **An Act To Create Fairness in Funding the Wild  
Blueberry Association of North America**                    **ONTP    Page 18**

***Agriculture-Policy***

**Enacted**

LD 53                    **An Act To Allow Experimentation in the Cultivation  
of Industrial Hemp**                    **PUBLIC 61    Page 7**

LD 1459                **An Act To Bring the State into Conformity with the  
National Organic Program**                    **PUBLIC 220   Page 28**

**Not Enacted**

LD 315                    **An Act To Provide a Discount to Farmers Who Are  
Certified as Organic Farmers and Lease Land from  
the State**                    **ONTP    Page 10**

LD 1219                **Resolve, To Ensure the Integrity and Enhance the  
Marketing of Maine Agricultural Crops**                    **DIED BETWEEN  
BODIES    Page 23**

***Allagash Wilderness Waterway***

**Enacted**

**None**

**Not Enacted**

LD 714                    **An Act To Establish the Allagash Waterway  
Advisory Council**                    **ONTP    Page 16**

LD 723                    **An Act To Require an Annual Report for the  
Allagash Wilderness Waterway**                    **ONTP    Page 16**

LD 1056                **Resolve, To Ensure Orderly Planning for the  
Allagash Wilderness Waterway**                    **ONTP    Page 20**

LD 1106                **An Act To Require Wilderness Management  
Training for the Manager of the Allagash Wilderness  
Waterway**                    **ONTP    Page 21**

## *Animal Control/Animal Welfare*

### Enacted

LD 327	Resolve, Requiring the Department of Agriculture, Food and Rural Resources To Adopt Rules Regarding Care and Treatment of Elephants	RESOLVE 41	Page 11
LD 360	An Act To Strengthen the Animal Control Laws	PUBLIC 71	Page 12
LD 928	An Act Regarding the Sale and Protection of Ferrets	PUBLIC 262	Page 19
LD 1098	An Act Regarding Mandated Reporters and Child Abuse	PUBLIC 145	Page 20
LD 1228	An Act To Address Concerns Regarding the Breeding and Sale of Certain Small Mammals	PUBLIC 350 EMERGENCY	Page 24
LD 1545	An Act To Amend the Animal Welfare Laws	PUBLIC 405	Page 32

### Not Enacted

LD 297	An Act to Provide for Proper Identification of Stray Cats by Animal Shelters	ONTP	Page 10
LD 431	An Act To Increase Educational Certification for Humane Agents and Animal Control Officers	ONTP	Page 13
LD 702	An Act To Amend the Animal Welfare Laws	ONTP	Page 15
LD 1142	An Act To Restructure the Power and Duties within the Animal Welfare Act	ONTP	Page 21
LD 1194	An Act To Improve Services of Animal Shelters	ONTP	Page 22
LD 1215	An Act To Amend the Animal Welfare Laws and Improve Funding	ONTP	Page 23

## *Bureau of Parks and Lands*

### Enacted

LD 1558	Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands	RESOLVE 65	Page 33
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**Not Enacted**

LD 92	An Act to Require Joint Standing Committee Approval for Certain Purchases Proposed by the Land for Maine's Future Board	ONTP	Page 8
LD 94	An Act To Limit the Use of State Funds To Purchase Land or Conservation Easements	ONTP	Page 8
LD 176	An Act To Require the State To Hold Title to All Land and Easements Purchased with the Land for Maine's Future Fund	ONTP	Page 8
LD 348	An Act To Limit State Land Ownership	ONTP	Page 12
LD 620	Resolve, To Allow Public Camping on Number 9 Lake in Aroostook County	ONTP	Page 14
LD 824	Resolve, To Improve Fisheries Management in Hancock County	DIED BETWEEN BODIES	Page 18
LD 926	An Act To Amend the Laws Governing the Bigelow Preserve To Allow for Cross-country Skiing	ONTP	Page 18
LD 1177	An Act To Preserve Public Access and Job Opportunities in the North Woods	DIED IN CONCURRENCE	Page 22

*Miscellaneous - Agriculture*

**Enacted**

LD 570	An Act To Eliminate a Defunct Account in the Department of Agriculture, Food and Rural Resources	P & S 1 EMERGENCY	Page 13
LD 1463	An Act To Amend Maine's Arborist Licensing Laws	PUBLIC 343	Page 29
LD 1543	An Act To Modify the Exemption for Compost under the Nutrient Management Law and the Nutrient Management Review Board's Authority To Hear Appeals	PUBLIC 283	Page 31

**Not Enacted**

LD 300	An Act To Ban the Hunting of Animals in an Enclosed Area	ONTP	Page 10
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## *Miscellaneous - Conservation*

### Enacted

LD 777	An Act To Amend the Laws Regarding the Location of the Wells National Estuarine Research Reserve	P & S 11	Page 17
LD 1398	An Act To Modify Water Well Reporting Requirements	PUBLIC 175	Page 26

### Not Enacted

LD 538	An Act to Reroute the Katahdin Trail	ONTP	Page 13
LD 717	An Act Related to the Sale of Personal Sports Mobiles	ONTP	Page 16
LD 1143	An Act Concerning Endangered and Invasive Plant Species	ONTP	Page 22

## *Pesticides*

### Enacted

LD 1400	An Act To Amend the Maine Pesticide Control Act of 1975 To Increase the Pesticide Product Registration Fee	PUBLIC 282	Page 26
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### Not Enacted

LD 759	An Act Concerning Public Members of the Board of Pesticides Control	ONTP	Page 17
LD 933	An Act To Require Public Notification of Herbicide Applications in the State's Great Ponds	ONTP	Page 19

## *Sale of Wood*

### Enacted

LD 1447	An Act To Improve Enforcement of the State's Natural Resource Protection, Timber Theft and Trespass Laws	PUBLIC 454	Page 28
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**Not Enacted**

<b>LD 248</b>	<b>An Act To Amend the Laws Governing the Weighing of Wood</b>	<b>ONTP</b>	<b>Page 10</b>
<b>LD 1114</b>	<b>An Act To Allow the Sale of Wood Chips by Uncertified Persons</b>	<b>ONTP</b>	<b>Page 21</b>

*Joint Standing Committee on Agriculture, Conservation and Forestry*

**LD 53**

**An Act To Allow Experimentation in the Cultivation of Industrial Hemp**

**PUBLIC 61**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL BRYANT	OTP-AM	H-61

LD 53 proposed authorizing, but not requiring, the Director of the Maine Agricultural Experiment Station to develop and conduct a study to explore the feasibility of growing industrial hemp upon obtaining required federal permits. It proposed a definition of "industrial hemp."

**Committee Amendment "A" (H-61)** proposed revising the bill to make an affirmative defense to prosecution the fact that the substance possessed, furnished, trafficked in, cultivated or grown was industrial hemp, not marijuana. For an affirmative defense to be effective, the defendant would be required to prove by a preponderance of the evidence that the substance the prosecution alleges to be marijuana is actually industrial hemp. Without this amendment, the prosecution would have to prove that the substance was not industrial hemp in order to secure a conviction for a criminal marijuana violation. This amendment also proposed language to clarify that federal permits must be obtained prior to importing nonsterilized hemp seeds.

***Enacted Law Summary***

Public Law 2003, chapter 61 authorizes, but does not require, the Director of the Maine Agricultural Experiment Station to develop a study to explore the feasibility of growing industrial hemp in Maine. It requires appropriate federal permits to be obtained prior to undertaking such a study. It enacts a definition of "industrial hemp." It establishes an affirmative defense to prosecution under Maine's drug laws. A person charged with possessing, furnishing, trafficking in, cultivating or growing marijuana and alleging that the substance was industrial hemp would be required to prove by a preponderance of the evidence that the substance alleged to be marijuana was, in fact, industrial hemp and grown under and in compliance with a federal permit.

**LD 85**

**An Act to Further Define a Strain of Maine Standardbred Horses**

**PUBLIC 31  
EMERGENCY**

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

LD 85 proposed amending the provision in statute, which authorizes the State Harness Racing Commission to define "Maine Standardbred horse" in rule.

**Committee Amendment "A" (H-17)** proposed replacing the bill. It proposed allowing the State Harness Racing Commission to register as a Maine Standardbred horse offspring produced in 2003, 2004 or 2005 if the offspring's sire was registered and stabled in Maine for breeding purposes during the year in which the insemination took place. It proposed requiring the State Harness Racing Commission to report to the joint standing committee of the Legislature having jurisdiction over agricultural matters on the breeding of Maine Standardbred horses and to make recommendations regarding the definition of "Maine Standardbred horse."



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### Enacted Law Summary

Public Law 2003, chapter 31 allows the State Harness Racing Commission to register as a Maine Standardbred horse offspring produced during a year in which the offspring's sire was registered and stabled in Maine for breeding purposes. This change allows the offspring of a mare inseminated during 2003, 2004 or 2005 with semen transported out of state to be registered and race as a Maine Standardbred. The State Harness Racing Commission is required to report no later than February 1, 2005 to the joint standing committee of the Legislature having jurisdiction over agricultural matters on the breeding of Maine Standardbred horses and to make recommendations regarding the definition of "Maine Standardbred horse."

Public Law 2003, chapter 31 was enacted as an emergency measure effective April 8, 2003.

**LD 92**                      **An Act to Require Joint Standing Committee Approval for Certain Purchases Proposed by the Land for Maine's Future Board**                      **ONTP**

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

LD 92 proposed requiring approval by the joint standing committee of the Legislature having jurisdiction over conservation matters for an acquisition by the Land for Maine's Future Board of land with an appraised value greater than \$250,000.

**LD 94**                      **An Act To Limit the Use of State Funds To Purchase Land or Conservation Easements**                      **ONTP**

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

LD 94 proposed requiring a state agency to be responsible for management and monitoring of land and interest in land acquired under the Land for Maine's Future program.

**LD 176**                      **An Act To Require the State To Hold Title to All Land and Easements Purchased with the Land for Maine's Future Fund**                      **ONTP**

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

LD 176 proposed requiring cooperating entities that received funds for land acquisition under the Land for Maine's Future Board to transfer title to the land to the State.

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LD 181

**An Act to Clarify the Definition of Livestock**

**PUBLIC 334**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN HALL	OTP-AM	H-377

LD 181 proposed to expand the definition of livestock within the jurisdiction of the Department of Agriculture, Food and Rural Resources to include alpacas, bison, llamas, ostriches and exotic wildlife raised on farms.

**Committee Amendment "A" (H-377)** proposed to replace a term and specifically include other animals in the definition of "livestock" in the animal welfare laws and the laws pertaining to livestock dealers.

***Enacted Law Summary***

Public Law 2003, chapter 334 amends the definition of livestock within the jurisdiction of the Department of Agriculture, Food and Rural Resources to include bison, ratites, which include ostriches and emus, and members of the genus lama, which includes llamas and alpacas.

LD 245

**An Act To Promote Consistent Protection of the State's Waters**

**PUBLIC 335**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU MARTIN	OTP-AM	H-378

LD 245 proposed to require landowners owning more than 10,000 acres of forest land to prepare and implement a plan to protect water resources from the impacts of timber harvesting. It proposed stipulating that such a plan would be a public record and requiring the Department of Conservation, Director of the Bureau of Forestry to include in the biennial state of the forest report a summary of progress in developing and implementing the plans.

**Committee Amendment "A" (H-378)** proposed replacing the bill and authorizing the Department of Conservation to proceed with rulemaking to implement a statewide standard for timber harvesting and timber harvesting activities in shoreland areas.

***Enacted Law Summary***

Public Law 2003, chapter 335 authorizes the Department of Conservation to proceed with rulemaking to implement a statewide standard for timber harvesting and timber harvesting activities in shoreland areas. It allows a municipality to retain a municipal ordinance pertaining to timber harvesting and timber harvesting activities in shoreland areas if the ordinance is consistent with laws and rules in effect December 31, 2005. The statewide standards must be adopted by October 1, 2003 with a delayed effective date of January 1, 2006. The Maine Land Use Regulation Commission, the Commissioner of Environmental Protection and the Board of Environmental Protection are directed to amend or repeal their rules as necessary to remove any provisions that duplicate or conflict with the statewide standards. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to report out legislation necessary to implement the statewide standard for timber

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harvesting in shoreland areas or clarify the responsibilities of the Bureau of Forestry in administering and enforcing the standard.

**LD 248**                      **An Act To Amend the Laws Governing the Weighing of Wood**                      **ONTP**

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

LD 248 proposed amending the wood measurement laws to compensate for weight loss in wood that was not weighed within 30 days of cutting during the summer months.

**LD 297**                      **An Act to Provide for Proper Identification of Stray Cats by Animal Shelters**                      **ONTP**

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

LD 297 proposed deleting the current requirement for microchip identification of a stray cat accepted at an animal shelter only when the cat was wearing a collar or had a notched or studded ear. It proposed microchip scanning of all stray cats accepted by shelters.

**LD 300**                      **An Act To Ban the Hunting of Animals in an Enclosed Area**                      **ONTP**

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

LD 300 proposed repealing provisions for the establishment and operation of commercial large game shooting areas. It also proposed removing the exemption in the animal cruelty laws for persons operating or hunting such areas, thus making it a Class D crime to operate or hunt in a large game shooting area.

**LD 315**                      **An Act To Provide a Discount to Farmers Who Are Certified as Organic Farmers and Lease Land from the State**                      **ONTP**

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

LD 315 proposed providing a discounted lease fee for farmland acquired under the Land for Maine's Future program and leased for agricultural production when the lessee attained organic certification.

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**LD 319**                      **An Act to Reenact Standards for Road Construction for Forest Management Activities**                      **PUBLIC 23**

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

LD 319 proposed enacting language concerning permit by rule for road construction or maintenance that was repealed on August 1, 2002.

***Enacted Law Summary***

Public Law 2003, chapter 23 reenacts the permit by rule provision for road construction or maintenance associated with forest management activities that was repealed on August 1, 2002. For an eligible activity, the permit by rule is effective upon receipt by the Department of Environmental Protection of a completed notification form.

**LD 327**                      **Resolve, Requiring the Department of Agriculture, Food and Rural Resources To Adopt Rules Regarding Care and Treatment of Elephants**                      **RESOLVE 41**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON MCKEE	ONTP      MAJ OTP-AM    MIN	S-120    PENDLETON S-85

LD 327 proposed prohibiting a person from making available an elephant for use in a traveling exhibition or for the purpose of allowing an individual to ride, feed or have other physical contact not related to the care of the elephant.

**Committee Amendment "A" (S-85)**, which was the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry, proposed to replace the original bill. It proposed allowing elephants to enter the state with traveling exhibitions but imposed certain conditions relating to the care of elephants and requiring an itinerary to be filed with the Department of Agriculture, Food and Rural Resources. It proposed prohibiting a person owning or having control of an elephant from allowing a member of the public to ride an elephant; and proposed penalties for violation of the laws pertaining specifically to elephants.

**Senate Amendment "A" to Committee Amendment "A" (S-120)** proposed striking the committee amendment and requiring the Department of Agriculture, Food and Rural Resources to adopt routine technical rules regarding the care and treatment of elephants based on standards of the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

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### Enacted Law Summary

Resolve 2003, chapter 41 requires the Department of Agriculture, Food and Rural Resources to adopt routine technical rules regarding the care and treatment of elephants based on standards of the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

**LD 338**                      **An Act to Stabilize the Maine Dairy Industry**                      **CARRIED OVER**

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

LD 338 proposes direct subsidy payments to the State's dairy farmers through the Maine Milk Pool when the basic price of milk at the farm falls below the average short-term cost of milk production in the State as determined by studies performed for the Maine Milk Commission. The bill proposes a supplemental appropriation of \$5,500,000 for this purpose in fiscal year 2002-03.

**LD 348**                      **An Act To Limit State Land Ownership**                      **ONTP**

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

LD 348 proposed to limit publicly owned land in the State to no more than 20% of the total land area of the State or 33% of the land area in any county. The bill would have allowed the State to exceed the limit with the approval of 2/3 of the Legislature.

**LD 360**                      **An Act To Strengthen the Animal Control Laws**                      **PUBLIC 71**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON	OTP-AM	H-60

LD 360 proposed increasing the minimum and maximum allowable fines for violation of the uncontrolled dogs laws. The bill also proposed a minimum fine of \$250 for keeping a dangerous dog.

**Committee Amendment "A" (H-60)** proposed removing the section of the bill, which proposed increasing the fine for violation of the uncontrolled dog laws and amending the penalty for keeping a dangerous dog to specify that a fine is mandatory and may not be suspended.

### Enacted Law Summary

Public Law 2003, chapter 71 adds a mandatory minimum fine of \$250 for keeping a dangerous dog and specifies that the fine may not be suspended. The maximum fine for keeping a dangerous dog is \$1,000, plus costs.

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**LD 431**                      **An Act To Increase Educational Certification for Humane Agents and Animal Control Officers**                      **ONTP**

<u>Sponsor(s)</u> LAFOUNTAIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 431 proposed setting minimum educational requirements for certification and recertification of humane agents and animal control officers and proposed clarifying the authority of humane agents to serve civil and criminal process.

**LD 538**                      **An Act to Reroute the Katahdin Trail**                      **ONTP**

<u>Sponsor(s)</u> STANLEY CLARK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 538 proposed to designate a different highway route as the "Katahdin Trail." The original trail was designated in 1957 along highways from Newport to Millinocket and then to Baxter State Park.

**LD 570**                      **An Act To Eliminate a Defunct Account in the Department of Agriculture, Food and Rural Resources**                      **P & S 1  
EMERGENCY**

<u>Sponsor(s)</u> SMITH N HALL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-12
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LD 570 proposed depositing in the General Fund the balance remaining in the Dairy Farm Stabilization Fund within the Department of Agriculture, Food and Rural Resources.

**Committee Amendment "A" (H-12)** proposed adding a fiscal note to the bill.

*Enacted Law Summary*

Private and Special Law 2003, chapter 1 transfers to the General Fund the balance remaining in the Dairy Farm Stabilization Fund within the Department of Agriculture, Food and Rural Resources. The statutory authority for this fund was repealed in 1995.

Private and Special Law 2003, chapter 1 was enacted as an emergency measure effective March 20, 2003.

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LD 593

**An Act To Provide Temporary Emergency Relief to Maine Dairy Farmers**

**P & S 2  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT PIOTTI	OTP-AM	S-1

LD 593 proposed to provide for the allocation of funds to provide temporary emergency relief to Maine dairy farmers.

**Committee Amendment "A" (S-1)** proposed adding a fiscal note to the bill.

***Enacted Law Summary***

Private and Special Law 2003, chapter 2 provides for the allocation of funds to provide temporary emergency relief to Maine dairy farmers. See the enacted law summary for LD 1378 for other relief measures for Maine dairy farmers.

Private and Special Law 2003, chapter 2 was enacted as an emergency measure effective March 20, 2003.

LD 620

**Resolve, To Allow Public Camping on Number 9 Lake in Aroostook County**

**ONTP**

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

LD 620 proposed directing the Department of Conservation to allow camping on public lands adjacent to Number 9 Lake in Aroostook County.

**Committee Amendment "A" (H-101)**, the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry, proposed to identify the Department of Inland Fisheries and Wildlife as the department responsible for the boat launch and area formerly used for camping on Number 9 Lake. The minority report was not adopted.

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LD 680

**Resolve, Directing the Department of Conservation To Create the  
Kennebec River Historic Waterway**

**RESOLVE 13**

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

LD 680 proposed to direct the Department of Conservation to create the Kennebec River Historic Waterway from the former site of the Edwards Dam in Augusta to Popham Beach in Phippsburg.

**Committee Amendment "A" (H-152)** proposed extending the Kennebec River Historic Waterway designation to Fort Halifax in Winslow. It proposed expanding the number of agencies that the Department of Conservation is directed to work with and requiring the department to report to the Joint Standing Committee on Agriculture, Conservation and Forestry by January 31, 2004 on progress made in various elements of a plan for establishing recreational opportunities along the waterway.

***Enacted Law Summary***

Resolve 2003, chapter 13 directs the Department of Conservation to design and establish the Kennebec River Historic Waterway from Popham Beach in Phippsburg to Fort Halifax in Winslow and to report to the Joint Standing Committee on Agriculture, Conservation and Forestry by January 31, 2004 on progress made in various elements of the plan for increasing recreational opportunities along the waterway.

LD 702

**An Act To Amend the Animal Welfare Laws**

**ONTP**

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

LD 702 proposed requiring the owner or keeper of a dangerous dog to notify the local law enforcement agency if ownership of the dog was transferred or if the owner and dog moved to another place of residence. It proposed amending provisions regarding a municipality's responsibilities for animal control, increasing the minimum fine for violations of dog licensing laws and additional penalties for failure to comply with orders issued under the dangerous dog provisions. See the bill summary for LD 1545 for a summary of enacted provisions relating to animal welfare this session.



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**LD 714**                      **An Act To Establish the Allagash Waterway Advisory Council**                      **ONTP**

<u>Sponsor(s)</u> KNEELAND CLARK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 714 proposed requiring the Department of Conservation, Bureau of Parks and Lands to manage the Allagash Wilderness Waterway in accordance with the current management plan, that was adopted by the Department of Conservation on January 27, 1999. It proposed creating the Allagash Waterway Advisory Council and requiring that the council approved amendments to the plan. This bill also proposed designating rules adopted by the bureau for administration of the waterway as major substantive rules, subject to legislative review and approval.

**LD 717**                      **An Act Related to the Sale of Personal Sports Mobiles**                      **ONTP**

<u>Sponsor(s)</u> JOY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 717 proposed dedicating fines for violations of Title 10, section 1243-A to the Snowmobile Trail Fund and the ATV Recreational Management Fund, both administered by the Department of Conservation. Title 10, section 1243-A prohibits a person from selling or offering for sale a new personal sports mobile unless that person possesses a franchise from the dealer of the personal sports mobile.

**LD 723**                      **An Act To Require an Annual Report for the Allagash Wilderness Waterway**                      **ONTP**

<u>Sponsor(s)</u> MCKEE BENNETT R		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 723 proposed requiring the Director of the Bureau of Parks and Lands to submit an annual report relating to management and use of the Allagash Wilderness Waterway to the joint standing committee of jurisdiction.

**LD 738**                      **An Act To Save Maine Dairy Farms**                      **CARRIED OVER**

<u>Sponsor(s)</u> MCKEE BRYANT		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 738 proposes directing the Maine Milk Commission to establish a maximum rate of return for the retail sale of milk. It proposes allowing the commission to order a retail store to lower its prices when the commission determines that the maximum rate of return has been exceeded. It proposes requiring the owner or manager of a

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retail store to keep certain records and requiring the owner or manager of a retail store with daily sales in excess of 100 quarts of milk a day to submit monthly reports to the commission.

**LD 759**                      **An Act Concerning Public Members of the Board of Pesticides Control**                      **ONTP**

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

LD 759 proposed to increase the number of public members on the Board of Pesticides Control from 2 members to 4 members and proposed to require that the new members come from environmental and public health groups.

**LD 777**                      **An Act To Amend the Laws Regarding the Location of the Wells National Estuarine Research Reserve**                      **P & S 11**

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

LD 777 proposed to provide that the Wells National Estuarine Research Reserve contains lands or interests in land within the defined location of the reserve acquired from willing sellers or added to the reserve by agreement for the purpose of furthering the reserve's conservation, research or educational purposes. The bill also proposed to change references to the Bureau of Parks and Recreation and the Bureau of Public Lands to the Department of Conservation and to correct the reference to the legislative committee of jurisdiction.

**Committee Amendment "A" (H-100)** proposed to correct an error in the original Private and Special Law that refers to the Eldridge River. The correct reference is the Ogunquit River.

### ***Enacted Law Summary***

Private and Special Law 2003, chapter 11 amends the description of the location of the Wells National Estuarine Research Reserve to include lands or interests in land acquired from willing sellers or added to the reserve by agreement for the purpose of furthering the reserve's conservation, research or educational purposes. It requires the Wells National Estuarine Research Reserve Management Authority to provide a copy of its annual financial report to the joint standing committee of the Legislature having jurisdiction over conservation matters. This is a correction to designate the appropriate committee of jurisdiction to receive the report.

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**LD 824                      Resolve, To Improve Fisheries Management in Hancock County                      DIED BETWEEN BODIES**

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

LD 824 proposed requiring the Department of Conservation to transfer jurisdiction over a parcel of land to the Department of Inland Fisheries and Wildlife for the purpose of constructing a public boat launch on Branch Lake in Hancock County.

**Committee Amendment "A" (H-258)**, which was not adopted, proposed the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed replacing the resolve to direct the Department of Conservation, Bureau of Parks and Lands to proceed with plans to construct a boat launch on Branch Lake in Ellsworth. It proposed requiring the boat launch to be constructed by November 1, 2003 and an access road from the Happy Town Road to be constructed and open to public traffic by October 1, 2004.

**Senate Amendment "A" (S-113)**, which was not adopted, proposed to amend Committee Amendment "A" by striking the language that required the access road to be constructed and open to the public by October 1, 2004 and replacing it with language that required the road to be developed when funds became available.

**LD 870                      An Act To Create Fairness in Funding the Wild Blueberry Association of North America                      ONTP**

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

LD 870 proposed to prohibit the Wild Blueberry Commission of Maine from paying higher fees to the Wild Blueberry Association of North America than the Canadian members of the association pay, taking into account the current exchange rate for United States and Canadian currency.

**LD 926                      An Act To Amend the Laws Governing the Bigelow Preserve To Allow for Cross-country Skiing                      ONTP**

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

LD 926 proposed amending Initiated Bill 1975, the laws establishing and governing the Bigelow Preserve, to permit cross-country skiing and the use of vehicles engaged in trail maintenance for cross-country skiing within the boundary of the Bigelow Preserve.

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LD 928

**An Act Regarding the Sale and Protection of Ferrets**

**PUBLIC 262**

Sponsor(s)  
MCKEE

Committee Report  
OTP-AM

Amendments Adopted  
H-296

LD 928 proposed prohibiting a person, firm, corporation or other business entity from bringing into the State or offering for sale any ferret that is less than 8 weeks of age and weighs less than 450 grams.

**Committee Amendment "A" (H-296)** proposed deleting the weight requirement in the bill and specifying that the age of a ferret would be determined by tooth development. It also proposed specifying that a ferret less than 8 weeks in age may not be brought into the state unless it is transported with its mother.

***Enacted Law Summary***

Public Law 2003, chapter 262 prohibits the importation or sale of a ferret that is less than 8 weeks of age as determined by tooth development.

LD 933

**An Act To Require Public Notification of Herbicide Applications  
in the State's Great Ponds**

**ONTP**

Sponsor(s)  
MCKEE  
MARTIN

Committee Report  
ONTP

Amendments Adopted

LD 933 proposed requiring the Commissioner of Environmental Protection to hold a public hearing prior to applying a herbicide to a body of water in the State. It proposed specifying that the public hearing be held in a municipality bordering the body of water no earlier than 30 days and no later than 15 days prior to the application, and that all information relative to the application be presented at the hearing.

LD 952

**An Act To Establish a Maine-resident-only Reservation Period for  
State Park Campsites**

**ONTP**

Sponsor(s)  
PERRY J

Committee Report  
ONTP

Amendments Adopted

LD 952 proposed that Maine residents only be allowed to make reservations for campsites at state parks during the first week the reservation system is open.

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**LD 1055**                      **An Act To Promote Enforcement Training for Bureau of Parks and Lands Staff**                      **ONTP**

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

LD 1055, a concept draft pursuant to Joint Rule 208, proposed increasing enforcement training for rangers and staff of the Department of Conservation Department of Conservation, Bureau of Parks and Lands. The bill proposed to require the bureau to annually train its field staff in law enforcement practices sufficient to police public lands and issue arrest warrants for infractions of state laws. The bill proposed requiring an annual report to the Legislature describing the type of training offered, participation in the training program and an assessment of and recommendations for increasing the effectiveness of the training.

**LD 1056**                      **Resolve, To Ensure Orderly Planning for the Allagash Wilderness Waterway**                      **ONTP**

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

LD 1056 proposed prohibiting the Department of Conservation, including the Maine Land Use Regulation Commission, the Department of Environmental Protection and any other state agency from developing any new access points in the Allagash Wilderness Waterway until the management plan review process was completed in February 2004.

**LD 1098**                      **An Act Regarding Mandated Reporters and Child Abuse**                      **PUBLIC 145**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN KANE	OTP-AM	S-84

LD 1098 proposed to require Department of Agriculture, Food and Rural Resources humane agents to report to the Department of Health and Human Services investigations of animal abuse in homes where children and elderly dependent people live.

**Committee Amendment "A" (S-84)** proposed to add state humane agents to the list of professionals required to report to the Department of Human Services when they knew or had reasonable cause to suspect that a child or a dependent or incapacitated adult had been or was likely to be abused.

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### *Enacted Law Summary*

Public Law 2003, chapter 145 adds state humane agents to the list of professionals required to report to the Department of Human Services when they know or have reasonable cause to suspect that a child has been or is likely to be abused. It also adds state humane agents to the list of professionals required to report to the Department of Human Services when they know or have reasonable cause to suspect that a dependent or incapacitated adult has been abused or neglected.

**LD 1106                      An Act To Require Wilderness Management Training for the                      ONTP**  
**Manager of the Allagash Wilderness Waterway**

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

LD 1106 proposed requiring the manager of the Allagash Wilderness Waterway to receive training in the management of wilderness areas.

**LD 1114                      An Act To Allow the Sale of Wood Chips by Uncertified Persons                      ONTP**

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

LD 1114, a concept draft pursuant to Joint Rule 208, proposed requiring paper and logging companies to purchase forest products for chipping and other purposes from small wood harvesters in Maine who are not certified in sustainable forestry practices.

**LD 1142                      An Act To Restructure the Power and Duties within the Animal                      ONTP**  
**Welfare Act**

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

LD 1142 proposed transferring authority for enforcing the Animal Welfare Act from the Commissioner of Agriculture, Food and Rural Resources to the newly created chief humane agent within the Department of Agriculture, Food and Rural Resources. It proposed requiring the chief humane agent to report to the joint standing committee of the Legislature having jurisdiction over agricultural matters and to the Animal Welfare Advisory Council. See the bill summary for LD 1545 for a summary of enacted provisions relating to animal welfare this session.

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**LD 1143**                      **An Act Concerning Endangered and Invasive Plant Species**                      **ONTP**

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

LD 1143 proposed putting the official threatened and endangered plant list in statute and having the Legislature, upon recommendation of the Commissioner of Conservation, designate a species as a state endangered or state threatened species. The bill also proposed requiring the commissioner to establish and maintain a register of commercially available exotic invasive aquatic and terrestrial plants. It proposed using funds from the collection of fees for lake and river protection stickers to educate the public regarding the dangers of exotic invasive aquatic and terrestrial plants.

**LD 1177**                      **An Act To Preserve Public Access and Job Opportunities in the North Woods**                      **DIED IN CONCURRENCE**

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

LD 1177 proposed the “Maine Woods Act”. It proposed establishing the Maine Woods Board as a public instrumentality of the State with independent bonding authority. As proposed, the board would have functioned to purchase and maintain tracts of land managed as commercial forestland. It proposed acquisition criteria based on the land’s suitability for practicing sustainable forestry and providing public recreational opportunities.

**LD 1194**                      **An Act To Improve Services of Animal Shelters**                      **ONTP**

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

LD 1194 proposed establishing a process for animal shelters to accept and dispose of pets whose owners were incarcerated or hospitalized. It proposed to reduce from 8 to 6 the number of days a shelter is required to hold a dog prior to euthanasia. This bill also proposed to make it a Class E crime to possess an animal in violation of a court order prohibiting a person from possessing an animal as part of the penalty imposed for a cruelty to animals conviction. See the bill summary for LD 1545 for a summary of provisions enacted this session relating to animal welfare.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

**LD 1215**                    **An Act To Amend the Animal Welfare Laws and Improve Funding**                    **ONTP**

<u>Sponsor(s)</u> MILLETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1215 proposed eliminating the licensing requirements and fees for dogs while retaining the requirement for dogs to be immunized against rabies. It proposed imposing a 3% tax on the wholesale sale of domestic animal food and dedicating the revenue to the Animal Welfare Fund. It proposed a review of immunization provisions and the operation of the excise tax by June 30, 2007. See the bill summary for LD 1545 for a summary of provisions enacted this session relating to animal welfare.

**LD 1219**                    **Resolve, To Ensure the Integrity and Enhance the Marketing of Maine Agricultural Crops**                    **DIED BETWEEN BODIES**

<u>Sponsor(s)</u> MCKEE DAMON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-376
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LD 1219 proposed establishing a 3-year moratorium on planting or cultivating genetically engineered plant parts, seeds or plants out of doors and a moratorium on planting or cultivating genetically engineered plant parts, seeds or plants in greenhouses for commercial crop production. During the moratorium, the Department of Agriculture, Food and Rural Resources would be required to prepare a marketing plan that uses the moratorium as a promotional tool for Maine's agricultural products.

**Committee Amendment "A" (H-376)** proposed replacing the bill with a directive to the Commissioner of Agriculture, Food and Rural Resources to convene a working group. The working group would develop an approach for and discuss the potential of a marketing initiative to promote Maine agricultural crops as free of genetically engineered materials. It proposed authorizing the Joint Standing Committee on Agriculture, Conservation and Forestry to report out legislation to the Second Regular Session of the 121st Legislature regarding measures to protect the integrity of genetically engineered and nongenetically engineered crops.

**Senate Amendment "A" (S-229)** proposed replacing the bill and committee amendment with a directive to the Commissioner of Agriculture, Food and Rural Resources to convene a working group to study the potential benefits of agricultural biotechnology. It proposed authorizing the Joint Standing Committee on Agriculture, Conservation and Forestry to report out legislation to the Second Regular Session of the 121st Legislature regarding its findings. Senate Amendment A was accepted in the Senate only.



## Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1228

**An Act To Address Concerns Regarding the Breeding and Sale of  
Certain Small Mammals**

**PUBLIC 350  
EMERGENCY**

<u>Sponsor(s)</u> MCKEE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-448
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LD 1228 proposed requiring a person who breeds guinea pigs to obtain a license from the Department of Agriculture, Food and Rural Resources and requiring pet shops and guinea pig breeding facilities to keep sales records. It also proposed prohibiting the sale of guinea pigs less than 8 weeks old.

**Committee Amendment "A" (H-448)** proposed replacing the bill. It proposed placing in statute certain record-keeping requirements that are in rule and directing the Commissioner of Agriculture, Food and Rural Resources to report to the Joint Standing Committee on Agriculture, Conservation and Forestry on the regulation of breeders and sellers of small mammals commonly kept as pets.

### *Enacted Law Summary*

Public Law 2003, chapter 350 places in statute certain record-keeping requirements that are in rule, except that it also requires records to be kept on lagomorphs. It directs the Commissioner of Agriculture, Food and Rural Resources to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than December 31st on the regulation of breeders and sellers of small mammals commonly kept as pets. It authorizes the committee to report out a bill during the Second Regular Session of the 121st Legislature regarding regulation of these breeders and sellers.

Public Law 2003, chapter 350 was enacted as an emergency measure effective May 30, 2003.

LD 1282

**An Act To Amend the Laws Governing Agricultural Marketing  
and Bargaining**

**PUBLIC 329**

<u>Sponsor(s)</u> MARTIN SMITH W	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-160
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LD 1282 proposed amendments to the laws governing agricultural marketing and bargaining. It proposed assessing nonmembers an association fair share fee equal to 75% of the amount charged to association members. Under current law, for matters submitted to arbitration, the arbitrator must choose between final offers of the parties. LD 1282 proposed allowing the arbitrator to choose between final offers or issue a decision within the parameters of the final offers of the parties. It proposed to specify that mediation of disputes between the handler and the qualified association may not continue for more than 3 consecutive days for annual crops. It proposed to require that the list of arbitrators submitted contain the names of only those arbitrators who are available for the specific pending arbitration and have expressed a willingness to serve.

**Committee Amendment "A" (S-160)** proposed distinguishing between nonmember producers who enter into contracts with a dealer or processor based on whether the contract was entered into before or after the association signed an agreement with the dealer or processor for the purposes of assessing a fair share fee. It proposed

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allowing a nonmember to choose whether the assessment would be deposited in a scholarship fund or remitted to the association. It proposed removing the provision allowing an arbitrator to issue a decision within the parameters of the final offer of the parties.

### ***Enacted Law Summary***

Public Law 2003, chapter 329 makes changes to the laws governing agricultural marketing and bargaining. It establishes a fair share fee at 50% of association member dues and distinguishes between nonmember producers who enter into contracts with a dealer or processor based on whether the contract was entered into before or after the association signed an agreement with the dealer or processor. It allows a nonmember signing a contract after the association's agreement is signed to choose between having that nonmember's fair share dues paid to the association or deposited in a scholarship fund established by the dealer or processor. It gives a nonmember signing a contract before the association's agreement is signed the option of having a fair share fee withheld and deposited in a scholarship fund established by the dealer or processor but requires a dealer or processor to withhold the fair share fee if the nonmember's contract changes after the association signs an agreement and the changes increase the value of the nonmember's contract.

It amends the provision for a 3-day limit for mediation of disputes between the handler and the qualified association for annual crops to specify that the 3 days must be consecutive business days. It requires that the list of arbitrators submitted contain the names of only those arbitrators who are available for the specific pending arbitration and have expressed a willingness to serve.

**LD 1378**

**An Act To Provide Financial Relief for Maine Dairy Farmers**

**PUBLIC 120  
EMERGENCY**

Sponsor(s)  
PIOTTI  
BRYANT

Committee Report  
OTP-AM

Amendments Adopted  
H-271

LD 1378 proposed to allow money in the Agricultural Marketing Loan Fund to be used as security for, and to be applied to, payment of principal, interest and other amounts due on loans insured by the Finance Authority of Maine to eligible dairy farmers.

**Committee Amendment "A" (H-271)** proposed to allow the Commissioner of Agriculture, Food and Rural Resources to use the Agricultural Marketing Loan Fund to provide additional financial assistance to dairy farmers. It also proposed to transfer certain savings in other accounts within the department to the Maine Milk Commission for distribution to Maine milk producers. It also proposed to provide direct subsidy payments to the State's dairy farmers through the Maine Milk Pool in the event that the base price for milk falls below \$16.94 in any of the months from September 2003 to December 2003.

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***Enacted Law Summary***

Public Law 2003, chapter 120 allows money in the Agricultural Marketing Loan Fund to be used as security for, and to be applied to, payment of principal, interest and other amounts due on loans insured by the Finance Authority of Maine to eligible dairy farmers. It allows the Commissioner of Agriculture, Food and Rural Resources to use the Agricultural Marketing Loan Fund to provide additional financial assistance to dairy farmers. It transfers certain savings in other accounts within the department to the Maine Milk Commission for distribution to Maine milk producers. It provides for direct subsidy payments to the State's dairy farmers through the Maine Milk Pool in the event that the base price for milk falls below \$16.94 in any of the months from September 2003 to December 2003. The amount distributed during this period may not exceed \$3,000,000. The Governor is directed to seek a general fund appropriation in the second session of the 121<sup>st</sup> Legislature if needed for the distributions.

Public Law 2003, chapter 120 was enacted as an emergency measure effective May 9, 2003.

**LD 1398                      An Act To Modify Water Well Reporting Requirements                      PUBLIC 175**

<u>Sponsor(s)</u> MCKEE YOUNGBLOOD	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1398 proposed to make the definition of the entity responsible for submitting water well information to the State consistent with other laws. It proposed to reduce the time allowed for a company to submit the information from 6 months to 30 days.

***Enacted Law Summary***

Public Law 2003, chapter 175 enacts a definition of "well drilling company" in Title 12 and makes a well drilling company the entity responsible for submitting water well information to the State. It reduces the time allowed for the company to submit the information from 6 months to 30 days, which is consistent with the time required by the Maine Water Well Commission.

**LD 1400                      An Act To Amend the Maine Pesticide Control Act of 1975 To                      PUBLIC 282  
Increase the Pesticide Product Registration Fee**

<u>Sponsor(s)</u> SAVIELLO BRYANT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-339
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LD 1400 proposed an increase in the annual pesticide registration fee from \$115 to \$125 per product. Fees would go into the dedicated Pesticide Control Fund.

**Committee Amendment "A" (H-339)** proposed adding a fiscal note to the bill.

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***Enacted Law Summary***

Public Law 2003, chapter 282 increases the annual pesticide registration fee from \$115 to \$125 per product, to help fund the increased costs of salaries and benefits for staff to the Board of Pesticide Control.

**LD 1407                      An Act To Clarify the Timber Harvesting Notification Requirements                      PUBLIC 345**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	OTP      MAJ	H-385    TRAHAN
PINEAU	ONTP    MIN	

LD 1407 proposed eliminating an exemption to the harvest notification requirement. Under current law a landowner does not have to notify the Bureau of Forestry of a harvest when the total area harvested on land owned by that landowner does not exceed either 2 or 5 acres, depending on the residual basal area of acceptable growing stock. The bill proposed to repeal this exemption.

**House Amendment "A" (H-385)** proposed instead to retain the exemption when the landowner qualifying for the exemption performs the harvesting.

***Enacted Law Summary***

Public Law 2003, chapter 345 amends the provisions for harvest notification to specify that the exemptions for certain 2 and 5 acres harvests apply only when the landowner performs the harvest.

**LD 1430                      An Act To Improve Farmer Participation in the Agricultural Marketing Loan Fund                      PUBLIC 168**

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

LD 1430 proposed changes to the provisions for obtaining a loan from the Agricultural Marketing Loan Fund administered by the Commissioner of Agriculture, Food and Rural Resources and the Finance Authority of Maine.

***Enacted Law Summary***

Public Law 2003, chapter 168 reduces the percentage of private funds needed to be eligible for a loan from the Agricultural Marketing Loan Fund from 10% to 5% of the total project cost. It increases the amount of project costs that may be covered by the State. It also directs the Commissioner of Agriculture, Food and Rural Resources to make a minimum of \$1,000,000 available from the Agricultural Marketing Loan Fund for loans to agricultural enterprises engaged in direct marketing. A similar provision was repealed December 31, 2002. The newly enacted provision has a repeal date of December 31, 2004.

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**LD 1447**                      **An Act To Improve Enforcement of the State's Natural Resource Protection, Timber Theft and Trespass Laws**                      **PUBLIC 454**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU	OTP-AM	H-456 H-547 PINEAU

LD 1447 proposed authorizing certain employees of the Bureau of Forestry within the Department of Conservation to represent the bureau in District Court in matters regarding the administration and enforcement of the State's natural resources protection, timber theft and trespass laws.

**Committee Amendment "A" (H-456)** proposed specifying that forest rangers would be authorized to process the civil violations of forest notification and reporting requirements, trespass and unlawful cutting. It also proposed requiring a trucker or wood scaler to present a trip ticket or record of measurement to a forest ranger upon request.

**House Amendment "B" to Committee Amendment "A" (H-547)** proposed amending Committee Amendment "A" to strike the bill and retain only the provision in Committee Amendment "A" that requires a trucker or wood scaler to present a trip ticket or record of measurement. It proposed restricting the requirement for a truck driver to provide a forest ranger with the trip ticket to requests made at log yards and mill sites.

***Enacted Law Summary***

Public Law 2003, chapter 454 requires a truck driver upon request to present a copy of the trip ticket to a forest ranger in any log yard or mill site. It requires a wood scaler to present the record of measurement including the trip ticket or information contained on the trip ticket to a forest ranger upon request.

**LD 1459**                      **An Act To Bring the State into Conformity with the National Organic Program**                      **PUBLIC 220**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT MCKEE	OTP-AM	S-83

LD 1459 proposed repealing provisions for the certification and labeling of foods as natural, organic or from Maine.

**Committee Amendment "A" (S-83)** proposed retaining provisions in the Maine Revised Statutes, Title 7, chapter 103, subchapter 1-A relating to the labeling of water sold in containers.

***Enacted Law Summary***

Public Law 2003, chapter 220 repeals the statutes relating to the certification and labeling of foods as natural, or organic. In October of 2002, the United States Department of Agriculture's Agricultural Marketing Service established standards for the production and handling of fresh and processed organic foods, as well as labels and

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labeling requirements for organic products. Accredited agencies certify compliance with the national organic standards. The State has chosen not to become accredited under the new federal program because of limited resources within the Department of Agriculture, Food and Rural Resources and to avoid competing with private entities that provide certification services.

**LD 1461**                      **An Act To Improve Participation in the Farms for the Future Program**                      **PUBLIC 167**

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

LD 1461 proposed changes to the eligibility criteria for participation in the Maine Farms for the Future Program.

### *Enacted Law Summary*

Public Law 2003, chapter 167 eliminates the requirement that farmers enter into a farmland protection covenant with the State to receive state funding for development of a business plan. It also removes development pressure from the selection criteria used to award funds under the Maine Farms for the Future Program.

**LD 1463**                      **An Act To Amend Maine's Arborist Licensing Laws**                      **PUBLIC 343**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE BRYANT	OTP-AM	H-386

LD 1463 proposed several changes to Maine's arborist licensing laws to bring the current law into conformity with actual practices in the arborist profession and allow individuals who are certified by the International Society of Arboriculture, ISA, to be licensed in Maine. The ISA maintains a testing and certification process as rigorous as the Department of Agriculture, Food and Rural Resource's examination. The bill proposed authorizing the department to suspend, revoke or refuse to issue or renew an arborist license, if an arborist pursues a continued course of unprofessional conduct as demonstrated by repeated verified complaints against the licensed arborist.

**Committee Amendment "A" (H-386)** proposed to clarify that unprofessional conduct is conduct that violates the standards of practice for the arborist profession as established in rule.

### *Enacted Law Summary*

Public Law 2003, chapter 343 simplifies the arborist licensing provisions and brings them into conformity with actual practices in the arborist profession. It allows the Department of Agriculture, Food and Rural Resources to waive the examination requirement when a nonresident applicant for an arborist's license is certified by the International Society of Arboriculture. It authorizes the department to suspend, revoke or refuse to issue or renew an arborist license, if an arborist repeatedly violates the standards of practice for the arborist profession as established in rule.

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LD 1500

**An Act To Protect the Small Forest Landowners**

**PUBLIC 346**

<u>Sponsor(s)</u> BRYANT JODREY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-162
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LD 1500 proposed making confidential addresses and other contact information collected by the Department of Conservation, Bureau of Forestry specifically for distributing forest management information to small forest landowners.

**Committee Amendment "A" (S-162)** proposed specifying that addresses and other contact information collected for the purpose of contacting forest owners are not a public record. This would allow the Department of Conservation, Bureau of Forestry to share the information but would not require the bureau to provide it.

*Enacted Law Summary*

Public Law 2003, chapter 346 specifies that addresses and other contact information collected for the purpose of contacting forest owners are not a public record. The Department of Conservation, Bureau of Forestry may share the information but is not required to provide it.

LD 1518

**An Act To Improve Harvest Standards for Lands Purchased and Harvested within an 8-year Period** **CARRIED OVER**

<u>Sponsor(s)</u> MCKEE EDMONDS	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1518 proposes harvesting standards for land harvested within 8 years of purchase or purchase of the timber rights. It proposes requiring the landowner to have a harvest plan prepared prior to harvest and also requiring that a minimum basal area of trees of certain size and quality remain after harvest, unless one of the conditions specified in the bill exists.

LD 1531

**An Act To Amend Provisions of the Submerged Lands Law**

**PUBLIC 254**

<u>Sponsor(s)</u> DUDLEY YOUNGBLOOD	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-275
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LD 1531 proposed to increase the administrative fee for submerged lands easement applications and double the administrative fee for after-the-fact applications. The bill proposed to allow a portion of the Shore and Harbor Management Fund to be used for management of state-owned coastal islands and clarify the provisions by which a watercraft may be declared abandoned in coastal waters of the State. It also proposed explicit immunity from liability for actions taken by the State regarding removal and disposition of watercraft

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**Committee Amendment "A" (H-275)** proposed removing that section of the bill that proposed immunity from liability for actions taken by the State regarding removal and disposition of watercraft.

***Enacted Law Summary***

Public Law 2003, chapter 254 increases the administrative fee for submerged lands easement applications and doubles the administrative fee for after-the-fact applications. It authorizes a portion of the Shore and Harbor Management Fund to be used for management of state-owned coastal islands and clarifies the provisions by which a watercraft may be declared abandoned in coastal waters of the State.

**LD 1543                      An Act To Modify the Exemption for Compost under the Nutrient Management Law and the Nutrient Management Review Board's Authority To Hear Appeals                      PUBLIC 283**

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

LD 1543 proposed changes in the nutrient management laws. Current law allows any amount of compost material to be imported and used on a farm without triggering the requirement for a nutrient management plan. LD 1543 proposed requiring a plan when 100 tons or more of compost was brought onto a farm in a year, making it consistent with the requirements for manure imported onto a farm. It proposed changes to the duties of the Nutrient Management Review Board and a penalty for failure to implement best management practices that had been prescribed by the Department of Agriculture, Food and Rural Resources in response to a complaint about manure handling and storage.

***Enacted Law Summary***

Public Law 2003, chapter 283 requires a farm that brings 100 tons or more of compost in a year onto the farm to have a nutrient management plan. It gives the Nutrient Management Review Board within the Department of Agriculture, Food and Rural Resources the authority to hear appeals and resolve disputes involving issues related to site-specific best management practices. Currently the board has the authority to address only disputes that are manure or nutrient-related. It authorizes the appointment of up to 3 temporary members to the board.

It also adds a penalty to the law prohibiting improper handling of manure for failure to implement best management practices that have been prescribed by the Department of Agriculture, Food and Rural Resources in response to complaints about manure handling and storage.



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LD 1545

An Act To Amend the Animal Welfare Laws

PUBLIC 405

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	OTP-AM MAJ	H-533 MCKEE
PINEAU	ONTP MIN	S-195

LD 1545 proposed increasing fees for dog licensing and animal facility licenses administrated by the Department of Agriculture, Food and Rural Resources. Dog licenses would be increased from \$7.50 to \$20 for dogs capable of producing young and from \$4 to \$10 for dogs incapable of producing young. The bill also proposed requiring that animal control officers appointed by municipalities pass a literacy test and complete a minimum of 8 hours basic training and 8 hours practical hands-on training to be certified by the Commissioner of Agriculture, Food and Rural Resources. The bill proposed additional training requirements for humane agents employed by the .

LD 1545 also proposed allowing the Commissioner of Agriculture, Food and Rural Resources to establish a pilot project for the registration of dogs via the Internet.

**Committee Amendment "A" (S-195 )** proposed to:

1. Allow the Commissioner of Agriculture, Food and Rural Resources to accept funds and gifts for deposit in a separate account to enhance the animal welfare program;
2. Establish more comprehensive training requirements for humane agents;
3. Remove additional training requirements proposed for animal control officers;
4. Require a veterinarian statement in writing prior to the authorization of euthanasia by a humane agent, animal control officer or animal shelter authorizing euthanasia of a severely sick, severely injured or extremely vicious cat;
5. Establish a process for animal shelters to accept and dispose of pets whose owners are incarcerated or hospitalized;
6. Entitle an animal shelter to receive reimbursement for holding animals at the request or with the approval of the Department of Agriculture, Food and Rural Resources when the animal is held pending an investigation or disposition of an alleged violation of cruelty to animals laws;
7. Modify language in the bill authorizing the department to establish a process for licensing dogs using the Internet;
8. Reduce the proposed increases in dog license fees and allows municipalities to keep \$2 for dogs that are capable of producing young; and
9. Increase late fees, which remain with the municipality.

**House Amendment "A" to Committee Amendment "A" (H-533)** proposed reducing the dog licenses fees proposed in Committee Amendment "A". H-533 proposed a license fee of \$10 for a dog capable of producing young and a license fee of \$6 for a dog that is incapable of producing young. It proposed removing the provision

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in Committee Amendment "A" that allowed municipalities to retain \$2 per licensed dog capable of producing young.

### ***Enacted Law Summary***

Public Law 2003, chapter 405 increases fees for dog licenses and fees for various animal facility licenses, including breeding kennels, boarding kennels, pet shops, animal shelters and research institutions. Dog licenses are increased from \$7.50 to \$10 for dogs capable of producing young and from \$4 to \$6 for dogs incapable of producing young. Chapter 405 requires that humane agents employed by the Department of Agriculture, Food and Rural Resources complete a 100-hour in-service program at the Maine Criminal Justice Academy or a nationally recognized program dealing with animal welfare.

It authorizes the Commissioner of Agriculture, Food and Rural Resources to establish a pilot project for issuing dog licenses via the Internet and allows the commissioner to accept funds and gifts for deposit in a separate account to enhance the animal welfare program. It requires a veterinarian's statement in writing prior to a humane agent, animal control officer or animal shelter authorizing euthanasia of a severely sick, severely injured or extremely vicious cat. It establishes a process for animal shelters to accept and dispose of pets whose owners are incarcerated or hospitalized.

**LD 1558**

**Resolve, Authorizing Certain Land Transactions by the  
Department of Conservation, Bureau of Parks and Lands**

**RESOLVE 65**

Sponsor(s)  
BUNKER

Committee Report  
OTP-AM

Amendments Adopted  
H-432

LD 1558 proposed authorizing the conveyance of certain property by the Director of the Bureau of Parks and Lands within the Department of Conservation to SP Forests, L.L.C. for fair market value as established by an independent appraiser.

**Committee Amendment "A" (H-432)** proposed adding a fiscal note.

### ***Enacted Law Summary***

Resolve 2003, chapter 65 authorizes the conveyance of certain property by the Director of the Bureau of Parks and Lands within the Department of Conservation to SP Forests, L.L.C. for fair market value as established by an independent appraiser. The State will be acquiring land of greater fair market value and containing significantly greater public recreational opportunities. The Bureau of Parks and Lands is seeking funds from the Land for Maine's Future program and the Outdoor Heritage Fund to make up the net difference in fair market value between the properties being conveyed and those being acquired. The acquisitions include shore frontage on Sebois Lake in Lakeview Plantation, land abutting the East Machias River and an island in Rock Lake in Washington County.

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LD 1583

An Act Concerning the Animal Health and Disease Control Laws

PUBLIC 386

<u>Sponsor(s)</u> BRYANT PIOTTI	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-187
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LD 1583 proposed making administrative and technical changes to importation requirements for certain livestock. It proposed changes and clarifications in the standards for the licensing of deer and elk (cervid) farms. It proposed requiring the Commissioner of Agriculture, Food and Rural Resources to develop a chronic wasting disease surveillance program and a cattle health assurance program.

**Committee Amendment "A" (S-187)** proposed several technical changes and rewriting certain provisions in the bill for clarification. It proposed deleting language in the bill proposing fencing a minimum of 6 feet in height as the containment standard for large game shooting areas.

*Enacted Law Summary*

Public Law 2003, chapter 386 requires the Commissioner of Agriculture, Food and Rural Resources to develop a cattle health assurance program including an assessment plan for on-site evaluation of farms. It requires the commissioner to adopt routine technical rules for the administration of this program. It updates and clarifies standards for the licensing of deer and elk (cervid) farms. It requires the commissioner to develop a chronic wasting disease surveillance program.

LD 1616

An Act To Promote Stewardship of Forest Resources

PUBLIC 422

<u>Sponsor(s)</u> COLWELL BRYANT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-512
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LD 1616 proposed a definition of "liquidation harvesting". It proposed requiring the Commissioner of Conservation to provisionally adopt major substantive rules substantially prohibiting liquidation harvesting and to develop recommendations for additional solutions to address liquidation harvesting. It proposed requiring the Department of Conservation to provide a final report no later than January 2, 2004 to the Joint Standing Committee on Agriculture, Conservation and Forestry and authorizing the committee to report out a bill to the Second Regular Session of the 121st Legislature to implement the recommendations in the report.

**Committee Amendment "A" (H-512)** proposed requiring the Commissioner of Conservation to submit the provisionally adopted rules to the Legislature by February 1, 2004, the same date by which provisional adoption is required. It proposed directing the commissioner to seek input from logging professionals and representatives of financial institutions in addition to other parties specified in the bill.

*Enacted Law Summary*

Public Law 2003, chapter 422 defines "liquidation harvesting" and requires the Commissioner of Conservation to provisionally adopt major substantive rules to substantially eliminate liquidation harvesting. The rule must be

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submitted to the Legislature by February 1, 2004. Chapter 422 specifies that the rule include appropriate exemptions for harvests covering small acreages, permitted land conversions and for land managed under an independent 3-rd party certification for sustainable forest management. It also requires the Commissioner of Conservation to solicit input from interested parties in developing recommendations for additional solutions to the issue of liquidation harvesting. It requires the Department of Conservation to provide a final report no later than January 2, 2004 to the Joint Standing Committee on Agriculture, Conservation and Forestry and authorizes the committee to report out a bill to the Second Regular Session of the 121st Legislature to implement the recommendations in the report.

**HP 724**                      **JOINT STUDY ORDER – The Joint Standing Committee on ACF**                      **PASSED**  
**shall conduct a study of New Payment Models for the Logging**  
**Industry**

<u>Sponsor(s)</u> JACKSON	<u>Committee Report</u> OTP	<u>Amendments Adopted</u> S-263
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### *Enacted Law Summary*

House Paper 724 directs the Joint Standing Committee on Agriculture, Conservation and Forestry to conduct a study during authorized interim committee meetings on new payments models for the logging industry. More specifically, the committee is directed to examine how logging contractors and their employees are paid, the impact of public policies on forest management, and state labor and educational policies pertaining to logger apprenticeship programs. The committee is required to submit a report, including any legislation necessary to implement recommendations, to the Legislature no later than December 3, 2003.

**SP 586**                      **JOINT ORDER – Directing the Office of Policy & Legal Analysis**                      **PASSED**  
**and the Office of the Revisor of Statutes to Recodify MRSA, Title 7**

<u>Sponsor(s)</u> BRYANT	<u>Committee Report</u>	<u>Amendments Adopted</u>
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### *Enacted Law Summary*

Senate Paper 586 directs the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes to prepare a bill that proposes the recodification of Maine Revised Statutes, Title 7. Title 7 contains laws relating to agriculture and animals. The offices are directed to reorganize the laws in Title 7, eliminate archaic terms and confusing language, update cross references and make technical changes to improve the readability and accessibility of the Title. The offices are directed to submit the proposed recodification bill to the joint standing committee having jurisdiction over agricultural matters no later than January 15, 2005.

*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Appropriations And Financial Affairs*

*July 2003*

**Members:**

*Sen. Mary R. Cathcart, Chair  
Sen. Margaret R. Rotundo  
Sen. Karl W. Turner*

*Rep. Joseph C. Brannigan, Chair  
Rep. Richard H. Mailhot  
Rep. Scott W. Cowger  
Rep. Benjamin F. Dudley  
Rep. Sean Faircloth  
Rep. Hannah Pingree  
Rep. Richard W. Rosen  
Rep. S. Peter Mills  
Rep. H. Sawin Millett, Jr.  
Rep. Julie Ann O'Brien*

**Staff:**

*James K. Dionne, Principal Analyst*

*Office of Fiscal and Program Review  
5 State House Station  
Augusta, ME 04333-0005  
(207) 287-1635*

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

**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>	50	64.9%	3.1%
<u><i>Bills Carried Over</i></u>	<u>27</u>	<u>35.1%</u>	<u>1.7%</u>
<b>Total Bills referred</b>	<b>77</b>	<b>100.0%</b>	<b>4.7%</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>77</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%
<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>
<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>	2	4.0%	0.1%
<i>Ought to Pass as Amended</i>	5	10.0%	0.3%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>37</u>	<u>74.0%</u>	<u>2.5%</u>
<b>Total unanimous reports</b>	<b>44</b>	<b>88.0%</b>	<b>3.0%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	6	12.0%	0.4%
<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>6</b>	<b>12.0%</b>	<b>0.4%</b>
<b>Total committee reports</b>	<b>50</b>	<b>100.0%</b>	<b>3.4%</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>	5	6.5%	0.3%
<i>Private and Special Laws</i>	1	1.3%	0.1%
<i>Resolves</i>	1	1.3%	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>7</b>	<b>9.1%</b>	<b>0.4%</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.

Prepared by the Office of Policy and Legal Analysis  
121st Legislature, First Regular Session

**Joint Standing Committee on Appropriations and Financial Affairs**

**SUBJECT INDEX**

*Budget Bills*

Enacted

LD 483	An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2003	<b>PUBLIC 2 EMERGENCY</b>	<b>Page 58</b>
LD 1319	An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005	<b>PUBLIC 20 EMERGENCY</b>	<b>Page 100</b>
LD 1574	An Act To Make Additional Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2003, June 30, 2004 and June 30, 2005	<b>PUBLIC 51 EMERGENCY</b>	<b>Page 132</b>
LD 1614	An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2003, June 30, 2004 and June 30, 2005	<b>PUBLIC 451 EMERGENCY</b>	<b>Page 140</b>

Not Enacted

None

*General Fiscal Policy*

Enacted

None

**Not Enacted**

LD 3	An Act to Amend the Membership of the Revenue Forecasting Committee	CARRIED OVER	Page 48
LD 321	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for Protected Reserve Funds	ONTP	Page 54
LD 336	An Act to Fund the Endowment Incentive Fund	CARRIED OVER	Page 54
LD 449	An Act To Require All Fees, Fines and Penalties To Be Deposited into the General Fund	ONTP	Page 57
LD 509	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide That the State Fund 100 Percent of Education for Students from Kindergarten to Postsecondary School	ONTP	Page 87
LD 749	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Control State Spending Based on Certain Guidelines	ONTP	Page 92
LD 813	An Act Concerning Multiple Item Bond Issues	ONTP	Page 93
LD 1064	An Act To Reduce the Size of All Departments and Agencies	ONTP	Page 96
LD 1078	An Act To Establish a New Method of Determining the State Budget	ONTP	Page 96
LD 1167	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict an Increase in the Growth of the State Budget to No Greater than 75% of the Rate of Growth of Per Capita Income	DIED ON ADJOURNMENT	Page 97
LD 1307	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Create the Maine Economic Stabilization and Endowment Fund	ONTP	Page 99
LD 1383	An Act To Limit the Growth of Government Spending	DIED ON ADJOURNMENT	Page 127
HP 772	JOINT ORDER, Joint Standing Committee on AFA shall undertake Study of the Fiscal Note Process	REFERRED BY THE HOUSE TO THE RULES COMMITTEE	Page 159



## *General Obligation Bond Issues*

### Enacted

<b>LD 1566</b>	<b>An Act To Authorize a General Fund Bond Issue in the Amount of \$60,000,000 for Municipal Facilities and for Investments in Research, Development, Farming and Affordable Housing in Order To Sustain and Improve Maine's Economy</b>	<b>PUBLIC 50</b>	<b>Page 128</b>
<b>LD 1628</b>	<b>Resolve, Concerning Reauthorization of a 1997 Pollution Control Bond Issue</b>	<b>RESOLVE 72</b>	<b>Page 158</b>

### Not Enacted

<b>LD 39</b>	<b>An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Promote Affordable Housing</b>	<b>ONTP</b>	<b>Page 48</b>
<b>LD 115</b>	<b>An Act to Authorize a General Fund Bond Issue to Enable Low-income and Moderate-income Families to Conserve Energy in Their Homes</b>	<b>ONTP</b>	<b>Page 49</b>
<b>LD 164</b>	<b>An Act To Authorize a General Fund Bond Issue in the Amount of \$30,000,000 To Fund Healthy Schools Through the School Revolving Renovation Fund</b>	<b>CARRIED OVER</b>	<b>Page 50</b>
<b>LD 165</b>	<b>An Act To Authorize a General Fund Bond Issue in the Amount of \$1,200,000 To Provide Economic Development in Western Maine</b>	<b>ONTP</b>	<b>Page 51</b>
<b>LD 228</b>	<b>An Act To Authorize a General Fund Bond Issue in the Amount of \$20,000,000 To Provide Maine's 7 Technical Colleges with Essential Facilities Improvements and Classroom Equipment</b>	<b>CARRIED OVER</b>	<b>Page 53</b>
<b>LD 353</b>	<b>An Act To Authorize a General Fund Bond Issue in the Amount of \$500,000 To Fund the Challenger Learning Center of Maine</b>	<b>ONTP</b>	<b>Page 55</b>
<b>LD 394</b>	<b>An Act To Authorize a General Fund Bond Issue in the Amount of \$2,700,000 for Maine Maritime Academy</b>	<b>CARRIED OVER</b>	<b>Page 56</b>

<b>LD 405</b>	<b>An Act To Authorize a General Fund Bond Issue in the Amount of \$50,000,000 for Research and Development and Capital Improvements for the University of Maine System and the Maine Technical College System</b>	<b>ONTP</b>	<b>Page 57</b>
<b>LD 534</b>	<b>An Act To Authorize a General Fund Bond Issue in the Amount of \$4,000,000 To Construct the Gulf of Maine Research Laboratory</b>	<b>ONTP</b>	<b>Page 87</b>
<b>LD 582</b>	<b>An Act To Authorize a General Fund Bond Issue in the Amount of \$50,000,000 To Fund Renovating or Replacing Civic Centers Statewide</b>	<b>ONTP</b>	<b>Page 88</b>
<b>LD 652</b>	<b>An Act To Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for Economic Development</b>	<b>ONTP</b>	<b>Page 89</b>
<b>LD 677</b>	<b>An Act To Authorize a General Fund Bond Issue in the Amount of \$6,000,000 To Enable LifeFlight of Maine to Fully Implement a Statewide, Dedicated Air-medical Response System</b>	<b>CARRIED OVER</b>	<b>Page 90</b>
<b>LD 740</b>	<b>An Act to Authorize a General Fund Bond Issue in the Amount of \$8,200,000 for Use in Implementing the Maine Library of Geographic Information</b>	<b>ONTP</b>	<b>Page 92</b>
<b>LD 885</b>	<b>An Act To Authorize a General Fund Bond Issue in the Amount of \$50,000,000 to Promote Revitalization of Service Center Communities through Infrastructure Improvements</b>	<b>ONTP</b>	<b>Page 93</b>
<b>LD 908</b>	<b>An Act To Authorize a General Fund Bond Issue in the Amount of \$1,000,000 To Provide Funds to Riverfront Municipalities To Develop Riverfront Cultural Heritage Centers</b>	<b>CARRIED OVER</b>	<b>Page 93</b>
<b>LD 1052</b>	<b>An Act To Authorize a General Fund Bond Issue in the Amount of \$5,800,000 To Adequately Fund the Applied Technology Development Centers in Order To Increase the Number of Research and Development Jobs and Companies in the State</b>	<b>ONTP</b>	<b>Page 96</b>
<b>LD 1089</b>	<b>An Act To Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for Energy Conservation in State Buildings and Facilities</b>	<b>CARRIED OVER</b>	<b>Page 97</b>
<b>LD 1173</b>	<b>An Act To Continue the Maine Farms for the Future Program</b>	<b>ONTP</b>	<b>Page 98</b>

<b>LD 1232</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the State Bonding Limit under Certain Circumstances</b>	<b>ONTP</b>	<b>Page 98</b>
<b>LD 1292</b>	<b>An Act To Authorize a General Fund Bond Issue in the Amount of \$20,000,000 for Capital Projects and Major Maintenance at State and Municipal Parks and Historic Sites, for Acquiring Land for Coastal and Inland Waterway Access and for Capitalizing a Revolving Loan Fund for Land Trusts and Municipalities To Acquire Land and Conservation Easements for Public Access</b>	<b>CARRIED OVER</b>	<b>Page 99</b>
<b>LD 1569</b>	<b>An Act To Authorize a General Fund Bond Issue in the Amount of \$16,800,000 To Construct and Upgrade Water Pollution Control Facilities, To Remediate Solid Waste Landfills, To Clean Up Uncontrolled Hazardous Substance Sites and To Make Drinking Water System Improvements</b>	<b>CARRIED OVER</b>	<b>Page 131</b>
<b>LD 1572</b>	<b>An Act To Authorize Department of Transportation Bond Issues in the Amount of \$75,000,000 for Improvements to Highways; Bridges; Airports; State-owned Ferry Vessels; Ferry and Port Facilities; Port and Harbor Structures; Development of Rail Corridors; Improvements to Railroad Structures and Intermodal Facilities; Investment in Public Transportation Fleet and Public Park and Ride and Service Facilities; and Statewide Trail and Pedestrian Improvements</b>	<b>CARRIED OVER</b>	<b>Page 131</b>
<b>LD 1591</b>	<b>An Act To Authorize a General Fund Bond Issue in the Amount of \$13,300,000 To Address Health, Safety and Compliance Deficiencies in the University of Maine System; To Expedite the Creation of a Community College System; To Make Improvements to State Parks; To Make Cultural Improvements; and To Modernize the State Court System</b>	<b>CARRIED OVER</b>	<b>Page 139</b>

***Maine Governmental Facilities Authority/Other Debt Authorization***

**Enacted**

**None**

**Not Enacted**

LD 356	An Act To Build a Prison in Washington County	CARRIED OVER	Page 56
LD 665	An Act To Authorize Funds To Renovate the State's Court Facilities in the City of Bangor	DIED ON ADJOURNMENT	Page 90
LD 1232	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the State Bonding Limit under Certain Circumstances	ONTP	Page 98

***Funding Collective Bargaining***

**Enacted**

None

**Not Enacted**

None

***Miscellaneous Funding and Other Requests***

**Enacted**

LD 193	An Act to Increase Funding for the Maine Dental Education Loan Program	P&S 31	Page 52
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**Not Enacted**

LD 47	Resolve, to Fund Scholarships to the Seeds of Peace Camp	CARRIED OVER	Page 48
LD 119	An Act to Provide Continued Funding for the Maine Airs Program	ONTP	Page 49
LD 120	An Act to Continue Membership in the National Legislative Association on Prescription Drug Pricing	ONTP	Page 49
LD 124	An Act to Provide Funding for Positions to Provide Computer Services to the Blind	ONTP	Page 50
LD 142	An Act to Provide Medicaid Funding of Outstationed Eligibility Work	ONTP	Page 50

LD 167	An Act To Fund the Matching Requirement for Maine's Successful NASA EPSCoR Award	CARRIED OVER	Page 51
LD 190	An Act to Expand Funding and Services to Students of Limited Proficiency in English	CARRIED OVER	Page 52
LD 194	An Act to Increase the Adult Education State Subsidy by a Specific Percentage	CARRIED OVER	Page 52
LD 228	An Act To Authorize a General Fund Bond Issue in the Amount of \$20,000,000 To Provide Maine's 7 Technical Colleges with Essential Facilities Improvements and Classroom Equipment	CARRIED OVER	Page 53
LD 264	An Act to Stimulate Small Business Development and Job Creation among Women and Rural Entrepreneurs through Training and Technical Support	ONTP	Page 53
LD 279	An Act To Support the Regional Library System	CARRIED OVER	Page 53
LD 292	An Act To Support Individuals With Developmental Disabilities Who Have Been Physically or Sexually Abused	ONTP	Page 54
LD 337	An Act to Strengthen State Investment in the University of Maine System for Applied Research and Development	CARRIED OVER	Page 55
LD 350	An Act To Provide Funding For Construction of a Dormitory at the University of Maine at Fort Kent	ONTP	Page 55
LD 400	An Act To Promote Student Aspirations through Higher Education Scholarships	ONTP	Page 56
LD 438	An Act to Enhance Services for the Blind	ONTP	Page 57
LD 459	An Act To Appropriate Funds for the Millinocket Area Growth and Investment Council	ONTP	Page 58
LD 503	An Act To Stimulate Economic Recovery and Growth	ONTP	Page 85
LD 595	An Act To Appropriate Funds for a Study To Determine the Feasibility of a Medical School in Maine	CARRIED OVER	Page 88
LD 627	An Act To Provide Funding for a Superior Court Building in Washington County	ONTP	Page 88

<b>LD 634</b>	<b>An Act To Provide Funding for the Maine-Canada Trade Ombudsman</b>	<b>CARRIED OVER</b>	<b>Page 89</b>
<b>LD 650</b>	<b>An Act To Improve Technology Funding</b>	<b>ONTP</b>	<b>Page 89</b>
<b>LD 716</b>	<b>An Act To Continue Necessary State Funding of Freestanding, Nonprofit Psychiatric Hospitals for Services Provided to Indigent Patients and for Other Purposes</b>	<b>CARRIED OVER</b>	<b>Page 91</b>
<b>LD 734</b>	<b>Resolve, To Address the Maine Nursing Workforce Shortage through the Expansion of Nursing Education</b>	<b>ONTP</b>	<b>Page 91</b>
<b>LD 791</b>	<b>An Act To Fully Fund Retirement Benefits for Game Wardens and Marine Patrol Officers</b>	<b>CARRIED OVER</b>	<b>Page 92</b>
<b>LD 813</b>	<b>An Act Concerning Multiple Item Bond Issues</b>	<b>ONTP</b>	<b>Page 93</b>
<b>LD 993</b>	<b>An Act To Promote Economic Growth by Retaining Engineers in Maine</b>	<b>CARRIED OVER</b>	<b>Page 94</b>
<b>LD 1002</b>	<b>Resolve, To Provide Emergency Relief for the Schools in East Millinocket</b>	<b>ONTP</b>	<b>Page 94</b>
<b>LD 1021</b>	<b>Resolve, To Renew the Veterans' Emergency Assistance Program</b>	<b>CARRIED OVER</b>	<b>Page 94</b>
<b>LD 1024</b>	<b>An Act To Increase Access to Prescription Drugs for Low-income Elderly and Disabled People</b>	<b>ONTP</b>	<b>Page 95</b>
<b>LD 1048</b>	<b>An Act To Implement 2 Recommendations of the Commission on Fatherhood Issues Related to Family Case Management Officers and Noncustodial Parent Outreach Programs</b>	<b>ONTP</b>	<b>Page 95</b>
<b>LD 1149</b>	<b>An Act To Support Maine's Franco-American Heritage and the Kennebec-Chaudiere International Corridor</b>	<b>CARRIED OVER</b>	<b>Page 97</b>
<b>LD 1173</b>	<b>An Act To Continue the Maine Farms for the Future Program</b>	<b>ONTP</b>	<b>Page 98</b>
<b>LD 1249</b>	<b>An Act To Amend the Laws Governing the Quality Child Care Tax Credit</b>	<b>CARRIED OVER</b>	<b>Page 98</b>
<b>LD 1442</b>	<b>An Act To Provide Administrative Support to the Treasurer of State's Cash Pool</b>	<b>ONTP</b>	<b>Page 128</b>

*Bills Not Referred to Committee*

**Enacted**

**None**

**Not Enacted**

**HP 772**

**JOINT ORDER, Joint Standing Committee on AFA  
shall undertake Study of the Fiscal Note Process**

**REFERRED BY Page 159  
THE HOUSE TO  
THE RULES  
COMMITTEE**

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 3**                      **An Act to Amend the Membership of the Revenue Forecasting Committee**                      **CARRIED OVER**

<u>Sponsor(s)</u> BRUNO		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 3 proposes to change the membership of the Revenue Forecasting Committee by replacing one of the Legislature's nonpartisan staff members with a public member who works for a private, for-profit business.

**LD 39**                      **An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Promote Affordable Housing**                      **ONTP**

<u>Sponsor(s)</u> BRENNAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 39 proposed to authorize a General Fund bond issue in the amount of \$10,000,000, that would be used for the Maine State Housing Authority to address the affordable housing crisis across the State by renovating or replacing affordable apartments and homes, by providing housing for people who were homeless, by reducing the costs of acquiring land for the development of new affordable housing, by providing predevelopment costs to nonprofit housing organizations and providing housing for mental health services consumers.

**LD 47**                      **Resolve, to Fund Scholarships to the Seeds of Peace Camp**                      **CARRIED OVER**

<u>Sponsor(s)</u> HEIDRICH BENNETT, R		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 47 proposes to provide \$25,000 for each of the next two fiscal years to support scholarships to the Seeds of Peace International Camp in Otisfield, Maine.



*Joint Standing Committee On Appropriations And Financial Affairs*

**LD 115**                      **An Act to Authorize a General Fund Bond Issue to Enable Low-income and Moderate-income Families to Conserve Energy in Their Homes**                      **ONTP**

<u>Sponsor(s)</u> BLISS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 115 proposed to authorize a General Fund bond issue in the amount \$8,000,000 to establish the Energy Conservation Grant and Loan Program for low-income and moderate-income households to purchase and install energy conservation improvements. The Maine State Housing Authority would operate the program in consultation with the Finance Authority of Maine. The law creating the program would take effect upon voter approval of the referendum required under Part B of the bill.

**LD 119**                      **An Act to Provide Continued Funding for the Maine Airs Program**                      **ONTP**

<u>Sponsor(s)</u> MAYO ADAMS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 119 proposed to appropriate \$50,000 in each year of the biennium on an ongoing basis to the Department of Labor for the continuation of the Maine Airs program through the Iris Network, formerly known as the Maine Center for the Blind and Visually Impaired.

**LD 120**                      **An Act to Continue Membership in the National Legislative Association on Prescription Drug Pricing**                      **ONTP**

<u>Sponsor(s)</u> MAYO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 120 proposed to provide funding to allow the State to continue to pay its share of the budget to participate as a member in the National Legislative Association on Prescription Drug Pricing for fiscal years 2003-04 and 2004-05.

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 124**                      **An Act to Provide Funding for Positions to Provide Computer Services to the Blind**                      **ONTP**

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

LD 124 proposed a General Fund appropriation of \$100,000 annually in fiscal years 2003-04 and 2004-05 for the Department of Labor to support a portion of the cost of three new Computer Access Specialist positions to provide computer access services to blind consumers regardless of age or location in the State.

**LD 142**                      **An Act to Provide Medicaid Funding of Outstationed Eligibility Work**                      **ONTP**

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

LD 142 proposed to provide funds for the Bureau of Medical Services within the Department of Human Services to contract for outstationing Medicaid eligibility services at federally qualified health centers.

**LD 164**                      **An Act To Authorize a General Fund Bond Issue in the Amount of \$30,000,000 To Fund Healthy Schools Through the School Revolving Renovation Fund**                      **CARRIED OVER**

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

LD 164 proposes to authorize a General Fund bond issue in the amount of \$30,000,000, to be used to increase funds in the School Revolving Renovation Fund for repairs and improvements in public school facilities to address health, safety and compliance deficiencies, general renovation needs and learning space upgrades.

This bill also proposes that 15% of funds awarded from the School Revolving Renovation Fund for renovation projects would be used for aspects of the renovation that promote energy efficiency.

*Joint Standing Committee On Appropriations And Financial Affairs*

**LD 165**

**An Act To Authorize a General Fund Bond Issue in the Amount of \$1,200,000 To Provide Economic Development in Western Maine**

**ONTP**

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

LD 165 proposed to authorize a General Fund bond issue in the amount of \$1,200,000 that would do the following:

Part A of this bill proposed to provide funds through a bond issue in the amount of \$1,200,000 which would include:

1. The sum of \$800,000 to complete renovations at the River Valley Technology Center in Rumford, Maine; and
2. The sum of \$400,000 for the purchase of computer numeric controlled machinery at the River Valley Technology Center in Rumford, Maine.

Part B of this bill proposed to include a one-time General Fund appropriation of \$100,000 in fiscal year 2003-04 for managerial expenses for the Applied Technology Development Center System.

**LD 167**

**An Act To Fund the Matching Requirement for Maine's Successful NASA EPSCoR Award**

**CARRIED OVER**

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

LD 167 proposes to appropriate \$307,653 for fiscal year 2003-04 to match federal and institutional match requirements for the 3<sup>rd</sup> and final year of a successful award to the Maine Space Grant Consortium under the National Aeronautics and Space Administration's Experimental Program to Stimulate Competitive Research, a federal and state partnership to build research capacity in 21 states and Puerto Rico and U.S. Virgin Islands that have traditionally received a lower proportion of federal research funding.

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 190**                    **An Act to Expand Funding and Services to Students of Limited Proficiency in English**                    **CARRIED OVER**

<u>Sponsor(s)</u> CUMMINGS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 190 proposed to provide funds for a 10% increase in funding for the English as a 2nd language program in the General Purpose Aid for Local Schools program within the Department of Education for students with limited English proficiency.

**LD 193**                    **An Act to Increase Funding for the Maine Dental Education Loan Program**                    **P&S 31**

<u>Sponsor(s)</u> LEDWIN ROTUNDO		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 193 proposed to allocate funds from the Fund for a Healthy Maine for loans to Maine residents enrolled in dental school or to repay loans for dentists who practice in underserved areas of the State.

***Enacted Law Summary:***

Private and Special 2003, chapter 31 allocates funds from the Fund for a Healthy Maine for loans to Maine residents enrolled in dental school or to repay loans for dentists who practice in underserved areas of the State.

**LD 194**                    **An Act to Increase the Adult Education State Subsidy by a Specific Percentage**                    **CARRIED OVER**

<u>Sponsor(s)</u> CUMMINGS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 194 proposes to increase the state adult education subsidy by 6% for each year of the 2004-2005 biennium.

*Joint Standing Committee On Appropriations And Financial Affairs*

**LD 228**                      **An Act To Authorize a General Fund Bond Issue in the Amount of \$20,000,000 To Provide Maine's 7 Technical Colleges with Essential Facilities Improvements and Classroom Equipment**                      **CARRIED OVER**

<u>Sponsor(s)</u> COLWELL DAGGETT		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 228 proposes to authorize a General Fund bond issue in the amount of \$20,000,000, which would be used to provide essential facilities improvements and classroom equipment for the State's 7 technical colleges.

**LD 264**                      **An Act to Stimulate Small Business Development and Job Creation among Women and Rural Entrepreneurs through Training and Technical Support**                      **ONTP**

<u>Sponsor(s)</u> EDMONDS NORTON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 264 proposed to provide funds to the Maine Centers for Women, Work and Community program within the Department of Labor to maintain capacity to provide entrepreneurial training, small business development and financial management assistance to help women and rural entrepreneurs create, sustain and expand microenterprises throughout the State.

**LD 279**                      **An Act To Support the Regional Library System**                      **CARRIED OVER**

<u>Sponsor(s)</u> BLANCHETTE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 279 proposes to appropriate \$200,000 in each of the next two fiscal years to offset increasing costs at the area reference and resource centers for the provision of Regional Library System activities.

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 292**                      **An Act To Support Individuals With Developmental Disabilities Who Have Been Physically or Sexually Abused**                      **ONTP**

<u>Sponsor(s)</u> LERMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 292 proposed to appropriate funds to the Mental Retardation Services - Community program within the Department of Behavioral and Developmental Services for the support of people with developmental disabilities who had been physically or sexually abused.

**LD 321**                      **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for Protected Reserve Funds**                      **ONTP**

<u>Sponsor(s)</u> MILLS, P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 321 proposed to amend the Constitution of Maine to allow the Legislature to create reserve funds to be used for capital improvements, long-range goals or fiscal contingencies and to prohibit spending the reserve funds for any purpose unless approved by a vote of 3/5 of the Legislature.

**LD 336**                      **An Act to Fund the Endowment Incentive Fund**                      **CARRIED OVER**

<u>Sponsor(s)</u> CATHCART		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 336 proposes to provide funds to carry out the purposes of the Endowment Incentive Fund, which was created by Public Law 1999, chapter 511 as a nonlapsing fund to match qualified private donations for academic purposes at the University of Maine System, the Maine Technical College System and the Maine Maritime Academy.

***Joint Standing Committee On Appropriations And Financial Affairs***

**LD 337**                      **An Act to Strengthen State Investment in the University of  
Maine System for Applied Research and Development**                      **CARRIED OVER**

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

LD 337 proposes to provide additional funds for the Maine Economic Improvement Fund for applied research and development in the University of Maine System.

**LD 350**                      **An Act To Provide Funding For Construction of a Dormitory at  
the University of Maine at Fort Kent**                      **ONTP**

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

LD 350 proposed to require the University of Maine System to borrow money and issue evidences of indebtedness in an amount up to \$8,750,000 to fund a dormitory to house up to 175 students at the University of Maine at Fort Kent. This bill proposed to specify that the financing could not exceed 15 years in duration and the interest rate could not exceed 6%.

**LD 353**                      **An Act To Authorize a General Fund Bond Issue in the Amount of  
\$500,000 To Fund the Challenger Learning Center of Maine**                      **ONTP**

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

LD 353 proposed to authorize a General Fund bond issue in the amount of \$500,000 to be used to create the Challenger Learning Center of Maine on the University College of Bangor campus to increase students' abilities in math, science and high technology.

***Joint Standing Committee on Appropriations and Financial Affairs***

**LD 356**                      **An Act To Build a Prison in Washington County**                      **CARRIED OVER**

<u>Sponsor(s)</u> PELLON HATCH, PH		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 356 proposes to authorize the Maine Governmental Facilities Authority to issue securities in an amount up to \$19,000,000 for the purpose of building a prison in Washington County.

**LD 394**                      **An Act To Authorize a General Fund Bond Issue in the Amount of \$2,700,000 for Maine Maritime Academy**                      **CARRIED OVER**

<u>Sponsor(s)</u> MCKENNEY SAWYER		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 394 proposes to authorize a General Fund bond issue in the amount of \$2,700,000, which would be used to repair and replace health and safety items, to renovate classroom buildings, to dredge the waterfront, to replace bulk heads and to construct a new classroom and a studio for Maine Maritime Academy.

**LD 400**                      **An Act To Promote Student Aspirations through Higher Education Scholarships**                      **ONTP**

<u>Sponsor(s)</u> BRENNAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 400 proposed to provide funds to the Student Financial Assistance Programs within the Finance Authority of Maine for the University of Maine System to use for scholarships.



*Joint Standing Committee On Appropriations And Financial Affairs*

**LD 405**                      **An Act To Authorize a General Fund Bond Issue in the Amount of \$50,000,000 for Research and Development and Capital Improvements for the University of Maine System and the Maine Technical College System**                      **ONTP**

<u>Sponsor(s)</u> BRENNAN FAIRCLOTH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 405 proposed to authorize a General Fund bond issue in the amount of \$50,000,000 to be used for research and development and capital improvements for the University of Maine System and the Maine Technical College System.

**LD 438**                      **An Act to Enhance Services for the Blind**                      **ONTP**

<u>Sponsor(s)</u> GILMAN DUPLESSIE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 438 proposed to provide funds for the Division for the Blind and Visually Impaired within the Department of Labor for computer access technology, independent living services, education services to blind and visually impaired children and adjustment counseling for blind and visually impaired persons and their family members.

**LD 449**                      **An Act To Require All Fees, Fines and Penalties To Be Deposited into the General Fund**                      **ONTP**

<u>Sponsor(s)</u> JOY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 449 proposed to require, beginning October 1, 2003, all fines, forfeitures, fees and penalties collected by a department or agency of the State would be deposited into the General Fund. This bill proposed to require the Commissioner of Administrative and Financial Services to submit legislation that would amend the Maine Revised Statutes to change any provisions of current law to effectuate the intent of this bill.

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 459**

**An Act To Appropriate Funds for the Millinocket Area Growth and Investment Council**

**ONTP**

Sponsor(s)  
DUPREY, G  
STANLEY

Committee Report  
ONTP

Amendments Adopted

LD 459 proposed to provide funds for the Millinocket Area Growth and Investment Council for economic development.

**LD 483**

**An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2003**

**PUBLIC 2  
EMERGENCY**

Sponsor(s)  
BRANNIGAN  
CATHCART

Committee Report  
OTP-AM

Amendments Adopted  
H-6

Part A proposed to make appropriations and allocations of funds.

Part B proposed to make appropriations and allocations of funds for approved reclassifications and range changes.

Part C proposed to:

1. Authorize the State Budget Officer to transfer by financial order upon approval of the Governor the salary savings amounts identified in Part A of this Act;
2. Authorize the State Budget Officer to transfer by financial order upon approval of the Governor the curtailment amounts identified in the fiscal year 2002-03 Personal Services, All Other and Capital Expenditures appropriations of the accounts in Financial Order 06158 F3, for all departments and agencies up to the amount of the deappropriations in Part A, section 1 of this Act;
3. Lapse \$153,054 from the General Fund Salary Plan account in the Department of Administrative and Financial Services to the General Fund in fiscal year 2002-03;
4. Lapse \$8,000 from the Homestead Property Tax Exemption - Mandate Reimbursement General Fund account in the Department of Administrative and Financial Services to the General Fund in fiscal year 2002-03;
5. Transfer \$37,000 from the Food Vending Services, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund no later than June 30, 2003;

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6. Transfer \$250,000 from the Elderly Tax Deferral, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund no later than June 30, 2003; and
7. Recognize an additional \$300,000 in undedicated revenue to the General Fund in fiscal year 2002-03 from lottery revenues by delaying the issuance of one or more Outdoor Heritage Fund Instant Ticket Games from fiscal year 2002-03 to fiscal year 2003-04.

### Part D proposed to:

1. Transfer \$25,000 from the Harness Racing Commission, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003;
2. Transfer \$25,000 from the Quality Assurance and Regulation, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003;
3. Transfer \$55,000 from the Agricultural Production, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003;
4. Transfer \$15,000 from the Animal Industry Fund, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003;
5. Transfer \$27,852 from the Office of the Commissioner, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003;
6. Transfer \$691 from the Office of Agricultural and Natural Resources, Other Special Revenue Funds account, from appropriation unit 02, in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003;
7. Transfer \$4,644 from the Office of Agricultural and Natural Resources, Other Special Revenue Funds account, from appropriation unit 03, in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003; and
8. Transfer \$6,805 from the Production and Marketing Development, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part E proposed to transfer \$16,352 from the Arts and Humanities, Other Special Revenue Funds account in the Maine Arts Commission to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part F proposed to transfer \$20,000 from the Attorney General - Legal Services, Other Special Revenue Funds account in the Department of the Attorney General to the unappropriated surplus of the General Fund no later than June 30, 2003.

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Part G proposed to transfer \$50,242 from the Statewide Single Audit Set Aside, Other Special Revenue Funds account in the Department of Audit to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part H proposed to:

1. Amend the law to include in the definition of Residential Treatment Facility the Aroostook Residential Center, Elizabeth Levinson Center and Freeport Towne Square, which are state-operated facilities within the Department of Behavioral and Developmental Services;
2. Lapse \$260,224 in the Mental Health Services Community Medicaid General Fund account in the Department of Behavioral and Developmental Services to the General Fund in fiscal year 2002-03;
3. Lapse \$30,795 in the Disproportionate Share - Augusta Mental Health Institute General Fund account in the Department of Behavioral and Developmental Services to the General Fund in fiscal year 2002-03;
4. Lapse \$40,270 in the Disproportionate Share - Bangor Mental Health Institute General Fund account in the Department of Behavioral and Developmental Services to the General Fund in fiscal year 2002-03;
5. Transfer \$13,194 from the Mental Retardation Services Community, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund no later than June 30, 2003;
6. Transfer \$157,293 from the Mental Health Services Commission, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund no later than June 30, 2003;
7. Transfer \$433,516 from the Mental Health Services Children - Maximus, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund no later than June 30, 2003;
8. Transfer \$25,167 from the Office of Substance Abuse Services, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund no later than June 30, 2003; and
9. Recognize \$1,626,396 in undedicated revenue to the General Fund in fiscal year 2002-03 from the Department of Behavioral and Developmental Services' request for federal reimbursement of Mental Retardation Case Management.

Part I proposed to lapse \$86,408 in the Downeast Correctional Facility General Fund carrying account in the Department of Corrections to the General Fund in fiscal year 2002-03.

Part J proposed to:

1. Transfer \$15,000 from the Whitewater Rafting Parks and Recreation Fund, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003;

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2. Transfer \$65,000 from the Conservation Central Administration - General Services, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003;
3. Transfer \$20,000 from the Publications Revolving Fund, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003;
4. Transfer \$50,000 from the Community Forestry Fund, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003;
5. Transfer \$128,000 from the Boating Facilities Fund, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003;
6. Transfer \$3,200 from the Land Use Regulation Mining Rules, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003;
7. Transfer \$169,000 from the Shore and Harbor Management Fund, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003;
8. Transfer \$3,111 from the Coastal Island Registry, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003; and
9. Transfer \$40,000 from the Community Forestry Fund, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003. This one-time transfer is to fund the retroactive portion of the forester position range change in Part B, section 1 of this bill.

### Part K proposed to:

1. Transfer \$19,900 from the Armory Rental Fund, Other Special Revenue Funds account in the Department of Defense, Veterans and Emergency Management to the unappropriated surplus of the General Fund no later than June 30, 2003;
2. Transfer \$78,000 from the Emergency Response Operations, Other Special Revenue Funds account in the Department of Defense, Veterans and Emergency Management to the unappropriated surplus of the General Fund no later than June 30, 2003; and
3. Transfer \$20,000 from the Emergency Response, Other Special Revenue Funds account in the Department of Defense, Veterans and Emergency Management to the unappropriated surplus of the General Fund no later than June 30, 2003.

### Part L proposed to:

## *Joint Standing Committee on Appropriations and Financial Affairs*

1. Establish an Energy Conservation Small Business Revolving Loan Program Fund account in the Energy Conservation Division program within the Department of Economic and Community Development. The fund would be a nonlapsing and interest-earning account.
2. Transfer \$1,500 from the Curriculum Training and Workshop, Other Special Revenue Funds account in the Department of Economic and Community Development to the unappropriated surplus of the General Fund no later than June 30, 2003;
3. Transfer \$6,905 from the Office of Energy Resources, Other Special Revenue Funds account in the Department of Economic and Community Development to the unappropriated surplus of the General Fund no later than June 30, 2003; and
4. Transfer \$22,211 from the Publications Revolving Fund, Other Special Revenue Funds account in the Department of Economic and Community Development to the unappropriated surplus of the General Fund no later than June 30, 2003.

### Part M proposed to:

1. Transfer \$60 from the Mellon III Grant, Other Special Revenue Funds account in the Department of Education to the unappropriated surplus of the General Fund no later than June 30, 2003;
2. Transfer \$629 from the Loss Prevention and Recovery, Other Special Revenue Funds account in the Department of Education to the unappropriated surplus of the General Fund no later than June 30, 2003;
3. Transfer \$43 from the Interactive Television, Other Special Revenue Funds account in the Department of Education to the unappropriated surplus of the General Fund no later than June 30, 2003; and
4. Transfer \$3,977 from the Workshops and Training, Other Special Revenue Funds account in the Department of Education to the unappropriated surplus of the General Fund no later than June 30, 2003.

### Part N proposed to:

1. Transfer \$286,000 from the Maine Environmental Protection Fund, Other Special Revenue Funds account in the Department of Environmental Protection to the unappropriated surplus of the General Fund no later than June 30, 2003; and
2. Transfer \$30,000 from the Borrow Pit Regulation, Other Special Revenue Funds account in the Department of Environmental Protection to the unappropriated surplus of the General Fund no later than June 30, 2003.

### Part O proposed to:

1. Transfer \$100,000 from the Governor's Contingent Account, General Fund in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003;
2. Lapse \$117,664 in the Smart Growth Initiative account in the Executive Department to the General Fund in fiscal year 2002-03;

## *Joint Standing Committee On Appropriations And Financial Affairs*

3. Transfer \$27,383 from the State Planning Office, Other Special Revenue Funds account in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003;
4. Transfer \$6,600 from the State Planning Office - Workshops and Training, Other Special Revenue Funds account in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003;
5. Transfer \$3,257 from the State Planning Office - Publications, Other Special Revenue Funds account in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003;
6. Transfer \$1,000 from the State Planning Office - Energy Related Homes Program, Other Special Revenue Funds account in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003;
7. Transfer \$432 from the State Planning Office - Maine Commission for Community Service, Other Special Revenue Funds account in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003; and
8. Transfer \$86,086 from the Public Advocate Regulatory Fund, Other Special Revenue Funds account in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part P proposed to transfer \$50,615 from the Maine Health Data Organization, Other Special Revenue Funds account in the Maine Health Data Organization to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part Q proposed to transfer \$16,352 from the Maine Historic Preservation Commission, Other Special Revenue Funds account in the Maine State Historic Preservation Commission to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part R proposed to transfer \$3,201,250 from the Maine State Housing Authority - HOME Fund, Other Special Revenue Funds account in the Maine State Housing Authority to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part S proposed to transfer \$11,853 from the Human Rights Commission, Other Special Revenue Funds account in the Human Rights Commission to the unappropriated surplus of the General Fund no later than June 30, 2003. The intent of this transfer was to provide the funding for the General Fund appropriation request for the Human Rights Commission in Part A of this bill.

Part T proposed to transfer \$58,126 from the Bureau of Medical Services, Other Special Revenue Funds account in the Department of Human Services to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part U proposed to:

1. Transfer \$136,913 from the unappropriated surplus of the General Fund to the Inland Fisheries and Wildlife Carrying Balances - GF account. This amount represents the adjustment difference between fiscal year 2001-02 actual and estimated revenues. These funds would have

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been allotted by financial order in fiscal year 2002-03 to the Department of Inland Fisheries and Wildlife program upon recommendation of the State Budget Officer and approval of the Governor;

2. Lapse \$150,000 from the Inland Fisheries and Wildlife - Carrying General Fund account in the Department of Inland Fisheries and Wildlife to the General Fund in fiscal year 2002-03. These savings are available from funds set aside for the Hatchery Engineering project. The project costs would be paid from bond funds; and
3. Transfer \$168 from the Commissioner's Office, Other Special Revenue Funds account in the Department of Inland Fisheries and Wildlife to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part V proposed to transfer \$72,800 from the Supreme Judicial and Superior Courts, Other Special Revenue Funds account in the Judicial Department to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part W proposed to:

1. Establish the Rehabilitation Services - Medicaid General Fund account in the Department of Labor as a nonlapsing carrying account;
2. Lapse \$131,100 in the Governor's Training Initiative General Fund account in the Department of Labor to the General Fund in fiscal year 2002-03;
3. Transfer \$80,000 from the Employment Services Activity, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund no later than June 30, 2003;
4. Transfer \$150,000 from the Blind and Visually Impaired, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund no later than June 30, 2003; and
5. Transfer \$87,504 from the Safety Education and Training Fund, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part X proposed to:

1. Transfer \$225,000 from the Watercraft Fund, Other Special Revenue Funds account in the Department of Marine Resources to the unappropriated surplus of the General Fund no later than June 30, 2003;
2. Transfer \$150,000 from the Shellfish Fund, Other Special Revenue Funds account in the Department of Marine Resources to the unappropriated surplus of the General Fund no later than June 30, 2003;
3. Transfer \$17,670 from the Loss Prevention, Other Special Revenue Funds account in the Department of Marine Resources to the unappropriated surplus of the General Fund no later than June 30, 2003; and



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4. Transfer \$1,591 from the Boat Sale Conversion, Other Special Revenue Funds account in the Department of Marine Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.

### Part Y proposed to:

1. Transfer \$8,176 from the Publications Revolving Fund, Other Special Revenue Funds account in the Maine State Museum to the unappropriated surplus of the General Fund no later than June 30, 2003; and
2. Transfer \$8,176 from the Private Contribution Revolving Fund, Other Special Revenue Funds account in the Maine State Museum to the unappropriated surplus of the General Fund no later than June 30, 2003.

### Part Z proposed to:

1. Transfer \$144,830 from the Office of Consumer Credit Regulation, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003;
2. Transfer \$572,176 from the Bureau of Insurance Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003;
3. Transfer \$184,721 from the Bureau of Financial Institutions, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003;
4. Transfer \$1,166,916 from the Office of Licensing and Enforcement, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003;
5. Transfer \$306,858 from the Office of Securities, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003;
6. Transfer \$43,860 from the Board of Registration for Professional Engineers, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003;
7. Transfer \$57,589 from the Board of Licensure in Medicine, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003; and
8. Transfer \$108,050 from the State Board of Nursing, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003.

### Part AA proposed to:

## *Joint Standing Committee on Appropriations and Financial Affairs*

1. Transfer \$325,787 from the Maine Criminal Justice Academy Tobacco Fines, Other Special Revenue Funds account in the Department of Public Safety to the unappropriated surplus of the General Fund no later than June 30, 2003;
2. Transfer \$35,800 from the Bureau of Highway Safety - Defensive Driving, Other Special Revenue Funds account in the Department of Public Safety to the unappropriated surplus of the General Fund no later than June 30, 2003; and
3. Transfer \$123,301 from the Emergency Services Communication Bureau - E-911 Fund, Other Special Revenue Funds account in the Department of Public Safety to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part BB proposed to:

1. Transfer \$408,185 from the Consumer Education Fund, Other Special Revenue Funds account in the Public Utilities Commission to the unappropriated surplus of the General Fund no later than June 30, 2003; and
2. Transfer \$600,000 from the Conservation Administration Fund, Other Special Revenue Funds account in the Public Utilities Commission to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part CC proposed to transfer \$129,714 from the Bureau of Administrative Services and Corporations, Other Special Revenue Funds account in the Department of the Secretary of State to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part DD proposed to:

1. Transfer \$207,102 from the Suspense Receivable, Other Special Revenue Funds account in the Department of Transportation to the unappropriated surplus of the General Fund no later than June 30, 2003; and
2. Transfer \$50,000 from the Railroad Assistance, Other Special Revenue Funds account in the Department of Transportation to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part EE proposed to transfer \$7,271,841 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund, on or before June 30, 2003, as reimbursement for funds provided for highway improvement projects.

Part FF proposed to transfer \$500,000 from the Operating Capital of the General Fund to the unappropriated surplus of the General Fund no later than June 30, 2003.

**Committee Amendment "A" (H-6)** proposed the following:

Part A proposed to make appropriations and allocations of funds.

Part B proposed to make appropriations and allocations of funds for approved reclassifications and range changes.

Part C proposed to:

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1. Authorize the State Budget Officer to transfer by financial order upon approval of the Governor the salary savings amounts identified in Part A of this Act;
2. Authorize the State Budget Officer to transfer by financial order upon approval of the Governor the curtailment amounts identified in the fiscal year 2002-03 Personal Services, All Other and Capital Expenditures appropriations of the accounts in Financial Order 06158 F3, for all departments and agencies up to the amount of the deappropriations in Part A, section 1 of this Act;
3. Lapse \$153,034 from the General Fund Salary Plan account in the Department of Administrative and Financial Services to the General Fund in fiscal year 2002-03;
4. Lapse \$8,000 from the Homestead Property Tax Exemption - Mandate Reimbursement General Fund account in the Department of Administrative and Financial Services to the General Fund in fiscal year 2002-03;
5. Transfer \$37,000 from the Food Vending Services, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund no later than June 30, 2003;
6. Transfer \$250,000 from the Elderly Tax Deferral, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund no later than June 30, 2003; and
7. Recognize an additional \$300,000 in undedicated revenue to the General Fund in fiscal year 2002-03 from lottery revenues by delaying the issuance of one or more Outdoor Heritage Fund Instant Ticket Games from fiscal year 2002-03 to fiscal year 2003-04.

### Part D proposed to:

1. Transfer \$25,000 from the Harness Racing Commission, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003;
2. Transfer \$25,000 from the Quality Assurance and Regulation, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003;
3. Transfer \$55,000 from the Agricultural Production, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003;
4. Transfer \$15,000 from the Animal Industry Fund, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003;
5. Transfer \$27,852 from the Office of the Commissioner, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003;

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6. Transfer \$691 from the Office of Agricultural and Natural Resources, Other Special Revenue Funds account, from appropriation unit 02, in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003;
7. Transfer \$4,644 from the Office of Agricultural and Natural Resources, Other Special Revenue Funds account, from appropriation unit 03, in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003; and
8. Transfer \$6,805 from the Production and Marketing Development, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part E proposed to transfer \$14,352 from the Arts and Humanities, Other Special Revenue Funds account in the Maine Arts Commission to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part F proposed to transfer \$20,000 from the Attorney General - Legal Services, Other Special Revenue Funds account in the Department of the Attorney General to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part G proposed to transfer \$50,242 from the Statewide Single Audit Set Aside, Other Special Revenue Funds account in the Department of Audit to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part H proposed to:

1. Lapse \$260,224 in the Mental Health Services Community Medicaid General Fund account in the Department of Behavioral and Developmental Services to the General Fund in fiscal year 2002-03;
2. Lapse \$30,795 in the Disproportionate Share - Augusta Mental Health Institute General Fund account in the Department of Behavioral and Developmental Services to the General Fund in fiscal year 2002-03;
3. Lapse \$40,270 in the Disproportionate Share - Bangor Mental Health Institute General Fund account in the Department of Behavioral and Developmental Services to the General Fund in fiscal year 2002-03;
4. Transfer \$13,194 from the Mental Retardation Services Community, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund no later than June 30, 2003;
5. Transfer \$157,293 from the Mental Health Services Commission, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund no later than June 30, 2003;
6. Transfer \$433,516 from the Mental Health Services Children - Maximus, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund no later than June 30, 2003;

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7. Transfer \$25,167 from the Office of Substance Abuse Services, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund no later than June 30, 2003; and
8. Recognize \$1,626,396 in undedicated revenue to the General Fund in fiscal year 2002-03 from the Department of Behavioral and Developmental Services' request for federal reimbursement of Mental Retardation Case Management.

Part I proposed to lapse \$86,408 in the Downeast Correctional Facility General Fund carrying account in the Department of Corrections to the General Fund in fiscal year 2002-03.

Part J proposed to:

1. Transfer \$15,000 from the Whitewater Rafting Parks and Recreation Fund, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003;
2. Transfer \$65,000 from the Conservation Central Administration - General Services, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003;
3. Transfer \$20,000 from the Publications Revolving Fund, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003;
4. Transfer \$50,000 from the Community Forestry Fund, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003;
5. Transfer \$128,000 from the Boating Facilities Fund, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003;
6. Transfer \$3,200 from the Land Use Regulation Mining Rules, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003;
7. Transfer \$169,000 from the Shore and Harbor Management Fund, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003;
8. Transfer \$3,111 from the Coastal Island Registry, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003; and
9. Transfer \$40,000 from the Community Forestry Fund, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003. This one-time transfer would fund the retroactive portion of the forester position range change in Part B, section 1 of this bill.

Part K proposed to:

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1. Transfer \$19,900 from the Armory Rental Fund, Other Special Revenue Funds account in the Department of Defense, Veterans and Emergency Management to the unappropriated surplus of the General Fund no later than June 30, 2003;
2. Transfer \$78,000 from the Emergency Response Operations, Other Special Revenue Funds account in the Department of Defense, Veterans and Emergency Management to the unappropriated surplus of the General Fund no later than June 30, 2003; and
3. Transfer \$20,000 from the Emergency Response, Other Special Revenue Funds account in the Department of Defense, Veterans and Emergency Management to the unappropriated surplus of the General Fund no later than June 30, 2003.

### Part L proposed to:

1. Establish an Energy Conservation Small Business Revolving Loan Program Fund account in the Energy Conservation Division program within the Department of Economic and Community Development. The fund would be a nonlapsing and interest-earning account;
2. Transfer \$1,500 from the Curriculum Training and Workshop, Other Special Revenue Funds account in the Department of Economic and Community Development to the unappropriated surplus of the General Fund no later than June 30, 2003;
3. Transfer \$6,905 from the Office of Energy Resources, Other Special Revenue Funds account in the Department of Economic and Community Development to the unappropriated surplus of the General Fund no later than June 30, 2003; and
4. Transfer \$22,211 from the Publications Revolving Fund, Other Special Revenue Funds account in the Department of Economic and Community Development to the unappropriated surplus of the General Fund no later than June 30, 2003.

### Part M proposed to:

1. Transfer \$60 from the Mellon III Grant, Other Special Revenue Funds account in the Department of Education to the unappropriated surplus of the General Fund no later than June 30, 2003;
2. Transfer \$629 from the Loss Prevention and Recovery, Other Special Revenue Funds account in the Department of Education to the unappropriated surplus of the General Fund no later than June 30, 2003;
3. Transfer \$43 from the Interactive Television, Other Special Revenue Funds account in the Department of Education to the unappropriated surplus of the General Fund no later than June 30, 2003; and
4. Transfer \$3,977 from the Workshops and Training, Other Special Revenue Funds account in the Department of Education to the unappropriated surplus of the General Fund no later than June 30, 2003.

### Part N proposed to:

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1. Transfer \$286,000 from the Maine Environmental Protection Fund, Other Special Revenue Funds account in the Department of Environmental Protection to the unappropriated surplus of the General Fund no later than June 30, 2003; and
2. Transfer \$30,000 from the Borrow Pit Regulation, Other Special Revenue Funds account in the Department of Environmental Protection to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part O proposed to:

1. Transfer \$100,000 from the Governor's Contingent Account, General Fund in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003;
2. Lapse \$117,664 in the Smart Growth Initiative account in the Executive Department to the General Fund in fiscal year 2002-03;
3. Transfer \$27,383 from the State Planning Office, Other Special Revenue Funds account in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003;
4. Transfer \$6,600 from the State Planning Office - Workshops and Training, Other Special Revenue Funds account in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003;
5. Transfer \$3,257 from the State Planning Office - Publications, Other Special Revenue Funds account in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003;
6. Transfer \$1,000 from the State Planning Office - Energy Related Homes Program, Other Special Revenue Funds account in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003;
7. Transfer \$432 from the State Planning Office - Maine Commission for Community Service, Other Special Revenue Funds account in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003; and
8. Transfer \$86,086 from the Public Advocate Regulatory Fund, Other Special Revenue Funds account in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part P proposed to transfer \$50,615 from the Maine Health Data Organization, Other Special Revenue Funds account in the Maine Health Data Organization to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part Q proposed to transfer \$16,352 from the Maine Historic Preservation Commission, Other Special Revenue Funds account in the Maine State Historic Preservation Commission to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part R proposed to transfer \$3,201,250 from the Maine State Housing Authority - HOME Fund, Other Special Revenue Funds account in the Maine State Housing Authority to the unappropriated surplus of the General Fund no later than June 30, 2003. Part R proposed to require the State

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Controller to suspend payments to the Maine State Housing Authority until sufficient funds are available in the Housing Opportunities for Maine Fund to make the transfer required by this Part. Once sufficient funds were available for the required transfer, the State Controller could resume payments.

Part S proposed to transfer \$11,853 from the Human Rights Commission, Other Special Revenue Funds account in the Human Rights Commission to the unappropriated surplus of the General Fund no later than June 30, 2003. The intent of this transfer was to provide the funding for the General Fund appropriation request for the Human Rights Commission in Part A of this bill.

Part T proposed to transfer \$58,126 from the Bureau of Medical Services, Other Special Revenue Funds account in the Department of Human Services to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part U proposed to:

1. Transfer \$136,913 from the unappropriated surplus of the General Fund to the Inland Fisheries and Wildlife Carrying Balances - GF account. This amount represented the adjustment difference between fiscal year 2001-02 actual and estimated revenues. These funds would be allotted by financial order in fiscal year 2002-03 to the Department of Inland Fisheries and Wildlife program upon recommendation of the State Budget Officer and approval of the Governor;
2. Lapse \$150,000 from the Inland Fisheries and Wildlife - Carrying General Fund account in the Department of Inland Fisheries and Wildlife to the General Fund in fiscal year 2002-03. These savings would be available from funds set aside for the Hatchery Engineering project. The project costs would be paid from bond funds; and
3. Transfer \$168 from the Commissioner's Office, Other Special Revenue Funds account in the Department of Inland Fisheries and Wildlife to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part V proposed to transfer \$72,800 from the Supreme Judicial and Superior Courts, Other Special Revenue Funds account in the Judicial Department to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part W proposed to:

1. Establish the Rehabilitation Services - Medicaid General Fund account in the Department of Labor as a nonlapsing carrying account;
2. Lapse \$131,100 in the Governor's Training Initiative General Fund account in the Department of Labor to the General Fund in fiscal year 2002-03;
3. Transfer \$80,000 from the Employment Services Activity, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund no later than June 30, 2003;
4. Transfer \$150,000 from the Blind and Visually Impaired, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund no later than June 30, 2003; and



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5. Transfer \$87,504 from the Safety Education and Training Fund, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund no later than June 30, 2003.

### Part X proposed to:

1. Transfer \$225,000 from the Watercraft Fund, Other Special Revenue Funds account in the Department of Marine Resources to the unappropriated surplus of the General Fund no later than June 30, 2003;
2. Transfer \$150,000 from the Shellfish Fund, Other Special Revenue Funds account in the Department of Marine Resources to the unappropriated surplus of the General Fund no later than June 30, 2003;
3. Transfer \$17,670 from the Loss Prevention, Other Special Revenue Funds account in the Department of Marine Resources to the unappropriated surplus of the General Fund no later than June 30, 2003; and
4. Transfer \$1,591 from the Boat Sale Conversion, Other Special Revenue Funds account in the Department of Marine Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.

### Part Y proposed to:

1. Transfer \$8,176 from the Publications Revolving Fund, Other Special Revenue Funds account in the Maine State Museum to the unappropriated surplus of the General Fund no later than June 30, 2003; and
2. Transfer \$8,176 from the Private Contribution Revolving Fund, Other Special Revenue Funds account in the Maine State Museum to the unappropriated surplus of the General Fund no later than June 30, 2003.

### Part Z proposed to:

1. Transfer \$144,830 from the Office of Consumer Credit Regulation, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003 and specify the intent of the Legislature that this transfer of funds not result in an increase in fees assessed for this purpose;
2. Transfer \$572,176 from the Bureau of Insurance Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003 and specify the intent of the Legislature that this transfer of funds not result in an increase in fees assessed for this purpose;
3. Transfer \$184,721 from the Bureau of Financial Institutions, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003 and specify the intent of the Legislature that this transfer of funds not result in an increase in fees assessed for this purpose;

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4. Transfer \$1,166,916 from the Office of Licensing and Enforcement, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003 and specify the intent of the Legislature that this transfer of funds not result in an increase in fees assessed for this purpose;
5. Transfer \$306,858 from the Office of Securities, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003 and specify the intent of the Legislature that this transfer of funds not result in an increase in fees assessed for this purpose;
6. Transfer \$43,860 from the Board of Registration for Professional Engineers, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003 and specify the intent of the Legislature that this transfer of funds not result in an increase in fees assessed for this purpose;
7. Transfer \$57,589 from the Board of Licensure in Medicine, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003 and specify the intent of the Legislature that this transfer of funds not result in an increase in fees assessed for this purpose;
8. Transfer \$108,050 from the State Board of Nursing, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003 and specify the intent of the Legislature that this transfer of funds not result in an increase in fees assessed for this purpose; and
9. Require the Commissioner of Professional and Financial Regulation to review fees assessed under the programs affected by the transfers in this Part and provide a written report to the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Insurance and Financial Services and the Joint Standing Committee on Business, Research and Economic Development by April 15, 2003.

### Part AA proposed to:

1. Transfer \$325,787 from the Maine Criminal Justice Academy Tobacco Fines, Other Special Revenue Funds account in the Department of Public Safety to the unappropriated surplus of the General Fund no later than June 30, 2003;
2. Transfer \$35,800 from the Bureau of Highway Safety - Defensive Driving, Other Special Revenue Funds account in the Department of Public Safety to the unappropriated surplus of the General Fund no later than June 30, 2003; and
3. Transfer \$123,301 from the Emergency Services Communication Bureau - E-911 Fund, Other Special Revenue Funds account in the Department of Public Safety to the unappropriated surplus of the General Fund no later than June 30, 2003.

### Part BB proposed to:

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1. Transfer \$408,185 from the Consumer Education Fund, Other Special Revenue Funds account in the Public Utilities Commission to the unappropriated surplus of the General Fund no later than June 30, 2003; and
2. Transfer \$600,000 from the Conservation Administration Fund, Other Special Revenue Funds account in the Public Utilities Commission to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part CC proposed to transfer \$129,714 from the Bureau of Administrative Services and Corporations, Other Special Revenue Funds account in the Department of the Secretary of State to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part DD proposed to:

1. Transfer \$207,102 from the Suspense Receivable, Other Special Revenue Funds account in the Department of Transportation to the unappropriated surplus of the General Fund no later than June 30, 2003; and
2. Transfer \$50,000 from the Railroad Assistance, Other Special Revenue Funds account in the Department of Transportation to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part EE proposed to transfer \$7,271,841 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund, on or before June 30, 2003, as reimbursement for funds provided for highway improvement projects.

Part FF proposed to transfer \$500,000 from the Operating Capital of the General Fund to the unappropriated surplus of the General Fund no later than June 30, 2003.

Part GG proposed to amend the law to include in the definition of Residential Treatment Facility the Aroostook Residential Center, Elizabeth Levinson Center and Freeport Towne Square, which are state-operated facilities within the Department of Behavioral and Developmental Services. It also proposed to make appropriation and allocation adjustments related to extending the Residential Treatment Facilities assessment to state-operated facilities. It also proposed to establish an application date and retroactive provision.

### ***Enacted Law Summary:***

Public Law 2003, chapter 2 does the following.

<b>Part</b>	<b>Section</b>	<b>Description</b>
A	A-1	Part A makes appropriations and allocations of funds in fiscal year 2002-03.
B	B-1:B-4	Part B makes appropriations and allocations of funds for approved reclassifications and range changes in fiscal year 2002-03.
C	C-1	Authorizes the State Budget Officer to transfer by financial order upon approval of the Governor the salary savings amounts identified in Part A of this Act.

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<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
	C-2	Authorizes the State Budget Officer to transfer by financial order upon approval of the Governor the curtailment amounts identified in the fiscal year 2002-03 Personal Services, All Other and Capital Expenditures appropriations of the accounts in Financial Order 06158 F3, for all departments and agencies up to the amount of the deappropriations in Part A, section 1 of this Act.
	C-3	Lapses \$153,054 from the General Fund Salary Plan account in the Department of Administrative and Financial Services to the General Fund in fiscal year 2002-03.
	C-4	Lapses \$8,000 from the Homestead Property Tax Exemption - Mandate Reimbursement General Fund account in the Department of Administrative and Financial Services to the General Fund in fiscal year 2002-03.
	C-5	Transfers \$37,000 from the Food Vending Services, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund no later than June 30, 2003.
	C-6	Transfers \$250,000 from the Elderly Tax Deferral, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund no later than June 30, 2003.
	C-7	Delays the issuance of one or more Outdoor Heritage Fund Instant Ticket Games from fiscal year 2002-03 to fiscal year 2003-04 to generate an additional \$300,000 in undedicated revenue to the General Fund in fiscal year 2002-03 from lottery revenues.
D	D-1	Transfers \$25,000 from the Harness Racing Commission, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.
	D-2	Transfers \$25,000 from the Quality Assurance and Regulation, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.
	D-3	Transfers \$55,000 from the Agricultural Production, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.
	D-4	Transfers \$15,000 from the Animal Industry Fund, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.
	D-5	Transfers \$27,852 from the Office of the Commissioner, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	D-6	Transfers \$691 from the Office of Agricultural and Natural Resources, Other Special Revenue Funds account, from appropriation unit 02, in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.
	D-7	Transfers \$4,644 from the Office of Agricultural and Natural Resources, Other Special Revenue Funds account, from appropriation unit 03, in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.
	D-8	Transfers \$6,805 from the Production and Marketing Development, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.
E	E-1	Transfers \$14,352 from the Arts and Humanities, Other Special Revenue Funds account in the Maine Arts Commission to the unappropriated surplus of the General Fund no later than June 30, 2003.
F	F-1	Transfers \$20,000 from the Attorney General - Legal Services, Other Special Revenue Funds account in the Department of the Attorney General to the unappropriated surplus of the General Fund no later than June 30, 2003.
G	G-1	Transfers \$50,242 from the Statewide Single Audit Set-aside, Other Special Revenue Funds account in the Department of Audit to the unappropriated surplus of the General Fund no later than June 30, 2003.
H	H-1	Lapses \$260,224 in the Mental Health Services Community Medicaid General Fund account in the Department of Behavioral and Developmental Services to the General Fund in fiscal year 2002-03.
	H-2	Lapses \$30,795 in the Disproportionate Share - Augusta Mental Health Institute General Fund account in the Department of Behavioral and Developmental Services to the General Fund in fiscal year 2002-03.
	H-3	Lapses \$40,270 in the Disproportionate Share - Bangor Mental Health Institute General Fund account in the Department of Behavioral and Developmental Services to the General Fund in fiscal year 2002-03.
	H-4	Transfers \$13,194 from the Mental Retardation Services Community, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund no later than June 30, 2003.
	H-5	Transfers \$157,293 from the Mental Health Services Commission, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund no later than June 30, 2003.

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<b>PART</b>	<b>SECTION</b>	<b>DESCRIPTION</b>
	H-6	Transfers \$433,516 from the Mental Health Services Children - Maximus, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund no later than June 30, 2003.
	H-7	Transfers \$25,167 from the Office of Substance Abuse Services, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund no later than June 30, 2003.
	H-8	Recognizes \$1,626,396 in undedicated revenue to the General Fund in fiscal year 2002-03 from the Department of Behavioral and Developmental Services' request for federal reimbursement of Mental Retardation Targeted Case Management.
<b>I</b>	I-1	Lapses \$86,408 in the Downeast Correctional Facility General Fund carrying account in the Department of Corrections to the General Fund in fiscal year 2002-03.
<b>J</b>	J-1	Transfers \$15,000 from the Whitewater Rafting Parks and Recreation Fund, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003.
	J-2	Transfers \$65,000 from the Conservation Central Administration - General Services, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003.
	J-3	Transfers \$20,000 from the Publications Revolving Fund, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003.
	J-4	Transfers \$50,000 from the Community Forestry Fund, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003.
	J-5	Transfers \$128,000 from the Boating Facilities Fund, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003.
	J-6	Transfers \$3,200 from the Land Use Regulation Commission Mining Rules, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003.

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J-7	Transfers \$169,000 from the Shore and Harbor Management Fund, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003.
J-8	Transfers \$3,111 from the Coastal Island Registry, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003.

<b><u>PAGE</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
	J-9	Transfers \$40,000 from the Community Forestry Fund, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003. This one-time transfer is to fund the retroactive portion of the forester position range change in Part B, section 1 of this Act.
K	K-1	Transfers \$19,900 from the Armory Rental Fund, Other Special Revenue Funds account in the Department of Defense, Veterans and Emergency Management to the unappropriated surplus of the General Fund no later than June 30, 2003.
	K-2	Transfers \$78,000 from the Emergency Response Operations, Other Special Revenue Funds account in the Department of Defense, Veterans and Emergency Management to the unappropriated surplus of the General Fund no later than June 30, 2003.
	K-3	Transfers \$20,000 from the Emergency Response, Other Special Revenue Funds account in the Department of Defense, Veterans and Emergency Management to the unappropriated surplus of the General Fund no later than June 30, 2003.
L	L-1	Establishes an Energy Conservation Small Business Revolving Loan Fund account in the Energy Conservation Division program within the Department of Economic and Community Development. The fund is a nonlapsing and interest-earning account.
	L-2	Transfers \$1,500 from the Curriculum Training and Workshop, Other Special Revenue Funds account in the Department of Economic and Community Development to the unappropriated surplus of the General Fund no later than June 30, 2003.
	L-3	Transfers \$6,905 from the Office of Energy Resources, Other Special Revenue Funds account in the Department of Economic and Community Development to the unappropriated surplus of the General Fund no later than June 30, 2003.
	L-4	Transfers \$22,211 from the Publications Revolving Fund, Other Special Revenue Funds account in the Department of Economic and Community Development to the unappropriated surplus of the General Fund no later than June 30, 2003.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
M	M-1	Transfers \$60 from the Mellon III Grant, Other Special Revenue Funds account in the Department of Education to the unappropriated surplus of the General Fund no later than June 30, 2003.
	M-2	Transfers \$629 from the Loss Prevention and Recovery, Other Special Revenue Funds account in the Department of Education to the unappropriated surplus of the General Fund no later than June 30, 2003.
	M-3	Transfers \$43 from the Interactive Television, Other Special Revenue Funds account in the Department of Education to the unappropriated surplus of the General Fund no later than June 30, 2003.
	M-4	Transfers \$3,977 from the Workshops and Training, Other Special Revenue Funds account in the Department of Education to the unappropriated surplus of the General Fund no later than June 30, 2003.
N	N-1	Transfers \$286,000 from the Maine Environmental Protection Fund, Other Special Revenue Funds account in the Department of Environmental Protection to the unappropriated surplus of the General Fund no later than June 30, 2003.
	N-2	Transfers \$30,000 from the Borrow Pit Regulation, Other Special Revenue Funds account in the Department of Environmental Protection to the unappropriated surplus of the General Fund no later than June 30, 2003.
O	O-1	Transfers \$100,000 from the Governor's Contingent Account, General Fund in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003.
	O-2	Lapses \$117,664 in the Smart Growth Initiative account in the Executive Department to the General Fund in fiscal year 2002-03.
	O-3	Transfers \$27,383 from the State Planning Office, Other Special Revenue Funds account in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003.
	O-4	Transfers \$6,600 from the State Planning Office - Workshops and Training, Other Special Revenue Funds account in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003.
	O-5	Transfers \$3,257 from the State Planning Office - Publications, Other Special Revenue Funds account in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003.
	O-6	Transfers \$1,000 from the State Planning Office - Energy Related Homes Program, Other Special Revenue Funds account in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003.



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O-7		Transfers \$432 from the State Planning Office - Maine Commission for Community Service, Other Special Revenue Funds account in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003.
O-8		Transfers \$86,086 from the Public Advocate Regulatory Fund, Other Special Revenue Funds account in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003.
P	P-1	Transfers \$50,615 from the Maine Health Data Organization, Other Special Revenue Funds account in the Maine Health Data Organization to the unappropriated surplus of the General Fund no later than June 30, 2003.
Q	Q-1	Transfers \$16,352 from the Maine Historic Preservation Commission, Other Special Revenue Funds account in the Maine State Historic Preservation Commission to the unappropriated surplus of the General Fund no later than June 30, 2003.
R	R-1	Transfers \$3,201,250 from the Maine State Housing Authority - HOME Fund, Other Special Revenue Funds account in the Maine State Housing Authority to the unappropriated surplus of the General Fund no later than June 30, 2003. Part R requires the State Controller to suspend payments to the Maine State Housing Authority until sufficient funds are available in the Housing Opportunities for Maine Fund to make the transfer required by this Part. Once sufficient funds are available for the required transfer, the State Controller may resume payments.
S	S-1	Transfers \$11,853 from the Human Rights Commission, Other Special Revenue Funds account in the Human Rights Commission to the unappropriated surplus of the General Fund no later than June 30, 2003. The intent of this transfer is to provide the funding for the General Fund appropriation request for the Human Rights Commission in Part A of this Act.
T	T-1	Transfers \$58,126 from the Bureau of Medical Services, Other Special Revenue Funds account in the Department of Human Services to the unappropriated surplus of the General Fund no later than June 30, 2003.
U	U-1	Transfers \$136,913 from the unappropriated surplus of the General Fund to the Inland Fisheries and Wildlife Carrying Balances - General Fund account. This amount represents the adjustment difference between fiscal year 2001-02 actual and estimated revenues. These funds may be allotted by financial order in fiscal year 2002-03 to the Department of Inland Fisheries and Wildlife program upon recommendation of the State Budget Officer and approval of the Governor.
	U-2	Lapses \$150,000 from the Inland Fisheries and Wildlife - Carrying Balance General Fund account in the Department of Inland Fisheries and Wildlife to the General Fund in fiscal year 2002-03. These savings are available from funds set aside for the Hatchery Engineering project. The project costs will be paid from bond funds.

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<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
	U-3	Transfers \$168 from the Commissioner's Office, Other Special Revenue Funds account in the Department of Inland Fisheries and Wildlife to the unappropriated surplus of the General Fund no later than June 30, 2003.
V	V-1	Transfers \$72,800 from the Supreme Judicial and Superior Courts, Other Special Revenue Funds account in the Judicial Department to the unappropriated surplus of the General Fund no later than June 30, 2003.
W	W-1	Establishes the Rehabilitation Services - Medicaid General Fund account in the Department of Labor as a nonlapsing carrying account.
	W-2	Lapses \$131,100 in the Governor's Training Initiative General Fund account in the Department of Labor to the General Fund in fiscal year 2002-03.
	W-3	Transfers \$80,000 from the Employment Services Activity, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund no later than June 30, 2003.
	W-4	Transfers \$150,000 from the Blind and Visually Impaired, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund no later than June 30, 2003.
	W-5	Transfers \$87,504 from the Safety Education and Training Fund, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund no later than June 30, 2003.
X	X-1	Transfers \$225,000 from the Watercraft Fund, Other Special Revenue Funds account in the Department of Marine Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.
	X-2	Transfers \$150,000 from the Shellfish Fund, Other Special Revenue Funds account in the Department of Marine Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.
	X-3	Transfers \$17,670 from the Loss Prevention, Other Special Revenue Funds account in the Department of Marine Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.
	X-4	Transfers \$1,591 from the Boat Sale Conversion, Other Special Revenue Funds account in the Department of Marine Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.
Y	Y-1	Transfers \$8,176 from the Publications Revolving Fund, Other Special Revenue Funds account in the Maine State Museum to the unappropriated surplus of the General Fund no later than June 30, 2003.
	Y-2	Transfers \$8,176 from the Private Contribution Revolving Fund, Other Special Revenue Funds account in the Maine State Museum to the unappropriated surplus of the General Fund no later than June 30, 2003.

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<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
Z	Z-1	Transfers \$144,830 from the Office of Consumer Credit Regulation, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003 and specifies the intent of the Legislature that this transfer of funds not result in an increase in fees assessed for this purpose.
	Z-2	Transfers \$572,176 from the Bureau of Insurance Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003 and specifies the intent of the Legislature that this transfer of funds not result in an increase in fees assessed for this purpose.
	Z-3	Transfers \$184,721 from the Bureau of Financial Institutions, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003 and specifies the intent of the Legislature that this transfer of funds not result in an increase in fees assessed for this purpose.
	Z-4	Transfers \$1,166,916 from the Office of Licensing and Enforcement, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003 and specifies the intent of the Legislature that this transfer of funds not result in an increase in fees assessed for this purpose.
	Z-5	Transfers \$306,858 from the Office of Securities, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003 and specifies the intent of the Legislature that this transfer of funds not result in an increase in fees assessed for this purpose.
	Z-6	Transfers \$43,860 from the Board of Registration for Professional Engineers, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003 and specifies the intent of the Legislature that this transfer of funds not result in an increase in fees assessed for this purpose.
	Z-7	Transfers \$57,589 from the Board of Licensure in Medicine, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003 and specifies the intent of the Legislature that this transfer of funds not result in an increase in fees assessed for this purpose.

## *Joint Standing Committee on Appropriations and Financial Affairs*

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	Z-8	Transfers \$108,050 from the State Board of Nursing, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003 and specifies the intent of the Legislature that this transfer of funds not result in an increase in fees assessed for this purpose.
	Z-9	Requires the Commissioner of Professional and Financial Regulation to review fees assessed under the programs affected by the transfers in this Part and provide a written report identifying any fee changes to the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Insurance and Financial Services and the Joint Standing Committee on Business, Research and Economic Development by April 15, 2003.
AA	AA-1	Transfers \$325,787 from the Maine Criminal Justice Academy - Tobacco Fines, Other Special Revenue Funds account in the Department of Public Safety to the unappropriated surplus of the General Fund no later than June 30, 2003.
	AA-2	Transfers \$35,800 from the Bureau of Highway Safety - Defensive Driving, Other Special Revenue Funds account in the Department of Public Safety to the unappropriated surplus of the General Fund no later than June 30, 2003.
	AA-3	Transfers \$123,301 from the Emergency Services Communication Bureau - E-911 Fund, Other Special Revenue Funds account in the Department of Public Safety to the unappropriated surplus of the General Fund no later than June 30, 2003.
BB	BB-1	Transfers \$408,185 from the Consumer Education Fund, Other Special Revenue Funds account in the Public Utilities Commission to the unappropriated surplus of the General Fund no later than June 30, 2003.
	BB-2	Transfers \$600,000 from the Conservation Administration Fund, Other Special Revenue Funds account in the Public Utilities Commission to the unappropriated surplus of the General Fund no later than June 30, 2003.
CC	CC-1	Transfers \$129,714 from the Bureau of Administrative Services and Corporations, Other Special Revenue Funds account in the Department of the Secretary of State to the unappropriated surplus of the General Fund no later than June 30, 2003.
DD	DD-1	Transfers \$207,102 from the Suspense Receivable, Other Special Revenue Funds account in the Department of Transportation to the unappropriated surplus of the General Fund no later than June 30, 2003.
	DD-2	Transfers \$50,000 from the Railroad Assistance, Other Special Revenue Funds account in the Department of Transportation to the unappropriated surplus of the General Fund no later than June 30, 2003.

**Joint Standing Committee On Appropriations And Financial Affairs**

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
EE	EE-1	Transfers \$7,271,841 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund, on or before June 30, 2003, as reimbursement for funds provided for highway improvement projects.
FF	FF-1	Transfers \$500,000 from the Operating Capital of the General Fund to the unappropriated surplus of the General Fund no later than June 30, 2003.
GG	GG1: GG-3	Amends the law to include in the definition of Residential Treatment Facility the Aroostook Residential Center, Elizabeth Levinson Center and Freeport Towne Square, which are state-operated facilities within the Department of Behavioral and Developmental Services. It also makes appropriation and allocation adjustments related to extending the Residential Treatment Facilities assessment to state-operated facilities. It also establishes an application date and retroactive provision.

Public Law 2003, chapter 2 was enacted as an emergency measure and took effect February 13, 2003.

**LD 503**

**An Act To Stimulate Economic Recovery and Growth**

**ONTP**

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

LD 503 was a concept draft that proposed to stimulate economic recovery in Maine in the following ways.

1. Budget matters. Budget matters would be affected by:
  - A. Eliminating all proposed new spending from the budget enacted during the Second Regular Session of the 120<sup>th</sup> Legislature;
  - B. Reducing by 50% all new proposed spending from the budget enacted by the First Special Session of the 120th Legislature;
  - C. Continuing a hiring freeze on state employment except for emergency positions;
  - D. Offering an early retirement plan to state employees;
  - E. Reducing the staff and budget of the Executive Department, State Planning Office by 50%; and
  - F. Cutting the budget of the Department of Human Services by 25%.

## *Joint Standing Committee on Appropriations and Financial Affairs*

2. Economic growth. Economic growth would be motivated by:
  - A. Expanding the budgets of economic growth and development programs by 15%;
  - B. Expanding job retraining and education programs by 33%;
  - C. Creating new programs to train minorities, immigrants and senior citizens;
  - D. Using state assets such as land and buildings as collateral for low-interest loans to be used to entice manufacturers to Maine;
  - E. Eliminating the business equipment property tax;
  - F. Reducing the tax burden on businesses for one year by 20%; and
  - G. Offering revenue sharing to all businesses based on the percentage of sales reported during the prior year.
3. Economic stimulus. Businesses in Maine would be assisted by:
  - A. Offering low-interest loans to businesses to upgrade old technology, expand current practices and purchase improved technology;
  - B. Offering certain businesses grants for hiring of immigrants, Native Americans, displaced workers, welfare recipients, single parents and rehabilitated ex-convicts; and
  - C. Replacing the current licensing system for businesses with a business certificate system.
4. Tax relief. Tax relief would be obtained by:
  - A. Repealing the levy of income tax on the first \$100,000 of income; thereafter, the tax would be imposed at a rate of 5%. Bonuses would be exempt from income tax;
  - B. Reducing the sales and use tax to 3%;
  - C. Imposing the sales tax on all services;
  - D. Imposing the sales tax on all nonfood items; and
  - E. Eliminating all excise taxes.

*Joint Standing Committee On Appropriations And Financial Affairs*

**LD 509**                      **RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Provide That the State Fund 100 Percent of Education  
for Students from Kindergarten to Postsecondary School**                      **ONTP**

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 509 that proposed to require that the State provide full funding of public education from kindergarten to postsecondary school.

**LD 534**                      **An Act To Authorize a General Fund Bond Issue in the Amount of  
\$4,000,000 To Construct the Gulf of Maine Research Laboratory**                      **ONTP**

<u>Sponsor(s)</u> TURNER DUDLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 534 proposed to authorize a General Fund bond issue in the amount of \$4,000,000, to be used to fund the design and construction of the Gulf of Maine Research Laboratory by the Gulf of Maine Aquarium to partner with the fishing community on marine research to protect and enhance the commercial fishery of the Gulf of Maine; to partner with the marine biotechnology industry to undertake marine biotechnology research; and to develop and make available an innovative marine sciences education hall focused on middle and secondary school students and the general public.

**LD 549**                      **An Act To Restore Assistance to Low-income Families with  
Children Faced with High Housing Costs**                      **ONTP**

<u>Sponsor(s)</u> TREAT ADAMS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 549 proposed that if there were unexpended balances in funds appropriated to the Temporary Assistance for Needy Families program or to the Parents as Scholars Program at the end of fiscal years 2003 and 2004, those funds would be used to restore in fiscal years 2004 and 2005 the housing special need allowance received by families who receive TANF and Parents as Scholars, up to \$75 per month. The bill also proposed to restore the allowance to the amount that it was when it was first enacted in 1991.

***Joint Standing Committee on Appropriations and Financial Affairs***

**LD 582**                      **An Act To Authorize a General Fund Bond Issue in the Amount of \$50,000,000 To Fund Renovating or Replacing Civic Centers Statewide**                      **ONTP**

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

LD 582 proposed to authorize a General Fund bond issue in the amount of \$50,000,000 to be used to fund renovating or replacing civic centers statewide.

**LD 595**                      **An Act To Appropriate Funds for a Study To Determine the Feasibility of a Medical School in Maine**                      **CARRIED OVER**

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

LD 595 proposes to appropriate funds to the University of Maine System to hire Medical Care Development, Inc. to study the feasibility of a medical school in the State.

**LD 627**                      **An Act To Provide Funding for a Superior Court Building in Washington County**                      **ONTP**

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

LD 627 was a concept draft that proposed to provide a funding mechanism to support the court facility needs of Washington County.



*Joint Standing Committee On Appropriations And Financial Affairs*

**LD 634**                      **An Act To Provide Funding for the Maine-Canada Trade Ombudsman**                      **CARRIED OVER**

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

LD 634 proposes to provide funding for the Office of the Maine-Canada Trade Ombudsman, an office created in Public Law 2001, chapter 643. The duties of the ombudsman would be to act as the Maine representative for relations with Canada to ensure the coordination of state policy when dealing with Canada and to work with businesses and individuals to investigate and work toward resolution of complaints that arise concerning trade issues. Funding was originally provided in chapter 643, but was deappropriated in Public Law 2001, chapter 714, Part B.

**LD 650**                      **An Act To Improve Technology Funding**                      **ONTP**

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

LD 650 proposed to remove the oversight of the funding for the Maine Space Grant Consortium from the Maine Science and Technology Foundation to the Department of Economic and Community Development.

**LD 652**                      **An Act To Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for Economic Development**                      **ONTP**

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

LD 652 proposed to authorize a General Fund bond issue in the amount of \$15,000,000, to be used to issue grants to municipalities to promote economic development by improving public infrastructure, including, but not limited to, public roads, utilities, parking garages, transportation facilities and cargo facilities.

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 665**

**An Act To Authorize Funds To Renovate the State's Court  
Facilities in the City of Bangor**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAWYER	OTP-AM	S-140

LD 665 proposed to raise the bonding limit of the Maine Governmental Facilities Authority from \$93,000,000 to \$102,500,000. The increase of \$9,500,000 would be used for the renovation of court facilities in the City of Bangor.

**Committee Amendment "A" S-140** proposed to authorize the Maine Governmental Facilities Authority to issue securities to run for up to 20 years for certain judicial branch architectural and engineering studies and securities to run for up to 10 years at the State of Maine Judicial Branch Violations Bureau for the replacement of or improvement to technology-related projects. This amendment also proposed to add an emergency preamble and emergency clause.

**LD 677**

**An Act To Authorize a General Fund Bond Issue in the Amount  
of \$6,000,000 To Enable LifeFlight of Maine to Fully Implement  
a Statewide, Dedicated Air-medical Response System**

**CARRIED OVER**

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

LD 677 proposes to authorize a General Fund bond issue in the amount of \$6,000,000, to be used by LifeFlight of Maine to develop the expansion of Maine's existing dedicated air-medical response system through constructing additional hospital helipads, building additional refueling facilities, acquiring training equipment and purchasing helicopters and to meet other costs in order to ensure greater and more rapid access to health care for severely ill or injured persons especially from rural hospitals and communities.

*Joint Standing Committee On Appropriations And Financial Affairs*

**LD 716**                      **An Act To Continue Necessary State Funding of Freestanding, Nonprofit Psychiatric Hospitals for Services Provided to Indigent Patients and for Other Purposes**                      **CARRIED OVER**

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 716 proposes to provide necessary funding to reimburse the State's two freestanding, nonprofit psychiatric hospitals for services provided to indigent patients when these expenses can not be reimbursed by the Medicaid or Medicaid Disproportionate Share programs. The bill also proposed to provide funds to meet shortfalls projected at Augusta Mental Health Institute and Bangor Mental Health Institute. Of the \$18,000,000 sought for fiscal year 2003-04, \$10,000,000 was projected to be needed for the two freestanding, nonprofit psychiatric hospitals and \$8,000,000 was needed for AMHI and BMHI. The figures were based on preliminary estimates of the Department of Human Services.

The bill also proposes to require the Commissioner of Human Services and the Commissioner of Behavioral and Developmental Services to continue to work with these hospitals to advocate for the elimination of the federal cap on disproportionate share funds that are available for institutes for mental disease, or for other federal reforms that would ensure adequate federal funding for the population served by these hospitals. Similar provisions for prior fiscal years were enacted in Public Law 2001, chapter 559, Part X, sections 9 and 10.

**LD 734**                      **Resolve, To Address the Maine Nursing Workforce Shortage through the Expansion of Nursing Education**                      **ONTP**

<u>Sponsor(s)</u> RICHARDSON, J BRENNAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 734 proposed to require each head of a nursing program in the University of Maine System and the Maine Technical College System to report to the Joint Standing Committee on Education and Cultural Affairs by January 5, 2004 on the nursing workforce shortage in the State and the capacity of their nursing program to graduate the necessary number of nursing candidates to meet this shortage. This resolve also proposed to appropriate \$1,282,800 for 56 associate degree candidate slots in nursing and 80 bachelor's degree candidate slots in nursing at the University of Maine System and \$481,600 for 56 associate degree candidate slots in nursing at the Maine Technical College System.

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 740**                    **An Act to Authorize a General Fund Bond Issue in the Amount of \$8,200,000 for Use in Implementing the Maine Library of Geographic Information**                    **ONTP**

<u>Sponsor(s)</u> SUSLOVIC		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 740 proposed to authorize a General Fund bond issue in the amount of \$8,200,000 to be used to implement the Maine Library of Geographic Information as established by Public Law 2001, chapter 649.

**LD 749**                    **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Control State Spending Based on Certain Guidelines**                    **ONTP**

<u>Sponsor(s)</u> ANDREWS LEMONT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 749 was a constitutional resolution that proposed to establish a ceiling on General Fund expenditures and require a 2/3 vote of the Legislature to approve General Fund expenditures that exceeded the rate of inflation plus the percentage change in state population in the prior calendar year.

**LD 791**                    **An Act To Fully Fund Retirement Benefits for Game Wardens and Marine Patrol Officers**                    **CARRIED OVER**

<u>Sponsor(s)</u> DAGGETT MILLS, P		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 791 proposes to appropriate funds needed to fully fund the liability for the increased value of services rendered by game wardens and marine patrol officers between August 31, 1984 and September 1, 2002. In 2001, a special retirement plan was created for game wardens and marine patrol officers, but the liability to the retirement system created by the increased valued under the plan for service rendered prior to September 1, 2002 was not funded. The dollar amount provided in the bill was an estimate based on the amount that would have been required if the full payment had been made on July 1, 2002. The figure would need to be updated with an actuarially determined amount in order to fully fund the liability so that the increased benefits would become payable to game wardens and marine patrol officers.

*Joint Standing Committee On Appropriations And Financial Affairs*

**LD 813**                      **An Act Concerning Multiple Item Bond Issues**                      **ONTP**

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

LD 813 proposed to require the Secretary of State to prepare a ballot for a bond issue with multiple, unrelated items so that a voter could vote on unrelated items individually.

**LD 885**                      **An Act To Authorize a General Fund Bond Issue in the Amount of \$50,000,000 to Promote Revitalization of Service Center Communities through Infrastructure Improvements**                      **ONTP**

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

LD 885 proposed to authorize a General Fund bond issue in the amount of \$50,000,000 to be used to capitalize the Municipal Investment Trust Fund to finance infrastructure improvements to service center communities.

**LD 908**                      **An Act To Authorize a General Fund Bond Issue in the Amount of \$1,000,000 To Provide Funds to Riverfront Municipalities To Develop Riverfront Cultural Heritage Centers**                      **CARRIED OVER**

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

LD 908 proposes to authorize a General Fund bond issue in the amount of \$1,000,000 to be used to provide funds to riverfront municipalities that are suffering hardships due to loss of jobs to develop riverfront cultural heritage centers.

***Joint Standing Committee on Appropriations and Financial Affairs***

**LD 993                    An Act To Promote Economic Growth by Retaining Engineers in Maine                    CARRIED OVER**

<u>Sponsor(s)</u> CATHCART		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 993 proposes to establish the Maine Engineers Recruitment and Retention Program to provide financial assistance and incentives to any graduate of a college of engineering within the University of Maine System to become an employee in an engineering position in the State. The program proposed to provide loan repayment to up to 10 eligible engineers working in Maine businesses. The employers who would apply for the loan repayment funds would have to match all funds received by their employees. The Finance Authority of Maine would have administered the program with assistance in determining recipients provided by an advisory committee.

**LD 1002                    Resolve, To Provide Emergency Relief for the Schools in East Millinocket                    ONTP**

<u>Sponsor(s)</u> STANLEY DUPREY, G		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1002 was a resolve which proposed to provide emergency funding in the amount of \$2,000,000 to the Town of East Millinocket to pay for the local share of the cost of public schooling due to the outstanding property taxes owed to the town by Great Northern Paper, Inc. The town would be required to repay the funds to the State if Great Northern Paper, Inc. or its successor in title remits the outstanding property taxes owed.

**LD 1021                    Resolve, To Renew the Veterans' Emergency Assistance Program                    CARRIED OVER**

<u>Sponsor(s)</u> DOUGLASS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1021 proposes to appropriate money from the General Fund for the administration of the veterans' emergency assistance program under the Maine Revised Statutes, Title 37-B, section 505, subsection 1-A, paragraph B.

*Joint Standing Committee On Appropriations And Financial Affairs*

LD 1024

**An Act To Increase Access to Prescription Drugs for Low-income Elderly and Disabled People**

ONTP

Sponsor(s)  
TREAT

Committee Report  
ONTP

Amendments Adopted

LD 1024 proposed to ensure that the total amount of General Fund appropriations to the elderly low-cost drug program remain in that program to serve as state matching funds for any new federal funds received under a waiver and would be used to provide additional benefits to those eligible for the elderly low-cost drug program.

LD 1048

**An Act To Implement 2 Recommendations of the Commission on Fatherhood Issues Related to Family Case Management Officers and Noncustodial Parent Outreach Programs**

ONTP

Sponsor(s)  
SIMPSON

Committee Report  
ONTP

Amendments Adopted

LD 1048 proposed to implement two of the recommendations of the Commission on Fatherhood Issues related to the number of Family Division Case Management Officer positions deployed in the Family Division of the District Court and the continuation of the Noncustodial Parent Outreach and Investigation Project.

Under this bill, additional funding would be provided to the Family Division of the District Court in order to increase the number of Family Division Case Management Officer positions from 8 to 13. This bill proposed to appropriate the additional funds necessary to provide the 34% state match that would leverage matching federal funding for the deployment of 5 additional Family Division Case Management Officer positions.

The bill also proposed to appropriate the funds necessary to establish two Outreach Investigator positions in the Department of the Attorney General in order to continue the Noncustodial Parent Outreach and Investigation Project programs for another two years. Funded with federal grant funds, the Noncustodial Parent Outreach and Investigation Project is currently a pilot project in York and Somerset counties; however, federal funding for this pilot project would lapse at the end of the 2002-03 fiscal year and additional funds would be needed to continue and expand the program to other parts of Maine.

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**LD 1052**                      **An Act To Authorize a General Fund Bond Issue in the Amount of \$5,800,000 To Adequately Fund the Applied Technology Development Centers in Order To Increase the Number of Research and Development Jobs and Companies in the State**                      **ONTP**

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

LD 1052 proposed to authorize a General Fund bond issue in the amount of \$5,800,000 to be used to fund the applied technology development centers to lower the costs for start-up companies in high-technology industries, and to ensure that the applied technology development centers have televideo conferencing capabilities.

**LD 1064**                      **An Act To Reduce the Size of All Departments and Agencies**                      **ONTP**

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

LD 1064 proposed to reduce General Fund appropriations to reflect savings resulting from an across-the-board reduction of 10% for each of the next 2 biennia.

**LD 1078**                      **An Act To Establish a New Method of Determining the State Budget**                      **ONTP**

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

LD 1078 proposed to shift the start of the fiscal biennium for the state budget from the first regular session of the Legislature to the second regular session of the Legislature, beginning for the fiscal year that begins on July 1, 2006. This bill also proposed to provide that the state budget beginning on July 1, 2005 is a one-year budget.



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**LD 1089**                      **An Act To Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for Energy Conservation in State Buildings and Facilities**                      **CARRIED OVER**

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

LD 1089 proposes to authorize a General Fund bond issue in the amount of \$15,000,000 to be used for energy efficiency improvements at state buildings and facilities. The bill also proposed to authorize a transfer of \$250,000 from the Conservation Program Fund to the Department of Administrative and Financial Services for completion of an audit of state energy consumption and opportunities for increased energy efficiency at state buildings and facilities.

**LD 1149**                      **An Act To Support Maine's Franco-American Heritage and the Kennebec-Chaudiere International Corridor**                      **CARRIED OVER**

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

LD 1149 bill provides ongoing funds for publicity, signs, kiosks, brochures and other materials and services associated with promoting Franco-American heritage and the Kennebec-Chaudiere International Corridor.

LD 1149 was carried over to the Second Regular Session of the 121<sup>st</sup> Legislature.

**LD 1167**                      **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict an Increase in the Growth of the State Budget to No Greater than 75% of the Rate of Growth of Per Capita Income**                      **DIED ON ADJOURNMENT**

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

LD 1167 proposed to establish a ceiling on the growth of General Fund expenditures to limit the growth in state spending to 75% of the growth in statewide personal income in the prior calendar year, require a 2/3 vote of the Legislature to approve General Fund expenditures that exceed this ceiling and require that surplus funds be distributed in equal parts to the unfunded liability of the Retirement System, to a budget stabilization fund and to the voters.

***Joint Standing Committee on Appropriations and Financial Affairs***

**LD 1173                      An Act To Continue the Maine Farms for the Future Program                      ONTP**

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

LD 1173 proposed to authorize a General Fund bond issue in the amount of \$5,000,000 to be used to fund both grants and loans under the Maine Farms for the Future Program administered by the Department of Agriculture, Food and Rural Resources. Part B provides the statutory authority to allow loans to be made to eligible farms under the Maine Farms for the Future Program and is contingent upon passage of the referendum set out in Part A.

**LD 1232                      RESOLUTION, Proposing an Amendment to the Constitution of                      ONTP  
Maine To Increase the State Bonding Limit under Certain  
Circumstances**

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

LD 1232 proposed to increase the debt limit of the State from \$2,000,000 to \$30,000,000 when the total outstanding debt of a public instrumentality of the State that acquires, constructs or improves buildings for use by the State is \$30,000,000 or less and that public instrumentality is prohibited from incurring any additional debt or liability.

**LD 1249                      An Act To Amend the Laws Governing the Quality Child Care                      CARRIED OVER  
Tax Credit**

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

LD 1249 proposes to provide that a taxpayer that made an investment in child care services certified under the Maine Revised Statutes, Title 36, section 5219-Q during the tax year would be eligible for the tax credit provided in that section. A taxpayer would not be required to own or operate a child care site to be eligible for the tax credit provided in section 5219-Q.

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**LD 1292**                    **An Act To Authorize a General Fund Bond Issue in the Amount of \$20,000,000 for Capital Projects and Major Maintenance at State and Municipal Parks and Historic Sites, for Acquiring Land for Coastal and Inland Waterway Access and for Capitalizing a Revolving Loan Fund for Land Trusts and Municipalities To Acquire Land and Conservation Easements for Public Access**                    **CARRIED OVER**

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

LD 1292 proposes to authorize a General Fund bond issue in the amount of \$20,000,000 to be used to make capital improvements and conduct major maintenance at state parks and historic sites, to acquire land for coastal and inland waterway access and to capitalize a revolving loan fund for land trusts and municipalities to acquire land and conservation easements for public access.

**LD 1307**                    **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Create the Maine Economic Stabilization and Endowment Fund**                    **ONTP**

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

LD 1307 proposed an amendment to the Constitution of Maine to authorize the Legislature to create a budget stabilization and endowment fund. This fund would be established in lieu of the unprotected Maine Rainy Day Fund as a constitutionally protected asset of the State with explicit fund contribution requirements and distribution limitations.

The purposes of an economic stabilization and endowment fund would be to serve as a permanent endowment fund of the State with an asset base that grows over time and provides supporting distributions for programs and initiatives of State Government in perpetuity; as an economic stabilization fund that provides supplementary distributions to the State during budget years of economic stagnation and recession; and as an emergency liquidity fund that provides short-term distributions to the State when revenues fall unexpectedly short of budgeted projections.

The fund would be built up through monthly transfers of 2% of the General Fund revenue in any year in which the fund balance did not exceed the amount of revenue collected in the immediately preceding fiscal year and by a transfer of 1/2 of any General Fund surplus revenue.

Annually, 4% of the fund assets would be transferred to the General Fund to be appropriated by the Legislature as part of its normal budget-making process. The fund would also be proposed to provide budget stabilization distributions. The proposed amendment would allow for a supplemental transfer of up to 2% of fund assets during fiscal years when budgeted economic growth is at least 1% below long-term economic growth trends or up to 4% of fund assets when budgeted economic growth is greater than 2% below long-term economic growth trends. In any fiscal year that actual

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General Fund revenue is below projections the fund would transfer the amount of the revenue shortfall up to 4 percent of fund assets.

The implementing legislation to be enacted by the Legislature would establish an independent board of trustees to oversee the management of fund assets, and the board would be directed to invest the assets for long-term appreciation, consistent with the principles of endowment funds that are designed to provide supporting distributions to a beneficiary in perpetuity.

**LD 1319**                      **An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005**                      **PUBLIC 20 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN CATHCART	OTP-AM	H-27 H-46

LD 1319 proposed to:

Part A proposed to make appropriations and allocations of funds.

Part B proposed to make appropriations and allocations of funds representing reduction proposals or adjustments.

Part C proposed to:

1. Specify the general purpose aid for local schools actual education certification and appropriation levels for fiscal year 2003-04 as required by the Maine Revised Statutes, Title 20-A, section 15605.
2. Authorize the State Controller to transfer \$200,000 in fiscal year 2003-04 and \$300,000 in fiscal year 2004-05 from the General Purpose Aid to Local Schools account in the Department of Education to General Fund unappropriated surplus no later than June 30, 2004 and June 30, 2005. These savings would be achieved through the standardization of specifications related to all phases of school construction and renovation. The standardization would be applied to projects that are currently under construction, projects that are in planning and projects that are entering the design phase.
3. Postpone to July 1, 2005 an increase in the State's contribution for health insurance for retired teachers from 35% to 40%.

Part D proposed to:

1. Provide for the calculation and transfer of statewide savings in the General Fund in the cost of health insurance for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.

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2. Provide for the calculation and transfer of statewide savings in the Other Special Revenue funds in the cost of health insurance for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.
3. Provide for the calculation and transfer of statewide savings in the Highway Fund in the cost of health insurance for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.
4. Provide for the calculation and transfer of statewide savings in the General Fund from increased attrition for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.
5. Provide for the calculation and transfer of statewide savings in the Other Special Revenue funds from increased attrition for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.
6. Provide for the calculation and transfer of statewide savings in the Highway Fund from increased attrition for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.
7. Provide for the calculation and transfer of statewide savings in the General Fund from extending the amortization schedule of the unfunded liability for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.
8. Provide for the calculation and transfer of statewide savings in the Other Special Revenue funds from extending the amortization schedule of the unfunded liability for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.
9. Provide for the calculation and transfer of statewide savings in the Highway Fund from extending the amortization schedule of the unfunded liability for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.
10. Provide for the calculation and transfer of statewide savings in the General Fund from postponing merit increases for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.
11. Provide for the calculation and transfer of statewide savings in the Other Special Revenue funds from postponing merit increases for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.
12. Provide for the calculation and transfer of statewide savings in the Highway Fund from postponing merit increases for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.
13. Authorize the Governor to transfer by financial order positions authorized by the Legislature between accounts and between departments and to transfer the available balances of any General Fund appropriation between line categories, accounts and departments in fiscal year 2003-04 and fiscal year 2004-05. When the Governor determines that the transfer of a position is necessary, any incumbent in the transferred position at the time of transfer must be transferred along with the position.

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14. Transfer \$600,000 from the Bureau of Alcoholic Beverages and Lottery Operations, Internal Service fund in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund no later than June 30, 2004. It would return the working capital advance no longer required due to the proposed closure of the remaining 13 State liquor stores.
15. Provide for the calculation and transfer of statewide savings in the General Fund from retiree health insurance savings for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.
16. Establish the Department of Administrative and Financial Services as the fiscal agent for the Governor's Office, Blaine House, State Planning Office, the Department of Economic and Community Development and the Department of Education.
17. Require the Commissioner of Administrative and Financial Services to review the current organizational structure of the ACE Service Center and the remaining financial and personnel structures located in the Department of Conservation, the Department of Environmental Protection and the Department of Agriculture, Food and Rural Resources to improve organizational efficiency and cost-effectiveness. It would require the Department of Administrative and Financial Services to staff resources to the Commissioner of Administrative and Financial Services from existing personnel within the department to assist with the review. The commissioner would be authorized to identify savings to the General Fund from the improvements identified from the review. Any savings identified would be deallocated by financial order upon recommendation by the State Budget Officer and approval by the Governor.

It would also require the Commissioner of Administrative and Financial Services to present the savings and related legislation required to efficiently organize the financial, personnel and other support activities of these agencies, as well as legislation to move the ACE Service Center under the supervision of one department to the Legislature as a part of any emergency budget request submitted to the Legislature after January 1, 2004.

18. Provide for the calculation and transfer of statewide savings in the General Fund from reductions in All Other for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.
19. Provide for the calculation and transfer of statewide savings in the General Fund from the cost of health insurance related to hospital rate adjustments for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.
20. Provide for the calculation and transfer of statewide savings in the Other Special Revenue funds from the cost of health insurance related to hospital rate adjustments for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.
21. Provide for the calculation and transfer of statewide savings in the Highway Fund from the cost of health insurance related to hospital rate adjustments for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.
22. Clarify that merit increases would not be authorized, awarded or implemented between July 1, 2003 and June 30, 2005.

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23. Authorize the Department of Administrative and Financial Services in cooperation with the Treasurer of State to enter into financing arrangements related to fiscal year 2003-04 and fiscal year 2004-05 for the acquisition of motor vehicles for the Central Motor Pool.
24. Transfer \$100,000 in fiscal year 2003-04 and \$100,000 in fiscal year 2004-05 from the Real Property Lease Internal Service Fund Account to the unappropriated surplus of the General Fund no later than June 30th of each fiscal year to reflect savings as a result of the renegotiation of leases.

Part E proposed to authorize the Commissioner of Agriculture, Food and Rural Resources to receive reimbursement for meat and poultry products inspection and licensing.

Part F proposed to amend the law regarding the membership of the Atlantic Salmon Commission.

Part G proposed to authorize the Department of Behavioral and Developmental Services to seek reimbursement of expenditures under Medicaid Title XIX for targeted case management. The projected additional revenue of \$1,300,000 in fiscal year 2003-04 and \$1,100,000 in fiscal year 2004-05 would be deposited in the General Fund as undedicated revenue.

Part H proposed to authorize the Commissioner of Conservation to increase parks and land fees by financial order upon recommendation of the State Budget Officer and approval of the Governor.

Part I proposed to:

1. Authorize the Department of Corrections, Maine Correctional Center to increase the rate it charges the Federal Government for the housing of federal inmates. The additional revenue would be deposited to the General Fund as undedicated revenue in fiscal year 2003-04 and fiscal year 2004-05.
2. Authorize the Department of Corrections to transfer, by financial order, Personal Services, All Other or Capital Expenditures funding between accounts with the same fund for the purposes of paying overtime expenses in accordance with the Maine Revised Statutes, Title 5, section 7065.

Part J proposed to amend the law removing the requirement that the Commission on Governmental Ethics and Election Practice institute electronic submission of reports and computerized tracking of campaign, election and lobbying information.

Part K proposed the merger of the Department of Human Services and the Department of Behavioral and Developmental Services and would require the plan and implementing legislation be submitted to the Legislature.

Part L proposed to:

1. Delay the effective date of the Fiscal Stability Program established in the Maine Revised Statutes, Title 12, section 7017, subsection 9 for the Department of Inland Fisheries and Wildlife from fiscal year 2003-04 to fiscal year 2005-06.
2. Increase license fees by the Department of Inland Fisheries and Wildlife, effective January 1, 2004, and require future increases based on the Consumer Price Index.

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Part M proposed to acknowledge the intent of the Judicial Department to increase the waiver amounts for fines under the Maine Revised Statutes, Title 29-A, sections 1601, 1770 and 2074.

Part N proposed to:

1. Delay the effective date for implementing the Office of Program Evaluation to fiscal year 2005-06.
2. Authorize the Executive Director of the Legislative Council to transfer amounts to achieve the branchwide savings identified in Part B, section 1 by financial order upon recommendation by the State Budget Officer and approval of the Governor. These transfers would be considered adjustments to appropriations in fiscal year 2003-04 and fiscal year 2004-05.

Part O proposed to repeal the provisions requiring payment by the Maine State Library of state aid for municipalities maintaining free public libraries and amend references in the Maine Revised Statutes regarding free and public libraries.

Part P proposed to amend the law authorizing the Maine State Museum to establish fees for miscellaneous services.

Part Q proposed to rename the Department of Economic and Community Development as the Department of Tourism, Economic and Community Development.

Part R proposed to:

1. Eliminate the Director of Liquor Enforcement, Deputy Commissioner of Public Safety and Director of the Bureau of Highway Safety as major policy-influencing positions from the Department of Public Safety.
2. Amend the current provision to clarify that 1/2 of the fines and forfeitures collected should be deposited in a nonlapsing Other Special Revenue Funds account of the Maine Criminal Justice Academy for the purpose of providing funds for training and recertification of part-time and full-time law enforcement officers.
3. Amend the current provisions regarding the surcharge imposed by the court on fines, forfeitures and penalties. It also changes the allocation paid to the Maine Criminal Justice Academy from 1/6 to 2/7.
4. Repeal the existing provisions regarding the Maine Community Policing Institute Surcharge Fund.
5. Repeal the existing provisions that established the Bureau of Highway Safety.
6. Change the distribution of fees collected by the Department of Public Safety, State Bureau of Identification. The revenues generated from fees would be credited entirely to the General Fund.



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Part S proposed to:

1. Transfer \$149,703 of savings from the Bureau of Corporations, Elections and Commissions, Administrative Services and Corporations, Other Special Revenue Funds account in the Department of the Secretary of State to the unappropriated surplus of the General Fund no later than June 30, 2004.
2. Transfer \$20,000 of savings from the Archives, Other Special Revenue Funds account in the Department of the Secretary of State to the unappropriated surplus of the General Fund no later than June 30, 2004.

Part T proposed to amend the law as it relates to the length of time the State Treasurer is required to hold unclaimed property, formerly known as "abandoned" property. It also proposed to update the law to correct references to "abandoned" property and correct cross-references.

Part U proposed to direct all state agencies to implement measures to reduce energy consumption within their agencies.

Part V proposed to:

1. Change the distribution of the State's share of real estate tax proceeds that are currently paid to the Maine State Housing Authority.
2. Authorize the Director of the Bureau of General Services within the Department of Administrative and Financial Services to sell or transfer ownership of surplus state-owned land to assist the Maine State Housing Authority in the development of affordable housing.
3. Express the intent of the Legislature for the Maine State Housing Authority to achieve savings from existing resources to maintain assistance to the homeless.

Part W proposed to:

1. Delay the .1% increase in Municipal Revenue Sharing to July 1, 2005.
2. Authorize the State Treasurer to withhold local government fund amounts from distribution to be used for incentives for municipalities to achieve administrative savings.

Part X proposed to delay the increase in Seed Capital Tax Credit.

Part Y proposed to delay the implementation of the Fire Insurance Premium Tax special assessment.

Part Z proposed to delay the tax exemption for equipment used for the broadcast of radio and television broadcast signals.

Part AA proposed to provide for increases in state tax revenues through the 2003 Maine Tax Amnesty Program and through increased tax enforcement efforts by Maine Revenue Services.

Part BB proposed to adjust the exemption amount for the Homestead Property Tax Exemption Program and it also proposed to adjust the local assessed value of the exemption.

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Part CC proposed to amend the current provisions concerning taxes paid by insurance by adding annuity considerations for tax purposes.

Part DD proposed to postpone by one year the educational attainment investment credit and the recruitment credit available under the insurance premiums tax and individual and corporate income taxes.

Part EE proposed to extend the period for recapturing the bonus depreciation add-back under the income tax laws.

Part FF proposed to provide for a temporary reduction in the dependent care tax credit rate to 21.5%.

Part GG proposed to provide for a temporary reduction in the earned income tax credit rate to 4.92%.

Part HH proposed to delay the increase in standard deduction for joint income tax filers.

Part II proposed to delay the allowance for the above-the-line deduction for education expenses under the income tax laws.

Part JJ proposed to delay recognition of federal estate tax changes.

Part KK proposed to:

1. Authorize the Commissioner of Transportation to transfer amounts to achieve the departmentwide savings identified in Part B, section 1 by financial order upon recommendation by the State Budget Officer and approval of the Governor. These transfers would be considered adjustments to allocations in fiscal year 2003-04 and fiscal year 2004-05.
2. Transfer \$8,000,000 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund as reimbursement for funds provided for highway improvement projects.

Part LL proposed to:

1. Authorize the Commissioner of Administrative and Financial Services to offer special voluntary employee incentive programs.
2. Authorize the State to continue the payment of health and dental insurance benefits for participants in the voluntary incentive program.
3. Authorize the continuation of group life insurance based upon the scheduled hours of the employees prior to the participation in the voluntary employee incentive programs.
4. Specify that General Fund savings as a result of the voluntary employee incentive program will not be used to fund other state programs but must be used to offset the deappropriation in Part B, section 1.

Part MM proposed to transfer \$150,000 in Maine Learning Technology Endowment Account investment earnings as miscellaneous income to the General Fund.

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Part NN proposed to authorize the Legislature to adjust the Retirement Unfunded Liability amortization schedule.

Part OO proposed to establish the Higher Education Cost Savings Incentive Program and the K-12 Education Cost Savings Incentive Program.

Part PP proposed to authorize the Maine Governmental Facilities Authority to issue additional securities totaling \$7,485,000 for capital repairs and improvements at various state facilities.

Part QQ proposed to authorize the Commissioner of Administrative and Financial Services to issue one or more additional instant lottery ticket games.

Part RR proposed to:

1. Repeal provisions of the law relating to the Maine Science and Technology Foundation and transfers the functions to the Department of Economic and Community Development.
2. Transfer the functions of the Energy Conservation Division of the Department of Economic and Community Development to the Public Utilities Commission.

Part SS proposed to amend current law to facilitate the closure of the remaining 13 state liquor stores.

Part TT proposed to amend the current provisions and outlines the requirements for the sale or lease of the wholesale liquor business.

Part UU proposed to present a comprehensive list of tax expenditures for the consideration of the Legislature.

Part VV proposed to require parity coverage for mental illnesses for all health benefit plans covering groups of 21 or more. It proposed to expand the coverage of mental illness to include 11 categories of mental illness as defined in the Diagnostic and Statistical Manual of Mental Disorders, as periodically revised, and allows that coverage to be delivered as a carve out under a managed care system. It would require coverage for residential treatment services and home support services. The provisions would apply to all policies and contracts issued or renewed on or after the effective date of this bill. It would make no change to the mandated offer of parity requirement for individual plans and group plans covering fewer than 20 persons under current law.

**Committee Amendment "A"(H-27)** proposed the following:

Part A proposed to make appropriations and allocations of funds reflecting current services.

Part B proposed to adjust appropriations and allocations of funds representing reduction proposals or adjustments to current services.

Part C proposed the following.

1. To postpone to after June 30, 2005 an increase in the State's contribution for health insurance for retired teachers from 35% to 40%.

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2. To establish Tier 1 and Tier 2 cushions for school administrative units with mills raised for education of 9.97 mills or higher.
3. To establish the statewide local share, basic elementary and secondary school operating rates, per-pupil guarantees and the statewide factor for general purpose aid for local schools. It proposed to establish the foundation allocation, subsidy index reduction percentage and appropriation. It proposed to establish the debt service allocation, indexes, reduction percentage and appropriation and miscellaneous adjustments and cost allocations and appropriations.
4. To transfer \$200,000 in fiscal year 2003-04 and \$300,000 in fiscal year 2004-05 from the General Purpose Aid to Local Schools account to General Fund unappropriated surplus from savings to be achieved through the standardization of specifications for school construction and renovation, including projects that are currently under construction, in planning or entering the design phase.

### Part D proposed to:

1. Establish the Department of Administrative and Financial Services as the fiscal agent for the Department of Education.
2. Require calculation and transfer of statewide savings in the General Fund, Highway Fund, Fund for a Healthy Maine and Other Special Revenue funds in the cost of health insurance for fiscal years 2003-04 and 2004-05 that are identified in Part B, section 1.
3. Require calculation and transfer of statewide savings in the General Fund, Highway Fund, Fund for a Healthy Maine and Other Special Revenue funds from increased attrition for fiscal years 2003-04 and 2004-05 that are identified in Part B, section 1.
4. Require the calculation and transfer of statewide savings in the General Fund, Highway Fund, Fund for a Healthy Maine and Other Special Revenue funds from extending the amortization schedule of the unfunded liability of the Maine State Retirement System for fiscal years 2003-04 and 2004-05 that are identified in Part B, section 1.
5. Require calculation and transfer of statewide savings in the General Fund, Highway Fund, Fund for a Healthy Maine and Other Special Revenue funds from postponing merit increases for fiscal years 2003-04 and 2004-05 that are identified in Part B, section 1.
6. Authorize transfers of positions by financial order between accounts and between departments and authorizes transfers of available balances of any General Fund appropriation between line categories, accounts and departments in fiscal year 2003-04 and fiscal year 2004-05. Any incumbent in the transferred position at the time of transfer would be transferred along with the position.
7. Transfer \$600,000 from the Bureau of Alcoholic Beverages, Internal Service Fund in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund no later than June 30, 2004 due to the proposed closure of the remaining 13 liquor stores.

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8. Require the calculation and transfer of statewide savings in the General Fund from retiree health insurance savings for fiscal years 2003-04 and 2004-05 that are identified in Part B, section 1.
9. Require the Commissioner of the Department of Administrative and Financial Services to review the current organizational structure of the ACE Service Center and the remaining financial and personnel structures located in the Departments of Conservation, Environmental Protection and Agriculture to improve organizational efficiency and cost effectiveness. The commissioner would be required to present a plan and legislation to achieve efficiencies and move ACE under the supervision of one department to the Legislature as a part of any emergency budget request submitted to the Legislature after January 1, 2004.
10. Require calculation and transfer of statewide savings in the General Fund from reductions in All Other for fiscal years 2003-04 and 2004-05 that are identified in Part B, section 1.
11. Require calculation and transfer of statewide savings in the General Fund, Highway Fund and Other Special Revenue Funds from the cost of health insurance related to hospital rate adjustments for fiscal years 2003-04 and 2004-05 that are identified in Part B, section 1.
12. Prohibit merit increases between July 1, 2003 and June 30, 2005.
13. Authorize financing arrangements for the acquisition of motor vehicles for the Central Motor Pool.
14. Transfer \$100,000 in fiscal year 2003-04 and \$100,000 in fiscal year 2004-05 from the Real Property Lease Fund to the unappropriated surplus of the General Fund no later than June 30 of each fiscal year to reflect savings as a result of the renegotiation of leases.
15. Require the transfer of \$6,112,290 from the fiscal year 2002-03 unallocated balance of the Fund for a Healthy Maine Other Special Revenue Funds account to the unappropriated surplus of the General Fund by June 30, 2004.
16. Require the transfer of \$225,000 from the Maine Clean Election Fund to the unappropriated surplus of the General Fund by June 30, 2004.

### Part E proposed to:

1. Amend the meat and poultry inspection program to increase the hourly fees charged for inspection of bison, domesticated deer and ratite.
2. Authorize the Commissioner of Agriculture, Food and Rural Resources to receive reimbursement for livestock and poultry services performed under the Maine Revised Statutes, Title 22, chapter 562-A.

### Part F proposed to:

1. Prohibit cost-of-living adjustments in legislative salaries for the Second Regular Session of the 121st Legislature and the First Regular Session of the 122nd Legislature.
2. Change meeting authorization and staffing for the Legislative Youth Advisory Commission.

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3. Eliminate step increases and longevity payments for legislative employees between July 1, 2003 and June 30, 2005.

Part G proposed to:

1. Eliminate the Aroostook Residential Center effective June 30, 2004.
2. Authorize the Department of Behavioral and Developmental Services to seek reimbursement of expenditures under Medicaid Title XIX for targeted case management, with the revenue to be deposited in the General Fund as undedicated revenue.

Part H proposed to authorize the Commissioner of Conservation to increase parks and land fees by financial order upon recommendation of the State Budget Officer and approval of the Governor.

Part I proposed to:

1. Authorize the Department of Corrections, Maine Correctional Center to increase the rate it charges the Federal Government for the housing of federal inmates. The additional revenue would need to be deposited to the General Fund as undedicated revenue in fiscal years 2003-04 and 2004-05.
2. Authorize the Department of Corrections to transfer, by financial order, Personal Services, All Other or Capital Expenditures funding between accounts with the same fund for the purpose of paying overtime expenses in accordance with Title 5, section 7065.

Part J proposed to amend the law removing the requirement that the Governmental Ethics Commission institute electronic submission of reports and computerized tracking of campaign, election and lobbying information.

Part K proposed to:

1. Authorize the Department of Human Services to collect medical care premiums from noncustodial parents of MaineCare children.
2. Update Medicaid and related 3rd-party liability statutes, including substituting "MaineCare" for "Medicaid" and the "elderly low-cost drug program" and setting a 75% minimum recovery percentage for tort claim recoveries.
3. Include changes to improve MaineCare's ability to identify possible 3rd-party payors.
4. Increase license fees for hospitals and nursing homes.
5. Authorize the Department of Human Services to impose a copayment or premium if expressly approved by a federal waiver.
6. Modify MaineCare prescription drug copayments.
7. Authorize MaineCare copayments for federally qualified health center and rural health center services.

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8. Authorize the Department of Human Services to pursue a federal waiver to impose cost sharing on individuals eligible for MaineCare under the Katie Beckett option.
9. Modify premiums for MaineCare's CubCare program.
10. Modify federally qualified health center reimbursement requirements to reflect the imposition of copayments and limits on service approvals.
11. Authorize the Department of Human Services to require MaineCare members to purchase maintenance drugs by mail order.
12. Authorize the Department of Human Services to establish copayments for services under the medical eye care program.
13. Modify the Department of Human Services' Parents as Scholars Program.
14. Require the Department of Human Services to review MaineCare cost-sharing requirements with the Medicaid Advisory Committee and submit a report by February 15, 2005.
15. Require the Department of Human Services and the Department of Behavioral and Developmental Services to continue efforts to resolve the institutions for mental disease federal funding shortfall.
16. Suspend nursing home inflation adjustments and return on equity capital payments for fiscal year 2003-04 and fiscal year 2004-05.
17. Require the merger of the Department of Human Services and the Department of Behavioral and Developmental Services and the submission of a plan to implement the merger and the submission of implementing legislation to the Second Regular Session of the 121st Legislature.

### Part L proposed to:

1. Permit the Commissioner of Inland Fisheries and Wildlife to adjust annually all license and other fees collected by the department to maintain parity with the Consumer Price Index.
2. Delay the effective date of the Fiscal Stability Program for the Department of Inland Fisheries and Wildlife from fiscal year 2004 to fiscal year 2006.
3. Require a temporary assessment on all Inland Fisheries and Wildlife license, registration and other fees collected by the department for calendar years 2004 and 2005.
4. Authorize the purchase of more than one 10-chance moose drawing application by nonresidents from July 1, 2003 to June 30, 2005.
5. Require the Commissioner of Inland Fisheries and Wildlife to submit a plan to restructure fees to the Joint Standing Committee on Inland Fisheries and Wildlife, which is authorized to report out legislation implementing the plan.

Part M proposed to express legislative intent that the Judicial Department increase the amounts for fines under the Maine Revised Statutes, Title 29-A, sections 1601, 1770 and 2074.

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Part N proposed to require a report by the Commissioner of Corrections regarding recidivism information.

Part O proposed to eliminate payment by the Maine State Library of state aid for municipalities maintaining free public libraries.

Part P proposed to authorize the Maine State Museum to establish fees for miscellaneous services.

Part Q proposed to rename the Department of Economic and Community Development as the Department of Tourism, Economic and Community Development.

Part R proposed to:

1. Eliminate the Maine Community Policing Institute Surcharge Fund and amends statutes related to the fund.
2. Increase the Government Operations Surcharge Fund surcharge on fines, forfeitures and penalties from 12% to 14% and changes the allocation paid to the Maine Criminal Justice Academy from 1/6 to 2/7.
3. Eliminate the Director of Liquor Enforcement position, an Assistant to the Commissioner of Public Safety position and the Director of the Bureau of Highway Safety position as major policy-influencing positions within the Department of Public Safety.
4. Direct that 1/2 of the fines from tobacco enforcement be directed to the Maine Criminal Justice Academy for training and certification rather than to law enforcement agencies.
5. Authorize the Department of Public Safety, State Bureau of Identification to charge individuals a fee for a criminal history record check and directs all fees to the General Fund.
6. Eliminate the Department of Public Safety, Bureau of Highway Safety.

Part S proposed to:

1. Transfer \$95,869 in fiscal year 2003-04 and \$53,834 in fiscal year 2004-05 of savings from the Bureau of Elections and Commissions, Administrative Services and Corporations, Other Special Revenue Funds account in the Department of the Secretary of State to the unappropriated surplus of the General Fund.
2. Transfer \$10,000 in each year of the biennium of savings from the Archives, Other Special Revenue Funds account in the Department of the Secretary of State to the unappropriated surplus of the General Fund.

Part T proposed to amend provisions of law related to the investment of state money, amends the law as it relates to the length of time the State Treasurer is required to hold abandoned property and updates the statutes to reflect recent changes in the laws related to abandoned or unclaimed property.

Part U proposed to direct all state agencies to implement measures to reduce energy consumption within their agencies.



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Part V proposed to:

1. Change the distribution of the State's share of real estate transfer tax proceeds by reducing the amount paid to the Maine State Housing Authority by \$7,500,000 in each fiscal year.
2. Direct the Maine State Housing Authority to generate savings to maintain services to homeless persons at \$2,400,000.

Part W proposed to:

1. Delay the .1% increase in municipal revenue sharing to July 1, 2005.
2. Authorize the Treasurer of State to withhold \$1,000,000 in Municipal Revenue Sharing in fiscal year 2004-05 from distribution to be used for incentives for municipalities to achieve administrative savings.

Part X proposed to delay until fiscal year 2005-06 expansions in the Maine Seed Capital Tax Credit program.

Part Y proposed to delay until fiscal year 2005-06 an insurance premium tax credit for the Fire Insurance Premium Tax special assessment.

Part Z proposed to suspend until July 1, 2005 the broadcasters sales tax exemption.

Part AA proposed to:

1. Require the withholding of income tax on distributions to nonresidents by flow-through entities.
2. Establish the 2003 Maine Tax Amnesty Program.

Part BB proposed to reduce the exemption amount for the homestead property tax exemption program for homesteads with a just value of \$125,000 or more.

Part CC proposed to amend the insurance premium tax to clarify the coverage of contracts that may result in future annuitization.

Part DD proposed to postpone by one year the educational attainment investment credit and the recruitment credit available under the insurance premiums tax and individual and corporate income taxes.

Part EE proposed to extend the period for recapturing the bonus depreciation add-back provision.

Part FF proposed to provide for a reduction in the child and dependent care income tax credit rate to 21.5% of the federal credit for tax years beginning in 2003, 2004 and 2005.

Part GG proposed to provide for a reduction in the earned income tax credit rate to 4.92% of the federal credit for tax years beginning in 2003, 2004 and 2005.

Part HH proposed to suspend the increase in the income tax standard deduction for joint filers for tax years beginning in 2005.

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Part II proposed to delay the allowance for several above-the-line deductions for education expenses and subsidies.

Part JJ proposed to delay recognition of federal estate tax changes for deaths occurring in 2003 and 2004.

Part KK proposed to transfer \$5,000,000 in fiscal year 2003-04 and \$3,000,000 in fiscal year 2004-05 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund as reimbursement for funds provided for highway improvement projects.

Part LL proposed to authorize the Commissioner of Administrative and Financial Services to offer special voluntary employee incentive programs.

Part MM proposed to require the transfer of \$150,000 in Maine Learning Technology Endowment investment earnings to the unappropriated surplus of the General Fund.

Part NN proposed to extend the retirement unfunded liability amortization schedule to the constitutional limit until July 1, 2005, when it is restored to the current schedule.

Part OO proposed to:

1. Require the transition of the Maine Technical College System into the Maine Community College System.
2. Appropriate and allocate funds to facilitate the creation of the Maine Community College System and to provide public matching funds to secure scholarship assistance or limit in-state tuition increases.

Part PP proposed to amend the current provisions by authorizing the Maine Governmental Facilities Authority to issue additional securities totaling \$7,485,000 for capital repairs and improvements at various state facilities.

Part QQ proposed to authorize the Commissioner of Administrative and Financial Services to issue one or more additional instant ticket lottery games.

Part RR proposed to:

1. Repeal provisions of the law relating to the Maine Science and Technology Foundation and transfers the functions and related appropriations and allocations to the Department of Economic and Community Development.
2. Transfer the functions of the Energy Conservation Division of the Department of Economic and Community Development to the Public Utilities Commission.

Part SS proposed to require the closure of the remaining 13 state retail liquor stores and amends certain statutes in anticipation of the transfer of the State's wholesale liquor activities.

Part TT proposed to change the name of the "Maine Learning Technology Endowment" to the "Maine Learning Technology Fund."

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Part UU proposed to present a comprehensive list of tax expenditures for the consideration of the Legislature.

Part VV proposed to require parity coverage for mental illnesses for all health benefit plans covering groups of 21 or more and to expand the coverage of mental illness to include 11 categories of mental illness as defined in the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association.

Part WW proposed to:

1. Increase various commercial fishing license fees.
2. Increase the amount of the mahogany quahog tax apportioned annually to the Toxin Monitoring Fund to \$56,000.

Part XX proposed to provide for statewide deappropriation of \$24,330,049 in fiscal year 2003-04 and \$23,933,097 in fiscal year 2004-05.

Part YY proposed to require the Commissioner of Administrative and Financial Services to submit legislation to the First Regular Session of the 121st Legislature to establish a budget reserve and stabilization fund.

Part ZZ proposed to adjust appropriations and allocations for several initiatives that are contingent upon federal approval.

Part AAA proposed to transfer \$13,570,000 in fiscal year 2003-04 and \$9,600,000 in fiscal year 2004-05 from the Highway Fund to the Local Government Fund to be distributed to certain municipalities with substantial highway maintenance budgets through the state-municipal revenue sharing program. An amount equal to the transfers from the Highway Fund to the Local Government Fund would be transferred from the Local Government Fund to the General Fund.

Part BBB proposed to require the Department of Behavioral and Developmental Services to work closely with residents, family, staff and other support personnel in developing a placement plan for the residents of the Aroostook Residential Center. The department would be required to develop and implement a process whereby the input of residents, family, staff and other support personnel is taken into account before any placement decision is made. This part would also require that all residents be placed in the Presque Isle region. It also proposed to include a report requirement.

Part CCC proposed to require the Department of Human Services and the Department of Behavioral and Developmental Services to apply for a Medicaid waiver to make respite services a Medicaid reimbursable service. Any General Fund savings generated in the Mental Health Services - Children program as a result of increased federal Medicaid funding for respite would be distributed proportionately across the categories of services funded by the Mental Health Services - Children program and could not be used solely for increased respite services. It also proposed to include a report requirement.

Part DDD proposed to:

1. Clarify the legislative intent that the University of Maine System be included in the definition of "higher education institution" as it relates to borrowing by the Maine Health and Higher Education Facilities Authority.

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2. Repeal the provision of law that requires that, by June 30, 2006 and every fiscal year thereafter, the University of Maine School of Law's share of the annual operating budget that is supported by the State's General Fund be equivalent to the share of the University of Maine's annual operating budget that is supported by the State's General Fund.

Part EEE proposed to:

1. Direct the child welfare ombudsman program to have as its first priority case-specific advocacy services and to undertake work on systems improvements and advocacy only as an adjunct to the case-specific advocacy services. This Part also proposed to terminate the current ombudsman contract on June 30, 2003 and requires a request for proposal process for a contract from July 1, 2003 to June 30, 2004. It also proposed to require consideration of the organizational structure of the ombudsman program in the restructuring of the Department of Behavioral and Developmental Services and the Department of Human Services.
2. Clarify that the delays in the child welfare 2002 initiative contained in Part B apply only to the applicable expenditures.

Part FFF proposed to authorize the Commissioner of Administrative and Financial Services and any insurance company or 3rd-party administrator insuring or administering the state employee health insurance program to negotiate agreements with hospitals to reduce expenses incurred the State's plan.

Part GGG proposed to make adjustments to the elderly low-cost drug program statute to provide benefits within existing resources by increasing the copayment for drugs by \$2.

Part HHH proposed to authorize the Department of Human Services to pursue further 3rd-party insurance claims for behavioral health services.

Part III proposed to require the Department of Human Services to make every effort to maximize enrollment of homeless youth in the MaineCare program.

Part JJJ proposed to require the Chief of the Maine State Police to report to the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Appropriations and Financial Affairs no later than November 1, 2004 on the fee schedule established for criminal history record background checks.

Part KKK proposed to authorize the Department of Administrative and Financial Services to work with the Maine State Housing Authority to sell or transfer ownership of certain parcels of surplus state-owned land, along with any building on the land, to municipalities or nonprofit agencies in order to address a shortage of affordable housing.

Part LLL proposed to authorize the Commissioner of Administrative and Financial Services to contract for the sale, franchise, license or lease of the State's wholesale liquor activities to a private entity.

Part MMM proposed to authorize the transfer of funds from the Department of Conservation to the unappropriated surplus of the General Fund.

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**House Amendment "K" "To Committee Amendment "A" (H-46 )** proposed to make several technical changes to be consistent with legislative intent.

Public Law 2003, chapter 20 does the following.

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
A	A-1: A-24	Budget Preamble
	A-25	Appropriations and allocations of funds reflecting Current Services for the 2004-2005 biennium.
B	B-1	Adjusts appropriations and allocations of funds representing reduction proposals or adjustments to Current Services.
C	C-1	Postpones to after June 30, 2005 an increase in the State's contribution for health insurance for retired teachers from 35% to 40%.
	C-2	Establishes Tier 1 and Tier 2 cushions for school administrative units with mills raised for education of 9.97 mills or higher.
	C-3: C-18	Establishes the statewide local share, basic elementary and secondary school operating rates, per pupil guarantees and the statewide factor for General Purpose Aid for Local Schools. Establishes the foundation allocation, subsidy index reduction percentage and appropriation. Establishes the Debt service allocation, indexes, reduction percentage and appropriation and miscellaneous adjustments and cost allocations and appropriations.
	C-19	Transfers \$200,000 in fiscal year 2003-04 and \$300,000 in fiscal year 2005 2004-05 from the General Purpose Aid for Local School account to General Fund unappropriated surplus from savings to be achieved through the standardization of specifications for school construction and renovation including projects that are currently under construction, in planning, or entering the design phase.
D	D-1	Establishes the Department of Administrative and Financial Services as the fiscal agent for the Department of Education.
	D-2:D-4	Requires the calculation and transfer of statewide savings in the General Fund, Highway Fund and Other Special Revenue Fund in the cost of health insurance for fiscal years 2003-04 and 2004-05 that are identified in Part B section 1.
	D-5:D-7	Requires the calculation and transfer of statewide savings in the General Fund, Highway Fund and Other Special Revenue Fund from increased attrition for fiscal years 2003-04 and 2004-05 that are identified in Part B section 1.
	D-8:D-10	Requires the calculation and transfer of statewide savings in the General Fund, Highway Fund and Other Special Revenue Fund from extending the amortization schedule of the unfunded liability of the Maine State Retirement

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- System for fiscal years 2003-04 and 2004-05 that are identified in Part B section 1
- D-11:D-13 Requires calculation and transfer of statewide savings in the General Fund, Highway Fund and Other Special Revenue Fund from postponing merit increases for fiscal years 2003-04 and 2004-05 that are identified in Part B section 1.
- D-14 Authorizes transfers of positions by financial order between accounts and between departments and authorizes transfers of available balances of any General Fund appropriation between line categories, accounts and departments in fiscal year 2003-04 and fiscal year 2004-05. Any incumbent in the transferred position at the time of transfer may be transferred along with the position.
- D-15 Transfers \$600,000 from the Bureau of Alcoholic Beverages, Internal Service Fund in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund no later than June 30, 2004 due the proposed closure of the remaining 13 liquor stores.
- D-16 Requires the calculation and transfer of statewide savings in the General Fund from retiree health insurance savings for fiscal years 2003-04 and 2004-05 that are identified in Part B section 1.
- D-17 Requires the Commissioner of the Department of Administrative and Financial Services to review the current organizational structure of the A.C.E. Service Center and the remaining financial and personnel structures located in the Departments of Conservation, Environmental Protection, and Agriculture to improve organizational efficiency and cost effectiveness. The Commissioner is required to present a plan and legislation to achieve efficiencies and move A.C.E. under the supervision of one Department to the Legislature as a part of any Emergency Budget Request submitted to the Legislature after January 1, 2004.
- D-18 Requires the calculation and transfer of statewide savings in the General Fund from reductions in All Other line category for fiscal years 2003-04 and 2004-05 that are identified in Part B section 1.
- D-19:D-21 Requires the calculation and transfer of statewide savings in the General Fund, Highway Fund and Other Special Revenue Fund from the cost of health insurance related to hospital rate adjustments for fiscal years 2003-04 and 2004-05 that are identified in Part B section 1.
- D-22 Prohibits merit increases between July 1, 2003 and June 30, 2005.
- D-23 Authorizes financing arrangements for the acquisition of motor vehicles for the Central Motor Pool.

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<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
	D-24	Transfers \$100,000 in fiscal year 2003-04 and \$100,000 in fiscal year 2004-05 from the Real Property Lease Fund to the unappropriated surplus of the General Fund no later than June 30 of each fiscal year to reflect savings as a result of the re-negotiation of leases.
	D-25	Transfers \$6,112,290 from the fiscal year 03 unallocated balance of the Fund for a Healthy Maine Other Special Revenue Funds account to the unappropriated surplus of the General Fund by June 30, 2004.
	D-26	Transfers \$225,000 from the Maine Clean Election Fund to the unappropriated surplus of the General Fund by June 30, 2004.
E	E-1	Amends the Maine Meat and Poultry Inspection program to increase the hourly fees charged for inspection of bison, domesticated deer and ratite.
	E-2	Authorizes the Commissioner of Agriculture, Food and Rural Resources to receive reimbursement for livestock and poultry services performed under Title 22, chapter 562-A.
F	F-1	Prohibits cost of living adjustment in legislative salary for the 2nd Regular Session of the 121st Legislature and the 1st Regular Session of the 122nd Legislature.
	F-2:F-3	Changes meeting authorization and staffing for the Legislative Youth Advisory Commission
	F-4:F-5	Eliminates step increases and longevity payments for legislative employees between July 1, 2003 and June 30, 2005.
G	G-1, G-3	Repeals the Aroostook Residential Center effective June 30, 2004.
	G:2	Authorizes the Department of Behavioral and Developmental Services to seek reimbursement of expenditures under Medicaid Title XIX for targeted case management with the revenue to be deposited in the General Fund as undedicated revenue.
H	H-1	Authorizes the Commissioner of Conservation to increase parks and land fees by financial order upon recommendation of the State Budget Officer and approval of the Governor.
I	I-1	Authorizes the Department of Corrections, Maine Correctional Center to increase the rate it charges the Federal Government for the housing of federal inmates. The additional revenue must be deposited to the General Fund as undedicated revenue in fiscal year 2003-04 and 2004-05.

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- I-2 Authorizes the Department of Corrections to transfer, by financial order, Personal Services, All Other or Capital Expenditures funding between accounts with the same fund for the purposes of paying overtime expenses in accordance with Title 5, section 7065.
- J J-1 Amends the law removing the requirement that the Governmental Ethics Commission institute electronic submission of reports and computerized tracking of campaign, election and lobbying information.
- K K-1 Authorizes the Department of Human Services to collect medical care premiums from non-custodial parents of MaineCare children.
- K-2 Updates Medicaid and related third-party liability statutes, including substituting "MaineCare" for "Medicaid" and the "elderly low-cost drug program", and setting a 75% minimum recovery percentage for tort claim recoveries.
- K-3 Authorizes changes to improve MaineCare's ability to identify possible third-party payers.
- K-4 Increases the licensing fee for hospitals and nursing homes.
- K-5 Authorizes the Department of Human Services to impose a co-payment or premium if expressly approved by a federal waiver.
- K-6 Modifies MaineCare prescription drug co-payments.
- K-7: K-8 Authorizes MaineCare co-payments for federally qualified health center (FQHC) and rural health center (RHC) services.
- K-9 Authorizes the Department of Human Services to pursue a federal waiver to impose cost sharing on individuals eligible for MaineCare under the Katie Beckett option.
- K-10 Modifies premiums for the MaineCare, "CubCare" program.
- K-11 Modifies federally qualified health center (FQHC) reimbursement requirements to reflect the imposition of co-payments and limits on service approvals.
- K-12 Authorizes the Department of Human Services to require MaineCare members to purchase maintenance drugs by mail order.
- K-13 Authorizes the Department of Human Services to establish co-payments for services under the Maine Eye Care program.
- K-14 Modifies the Department of Human Service's Parents as Scholars program.
- K-15 Requires the Department of Human Services to review MaineCare cost sharing requirements with the Medicaid Advisory Committee and submit a report by February 15, 2005.



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<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
	K-16	Requires the Departments of Human Services and Behavioral and Developmental Services to continue efforts to resolve the Institute for Mental Disease (IMD) federal funding shortfall.
	K-17	Suspends nursing home inflation adjustment and return on equity capital payments for 2003-04 and 2004-05.
	K-18	Requires the merger of the Department of Human Services and the Department of Behavioral and Developmental Services and the submission of a plan to implement the merger and the submission of implementing legislation to the Second Regular Session of the 121st Legislature.
L	L-1	Permits the Commissioner of Inland Fisheries and Wildlife to adjust annually all license and other fees collected by the department to maintain parity with the Consumer Price Index.
	L-2	Delays the effective date of the fiscal stability program for the Department of Inland Fisheries and Wildlife from fiscal year 2004 to fiscal year 2006.
	L-3	Requires a temporary assessment on all license, registration and other fees collected by the Department of Inland Fisheries and Wildlife for calendar years 2004 and 2005.
	L-4	Authorizes the purchase of more than one 10-chance moose-drawing application by nonresidents from July 1, 2003 to June 30, 2005.
	L-5	Requires the Commissioner of Inland Fisheries and Wildlife to submit a plan to restructure fees to the Joint Standing Committee on Inland Fisheries and Wildlife which is authorized to report out legislation implementing the plan.
M	M-1	Expresses Legislative intent that the Judicial Department increase the amounts for fines under the Maine Revised Statutes, Title 29-A, sections 1601, 1770 and 2074.
N	N-1	Requires a report by the Commissioner of the Department of Corrections regarding recidivism information.
O	O-1: O-3	Repeals payment by the Maine State Library of state aid for municipalities maintaining free public libraries.
P	P-1	Authorizes the Maine State Museum to establish fees for miscellaneous services.
Q	Q-1:Q-2	Renames the Department of Economic and Community Development as the Department of Tourism, Economic and Community Development.

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<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
	R-3	Increases the Government Operations Surcharge Fund surcharge on fines, forfeitures and penalties from 12% to 14% and changes the allocation paid to the Maine Criminal Justice Academy from one sixth to two - sevenths.
	R-5:R-7	Eliminates the Director of Liquor Enforcement, an Assistant to the Commissioner of Public Safety and the Director Bureau of Highway Safety as major policy influencing positions within the Department of Public Safety.
	R-8	Directs that 1/2 of the fines from tobacco enforcement be directed to the Maine Criminal Justice Academy for training and certification rather than to law enforcement agencies.
	R-9	Authorizes the State Bureau of Identification to charge individuals a fee for a criminal history record check and directs all fees to the General Fund.
	R-10	Repeals the Bureau of Highway Safety.
S	S-1	Transfers \$95,869 in fiscal year 2003-04 and \$53,834 in fiscal year 2004-05 of savings from the Bureau of Elections and Commissions, Administrative Services and Corporations, Other Special Revenue Fund account in the Department of the Secretary of State to the unappropriated surplus of the General Fund.
	S-2	Transfers \$10,000 in each year of the biennium of savings from the Archives, Other Special Revenue Fund account in the Department of the Secretary of State to the unappropriated surplus of the General Fund.
T	T-1:T-33	Amends provisions of law related to the investment of State money, amends the law as it relates to the length of time the State Treasurer is required to hold abandoned property and updates the statutes to reflect recent changes in the laws related to abandoned/unclaimed property.
U	U-1	Directs all state agencies to implement measures to reduce energy consumption within their agencies.
V	V-1	Changes the distribution of the State's share of Real Estate Transfer Tax proceeds by reducing the amount paid to the Maine State Housing Authority by \$7,500,000 in each fiscal year.
	V-2	Directs the Maine State Housing Authority to generate savings to maintain services to homeless persons at \$2,400,000.
W	W-1	Delays the increase from 5.1% to 5.2% in Municipal Revenue Sharing to July 1, 2005.

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<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
	W-2	Authorizes the State Treasurer to withhold \$1,000,000 in Municipal Revenue Sharing in fiscal year 2004-05 from distribution to be used for incentives for municipalities to achieve administrative savings.
X	X-1: X-6	Delays until FY 06 expansions in the seed capital investment tax credit.
Y	Y-1	Delays until FY 06 an insurance premium tax credit for the Fire Insurance Premium Tax special assessment.
Z	Z-1	Suspends until July 1, 2005 the broadcasters sales tax exemption.
AA	AA-1:AA-3. AA-6	Requires the withholding of income tax on distributions to nonresidents by flow through entities.
	AA-4:AA-5	Establishes the 2003 Maine Tax Amnesty Program
BB	BB-1:BB-3	Reduces the exemption amount for the Homestead Property Tax Exemption Program for homesteads with a just value of \$125,000 or more.
CC	CC-1:CC-3	Amends the insurance premium tax to clarify the coverage of contracts that may result in future annuitization.
DD	DD-1:DD-6	Postpones by one year the educational attainment investment credit and the recruitment credit available under the insurance premiums tax and individual and corporate income taxes.
EE	EE-1:EE-4	Extends the period for recapturing the bonus depreciation add-back provision.
FF	FF-1	Reduces the child and dependent care income tax credit rate to 21.5% of the federal credit for tax years beginning in 2003, 2004 and 2005.
GG	GG-1:	Reduces the earned income tax credit rate to 4.92% of the federal credit for tax years beginning in 2003, 2004 and 2005.
HH	HH-1	Suspends the increase in the income tax standard deduction for joint filers for tax years beginning in 2005.
II	II-1:II-4	Delays the allowance for several above the line deductions for education expenses and subsidies.
JJ	JJ-1:JJ-4	Delays recognition of federal estate tax changes for deaths occurring in 2003 and 2004.
KK	KK-1	Transfers \$5,000,000 in fiscal year 2003-04 and \$3,000,000 in fiscal year 2004-05 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund as reimbursement for funds provided for highway improvement projects.

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<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
LL	LL-1:LL-4	Authorizes the Commissioner of the Department of Administrative and Financial Services to offer special voluntary employee incentive programs.
MM	MM-1	Requires the transfer of \$150,000 in Maine Learning Technology Endowment investment earnings as miscellaneous income to the General Fund.
NN	NN-1	Extends the Retirement Unfunded Liability amortization schedule to the Constitutional limit until July 1, 2005 when it is restored to the current schedule.
OO	OO-1:OO-2	Requires the transition of the Maine Technical College System into the Maine Community College System.
	OO-3	Appropriates and allocates funds to facilitate the creation of the Maine Community College System and to provide public matching funds to secure scholarship assistance or limit in-state tuition increases.
PP	PP-1: PP-3	Amends the current provisions by authorizing the Maine Governmental Facilities Authority to issue additional securities totaling \$7,485,000 for capital repairs and improvements at various state facilities.
QQ	QQ-1	Authorizes the Commissioner of the Department of Administrative and Financial Services to issue one or more additional instant ticket lottery games.
RR	RR-1:RR-7; RR-13:RR-17	Repeals provisions of the law relating to the Maine Science and Technology Foundation and transfers the functions to the Department of Economic and Community Development and makes adjustments to appropriations and allocations.
	RR-8:RR-12	Transfers the functions of the Energy Conservation Division of the Department of Economic and Community Development to the Public Utilities Commission.
SS	SS-1: SS-3	Requires the closure of the remaining 13 state retail liquor stores and amends certain statutes in anticipation of the transfer of the State's wholesale liquor activities.
TT	TT-1	Changes the name of the "Maine Learning Technology Endowment" to the "Maine Learning Technology Fund."
UU	UU-1	Presents a comprehensive list of tax expenditures for the consideration of the Legislature.
VV	VV-1:VV-27	Requires parity coverage for mental illnesses for all health benefit plans covering groups of 21 or more and expands the coverage of mental illness to include 11 categories of mental illness as defined in the Diagnostic and Statistical Manual of Mental Disorders.
WW	WW-1:WW-27	Increases various commercial fishing license fees.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	WW-28	Increases the amount of the Mahogany Quahog Tax apportioned annually to the Toxin Monitoring Fund to \$56,000.
XX	XX-1:XX-2	Provides for statewide deappropriation of \$24,330,049 in fiscal year 2003-04 and \$23,933,097 in fiscal year 2004-05.
YY	YY-1	Requires the Commissioner of the Department of Administrative and Financial Services to submit legislation to the 1st Regular Session of the 121st Legislature to establish a budget reserve and stabilization Fund.
ZZ	ZZ-1	Adjusts appropriations and allocations for several initiatives that are contingent upon federal approval
AAA	AAA-1:AAA-5	Transfers \$13,570,000 in fiscal year 2003-04 and \$9,600,000 in fiscal year 2004-05 from the Highway Fund to the Local Government Fund to be distributed to certain municipalities with substantial highway maintenance budgets through the state-municipal revenue sharing program. An amount equal to the transfers from the Highway Fund to the Local Government Fund is transferred from the Local Government Fund to the General Fund.
BBB	BBB-1	Requires the Department of Behavioral and Developmental Services to work closely with residents, family, staff and other support personnel in developing a placement plan for the residents of the Aroostook Residential Center. The department is required to develop and implement a process whereby the input of residents, family, staff and other support personnel is taken into account before any placement decision is made. This part also requires that all residents be placed in the Presque Isle region. It also includes a report requirement.
CCC	CCC-1	Requires the Department of Human Services and the Department of Behavioral and Developmental Services to apply for a Medicaid Waiver to make respite services a Medicaid reimbursable service. Any General Fund savings generated in the Mental Health Services – Children program as a result of increased federal Medicaid funding for respite must be distributed proportionately across the categories of services funded by the Mental Health Services – Children program and may not be used solely for increased respite services. It also includes a report requirement.
DDD	DDD-1	Clarifies the Legislative intent that the University of Maine System be included in the definition of higher education institution as it relates to borrowing by the Maine Health and Higher Education Facilities Authority.
	DDD-2	Repeals the provision of law that requires that, by June 30, 2006 and every fiscal year thereafter, the University of Maine School of Law's share of the annual operating budget that is supported by the State's General Fund be equivalent to the share of the University of Maine's annual operating budget that is supported by the State's General Fund.

## *Joint Standing Committee on Appropriations and Financial Affairs*

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
EEE	EEE-1	Directs the child welfare ombudsman program to have as its first priority case specific advocacy services and to undertake work on systems improvements and advocacy only as an adjunct to the case specific advocacy services. This Part also terminates the current ombudsman contract on June 30, 2003 and requires a request for proposal process for a contract from July 1, 2003 to June 30, 2004. It also requires consideration of the organization structure of the ombudsman program in the restructuring of the Department of Behavioral and Developmental Services and the Department of Human Services.
	EEE-2	Clarifies that the delays in the child welfare 2002 initiative contained in Part B apply only to the applicable expenditures.
FFF	FFF-1	Authorizes the Commissioner of the Department of Administrative and Financial Services and any insurance company or third party administrator insuring or administering the State Employee Health Plan to negotiate agreements with hospitals to reduce expenses incurred the State's plan.
GGG	GGG-1: GGG-6	Makes adjustments to the Elderly low-cost drug program statute to provide benefits within existing resources by increasing the co-payment for drugs by \$2 and requiring mail order for prescriptions that have more than a 14 day supply.
HHH	HHH-1	Authorizes the Department of Human Services to pursue further third party insurance claims for behavioral health services.
III	III-1	Requires the Department of Human Services to make every effort to maximize enrollment of homeless youth in the MaineCare program.
JJJ	JJJ-1	Requires the Chief of the Maine State Police to report to the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Appropriations and Financial Affairs no later than November 1, 2004 on the fee schedule established for criminal history record background checks.
KKK	KKK-1: KKK-2	Authorizes the Department of Administrative and Financial Services to work with the Maine State Housing Authority to sell or transfer ownership of certain parcels of surplus state-owned land, along with any building on the land, to municipalities or non-profit agencies in order to address a shortage of affordable housing.
LLL	LLL-1: LLL-3	Authorizes the Commissioner of Administrative and Financial Services to contract for the sale, franchise, license or lease of the State's wholesale liquor activities to a private entity.
MMM	MMM-1	Transfers \$50,000 annually in fiscal years 2003-04 and 2004-05 from the Division of Forest Protection General Fund to the unappropriated surplus of the General Fund

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	MMM-2	Transfers \$100,000 annually in fiscal years 2003-04 and 2004-05 from the Boating Facilities Fund Other Special Revenue Funds program in the Department of Conservation to the unappropriated surplus of the General Fund
	MMM-3	Transfers \$25,000 annually in fiscal years 2003-04 and 2004-05 from the Shore and Harbor Management Fund Other Special Revenue Funds program in the Department of Conservation to the unappropriated surplus of the General Fund

Public Law 2003, chapter 20 was enacted as an emergency measure and takes effect July 1, 2003, unless a provision indicates otherwise.

**LD 1383                      An Act To Limit the Growth of Government Spending**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER BRUNO	ONTP MAJ OPT-AM MIN	

LD 1383 proposed to establish expenditure limits on state and local governments as follows:

1. Provide that the maximum annual percentage increase in state General Fund expenditures, excluding federal funds received by the General Fund, could not exceed inflation plus the percentage change in state population in the prior year.
2. Provide that the maximum annual percentage increase in local government expenditures could not exceed inflation plus the percentage change in state population in the prior year.
3. Authorize the State or a local government to authorize expenditures in excess of the established limit only upon a vote of 2/3 of the entire elected membership of each House of the Legislature, in the case of the State, or upon a 2/3 vote of the governing body of the local government, in the case of a local government.
4. Require that revenues collected in excess of the spending limits must be placed in an emergency reserve fund containing the equivalent of 3 months of operating revenues or, if the fund already contains that amount, refunded to the citizens.
5. Require that, in order for the bill to take effect, the issue be submitted to the voters of the State for their approval.

***Joint Standing Committee on Appropriations and Financial Affairs***

**LD 1442**

**An Act To Provide Administrative Support to the Treasurer of State's Cash Pool**

**ONTP**

<u>Sponsor(s)</u> TURNER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1442 proposed to allow the Treasurer of State to recover the cost of providing administrative and investment services to component units of the State as a result of their participation in the Treasurer of State's cash pool.

**LD 1566**

**An Act To Authorize a General Fund Bond Issue in the Amount of \$60,000,000 for Municipal Facilities and for Investments in Research, Development, Farming and Affordable Housing in Order To Sustain and Improve Maine's Economy**

**PUBLIC 50**

<u>Sponsor(s)</u> RICHARDSON, J TURNER		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-140 H-148
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LD 1566 proposed that the funds provided by this bond issue, in the amount of \$70,000,000, would be used for the following purposes:

1. \$6,000,000 to create jobs and reduce property tax burdens by providing grants and loans to municipalities for public facilities and infrastructure;
2. \$7,500,000 to create jobs and stimulate economic growth through expanded research, development, technology commercialization and business incubation facilities at the Advanced Engineered Wood Composites Center at the University of Maine;
3. \$3,000,000 to support educational technology improvements at the University of Maine System;
4. \$3,600,000 in anticipation of \$12,000,000 in federal and private funding for University of Maine System research and development capital activities;
5. \$4,900,000 to expand and equip research and development facilities at the Portland campus of the University of Southern Maine;
6. \$4,000,000 in anticipation of \$4,000,000 in federal and private funding for grants to nonprofit marine institutions for research and development;
7. \$25,000,000 for medical research and development by Maine-based biomedical research institutions in order to obtain matching federal funds for health research to cure disease and to retain Maine graduates by providing quality Maine jobs;
8. \$1,000,000 to support the State's Applied Technology Development Centers;
9. \$2,000,000 to support Maine Farms for the Future Program; and



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10. \$13,000,000 in anticipation of \$30,000,000 in federal and private funds for affordable housing.

**Committee Amendment “A” (H-140)** proposed to reduce the amount of bonds authorized from \$70,000,000 to \$60,000,000 and expand the purposes of the bonds authorized to include funding economic improvement; completing, expanding and equipping 2 floors of a University of Southern Maine science building; designing and constructing the Gulf of Maine Research Laboratory; and funding the capital research infrastructure needs at the University of Maine agricultural research farms. Under this amendment, the funds provided by this bond issue, in the amount of \$60,000,000, would be used for the following purposes:

1. The sum of \$6,000,000 to create jobs and reduce property tax burdens by providing grants and loans to municipalities for public facilities and infrastructure;
2. The sum of \$6,000,000 to create jobs and stimulate economic growth through expanded research, development, technology commercialization and business incubation facilities at the Advanced Engineered Wood Composites Center at the University of Maine;
3. The sum of \$3,000,000 to support educational technology improvements at the University of Maine System;
4. The sum of \$3,600,000 in anticipation of \$12,000,000 in federal and private funding for University of Maine System research and development activities;
5. The sum of \$4,400,000 to expand and equip research and development facilities at the Portland campus of the University of Southern Maine;
6. The sum of \$1,000,000 in anticipation of \$1,000,000 in federal and private funding for grants to nonprofit marine institutions for research and development;
7. The sum of \$20,000,000 for medical research and development by Maine-based biomedical research institutions in order to obtain matching federal funds for health research to cure disease and to retain Maine graduates by providing quality Maine jobs;
8. The sum of \$2,000,000 to support the State's applied technology development centers;
9. The sum of \$3,000,000 to create jobs and stimulate economic growth through the design and construction of the Gulf of Maine Research Laboratory;
10. The sum of \$2,000,000 to support the Maine Farms for the Future Program;
11. The sum of \$1,000,000 to support funding for the University of Maine agricultural research farms;  
and
12. The sum of \$8,000,000 in anticipation of \$21,150,000 in federal and private funds for affordable housing.

The amendment also proposed to require the Maine Biomedical Research Board to report each biennium to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and business, research and economic development matters on the status of the Maine Biomedical Research Fund, detailed information on the distribution of the funds to eligible institutions, including the

## ***Joint Standing Committee on Appropriations and Financial Affairs***

amount of funds each institution receives and a breakdown and explanation of all funding from specified grant sources for biomedical research, listing each specific source of funding and its use and the number of new jobs created in the State and the location of those jobs.

**House Amendment "A" To Committee Amendment "A" (H-148)** proposed to clarify language regarding anticipated federal and private funds and corrects the anticipated amount.

**House Amendment "B" To Committee Amendment "A" (H-151)** proposed to require that the State reimburse each city, town and plantation for any costs incurred in holding the statewide election in June. (Not adopted)

**Senate Amendment "A" To Committee Amendment "A" (S-58)** proposed to provide a \$3,000,000 bond issue to be administered by the Department of Tourism, Economic and Community Development to provide grants to assist the Maine Microenterprise Initiative. (Not adopted)

### ***Enacted Law Summary:***

Public Law 2003, chapter 50 authorizes, subject to voter approval, General Fund general obligation bonds totaling \$60,000,000 for the following purposes:

1. \$6,000,000 to create jobs and reduce property tax burdens by providing grants and loans to municipalities for public facilities and infrastructure;
2. \$7,500,000 to create jobs and stimulate economic growth through expanded research, development, technology commercialization and business incubation facilities at the Advanced Engineered Wood Composites Center at the University of Maine;
3. \$3,000,000 to support educational technology improvements at the University of Maine System;
4. \$3,600,000 in anticipation of \$12,000,000 in federal and private funding for University of Maine System research and development capital activities;
5. \$4,900,000 to expand and equip research and development facilities at the Portland campus of the University of Southern Maine;
6. \$4,000,000 in anticipation of \$4,000,000 in federal and private funding for grants to nonprofit marine institutions for research and development;
7. \$25,000,000 for medical research and development by Maine-based biomedical research institutions in order to obtain matching federal funds for health research to cure disease and to retain Maine graduates by providing quality Maine jobs;
8. \$1,000,000 to support the State's Applied Technology Development Centers;
9. \$2,000,000 to support Maine Farms for the Future Program; and
10. \$13,000,000 in anticipation of \$30,000,000 in federal and private funds for affordable housing.

The referendum authorizing these bonds was approved by the voters on June 10, 2003.

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**LD 1569**                    **An Act To Authorize a General Fund Bond Issue in the Amount of \$16,800,000 To Construct and Upgrade Water Pollution Control Facilities, To Remediate Solid Waste Landfills, To Clean Up Uncontrolled Hazardous Substance Sites and To Make Drinking Water System Improvements**                    **CARRIED OVER**

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

LD 1569 proposes to authorize a General Fund bond issue in the amount of \$16,800,000 to be used for the following purposes:

1. The sum of \$2,500,000 to construct and upgrade water pollution control facilities, providing the state match for \$12,500,000 in federal funds;
2. The sum of \$10,000,000 to provide grants to construct water pollution control facilities;
3. The sum of \$2,150,000 to clean up uncontrolled hazardous substance sites;
4. The sum of \$350,000 to remediate solid waste landfills; and
5. The sum of \$1,800,000 to support drinking water system improvements that address public health threats, providing the state match for \$6,000,000 in federal funds.

**LD 1572**                    **An Act To Authorize Department of Transportation Bond Issues in the Amount of \$75,000,000 for Improvements to Highways; Bridges; Airports; State-owned Ferry Vessels; Ferry and Port Facilities; Port and Harbor Structures; Development of Rail Corridors; Improvements to Railroad Structures and Intermodal Facilities; Investment in Public Transportation Fleet and Public Park and Ride and Service Facilities; and Statewide Trail and Pedestrian Improvements**                    **CARRIED OVER**

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

LD 1572 proposes to authorize a General Fund bond issue in the amount of \$75,000,000 to be used for highways and bridges; airports; state-owned ferry vessels and ferry and port facilities; port and harbor structures; development of rail corridors and improvements to railroad structures and intermodal facilities; investment in the statewide public transportation fleet and public park and ride and service facilities; and statewide trail and pedestrian improvements.

*Joint Standing Committee on Appropriations and Financial Affairs*

LD 1574

**An Act To Make Additional Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2003, June 30, 2004 and June 30, 2005**

**PUBLIC 51  
EMERGENCY**

Sponsor(s)  
BRANNIGAN

Committee Report  
OTP-AM

Amendments Adopted  
H-135

LD 1574 proposed the following:

PART A proposed to make appropriations and allocations of funds.

Part B proposed to:

1. Lapse funds from the General Fund Salary Plan account in the Department of Administrative and Financial Services to the General Fund in fiscal year 2002-03;
2. Authorize the Governor to transfer by financial order positions authorized by the Legislature between accounts and between departments and the authority to transfer the available balances of any General Fund appropriation between line categories, accounts and departments in fiscal year 2002-03;
3. Authorize the State Controller to transfer funds from the Risk Management - Claims, Internal Services Fund account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund in fiscal year 2002-03; and
4. Authorize the State Controller to transfer funds from the Fund for a Healthy Maine, Other Special Revenue Funds account in the Department of Administrative and Financial Services as a result of audits of Fund for a Healthy Maine accounts to the unappropriated surplus of the General Fund in fiscal year 2002-03.

Part C proposed to amend current law to facilitate the closure of the remaining 13 state liquor stores.

Part D proposed to Part D provides for balances in the Atlantic Salmon Commission, General Fund account to lapse to the General Fund in fiscal year 2002-03.

Part E proposed to:

1. Authorize the State Controller to transfer funds from the Mental Retardation Services - Community, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund in fiscal year 2002-03;
2. Authorize the State Controller to transfer funds from the Mental Health Services - Community, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund in fiscal year 2002-03;
3. Authorize the State Controller to transfer funds from the Mental Health Services - Children - Maximus, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund in fiscal year 2002-03;

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4. Provide for balances in the Mental Health Services - Community, General Fund account in the Department of Behavioral and Developmental Services to lapse to the General Fund in fiscal year 2002-03;
5. Provide for balances in the Mental Health Services - Children, General Fund account in the Department of Behavioral and Developmental Services to lapse to the General Fund in fiscal year 2002-03;
6. Provide for balances in the Mental Retardation Services - Community, General Fund account in the Department of Behavioral and Developmental Services to lapse to the General Fund in fiscal year 2002-03; and
7. Provide for balances in the Office of Substance Abuse, General Fund account in the Department of Behavioral and Developmental Services to lapse to the General Fund in fiscal year 2002-03.

Part F proposed to authorize the State Controller to transfer funds from the Maine Emergency Management Agency - Emergency Operations, Other Special Revenue Funds account in the Department of Defense, Veterans and Emergency Management to the unappropriated surplus of the General Fund in fiscal year 2002-03.

Part G proposed to provide for balances in the General Purpose Aid for Local Schools, General Fund account in the Department of Education to lapse to the General Fund in fiscal year 2002-03.

Part H proposed to:

1. Authorize the State Controller to transfer funds from the Public Health Laboratory, Other Special Revenue Funds account in the Department of Human Services to the unappropriated surplus of the General Fund in fiscal year 2002-03;
2. Authorize the State Controller to transfer funds from the Control Over Plumbing, Other Special Revenue Funds account in the Department of Human Services to the unappropriated surplus of the General Fund in fiscal year 2002-03; and
3. Provide for balances in the State Supplement to Federal Supplemental Security Income, General Fund account in the Department of Human Services to lapse to the General Fund in fiscal year 2002-03.

Part I proposed to authorize the State Controller to transfer funds from the Human Rights Commission, Other Special Revenue Funds account to the unappropriated surplus of the General Fund in fiscal year 2002-03.

Part J proposed to provide for balances in the Supreme, Judicial and Superior Courts, General Fund account in the Judicial Department to lapse to the General Fund in fiscal year 2002-03.

Part K proposed to:

1. Authorize the State Controller to transfer funds from the Employment Services Activity, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund in fiscal year 2002-03; and

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2. Authorize the State Controller to transfer funds from the Blind and Visually Impaired, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund in fiscal year 2002-03.

Part L proposed to authorize the Commissioner of Public Safety to adjust the fee schedule for criminal history record checks effective May 1, 2003.

Part M proposed to authorize \$100,000 in the Administrative Services and Corporations, General Fund account in the Department of the Secretary of State to carry forward to fiscal year 2003-04 to be used for the same purposes.

**Committee Amendment "A" (H-135)** proposed to include a mandate preamble solely because of the provision in Part H, section 7 relating to the City of Portland.

Additionally, the amendment proposed to include the following.

Part A proposed to make appropriations and allocations of funds.

Part B proposed to:

1. Lapse funds from the General Fund Salary Plan account in the Department of Administrative and Financial Services to the General Fund in fiscal year 2002-03;
2. Authorize the Governor to transfer by financial order positions authorized by the Legislature between accounts and between departments and the authority to transfer the available balances of any General Fund appropriation between line categories, accounts and departments in fiscal year 2002-03; and
3. Authorize the State Controller to transfer funds from the Risk Management - Claims, Internal Services Fund account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund in fiscal year 2002-03.

Part C proposed to amend current law to facilitate the closure of the remaining 13 state liquor stores.

Part D proposed to provide for balances in the Atlantic Salmon Commission, General Fund account to lapse to the General Fund in fiscal year 2002-03.

Part E proposed to:

1. Authorize the State Controller to transfer funds from the Mental Retardation Services - Community, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund in fiscal year 2002-03;
2. Authorize the State Controller to transfer funds from the Mental Health Services - Community, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund in fiscal year 2002-03;
3. Authorize the State Controller to transfer funds from the Mental Health Services - Children - Maximus, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund in fiscal year 2002-03;

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4. Provide for balances in the Mental Health Services - Community, General Fund account in the Department of Behavioral and Developmental Services to lapse to the General Fund in fiscal year 2002-03;
5. Provide for balances in the Mental Health Services - Children, General Fund account in the Department of Behavioral and Developmental Services to lapse to the General Fund in fiscal year 2002-03;
6. Provide for balances in the Mental Retardation Services - Community, General Fund account in the Department of Behavioral and Developmental Services to lapse to the General Fund in fiscal year 2002-03; and
7. Provide for balances in the Office of Substance Abuse, General Fund account in the Department of Behavioral and Developmental Services to lapse to the General Fund in fiscal year 2002-03.

Part F proposed to authorize the State Controller to transfer funds from the Maine Emergency Management Agency - Emergency Operations, Other Special Revenue Funds account in the Department of Defense, Veterans and Emergency Management to the unappropriated surplus of the General Fund in fiscal year 2002-03.

Part G proposed to provide for balances in the General Purpose Aid for Local Schools, General Fund account in the Department of Education to lapse to the General Fund in fiscal year 2002-03.

Part H proposed to:

1. Modify language implementing the health care provider tax under Public Law 2001, chapter 714 by requiring that the Commissioner of Human Services issue rules ensuring the tax is implemented in a manner that conforms to applicable federal regulations.
2. Authorize the State Controller to transfer funds from the Public Health Laboratory, Other Special Revenue Funds account in the Department of Human Services to the unappropriated surplus of the General Fund in fiscal year 2002-03;
3. Authorize the State Controller to transfer funds from the Control Over Plumbing, Other Special Revenue Funds account in the Department of Human Services to the unappropriated surplus of the General Fund in fiscal year 2002-03; and
4. Provide for balances in the State Supplement to Federal Supplemental Security Income, General Fund account in the Department of Human Services to lapse to the General Fund in fiscal year 2002-03.
5. Authorize \$300,000 allocated to the Long-Term Care - Human Services, Other Special Revenue Funds account to be used to maintain services on a one-time basis for current home-based care program consumers.
6. Require the State Controller to implement a modified accrual method of accounting for revenue collected by the Department of Human Services from child welfare targeted case management to ensure that 12 months of revenue is credited based on 12 months of activity for which the billing is based.

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7. Require the City of Portland to transfer \$1,000,000 to the State as undedicated General Fund revenue in 2002-03. It also proposed to specify that this intergovernmental transfer from the City of Portland must be at least \$2,000,000 in fiscal year 2003-04 and \$2,000,000 in fiscal year 2004-05.

Part I proposed to authorize the State Controller to transfer funds from the Human Rights Commission, Other Special Revenue Funds account to the unappropriated surplus of the General Fund in fiscal year 2002-03.

Part J proposed to provide for balances in the Supreme, Judicial and Superior Courts, General Fund account in the Judicial Department to lapse to the General Fund in fiscal year 2002-03.

Part K proposed to:

1. Authorize the State Controller to transfer funds from the Employment Services Activity, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund in fiscal year 2002-03; and
2. Authorize the State Controller to transfer funds from the Blind and Visually Impaired, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund in fiscal year 2002-03.

Part L proposed to authorize the Commissioner of Public Safety to adjust the fee schedule for criminal history record checks effective May 1, 2003.

Part M proposed to authorize \$100,000 in the Administrative Services and Corporations, General Fund account in the Department of the Secretary of State to carry forward to fiscal year 2003-04 to be used for the same purposes.

### ***Enacted Law Summary:***

Public Law 2003, chapter 51 does the following:

<b>Part</b>	<b>Section</b>	<b>Description</b>
A	A-1	Part A makes appropriations and allocations of funds in fiscal year 2002-03.
B	B-1	Lapses \$586,403 from the General Fund Salary Plan account in the Department of Administrative and Financial Services to the General Fund in fiscal year 2002-03.
	B-2	Authorizes the Governor to transfer by financial order positions authorized by the Legislature between accounts and between departments and the authority to transfer the available balances of any General Fund appropriation between line categories, accounts and departments in fiscal year 2002-03.
	B-3	Authorizes the State Controller to transfer \$407,117 from the Risk Management - Claims, Internal Services Fund account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund in fiscal year 2002-03.
C	C-1; C-2	Amends current law to facilitate the closure of the remaining 13 state liquor stores.



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- D Provides for \$45,685 of encumbered balance in the Atlantic Salmon Commission, General Fund account to be disencumbered and lapse to the General Fund in fiscal year 2002-03.
- E E-1 Authorizes the State Controller to transfer \$90,000 from the Mental Retardation Services - Community, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund in fiscal year 2002-03.
- E-2 Authorizes the State Controller to transfer \$160,000 from the Mental Health Services - Community, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund in fiscal year 2002-03.
- E-3 Authorizes the State Controller to transfer \$400,000 from the Mental Health Services - Children - Maximus, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund in fiscal year 2002-03.
- E-4 Disencumbers and lapses \$110,494 of encumbered balance in the Mental Health Services - Community, General Fund account in the Department of Behavioral and Developmental Services to the General Fund in fiscal year 2002-03.
- E-5 Disencumbers and lapses \$43,106 of encumbered balance in the Mental Health Services - Children, General Fund account in the Department of Behavioral and Developmental Services to the General Fund in fiscal year 2002-03.
- E-6 Disencumbers and lapses \$28,823 of encumbered balance in the Mental Retardation Services - Community, General Fund account in the Department of Behavioral and Developmental Services to the General Fund in fiscal year 2002-03.
- E-7 Disencumbers and lapses \$31,700 of encumbered balance in the Office of Substance Abuse, General Fund account in the Department of Behavioral and Developmental Services to the General Fund in fiscal year 2002-03.
- F F-1 Authorizes the State Controller to transfer \$48,052 from the Maine Emergency Management Agency - Emergency Operations, Other Special Revenue Funds account in the Department of Defense, Veterans and Emergency Management to the unappropriated surplus of the General Fund in fiscal year 2002-03.
- G G-1 Lapses \$600,000 in unencumbered balances in the General Purpose Aid for Local Schools, General Fund account in the Department of Education to the General Fund in fiscal year 2002-03.
- H H-1 Modifies language implementing the health care provider tax under Public Law 2001, chapter 714 by requiring that the Commissioner of Human Services issue rules ensuring the tax is implemented in a manner that conforms to applicable federal regulations.

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### **PART SECTION DESCRIPTION**

H-2	Authorizes the State Controller to transfer \$100,000 from the Public Health Laboratory, Other Special Revenue Funds account in the Department of Human Services to the unappropriated surplus of the General Fund in fiscal year 2002-03.
H-3	Authorizes the State Controller to transfer \$100,000 from the Control Over Plumbing, Other Special Revenue Funds account in the Department of Human Services to the unappropriated surplus of the General Fund in fiscal year 2002-03.
H-4	Lapses \$150,000 of unencumbered balances in the State Supplement to Federal Supplemental Security Income, General Fund account in the Department of Human Services to lapse to the General Fund in fiscal year 2002-03.
H-5	Authorizes \$300,000 allocated to the Long-Term Care - Human Services, Other Special Revenue Funds account to be used to maintain services on a one-time basis for current home-based care program consumers.
H-6	Requires the State Controller to implement a modified accrual method of accounting for revenue collected by the Department of Human Services from child welfare targeted case management to ensure that 12 months of revenue is credited as undedicated General Fund revenue based on 12 months of activity for which the billing is based.
H-7	Requires the Commissioner of the Department of Administrative and Financial Services to establish annually the amount that must be transferred from the City of Portland as the intergovernmental transfer. It further requires the City of Portland to transfer \$1,000,000 in fiscal year 2002-03, \$2,000,000 in fiscal year 2003-04 and \$2,000,000 in fiscal year 2004-05 to the State as undedicated General Fund revenue.
H-8	Authorizes the Commissioner of the Department of Human Services to implement measures necessary to generate savings in the Child Welfare Services program in fiscal year 2002-03 by taking certain action that will transfer expenses to MaineCare. This expenditure transfer may be accomplished by journal voucher with the approval of the State Controller.
I	I-1 Authorizes the State Controller to transfer \$1,351 from the Human Rights Commission, Other Special Revenue Funds account to the unappropriated surplus of the General Fund in fiscal year 2002-03.
J	J-1 Disencumbers and lapses \$14,685 of encumbered balances in the Supreme, Judicial and Superior Courts, General Fund account in the Judicial Department to the General Fund in fiscal year 2002-03.
K	K-1 Authorizes the State Controller to transfer \$25,260 from the Employment Services Activity, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund in fiscal year 2002-03.

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	K-2	Authorizes the State Controller to transfer \$18,500 from the Blind and Visually Impaired, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund in fiscal year 2002-03.
L	L-1	Authorizes the Commissioner of the Department of Public Safety to adjust the fee schedule for criminal history record checks effective May 1, 2003.
M	M-1	Authorizes \$100,000 in the Administrative Services and Corporations, General Fund account in the Department of the Secretary of State to carry forward to fiscal year 2003-04 to be used for the same purposes.

Public Law 2003, chapter 51 was enacted as an emergency measure effective April 18, 2003.

**LD 1591                      An Act To Authorize a General Fund Bond Issue in the Amount of \$13,300,000 To Address Health, Safety and Compliance Deficiencies in the University of Maine System; To Expedite the Creation of a Community College System; To Make Improvements to State Parks; To Make Cultural Improvements; and To Modernize the State Court System                      CARRIED OVER**

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

LD 1591 proposes to authorize a General Fund bond issue in the amount of \$13,300,000 to be used for the following purposes:

1. The sum of \$4,000,000 to address health, safety and compliance deficiencies in the University of Maine System;
2. The sum of \$2,000,000 to expedite the creation of a community college system;
3. The sum of \$2,000,000 to make improvements to state parks;
4. The sum of \$4,000,000 to make cultural improvements; and
5. The sum of \$1,300,000 to modernize the state court system.

LD 1591 was carried over to the Second Regular Session of the 121<sup>st</sup> Legislature.

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LD 1614

**An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2003, June 30, 2004 and June 30, 2005**

**PUBLIC 451  
EMERGENCY**

<u>Sponsor(s)</u> BRANNIGAN CATHCART	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-560
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LD 1614 proposed the following:

Part A proposed to make supplemental appropriations and allocations from various governmental, internal service and enterprise funds.

Part B proposed to make supplemental appropriations and allocations from various governmental, internal service and enterprise funds for approved reclassifications and range changes.

Part C proposed to adjust appropriations and allocations to achieve General Fund savings.

Part D proposed to amend the statutes to increase the cap for the workers' compensation assessments.

Part E proposed to:

1. Repeal provisions of the law delaying conformity with the federal tax code as it relates to expansion of school construction bonds, taxable school construction bonds and certain private activity bonds.
2. Amend the law to specify that 2003 Maine Tax Amnesty Program apply to tax liabilities delinquent as of August 31, 2003.
3. Amend the law to extend the filing period for the 2003 Maine Tax Amnesty Program by one month.
4. Repeal provisions of the law that delayed the increase in the seed capital investment tax credit.
5. Authorize reimbursement from the Salary Plan program for the costs of contract resolution, administration, implementation and other costs required by the process of collective bargaining and negotiation procedures.
6. Provide for the calculation and transfer of statewide savings in the General Fund in the cost of dental insurance for fiscal year 2004-05 that are identified in Part C, section 1.
7. Transfer \$400,000 from the Bureau of Alcoholic Beverages Internal Service Fund account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund no later than June 30, 2005. It returns the working capital advance no longer required due to the proposed closure of the remaining 13 state liquor stores.
8. Authorize the Commissioner of Administrative and Financial Services to advance the schedule of issuance of one or more additional instant ticket lottery games.

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9. Transfer \$57,500 in fiscal year 2003-04 and \$57,500 in fiscal year 2004-05 from the Real Property Lease Internal Service Fund account to the unappropriated surplus of the General Fund no later than June 30th of each fiscal year to reflect savings as a result of the renegotiation of leases.
10. Authorize the Commissioner of Administrative and Financial Services to offer a retirement incentive program to employees who are eligible to retire and who have reached their normal retirement age.
11. Authorize the State Controller to transfer from the unappropriated surplus of the General Fund to the General Purpose Aid for Local Schools account an amount not to exceed \$9,413,299 and allow the funds to be allotted in fiscal year 2004-05.
12. Establish the Tax Conformity Reserve as an account within the General Fund to be used to reserve funds to be used to conform the State's tax laws to the United States Internal Revenue Code and authorize the transfer of balances from General Fund unappropriated surplus to the reserve.
13. Make provisions to increase the percentage share of retired teachers' health insurance contribution that the State is authorized to make in fiscal years 2003-04 and 2004-05 within current appropriations.
14. Authorize the Department of Administrative and Financial Services in cooperation with the Treasurer of State to enter into financing arrangements related to fiscal year 2003-04 and fiscal year 2004-05 for the acquisition of motor vehicles for the Central Motor Pool.
15. Authorize the Commissioner of Administrative and Financial Services to submit legislation to the Second Regular Session of the 121st Legislature to address restructuring of State Government agencies, consolidation of services and other efficiencies in order to achieve cost savings.
16. Authorize the judicial branch of government to replace savings achieved as a result of merit increases not being awarded in fiscal year 2004-05 with other Personal Services by agreement of the State and the bargaining agents representing state employees.
17. Lapse funds from the General Fund Salary Plan account in the Department of Administrative and Financial Services to General Fund unappropriated surplus in fiscal year 2003-04.

### Part F proposed to:

1. Establish internal control standards for all state agencies and departments.
2. Establish June 30, 2004 as the date by which agencies and departments must be in compliance with the internal control standards.

### Part G proposed to:

1. Amend the law to provide for license fees charged to persons owning honeybees to be credited to the General Fund.
2. Amend the law to provide for registration fees charged for bees shipped or moved into the State to be credited to the General Fund.
3. Amend the law to require that funds received in reimbursement in the meat and poultry inspection program be credited to the General Fund.

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Part H proposed to amend the law regarding the membership of the Atlantic Salmon Commission.

Part I proposed to transfer funds from the Statewide Single Audit - Set Aside, Other Special Revenue Funds account in the Department of Audit to the unappropriated surplus of the General Fund in fiscal years 2003-04 and 2004-05.

Part J proposed to:

1. Authorize the Department of Behavioral and Developmental Services to seek reimbursement of expenditures under Medicaid Title XIX for targeted case management.
2. Authorize the Department of Behavioral and Developmental Services to deposit to the General Fund undedicated revenue no later than June 30, 2004 in the amount of \$1,683,117 generated from audit recoveries and contract settlements with providers.
3. Authorize the Department of Behavioral and Developmental Services by financial order to transfer up to 8 vacant positions and existing funding from General Fund appropriations to establish 8 Mental Health and Mental Retardation Caseworker positions.

Part K proposed to:

1. Amend provisions of the law relating to the accreditation of state correctional institutions.
2. Create the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners.

Part L proposed to repeal the provision of law that renamed the Department of Economic and Community Development.

Part M proposed to:

1. Amend the law to allow for the implementation of merit increases in fiscal year 2004-05.
2. Repeal that portion of Public Law 2003, chapter 20 that provided for statewide deappropriations to offset a revenue reprojection.

Part N proposed to establish the Blaine House Renovations and Repairs Fund in the Executive Department.

Part O proposed to:

1. Amend the law to expand the Occupational Safety Loan Program to allow interest rate subsidies to businesses receiving loans for workplace safety improvements.
2. Transfer funds from the Waste Reduction and Recycling Fund account in the Finance Authority of Maine to the unappropriated surplus of the General Fund in fiscal year 2003-04.
3. Transfer funds from the Occupational Safety Loan Program in the Finance Authority of Maine to the unappropriated surplus of the General Fund in fiscal year 2003-04.

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### Part P proposed to:

1. Amend Public Law 2003, chapter 51, Part H to specify that the intergovernmental transfer from the City of Portland must be at least \$2,400,000 in fiscal year 2003-04 and \$2,400,000 in fiscal year 2004-05.
2. Require that municipally funded hospitals in Dover-Foxcroft, Caribou and Lincoln transfer a combined total of \$650,000 in fiscal year 2003-04 and \$650,000 in fiscal year 2004-05 to the State as undedicated General Fund revenue.
3. Provide for balances in the Bureau of Medical Services, General Fund account in the Department of Human Services to lapse to the General Fund in fiscal year 2002-03.
4. Provide for balances in the Department of Human Services accounts to lapse to the General Fund in fiscal year 2002-03.
5. Authorize the Department of Human Services to seek reimbursement of expenditures under Medicaid Title XIX for targeted case management.

### Part Q proposed to:

1. Transfer funds from the Safety Education and Training Fund, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund in fiscal years 2003-04 and 2004-05.
2. Transfer funds from the Blind and Visually Impaired, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund in fiscal years 2003-04 and 2004-05.

### Part R proposed to:

1. Provide for balances in the Commission on Interstate Cooperation account in the Legislature to lapse to the General Fund in fiscal year 2003-04.
2. Provide for balances in the Commission on Uniform State Laws account in the Legislature to lapse to the General Fund in fiscal year 2003-04.
3. Provide for balances in the legislative account in the Legislature to lapse to the General Fund in fiscal year 2003-04.
4. Provide for balances in the Office of Program Evaluation and Government Accountability account to lapse to the General Fund in fiscal year 2003-04.
5. Amend the law to allow for the implementation of merit increases in fiscal year 2004-05 for the legislative branch.

### Part S proposed to:

1. Amend the law to increase the fees charged for issuance of licenses and permits issued by the Department of Public Safety, Bureau of State Police, licensing division for games of chance and

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beano. It also proposed to amend the law regarding application of a former felon to carry a concealed weapon and reporting requirements.

2. Amend the law relating to the type of organizations the Department of Public Safety, State Bureau of Identification may charge fees.
3. Authorize the Commissioner of Public Safety to increase the number of speed enforcement details using aircraft.

Part T proposed to amend the law to provide for the transition of functions previously performed by the Bureau of Liquor Enforcement in the Department of Public Safety.

Part U proposed to:

1. Establish the Help America Vote Act of 2002 Other Special Revenue Funds account in the Department of the Secretary of State as a nonlapsing account to which all interest earned must accrue.
2. Authorize the State Controller to transfer \$100,000 of unencumbered balance forward in fiscal year 2003-04 in the Bureau of Corporations, Elections and Commissions, General Fund account in the Department of the Secretary of State, to the Help America Vote Act of 2002, Other Special Revenue Funds account.
3. Authorize the Help America Vote Act of 2002 Federal Expenditures Fund account in the Department of the Secretary of State to accrue all interest earned on funds in the account.

Part V proposed to amend the law to extend the temporary terms of the Acting Commissioner of the Department of Behavioral and Developmental Services and the Acting Commissioner of the Department of Human Services.

Part W proposed to:

1. Amend the law relating to the ability of state departments and agencies to transfer positions and appropriation and allocation balances.
2. Authorize the State Budget Officer to delegate the authority to department and agency heads to reallocate cumulative allotment from prior quarters.

Part X proposed to:

1. Establish the Maine Budget Stabilization Fund and transfer statutory obligations from the Maine Rainy Day Fund.
2. Amend provisions of the law related to the Reserve for General Fund Operating Capital.
3. Repeal that portion of the law related to the Maine Rainy Day Fund.
4. Amend provisions of the law related to the Capital Construction and Improvements Reserve Fund.
5. Repeal that portion of law that related to transfers to the Retirement Allowance Fund.
6. Amend provisions of the law related to the Retiree Health Insurance Internal Service Fund.



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7. Require the Revenue Forecasting Committee to calculate the long-term growth rate limitation.
8. Amend provisions of the law related to the transfer of balances from the Job Retention Program in the Department of Economic and Community Development.
9. Authorize any balances in the Maine Rainy Day Fund to be transferred to the Maine Budget Stabilization Fund.

Part Y proposed to:

1. Amend Department of Human Services allocations in Public Law 2003, chapter 20, Part A.
2. Amend University of Maine System allocations in Public Law 2003, chapter 20, Part A.

Part Z proposed to authorize the Chancellor of the University of Maine System and any insurance company or 3rd-party administrator insuring or administering the university employee health insurance program to negotiate agreements with hospitals to reduce expenses incurred by the university's plan.

Part AA proposed to:

1. Amend provisions of the law relating to the development of the biennial economic assumptions by the Consensus Economic Forecasting Commission.
2. Amend provisions of the law relating to use of economic forecasting models by the Consensus Economic Forecasting Commission.
3. Amend provisions of the law relating to staff support for the Consensus Economic Forecasting Commission.
4. Amend provisions of the law relating to the development of the biennial revenue projections by the Revenue Forecasting Committee.
5. Amend provisions of the law relating to staff support for the Revenue Forecasting Committee.

Part BB proposed to transfer \$180,000 from the IV-D Cooperative Agreement, Other Special Revenue Funds account in the Judicial Department to the General Fund in fiscal year 2003-04.

Part CC proposed to:

1. Authorize the Bureau of Resource Management, General Fund account in the Department of Marine Resources to carry forward \$90,000 in All Other funds to fiscal year 2003-04 to be used for the purposes originally intended.
2. Authorize the Bureau of Marine Patrol, General Fund account in the Department of Marine Resources to carry forward \$58,000 in Capital Expenditures to fiscal year 2003-04 to be used for the purposes originally intended.
3. Authorize the Division of Community Resource Development, General Fund account in the Department of Marine Resources to carry forward \$8,000 in All Other funds to fiscal year 2003-04 to be used for the purposes originally intended.

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4. Authorize the Division of Administrative Services, General Fund account in the Department of Marine Resources to carry forward \$80,000 in All Other funds and \$59,908 in Capital Expenditures funds to fiscal year 2003-04 to be used for the purposes originally intended.

### ***Enacted Law Summary:***

Public Law 2003, chapter 451 does the following:

<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
A	A-1	Makes supplemental appropriations and allocations for fiscal years 2003-04 and 2004-05.
B	B-1	Makes supplemental appropriations and allocations in fiscal years 2003-04 and 2004-05 for approved reclassifications and range changes.
C	C-1	Adjusts appropriations and allocations to achieve General Fund savings.
D	D-1	Adjusts appropriations and allocations in fiscal year 2002-03.
E	E-1:E-5; E-8	Repeals provisions of the law that delayed the increase in the seed capital investment tax credit.
	E-6:E-7	Repeals provisions of the law that delayed conformity with the federal tax code as it relates to income from school construction bonds and exempt facility bonds used to provide qualified public educational facilities.
	E-9	Amends the law to specify that the 2003 Maine Tax Amnesty Program applies to tax liabilities delinquent as of August 31, 2003.
	E-10	Amends the law to extend the filing period for the 2003 Maine Tax Amnesty Program by one month.
	E-11	Authorizes the Department of Administrative and Financial Services to be reimbursed from the Salary Plan program for the costs of contract resolution, administration, implementation and other costs required by the process of collective bargaining and negotiation procedures.
	E-12	Provides for the calculation and transfer of statewide savings in the General Fund in the cost of dental insurance for fiscal year 2004-05 that are identified in Part C, section 1.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
E-13		Transfers \$400,000 from the Bureau of Alcoholic Beverages Internal Service Fund account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund no later than June 30, 2005. It returns the working capital advance no longer required due to the proposed closure of the remaining 13 state liquor stores.
E-14		Authorizes the Commissioner of the Department of Administrative and Financial Services to advance the schedule of issuance of one or more additional instant ticket lottery games.
E-15		Transfers \$57,500 annually in fiscal years 2003-04 and 2004-05 from the Real Property Lease Internal Service Fund account to the unappropriated surplus of the General Fund no later than June 30th of each fiscal year to reflect savings as a result of the renegotiation of leases.
E-16		Authorizes the Commissioner of the Department of Administrative and Financial Services to offer a retirement incentive program to employees who are eligible to retire and who have reached their normal retirement age.
E-17		Provides lease-purchase authorization for the acquisition of motor vehicles for the Maine State Police.
E-18		Authorizes the Commissioner of the Department of Administrative and Financial Services to submit legislation to the Second Regular Session of the 121st Legislature to address restructuring of State Government agencies, consolidation of services and other efficiencies in order to achieve cost savings.
E-19		Authorizes the judicial branch of government to replace savings achieved as a result of merit increases not being awarded with other Personal Services by agreement of the State and the bargaining agents representing state employees.
E-20		Lapses \$150,000 from the General Fund Salary Plan account in the Department of Administrative and Financial Services to General Fund unappropriated surplus in fiscal year 2003-04.
F	F-1	Establishes internal control standards for all state agencies and departments.

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<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
	F-2	Provides that legislatively created public instrumentalities and related organizations for which the State is financially accountable or that have a significant relationship with the State must comply with fiscal reporting policies established by the State Controller if not already doing so. Also specifies that those public instrumentalities and related organizations that must comply with OMB Budget Circulars or other accounting, auditing and reporting requirements may submit that information to the State Controller to satisfy these requirements.
	F-3	Establishes June 30, 2004 as the date by which agencies and departments must be in compliance with the internal control standards.
	F-4	Provides lease-purchase authorization for the Bureau of Information Services to acquire hardware, software and systems to support the operations of state government.
G	G-1	Amends the law to require that funds received in reimbursement in the meat and poultry inspection program be credited to the General Fund
H	H-1:H-3	Provides funds to delay for one year the \$3 per patient day copay for federally qualified health center (FQHC) MaineCare services that was authorized in PL 2003, c. 20.
I	I-1	Transfers \$29,096 in fiscal year 2003-04 and \$28,306 in fiscal year 2004-05 from the Statewide Single Audit - Set Aside, Other Special Revenue Funds account in the Department of Audit to the unappropriated surplus of the General Fund.
J	J-1	Requires the Department of Behavioral and Developmental Services to seek reimbursement of expenditures under Medicaid Title XIX for targeted case management and deposit \$400,000 annually as undedicated General Fund revenue.
	J-2	Requires the Department of Behavioral and Developmental Services to deposit \$2,483,117 in the General Fund in fiscal year 2003-04 from funds received from audit recoveries and contract settlements with providers.
	J-3	Authorizes the Department of Behavioral and Developmental Services by financial order to transfer up to 8 vacant positions and existing funding from General Fund appropriations to establish 8 Mental Health and Mental Retardation Caseworker positions.
	J-4	Provides \$800,000 in fiscal year 2003-04 to partially restore funding for children's mental health services.

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<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
K	K-1	Amends provisions of the law relating to the accreditation of state correctional institutions.
	K-2	Creates the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners.
	K-3	Appropriates funds to support the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners.
L	L-1:L-3	Repeals the provisions of law that renamed the Department of Economic and Community Development.
M	M-1	Amends a provision of law to allow for the implementation of merit increases in fiscal year 2004-05.
	M-2	Repeals that portion of Public Law 2003, chapter 20 that provided for statewide deappropriations of \$24,330,049 in fiscal year 2003-04 and \$23,933,097 in fiscal year 2004-05 to offset a downward revenue reprojected.
N	N-1	Establishes the Blaine House Renovations and Repairs Fund in the Executive Department.
	N-2	Lapses \$4,094 of unencumbered balance forward to the General Fund in fiscal year 2003-04 in the Planning Office - Smart Growth Initiative General Fund account in the Executive Department.
	N-3	Lapses \$47,441 of unencumbered balance forward to the General Fund in fiscal year 2003-04 in the Land for Maine's Future General Fund account in the Executive Department.
O	O-1:O-3	Amends the law to expand the Occupational Safety Loan Program to allow interest rate subsidies to businesses receiving loans for workplace safety improvements.
	O-4	Transfers \$401,209 from the Occupational Safety Loan Program in the Finance Authority of Maine to the unappropriated surplus of the General Fund in fiscal year 2003-04.
P	P-1	Authorizes the Department of Human Services to create a preferred drug list for the Low-cost Drugs for Maine's Elderly program.
	P-2	Repeals a mail order prescription drug provision that was contained in PL 2003, c. 20.

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<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
	P-3;P-6	Establishes the Youth in Need of Services Program within the Department of Human Services and requires that all funding be distributed equally among the Bangor, Lewiston and Portland programs.
	P-4	Amends PL 2003, c. 51, Part H to specify that the intergovernmental transfer from the City of Portland must be at least \$2,492,618 in fiscal year 2003-04 and \$2,544,709 in fiscal year 2004-05.
	P-5	Requires that municipally-funded hospitals in Dover-Foxcroft and Caribou transfer a combined total of \$2,590,000 in fiscal year 2003-04 and \$2,630,000 in fiscal year 2004-05 to the State as undedicated General Fund revenue through an intergovernmental transfer.
	P-7	Requires the Department of Human Services to deposit \$1,134,035 of reimbursements under Title XXI of the United States Social Security Act in the General Fund in fiscal year 2002-03.
	P-8	Requires emergency rule making to adopt MaineCare hospital payment standards.
	P-9	Lapses \$100,000 of encumbered balance forward in the Bureau of Medical Services, General Fund account in the Department of Human Services to the General Fund in fiscal year 2002-03.
	P-10	Disencumbers and lapses \$500,000 of encumbered balances carried forward in the Department of Human Services accounts to the General Fund in fiscal year 2002-03.
	P-11	Requires the Department of Human Services to seek reimbursement of expenditures under Medicaid Title XIX for targeted case management and deposit \$579,638 annually as undedicated General Fund revenue.
Q	Q-1	Transfers \$100,000 annually from the Safety Education and Training Fund, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund in fiscal years 2003-04 and 2004-05.
	Q-2	Transfers \$100,000 annually from the Blind and Visually Impaired, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund in fiscal years 2003-04 and 2004-05.
R	R-1	Amends the law to allow for the implementation of merit increases in fiscal year 2004-05 for the legislative branch.
	R-2	Lapses \$13,032 from the Commission on Interstate Cooperation account in the Legislature to the General Fund in fiscal year 2003-04.

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<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
	R-3	Lapses \$8,833 from the Commission on Uniform State Laws account in the Legislature to the General Fund in fiscal year 2003-04.
	R-4	Lapses \$215,000 from the Legislative General Fund account to the General Fund in fiscal year 2003-04.
	R-5	Lapses \$17,223 from the Office of Program Evaluation and Government Accountability account to the General Fund in fiscal year 2003-04.
S	S-1	Amends the law relating to the type of organizations the Department of Public Safety, State Bureau of Identification may charge fees for criminal history record checks.
	S-2	Authorizes the Commissioner of Public Safety to increase the number of speed enforcement details using aircraft.
T	T-1:T-16	Amends the law to provide for the transition of functions previously performed by the Bureau of Liquor Enforcement in the Department of Public Safety.
U	U-1	Establishes the Help America Vote Act of 2002 Other Special Revenue Funds account in the Department of the Secretary of State as a nonlapsing account and dedicates all interest earned on fund balances to the fund.
	U-2	Authorizes the State Controller to transfer \$100,000 of unencumbered balance forward in fiscal year 2003-04 in the Bureau of Corporations, Elections and Commissions, General Fund account in the Department of the Secretary of State, to the Help America Vote Act of 2002, Other Special Revenue Funds account.
	U-3	Establishes the Help America Vote Act of 2002 Federal Expenditures Fund account in the Department of the Secretary of State and allows all interest earned on funds in the account to accrue to the account.
V	V-1	Amends the law to extend the temporary terms of the Acting Commissioner of the Department of Behavioral and Developmental Services, the Acting Commissioner of the Department of Human Services and the Acting Commissioner of the Department of Economic and Community Development.
W	W-1:	Requires the Department of Human Services to continue to fund the 5 Healthy Community Coalitions funded under the Bureau of Health sustainability grant program through fiscal year 2003-04.

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<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
X	X-1:X-6;X-9: X-13	Changes the name of the Maine Rainy Day Fund to the Maine Budget Stabilization Fund and increases the amount of the limit from 6% of General Fund revenue of the immediately preceding fiscal year to 10%.
	X-7:X-8	Places restrictions on the amount of General Fund appropriations that may be requested by state department and agencies and on the amount of the total General Fund budget to be submitted by the Governor. The Governor may exceed the limit if exceptional circumstances exist.
	X-14	Requires the Joint Standing Committee on Appropriations and Financial Affairs to review the need for and funding of special purpose funds, including, but not limited to, a capital improvement fund.
Y	Y-1	Amends Department of Human Services Fund for a Healthy Maine allocations and University of Maine System Other Special Revenue Funds allocations in Public Law 2003, chapter 20, Part A.
Z	Z-1	Authorizes the Chancellor of the University of Maine System and any insurance company or 3rd-party administrator insuring or administering the university employee health insurance program to negotiate agreements with hospitals to reduce expenses incurred by the university's plan.
AA	AA-1	Provides a sales tax exemption for nonprofit organizations that provide food and lodging for family members of patients in hospitals. (see LD 154 and LD 583 as amended by Committee Amendment "A")
BB	BB-1	Transfers \$180,000 from the IV-D Cooperative Agreement, Other Special Revenue Funds account in the Judicial Department to the General Fund in fiscal year 2003-04.
CC	CC-1	Authorizes the Bureau of Resource Management, General Fund account in the Department of Marine Resources to carry forward \$90,000 in All Other funds to fiscal year 2003-04 to be used for the purposes originally intended.
	CC-2	Authorizes the Bureau of Marine Patrol, General Fund account in the Department of Marine Resources to carry forward \$58,000 in Capital Expenditures to fiscal year 2003-04 to be used for the purposes originally intended.
	CC-3	Authorizes the Division of Community Resource Development, General Fund account in the Department of Marine Resources to carry forward \$8,000 in All Other funds to fiscal year 2003-04 to be used for the purposes originally intended.



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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	CC-4	Authorizes the Division of Administrative Services, General Fund account in the Department of Marine Resources to carry forward \$80,000 in All Other funds and \$59,908 in Capital Expenditures funds to fiscal year 2003-04 to be used for the purposes originally intended.
DD	DD-1	Limits investments in repurchase agreements to maturities of 12 months or less. It removes the 36 month maturity limit for the collateral repurchase agreements. It also limits state investment in "no load" funds to those investment companies that comply with Rule 2a-7 guidelines.
EE	EE-1	Authorizes the Governor to accept public assistance grant funds from the Federal Government for the Federal Emergency Management Agency's disaster declaration concerning 10 Maine counties and related to extreme winter conditions.
FF	FF-1	Transfers \$12,500 annually in fiscal years 2003-04 and 2004-05 from the Hazardous Waste Fund Other Special Revenue Funds account in the Department of Environmental Protection to the General Fund.
	FF-2	Transfers \$17,995 annually in fiscal years 2003-04 and 2004-05 from the Groundwater Oil Clean-up Fund Other Special Revenue Funds account in the Department of Environmental Protection to the General Fund.
	FF-3	Transfers \$59,877 in fiscal year 2003-04 and \$58,049 in fiscal year 2004-05 from the Maine Environmental Protection Fund Other Special Revenue Funds account in the Department of Environmental Protection to the General Fund.
	FF-4	Transfers \$2,500 annually in fiscal years 2003-04 and 2004-05 from the State Revolving Fund Other Special Revenue Funds account in the Department of Environmental Protection to the General Fund.
GG	GG-1:GG-3	Amends certain retirement provisions concerning the liquor inspector or chief inspector positions laid off pursuant to public law.
HH	HH-1:HH-2	Expands the 6-year statute of limitations on assessments under the tax laws to remove the requirement that the liability be attributable to information not reported by the taxpayer and to change the standard for determining the 50% threshold.
II	II-1:II-2	Delays conformity with the federal tax code with regard to the deduction of interest paid on certain student loans after 60 months after the start of the loan repayment period.
JJ	JJ-1:JJ-6	Delays the first year of availability of the credits under the income tax and the insurance premium tax for contributions to qualified scholarship organizations and for certain employer payments of student loans of

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		employees.
KK	KK-1	Repeals a delay in federal tax conformity for the deduction of interest earned and distributed from section 529 qualified tuition programs other than the section 529 program authorized by Maine law.
LL	LL-1	Adjusts appropriations and allocations related to the Maine Space Grant Consortium.
MM	MM-1	Transfers \$300,000 from the Fund for a Healthy Maine to the General Fund in fiscal year 2003-04.
NN	NN-1	Raises the tax-exempt borrowing authority of the University of Maine System from \$150,000,000 to \$170,000,000.
OO	OO-1	Increases the State's contribution for retired teachers' health insurance from 35% to 40% effective August 1, 2003.
PP	PP-1	Transfers \$50,000 each year in fiscal years 2003-04 and 2004-05 from the Job Retention Program Other Special Revenue Funds account to the Administration - Economic and Community Development Other Special Revenue Funds account to provide funds to the Millinocket Area Growth and Investment Council for economic development in the Katahdin region.
QQ	QQ-1	Requires the Department of Human Services to receive authorization from the Legislature before reducing TANF and Parents as Scholars benefit levels during the 2004-2005 biennium.
RR	RR-1	Clarifies that \$450,000 of funds allocated from the Fund for a Healthy Maine to the FHM - Medical Care account must be used by the Department of Human Services to purchase vaccines for adults and other purposes as defined in PL 1999, c. 731, Pt. UU.
SS	SS-1	Establishes an assessment to be levied on those towns and plantations within the Land Use Regulation Commission's jurisdiction that elect not to administer land use controls. The assessment is equal to 0.01% of the most recent equalized state valuation for each town and plantation.
	SS-2	Appropriates funds for one Environmental Specialist II position for the Land Use Regulation Commission.
TT	TT-1:TT-2	Establishes the Epinephrine Training Fund as an Other Special Revenue funds account within the Department of Public Safety that may accept private and public contributions and provides a base allocation to authorize expenditures of these private and public contributions.

***Joint Standing Committee On Appropriations And Financial Affairs***

<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
UU	UU-1	Establishes the Maine Economic Improvement Fund as a separate program with the University of Maine System and transfers funds from the Educational and General Activities - UMS program.
VV	VV-1	Requires the Department of Human Services to implement rulemaking to cap the monthly hours of housekeeping assistance for Level 1 consumers in its Home Based Care program with the savings to be used to serve individuals on the Home Based Care waiting list.
WW	WW-1	Amends the provisions of PL 2003, c. 20 that related to the suspension of merit increases funded by the General Fund and Other Special Revenue Funds to account for adjustments to appropriations and allocations made in this bill.
XX	XX-1:XX-4	Clarifies that any savings measures implemented by the Department of Human Services in fiscal year 2003-04 that change retail pharmacy dispensing fees or pharmaceutical reimbursement are temporary in nature and remain in effect only until a permanent savings measure or measures can be implemented.
YY	YY-1:YY-3	Authorizes the Maine Government Facilities Authority to issue securities in an amount of \$1,750,000 for architectural and engineering studies for courthouse facilities and for replacements of or improvements to technology-related projects at the Judicial Branch Violations Bureau and also adjusts appropriations within the Judicial Department to provide for the debt service costs.
ZZ	ZZ-1:ZZ-2	Partially restores funding of MaineCare adult transportation services through transfers from department wide savings within the Department of Human Services.
AAA	AAA-1	Restores \$5,575,000 of General Fund reductions from children's mental health services in fiscal year 2003-04 to bring service funding back up to the fiscal year 2002-03 level.
BBB	BBB-1	Provides \$1,000,000 to the University of Maine System to reduce in-state tuition in fiscal year 2003-04.
CCC	CCC-1:CCC-2	Provides funds to postpone for one year the increase in MaineCare premiums established in PL 2003, c. 20 for children in families with income levels between 151% and 200% of the federal poverty level.
DDD	DDD-1	Provides funds for merit increases in fiscal year 2004-05 for the Maine Community College System.

***Joint Standing Committee on Appropriations and Financial Affairs***

<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
EEE	EEE-1	Restores the headcount for 6 Assistant District Attorney positions eliminated in PL 2003, c. 20 and adjusts funding within the Department of the Attorney General.
FFF	FFF-1	Makes adjustments to fiscal year 2002-03 allocations from the Fund for a Healthy Maine for collective bargaining costs.
GGG	GGG-1	Adjusts allocations of Other Special Revenue funds within the Department of Secretary of State.
HHH	HHH-1	Repeals the authorization to increase Inland Fisheries and Wildlife Fees by an inflation adjustment that was enacted in PL 2003, c. 20.
	HHH-2	Increases the supersport fee from \$15 to \$20.
	HHH-3	Makes adjustments to appropriations and allocations to the Department of Inland Fisheries and Wildlife.
III	III-1:III-4	Makes adjustments to appropriations and allocations for the Department of Economic Development and for the Department of the Secretary of State.
JJJ	JJJ-1:	Repeals a provision that would have set aside the fiscal year 2002-03 savings from an increase in the federal medical assistance percentage in the Maine Rainy Day Fund.
	JJJ-2	Establishes the Federal Relief Funds Reserve, a General Fund reserve account to set aside savings resulting from recent federal fiscal relief.
	JJJ-3:JJJ-4	Requires the State Controller to shift eligible General Fund expenditures to the flexible federal fiscal relief grants to create savings in the General Fund.
	JJJ-5	Transfers \$26,687,473 from the General Fund to the Federal Relief Funds Reserve in fiscal year 2003-04.
	JJJ-6	Requires the State Controller in consultation with the Revenue Forecasting Committee to calculate the amount of additional General Fund revenue from MaineCare reimbursement that is generated by the increase in the federal medical assistance percentage contained in the Jobs and Growth Tax Relief Reconciliation Act of 2003. The calculated amount must be deposited in the Federal Relief Funds Reserve established in section 2. The State Controller shall provide to the Revenue Forecasting Committee with a report of the amount of revenue to be deposited in the Federal Relief Funds Reserve no later than December 1, 2003.

*Joint Standing Committee On Appropriations And Financial Affairs*

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	JJJ-7	Adjusts appropriations and allocations to reflect the impact on Medicaid program expenditures as a result of the increase in the federal medical assistance percentage contained in the Jobs and Growth Tax Relief Reconciliation Act of 2003.
KKK	KKK-1	Eliminates language allowing the Office of Program Evaluation and Government Accountability (OPEGA) to examine expenditures by public officials and private money for agency purposes.
	KKK-2	Requires a majority vote of the committee to issue a subpoena.
	KKK-3	Requires the Commissioner of the Department of Administrative and Financial Services to provide office space to OPEGA at no charge.
	KKK-4	Repeals a provision requiring state agency information to be available to the office and establishes a new section clarifying that information available to the office is governed by 1 MRSA, chapter 13 and 3 MRSA, chapter 21.
	KKK-5	Requires the Oversight Committee to review and identify the confidential information needed by OPEGA and submit these findings and recommendations to the 2nd Regular Session of the 121st Legislature.
	KKK-6	Provides General Fund appropriations of \$300,000 annually in fiscal years 2003-04 and 2004-05 for the OPEGA.
LLL	LLL-1	Requires that any fiscal year 2002-03 savings that is generated by the Department of Behavioral and Developmental Services as a result of the change in the federal medical assistance percentage be applied to support a portion of the projected MaineCare shortfall in the Department of Human Services. This amount is estimated to be \$2,939,580.
	LLL-2	Requires that any fiscal year 2002-03 savings that is generated in the Nursing Facilities program within the Department of Human Services as a result of the change in the federal medical assistance percentage be applied to support a portion of the projected MaineCare shortfall in the Department of Human Services. This amount is estimated to be \$1,879,212.
	LLL-3:LLL-4	Adjusts appropriations and allocations to reflect fiscal year 2002-03 savings in various departments and agencies and also authorizes the State Budget Officer to transfer the departmentwide savings by financial order to the appropriate accounts.
MMM	MMM-1: MMM-2	Provides a General Fund appropriation of \$850,000 in fiscal year 2003-04 for the Maine Microenterprise Initiative Fund and required a microenterprise initiative fund program review.

***Joint Standing Committee on Appropriations and Financial Affairs***

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
NNN	NNN-1: NNN-8	Authorizes the establishment of the Pine Tree Development Zone program which allows qualified businesses in the manufacturing, target technology and financial services sectors to receive favorable tax benefits as a result of new or expanded investment within a designated zone. (LD 1385)

Public Law 2003, chapter 451 was enacted as an emergency measure effective June 12, 2003, unless a provision indicates otherwise.

**LD 1628                      Resolve, Concerning Reauthorization of a 1997 Pollution Control Bond Issue                      RESOLVE 72**

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

LD 1628 proposed to reauthorize \$1,000,000 in bonds not yet issued from a \$13,000,000 bond issue for pollution control approved by the voters of the State in November 1997, pursuant to Public Law 1997, chapter 561. Two million dollars of the bond issue was for tire stockpile abatement and \$1,000,000 of this amount remains unissued.

The \$1,000,000 remaining from the 1997 bond issue was not previously issued because approximately \$1,700,000 in previously available dedicated funds and additional money from already issued bonds were expended first and were sufficient to meet obligations to date.

Under the Constitution of Maine, bonds may be issued any time within the first 5 years of the date of ratification by the voters. When the 5-year period has expired, the bonds may not be issued unless the Legislature acts on the matter. By majority vote, the Legislature may extend the 5-year time frame by an additional 5 years if the body takes action within 2 years of the original expiration date. If the Legislature fails to take action within those 2 years, the bond issue is considered deauthorized.

**Senate Amendment "A" (S-252)** proposed to incorporate a fiscal note.

***Enacted law summary:***

Resolve 2003, chapter 72 reauthorizes \$1,000,000 in bonds not yet issued from a \$13,000,000 bond issue for pollution control approved by the voters of the State in November 1997, pursuant to Public Law 1997, chapter 561.

\$2,000,000 of the bond issue was for tire stockpile abatement and \$1,000,000 of this amount remains unissued. The \$1,000,000 remaining from the 1997 bond issue was not previously issued because approximately \$1,700,000 in previously available dedicated funds and additional money from already issued bonds were expended first and were sufficient to meet obligations to date.

*Joint Standing Committee On Appropriations And Financial Affairs*

HP 772

**JOINT ORDER, Joint Standing Committee on AFA shall undertake Study of the Fiscal Note Process**

**REFERRED BY  
THE HOUSE TO  
THE RULES  
COMMITTEE**

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

HP 772 proposes to require that the Joint Standing Committee on Appropriations and Financial Affairs would undertake a study of the fiscal note process, especially the process by which a department provides information about the cost of a bill before the Legislature and the potential adverse effect on that department. The committee would issue a report to the Legislature that details the method by which fiscal notes are determined. The committee would also determine a method to avoid this potential conflict of interest. The committee would submit its report and any necessary changes to the Maine Revised Statutes or Joint Rules to the Second Regular Session of the 121<sup>st</sup> Legislature no later than December 1, 2003.

HP 772 was referred by the House of Representatives to the Rules Committee for the purpose of reviewing the joint order. The Senate took no action on HP 772.

*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Business, Research and Economic Development*

*July 2003*

**Members:**

*Sen. Lynn Bromley, Chair  
Sen. Christopher G. L. Hall  
Sen. Kevin L. Shorey*

*Rep. Nancy B. Sullivan, Chair  
Rep. Lillian LaFontaine O'Brien*

*Rep. Guy J. Duprey, Jr.*

*Rep. Edward Pellon*

*Rep. Nancy E. Smith*

*Rep. Susan M. Austin*

*Rep. Robert A. Berube*

*Rep. Lawrence E. Jacobsen*

*Rep. Christopher Rector*

*Rep. William T. Rogers, Jr.*

**Staff:**

*James Adolf, Legislative Analyst  
Patrick Norton, Deputy Director*

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Augusta, ME 04333  
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**JOINT STANDING COMMITTEE ON  
BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

**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>	92	91.1%	5.6%
<u><i>Bills Carried Over</i></u>	<u>9</u>	<u>8.9%</u>	<u>0.6%</u>
<b>Total Bills referred</b>	<b>101</b>	<b>100.0%</b>	<b>6.2%</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>101</b>	<b>100.0%</b>	<b>6.2%</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>	11	12.0%	0.8%
<i>Ought to Pass as Amended</i>	33	35.9%	2.3%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>39</u>	<u>42.4%</u>	<u>2.7%</u>
<b>Total unanimous reports</b>	<b>83</b>	<b>90.2%</b>	<b>5.7%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	9	9.8%	0.6%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>9</b>	<b>9.8%</b>	<b>0.6%</b>
<b>Total committee reports</b>	<b>92</b>	<b>100.0%</b>	<b>6.3%</b>
III. <b>CONFIRMATION HEARINGS</b>	1	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>	39	38.6%	2.4%
<i>Private and Special Laws</i>	2	2.0%	0.1%
<i>Resolves</i>	6	5.9%	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>47</b>	<b>46.5%</b>	<b>2.9%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	1	100.0%	6.7%
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>1</b>	<b>100.0%</b>	<b>6.7%</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.

Prepared by the Office of Policy and Legal Analysis  
121st Legislature, First Regular Session

# Joint Standing Committee on Business Research and Economic Development

## SUBJECT INDEX

### *Bonds*

#### Enacted

LD 1326	An Act To Provide for the 2003 and 2004 Allocations of the State Ceiling on Private Activity Bonds	P & S 17 EMERGENCY	Page 205
LD 1402	An Act To Conform the Voting Members of Certain State Entities	PUBLIC 385	Page 211
LD 1409	An Act To Update the Process for the Allocation of the State Ceiling on Tax-exempt Bonds	PUBLIC 112 EMERGENCY	Page 213
LD 1625	An Act To Provide Affordable Loans for Higher Education	PUBLIC 455	Page 222

#### Not Enacted

None

### *Business Regulation*

#### Enacted

LD 396	An Act To Allow Dealers of Manufactured Housing To Install Oil Tanks	PUBLIC 89	Page 176
LD 969	An Act To Ensure Equity in Mortgage Volume Fees	PUBLIC 462 EMERGENCY	Page 192
LD 985	An Act To Improve the State's Returnable Bottle Law and Adjust Handling Fees	PUBLIC 499	Page 193
LD 1004	An Act To Clarify the Status of Regulated Water Utility Plumbing Permits	PUBLIC 304	Page 197
LD 1294	An Act To Amend the Motor Vehicle Franchise Law	PUBLIC 356	Page 203

#### Not Enacted

LD 75	An Act to Amend the Motor Vehicle Franchise Laws	ONTP	Page 169
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LD 178	An Act to Allow the Sale of Motorcycles on Sundays	ONTP	Page 171
LD 498	An Act To Regulate Business Practices between Manufacturers, Distributors and Dealers of Power Equipment, Machinery and Appliances	ONTP	Page 179
LD 708	An Act To Allow Limited Sunday Sales of Automobiles	ONTP	Page 184
LD 847	An Act To Offer Zero-interest Loans to Employers Providing Bicycle Facilities	DIED ON ADJOURNMENT	Page 186
LD 1257	An Act To Increase Returnable Beverage Container Redemption Rates	CARRIED OVER	Page 203
LD 1351	An Act Regarding the Labeling of Returnable Containers	ONTP	Page 207

### *Consumer Protection*

#### Enacted

LD 287	An Act To Amend the Home Construction Contracts Laws	PUBLIC 85	Page 173
LD 341	An Act To Require Information on New Wells	PUBLIC 126	Page 175
LD 887	An Act To Amend the Maine "Lemon Law"	PUBLIC 337	Page 187
LD 904	An Act To Educate Consumers Regarding Voluntary Repossession	PUBLIC 98	Page 189
LD 1231	An Act To Restrict Excessive Late Rental Fees for Self-service Storage Facilities	PUBLIC 274	Page 201

#### Not Enacted

LD 391	An Act To Provide Consumers at Chain Restaurants with Accurate, Accessible Nutrition Information	CARRIED OVER	Page 176
LD 580	An Act Concerning the Fair Application of the Mechanic's Lien Laws	ONTP	Page 180
LD 692	An Act To Protect Consumer Privacy Rights	CARRIED OVER	Page 183
LD 764	An Act To Ensure Choice for Maine Consumers	ONTP	Page 185

<b>LD 958</b>	<b>An Act To Require the Display of Oil Prices on Home Heating Oil Delivery Trucks</b>	<b>ONTP Page 192</b>
<b>LD 1086</b>	<b>An Act To Require a 30-Day Deferment Period To Pay Bills</b>	<b>ONTP Page 199</b>
<b>LD 1305</b>	<b>An Act To Require Water Tests Prior to the Sale of Homes</b>	<b>ONTP Page 205</b>

### *Economic Development - Agencies*

#### Enacted

<b>LD 748</b>	<b>Resolve, Directing the Department of Labor To Publish Annually Economic and Workforce Information Concerning the Canadian Maritime Provinces</b>	<b>RESOLVE 15 Page 185</b>
<b>LD 918</b>	<b>An Act Concerning the Provision of Information and Services to Businesses and Workers in Response to Certain Events</b>	<b>PUBLIC 159 Page 189 EMERGENCY</b>
<b>LD 1406</b>	<b>An Act To Separate the Office of Tourism from the Office of Community Development</b>	<b>PUBLIC 198 Page 212</b>

#### Not Enacted

<b>LD 833</b>	<b>An Act To Facilitate Economic Development in Maine</b>	<b>ONTP Page 186</b>
<b>LD 994</b>	<b>Resolve, Directing the Department of Economic and Community Development To Inventory Maine Business Excellence</b>	<b>ONTP Page 197</b>

### *Economic Development Programs*

#### Enacted

<b>LD 826</b>	<b>Resolve, To Allow Certain State Employees To Be Voting Board Members of Project SHARE</b>	<b>RESOLVE 8 Page 186</b>
<b>LD 1240</b>	<b>An Act To Amend the Regional Economic Development Revolving Loan Program</b>	<b>PUBLIC 195 Page 202 EMERGENCY</b>

**LD 1345**            **An Act To Make Minor Technical Changes to the  
Maine Biomedical Research Program and To Amend  
the Calculation of Funds To Be Transferred to the  
Maine Research and Development Evaluation Fund**            **PUBLIC 464** Page 206  
**EMERGENCY**

**LD 1408**            **An Act To Refine the Maine Rural Development  
Statutes**            **PUBLIC 281** Page 212

**LD 1554**            **An Act Regarding Eligibility under the Municipal  
Investment Trust Fund**            **PUBLIC 288** Page 218  
**EMERGENCY**

**LD 1560**            **Resolve, Regarding Legislative Review of Chapter 1:  
Community Industrial Building Program, a Major  
Substantive Rule of the Maine Rural Development  
Authority**            **RESOLVE 47** Page 219  
**EMERGENCY**

**Not Enacted**

**LD 512**            **An Act To Promote Economic Development in Rural  
Maine**            **ONTP** Page 180

**LD 663**            **An Act To Create Economic Development Zones**            **ONTP** Page 182

**LD 913**            **An Act To Increase Community Development Block  
Grants**            **ONTP** Page 189

**LD 946**            **Resolve, To Establish the Commission To Promote  
Jobs and Economic Development through  
Ecotourism**            **ONTP** Page 191

**LD 968**            **An Act To Protect the Future of the U.S. Naval Air  
Station at Brunswick**            **DIED ON** Page 192  
**ADJOURNMENT**

**LD 1325**            **An Act To Encourage and Support Maine Owner-  
operated Small Businesses**            **CARRIED OVER** Page 205

**LD 1385**            **An Act To Establish the Pine Tree Development  
Zones Program**            **DIED ON** Page 207  
**ADJOURNMENT**

***Economic Development – Planning/Funding***

**Enacted**

**LD 607**            **Resolve, To Study the Effects of NAFTA and Other  
Cross-border Issues on Maine Businesses**            **RESOLVE 87** Page 181

**Not Enacted**

<b>LD 268</b>	<b>An Act to Support Entrepreneurship in the State Through the Maine Microenterprise Initiative Fund</b>	<b>ONTP</b>	<b>Page 173</b>
<b>LD 335</b>	<b>An Act To Stimulate Economic Growth in Northern Penobscot County</b>	<b>DIED ON ADJOURNMENT</b>	<b>Page 174</b>
<b>LD 337</b>	<b>An Act to Strengthen State Investment in the University of Maine System for Applied Research and Development</b>	<b>CARRIED OVER</b>	<b>Page 175</b>
<b>LD 539</b>	<b>An Act To Study Maine-Canada Issues</b>	<b>ONTP</b>	<b>Page 180</b>

***Housing***

**Enacted**

<b>LD 472</b>	<b>Resolve, To Establish the Task Force To Study Regulatory Barriers to Affordable Housing</b>	<b>RESOLVE 73 EMERGENCY</b>	<b>Page 177</b>
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**Not Enacted**

<b>LD 42</b>	<b>An Act to Establish Rent Caps on Property in Southern Maine</b>	<b>ONTP</b>	<b>Page 169</b>
<b>LD 384</b>	<b>Resolve, Directing the Maine State Housing Authority To Study Ways To Promote Construction of Affordable Housing for Veterans</b>	<b>ONTP</b>	<b>Page 176</b>
<b>LD 453</b>	<b>An Act To Promote the Development of Affordable Housing</b>	<b>ONTP</b>	<b>Page 177</b>
<b>LD 688</b>	<b>An Act To Provide Incentives for Municipalities To Adopt a Building Rehabilitation Code</b>	<b>ONTP</b>	<b>Page 183</b>
<b>LD 848</b>	<b>An Act To Establish a Circuit Breaker Program for Fuel Assistance</b>	<b>ONTP</b>	<b>Page 187</b>
<b>LD 1025</b>	<b>An Act To Ensure Uniform Code Compliance and Efficient Oversight of Construction in the State</b>	<b>CARRIED OVER</b>	<b>Page 198</b>
<b>LD 1033</b>	<b>An Act To Require the Maine State Housing Authority To Guarantee Security Deposits for Low-income Renters</b>	<b>ONTP</b>	<b>Page 199</b>
<b>LD 1085</b>	<b>An Act To Provide Security Deposit Assistance to Renters Receiving Federal Rent Assistance</b>	<b>ONTP</b>	<b>Page 199</b>

## *Occupational and Professional Regulation*

### Enacted

LD 36	An Act to Protect the Privacy of Maine Nurses	PUBLIC 64	Page 169
LD 126	An Act to Amend the Membership of the Propane and Natural Gas Board	PUBLIC 420	Page 170
LD 133	An Act to Clarify the Laws Relating to Public Water Systems	PUBLIC 33	Page 171
LD 225	An Act To Amend the Requirements for a Journeyman Oil Burner Technician License	PUBLIC 11	Page 171
LD 682	An Act To Change the Membership of the Plumbers' Examining Board To Include a Local Plumbing Inspector	PUBLIC 107	Page 182
LD 710	An Act To Amend the Membership of the Plumbers' Examining Board	PUBLIC 446	Page 184
LD 945	An Act To Facilitate Communication between Prescribers and Dispensers of Prescription Medication	PUBLIC 483	Page 190
LD 979	An Act To Require Continuing Education for Professional Engineers	PUBLIC 94	Page 193
LD 989	Resolve, To Establish a Task Force Concerning Speech-language Pathologists	RESOLVE 80 EMERGENCY	Page 196
LD 995	An Act To Exempt a Person Who Performs Work on Certain Vessels from the Laws Governing Professional Engineers	PUBLIC 34	Page 197
LD 1146	An Act To Allow Licensure of Graduates of Social Work Programs That Are in Candidacy for Accreditation	PUBLIC 211 EMERGENCY	Page 200
LD 1243	An Act To Exclude Inclined Stairway Chairlifts from the Definition of Elevator	PUBLIC 292	Page 202
LD 1390	An Act To Suspend Rules of the Board of Dental Examiners Regarding Permission for Public Health Supervision Status	P & S 27	Page 211
LD 1411	An Act To Increase the Licensing Fee Caps of the State Board of Optometry	PUBLIC 252	Page 214

<b>LD 1441</b>	<b>An Act To Establish New License Fee Caps</b>	<b>PUBLIC 250</b>	<b>Page 214</b>
<b>LD 1455</b>	<b>An Act To Amend the Forester Law</b>	<b>PUBLIC 364</b>	<b>Page 214</b>
<b>LD 1469</b>	<b>An Act To Raise the Fee Cap for Dentists</b>	<b>PUBLIC 285</b>	<b>Page 215</b>
<b>LD 1505</b>	<b>An Act To Amend the Licensing Requirements for Veterinarians</b>	<b>PUBLIC 251</b>	<b>Page 216</b>
<b>LD 1506</b>	<b>An Act To Make Technical Changes to Statutes Regarding Regulatory Boards and Registrations</b>	<b>PUBLIC 204</b>	<b>Page 216</b>
<b>LD 1559</b>	<b>An Act To Amend the Laws Concerning State Board of Alcohol and Drug Counselors</b>	<b>PUBLIC 347</b>	<b>Page 219</b>
<b>LD 1578</b>	<b>An Act To Make Filling Out-of-State Prescriptions for Schedule II Drugs More Convenient</b>	<b>PUBLIC 326</b> <b>EMERGENCY</b>	<b>Page 220</b>
<b>LD 1589</b>	<b>An Act To Change Certain Educational Requirements and Make Title Changes for Licensed Social Workers</b>	<b>PUBLIC 429</b>	<b>Page 221</b>

**Not Enacted**

<b>LD 229</b>	<b>An Act to Enact the Uniform Athlete Agents Act</b>	<b>ONTP</b>	<b>Page 172</b>
<b>LD 258</b>	<b>An Act Regarding Social Worker and Human Service Provider Licensure</b>	<b>ONTP</b>	<b>Page 172</b>
<b>LD 263</b>	<b>An Act to Define a Scope of Practice for Acupuncture</b>	<b>CARRIED OVER</b>	<b>Page 172</b>
<b>LD 275</b>	<b>An Act Concerning the Membership of the Board of Dental Examiners</b>	<b>ONTP</b>	<b>Page 173</b>
<b>LD 296</b>	<b>An Act Regarding the Licensing of Foresters</b>	<b>ONTP</b>	<b>Page 174</b>
<b>LD 307</b>	<b>An Act To Allow Licensed Master Social Workers To Contract with Agencies in the State</b>	<b>ONTP</b>	<b>Page 174</b>
<b>LD 383</b>	<b>An Act to Enhance Public Participation in Matters Before Professional Licensing Boards</b>	<b>ONTP</b>	<b>Page 175</b>
<b>LD 401</b>	<b>An Act To Require the Plumbers' Examining Board To Adopt the Uniform Plumbing Code</b>	<b>ONTP</b>	<b>Page 177</b>
<b>LD 500</b>	<b>An Act To Ensure Supervision and Oversight of the Board of Registration for Professional Engineers</b>	<b>ONTP</b>	<b>Page 179</b>



<b>LD 501</b>	<b>An Act To Allow Local Plumbing Inspectors To Assist the Plumbers' Examining Board in Establishing the State Plumbing Code</b>	<b>ONTP Page 179</b>
<b>LD 649</b>	<b>An Act To Allow the Practice of Optometry on the Same Premises As an Optical Shop or Other Establishment</b>	<b>ONTP Page 181</b>
<b>LD 735</b>	<b>An Act to Increase Faculty in Maine Nursing Education Programs</b>	<b>ONTP Page 184</b>
<b>LD 1006</b>	<b>An Act To Require Confirmation of Appointments to the Board of Accountancy</b>	<b>ONTP Page 198</b>
<b>LD 1054</b>	<b>An Act To Require Continuing Education in the Cosmetology, Barbering, Aesthetics and Manicuring Fields</b>	<b>ONTP Page 199</b>
<b>LD 1092</b>	<b>An Act To Amend the Laws Pertaining to Denturists</b>	<b>ONTP Page 200</b>
<b>LD 1152</b>	<b>An Act To Authorize Collaborative Practice for Emergency Contraception</b>	<b>CARRIED OVER Page 201</b>
<b>LD 1278</b>	<b>An Act To Amend the Maine Health Security Act as It Relates to the Reporting of Registered Nurses by Health Care Providers</b>	<b>ONTP Page 203</b>
<b>LD 1316</b>	<b>An Act To Establish Medical Gas and Vacuum System Installer Certification</b>	<b>ONTP Page 205</b>
<b>LD 1410</b>	<b>An Act To Eliminate State Licensing of Boxers, Wrestlers and Transient Sellers</b>	<b>CARRIED OVER Page 213</b>
<b>LD 1551</b>	<b>An Act To License Home Building and Improvement Contractors</b>	<b>CARRIED OVER Page 218</b>

# Joint Standing Committee on Business, Research and Economic Development

LD 36

An Act to Protect the Privacy of Maine Nurses

PUBLIC 64

<u>Sponsor(s)</u> DAGGETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-9
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LD 36 proposed to ensure that the personal residence address and telephone number, and e-mail address if provided, of an applicant for licensure by the State Board of Nursing remain confidential unless the applicant provides a personal residence address, telephone number and e-mail address as the public contact address. It proposed to prohibit the disclosure of personal health information and personal residence address and telephone number except to other governmental licensing or disciplinary authorities or to any health care providers located within or outside this State that are concerned with granting, limiting or denying a nurse's employment or privileges.

**Committee Amendment "A" (S-9)** proposed to replace the bill. The amendment proposed that on or after July 1, 2004, applicants for licensure or for renewal of licensure by the State Board of Nursing would be required to provide the board with a professional address and telephone number, which would be public information, and a residential address and telephone number, which would be confidential unless furnished as the applicant's or licensee's public contact address. It also proposed to prohibit the disclosure of personal health information, except as otherwise permitted or required by law, and to remove from the original bill a provision allowing the board to share personal information with certain governmental authorities and health care providers.

## *Enacted Law Summary*

Public Law 2003, chapter 64 provides that on or after July 1, 2004, applicants for licensure or for renewal of licensure by the State Board of Nursing must provide the board with a professional address and telephone number, which will be public information, and a residential address and telephone number, which will be confidential unless furnished as the applicant's or licensee's public contact address. It also prohibits the disclosure of personal health information, except as otherwise permitted or required by law.

LD 42

An Act to Establish Rent Caps on Property in Southern Maine

ONTP

<u>Sponsor(s)</u> LAVERRIERE-BOUC		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 42, which was a concept draft pursuant to Joint Rule 208, proposed to establish caps on residential rental property rates in southern Maine commensurate with the average wages earned by southern Maine residents.

LD 75

An Act to Amend the Motor Vehicle Franchise Laws

ONTP

<u>Sponsor(s)</u> RINES		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 75 proposed to permit a motor vehicle franchisor and a dealer to enter into an agreement for the reimbursement of warranty repairs if a majority of a motor vehicle franchisor's state dealers agree. Under the

## *Joint Standing Committee on Business, Research and Economic Development*

proposed bill, motor vehicle franchisors would have certified to the Secretary of State that a majority of their dealers participate under the agreement and that costs recovered are only those permitted by the agreement.

This bill was heard and worked in conjunction with LD 1294, which also proposed to amend the laws concerning the regulation of business practices between motor vehicle manufacturers, distributors and dealers.

**LD 126**                      **An Act to Amend the Membership of the Propane and Natural Gas Board**                      **PUBLIC 420**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	ONTP      MAJ	H-503    SULLIVAN
HATCH PR	OTP-AM    MIN	

LD 126 proposed to add to the Propane and Natural Gas Board a board member who is a member of a labor organization in the building and construction industry.

**House Amendment "A" (H-503)** proposed to add an appropriations and allocations section to the bill.

**Committee Amendment "A" (S-20)**, which was not adopted, was the minority report of the Joint Standing Committee on Business, Research and Economic Development. The amendment proposed to require the new member of the Propane and Natural Gas Board to have at least 10 consecutive years of active experience in the propane or natural gas industry immediately preceding appointment. The amendment also proposed that the member must represent a labor organization in the pipefitting industry and proposed to add an appropriations and allocations section.

**House Amendment "A" to Committee Amendment "A" (H-94)**, which was not adopted, proposed to maintain the membership of the Propane and Natural Gas Board at 8 members. It proposed to retain the provision of the bill that would have exempted the member representing a labor organization from the requirement of at least 10 consecutive years of active experience in the propane or the natural gas industry immediately preceding appointment. It also proposed to strike the appropriation section from the amendment.

**House Amendment "B" to Committee Amendment "A" (H-120)**, which was not adopted, proposed to maintain the membership of the Propane and Natural Gas Board at 8 members. It proposed to retain the provision of the bill that would have exempted the member representing a labor organization from the requirement of at least 10 consecutive years of active experience in the propane or the natural gas industry immediately preceding appointment. It also proposed to strike the appropriation section from the amendment.

### *Enacted Law Summary*

Public Law 2003, chapter 420 adds to the Propane and Natural Gas Board a board member who is a member of a labor organization in the building and construction industry, and allocates funds for administrative costs associated with having an additional member.

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LD 133

**An Act to Clarify the Laws Relating to Public Water Systems**

**PUBLIC 33**

<u>Sponsor(s)</u> MAYO CLARK	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 133 proposed to rename the Board of Licensure of Water Treatment Plant Operators as the Board of Licensure of Water System Operators and change the membership of the board to include a representative of a "very small water system," as that term is defined in rules of the board. The bill also proposed to raise the limits on fees for examination and licensure from \$35 to \$70, and for renewal and restatement from \$30 to \$60. The bill proposed other changes to clarify that the board has licensing and regulatory powers over water distribution system operators as well as water treatment system operators.

***Enacted Law Summary***

Public Law 2003, chapter 33 renames the Board of Licensure of Water Treatment Plant Operators as the Board of Licensure of Water System Operators and changes the membership of the board to include a representative of a "very small water system," as that term is defined in rules of the board. The law also raises the limits on fees for examination and licensure from \$35 to \$70, and for renewal and reinstatement from \$30 to \$60. The law makes other changes to clarify that the board has licensing and regulatory powers over water distribution system operators as well as water treatment system operators.

LD 178

**An Act to Allow the Sale of Motorcycles on Sundays**

**ONTP**

<u>Sponsor(s)</u> ANDREWS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 178 proposed to allow the sale of motorcycles on Sunday.

LD 225

**An Act To Amend the Requirements for a Journeyman Oil Burner Technician License**

**PUBLIC 11**

<u>Sponsor(s)</u> FISCHER STANLEY	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 225 proposed to allow a person to sit for the journeyman oil burner technician license exam if the person successfully completed a minimum one-year accredited heating course at a Maine technical college consisting, at a minimum, of 320 hours of study, of which at least 150 hours are made up of laboratory work on oil burner equipment and related systems. This option would supplement the provision of law that allows a person to sit for the exam if the person has at least one year of licensed practical experience as an apprentice oil burner technician or 6 months of practical experience combined with completion of an oil burner technician course.

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## Enacted Law Summary

Public Law 2003, chapter 11 allows a person to sit for the journeyman oil burner technician license exam if the person successfully completes a minimum one-year accredited heating course at a Maine technical college consisting, at a minimum, of 320 hours of study, of which at least 150 hours are made up of laboratory work on oil burner equipment and related systems. This option supplements the provision of law that allows a person to sit for the exam if the person has at least one year of licensed practical experience as an apprentice oil burner technician or 6 months of practical experience combined with completion of an oil burner technician course.

**LD 229**                      **An Act to Enact the Uniform Athlete Agents Act**                      **ONTP**

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

LD 229 proposed to enact the Uniform Athlete Agents Act. The bill also proposed to designate the Commissioner of Professional and Financial Regulation as the administrator of the law.

**LD 258**                      **An Act Regarding Social Worker and Human Service Provider  
Licensure**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUC BROMLEY	ONTP	

LD 258 proposed to create a new category of licensure, a licensed human service provider, under a renamed State Board of Social Worker and Human Service Provider Licensure. The bill proposed to make necessary changes in social work licensure to accommodate the new category of licensure. The bill also proposed to update other laws, correct cross-references and make the new licensed human service providers mandatory reporters of child and adult abuse.

The committee worked this bill in conjunction with LD 1589, which also concerned social worker licensure.

**LD 263**                      **An Act to Define a Scope of Practice for Acupuncture**                      **CARRIED OVER**

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

LD 263 proposed to amend and update existing law governing acupuncture to set forth a scope of practice. The proposed defined scope of practice for acupuncturists is similar to that found in New Hampshire law, and proposed to incorporate of the definition of oriental medicine used in New Hampshire.



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**LD 296**                      **An Act Regarding the Licensing of Foresters**                      **ONTP**

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

LD 296 proposed to require the Board of Licensure of Foresters to send a renewal notice prior to the expiration of a forester's license and a second notice to a forester who fails to renew within 30 days of the expiration of a license. This bill also proposed to allow a person whose license expired December 31, 2001 or December 31, 2002 to be reinstated as a licensed forester.

**LD 307**                      **An Act To Allow Licensed Master Social Workers To Contract with Agencies in the State**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUC BROMLEY	ONTP	

LD 307 proposed to allow licensed master social workers to perform social work for an agency on a contractual basis. Under the proposed bill, this work would have fulfilled licensure requirements.

**LD 335**                      **An Act To Stimulate Economic Growth in Northern Penobscot County**                      **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART CARR	OTP-AM	S-65

LD 335 proposed to provide funds for the business development program within the Department of Economic and Community Development to continue funding for the contracted Economic Development Director position for the Lincoln Lakes Region Development Corporation.

**Committee Amendment "A" (S-65)** proposed to replace the bill. It proposed to reduce the appropriation for the business development program within the Department of Economic and Community Development from \$64,450 in FY 2003-04 and \$66,950 in FY 2004-05 to \$50,000 in fiscal year 2003-04 only for the contracted Economic Development Director position for the Lincoln Lakes Region Development Corporation.

LD 335 died on adjournment, but the substance of the bill was funded in the "Part 1 Budget," PL 2003, chapter 20.

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**LD 337**                      **An Act to Strengthen State Investment in the University of Maine System for Applied Research and Development**      **CARRIED OVER**

<u>Sponsor(s)</u> CATHCART THOMAS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 337 proposes to provide \$2,000,000 in fiscal year 2003-2004 and \$5,000,000 in 2004-2005 for the Maine Economic Improvement Fund for applied research and development in the University of Maine System. The bill was recommitted to the Joint Standing Committee on Appropriations and Financial Affairs and carried over.

**LD 341**                      **An Act To Require Information on New Wells**    **PUBLIC 126**

<u>Sponsor(s)</u> ROGERS YOUNGBLOOD		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-164
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LD 341 proposed to require well contractors to provide information on the caps of drilled wells indicating the date drilled, the depth of the well and the well yield rate.

**Committee Amendment "A" (H-164)** proposed to replace the bill. The amendment proposed to require the Maine Water Well Commission to develop rules to ensure that well contractors record and maintain information in a permanent manner, including, but not limited to, the name of the contractor, the date of the work, the depth of the well and the well yield rate. The amendment proposed to provide that these rules would be routine technical rules.

***Enacted Law Summary***

Public Law 2003, chapter 126 requires the Maine Water Well Commission to develop rules to ensure that well contractors record and maintain information in a permanent manner, including, but not limited to, the name of the contractor, the date of the work, the depth of the well and the well yield rate. The law provides that the rules so adopted are routine technical rules.

**LD 383**                      **An Act to Enhance Public Participation in Matters Before Professional Licensing Boards**    **ONTP**

<u>Sponsor(s)</u> BARSTOW		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 383 proposed to ensure members of the public a reasonable opportunity to provide oral testimony at public meetings of professional or occupational licensing boards if that testimony is relevant to an issue before the professional or occupational licensing board.



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**LD 384**                      **Resolve, Directing the Maine State Housing Authority To Study Ways To Promote Construction of Affordable Housing for Veterans**                      **ONTP**

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

LD 384 proposed to direct the Maine State Housing Authority to examine ways to promote the construction of affordable housing for veterans.

**LD 391**                      **An Act To Provide Consumers at Chain Restaurants with Accurate, Accessible Nutrition Information**                      **CARRIED OVER**

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

LD 391 proposes to give the Department of Human Services rule-making authority. The bill also proposes to require that, beginning July 1, 2004, restaurants with 20 or more locations in the nation provide nutrition information on menu boards, menus and packaging.

**LD 396**                      **An Act To Allow Dealers of Manufactured Housing To Install Oil Tanks**                      **PUBLIC 89**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT R	OTP-AM	S-23

LD 396 proposed to allow licensed dealers of manufactured housing to install oil tanks.

**Committee Amendment "A" (S-23)** proposed to replace the bill. The amendment proposed to allow an employee of a manufactured housing dealer or owner of a manufactured housing dealership to install oil tanks in housing sold by the dealer or dealership if the employee or owner were the named corecipient of a joint limited license issued for this purpose. The amendment proposed to require that in order to receive the joint limited license the named employee or owner would complete 4 hours of training, and that the license would be revoked upon that employee's termination from the dealer's employ or the owner's dealership ceasing to operate as a manufactured housing dealer.

***Enacted Law Summary***

Public Law 2003, chapter 89 allows an employee of a manufactured housing dealer or owner of a manufactured housing dealership to install oil tanks in housing sold by the dealer or dealership if the employee or owner is the named corecipient of a joint limited license issued for this limited purpose. The joint limited license requires the named employee or owner to complete 4 hours of training, and is revoked upon that employee's termination from the dealer's employ or the owner's dealership ceasing to operate as a manufactured housing dealer.

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**LD 401**                      **An Act To Require the Plumbers' Examining Board To Adopt the Uniform Plumbing Code**                      **ONTP**

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

LD 401 proposed to require the Plumbers' Examining Board to adopt the Uniform Plumbing Code as the new plumbing code for the State.

This bill was worked in conjunction with LD 1025, which concerned adoption of statewide codes and was carried over.

**LD 453**                      **An Act To Promote the Development of Affordable Housing**                      **ONTP**

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

LD 453 proposed to exempt affordable housing as currently defined in statute from municipal building impact fees, moratoria and limits on the number of building permits issued.

This bill was heard and worked in conjunction with LD 472, which concerned similar subject matter.

**LD 472**                      **Resolve, To Establish the Task Force To Study Regulatory Barriers to Affordable Housing**                      **RESOLVE 73  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM	H-145 H-273 SUSLOVIC S-265 GAGNON

LD 472 proposed to establish the Task Force to Study Regulatory Barriers to Affordable Housing.

**Committee Amendment "A" (H-145)** proposed to strike the resolve and direct the Community Preservation Advisory Committee to study barriers to affordable housing in the State and to submit a report to the Joint Standing Committee on Business, Research and Economic Development in the Second Regular Session of the 121st Legislature. That amendment proposed that the report include any legislation necessary to implement the recommendations of the advisory committee.

The amendment proposed to require that the advisory committee's study include, without limitation, state rules or local regulations that inhibit the construction of new affordable housing units or the renovation of existing buildings for the purpose of creating affordable housing units; zoning or zoning practices that create barriers to affordable housing; laws pertaining to municipal impact fees; municipal moratoria on development permits; municipal rate of growth ordinances; barriers to the creation of affordable rental housing, including the unavailability of deposit assistance; barriers to the construction or availability of affordable housing for veterans,

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seniors, retirees, persons with disabilities and homeless persons; and other barriers to the construction or availability of affordable housing identified by the advisory committee or stakeholders.

The amendment proposed that, in conducting its study, the advisory committee consult with a broad range of stakeholders including public and private organizations, elected officials and others involved with affordable housing issues.

The amendment also proposed to authorize the Joint Standing Committee on Business, Research and Economic Development to report out legislation during the Second Regular Session of the 121st Legislature on issues pertaining to barriers to affordable housing.

**House Amendment "A" to Committee Amendment "A" (H-273)** proposed to remove the emergency preamble and the emergency clause from the committee amendment.

**Senate Amendment "A" to Committee Amendment "A" (S-265)** proposed to clarify the reporting requirements by mandating that the Community Preservation Advisory Committee's findings and recommendations, including any suggested legislation, be included in the annual report already required by statute and to change the reporting date to December 1, 2003.

### *Enacted Law Summary*

Resolve 2003, chapter 73 directs the Community Preservation Advisory Committee to study barriers to affordable housing in the State. The recommendations of the advisory committee, including suggested legislation, are to be incorporated into the advisory committee's annual report required under Title 30-A, section 4350, subsection 9. A copy of that report must be provided to the Joint Standing Committee on Business, Research and Economic Development no later than December 1, 2003.

In conducting its study, the Community Preservation Advisory Committee must study state rules or local regulations that inhibit the construction of new affordable housing units or the renovation of existing buildings for the purpose of creating affordable housing units; zoning or zoning practices that create barriers to affordable housing; laws pertaining to municipal impact fees; municipal moratoria on development permits; municipal rate of growth ordinances; barriers to the creation of affordable rental housing, including the unavailability of deposit assistance; barriers to the construction or availability of affordable housing for veterans, seniors, retirees, persons with disabilities and homeless persons; and other barriers to the construction or availability of affordable housing identified by the advisory committee or stakeholders. The resolve also requires that the advisory committee consult with a broad range of stakeholders including public and private organizations, elected officials and others involved with affordable housing issues in conducting its study.

The resolve also authorizes the Joint Standing Committee on Business, Research and Economic Development to report out legislation during the Second Regular Session of the 121st Legislature on issues pertaining to barriers to affordable housing.

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**LD 498**                      **An Act To Regulate Business Practices between Manufacturers, Distributors and Dealers of Power Equipment, Machinery and Appliances**                      **ONTP**

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

LD 498 proposed to require that franchisors of power equipment, machinery and appliances reimburse franchisees at the franchisees' retail rates for parts or labor supplied in satisfaction of the franchisors' warranties. The bill also proposed to require that franchisors approve or disapprove franchisees' reimbursement claims within 30 days of submission and pay claims within 30 days of approval. Finally, the bill proposed to enable franchisees who bring successful legal actions for reimbursement to receive costs and legal fees and prohibit certain agreements that would impair the franchisees' ability to perform warranty work in a professional manner.

**LD 500**                      **An Act To Ensure Supervision and Oversight of the Board of Registration for Professional Engineers**                      **ONTP**

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

LD 500 proposed to increase the Department of Professional and Financial Regulation's oversight over the Board of Registration for Professional Engineers.

Under existing law, the Board of Registration for Professional Engineers was one of the professional regulatory boards affiliated with the Department of Professional and Financial Regulation. This bill proposed to move the Board of Registration for Professional Engineers to the list of regulatory boards that comprise the Office of Licensing and Registration within the Department of Professional and Financial Regulation.

**LD 501**                      **An Act To Allow Local Plumbing Inspectors To Assist the Plumbers' Examining Board in Establishing the State Plumbing Code**                      **ONTP**

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

LD 501 proposed to require the Plumbers' Examining Board, in adopting a plumbing code, to solicit input and comments from local plumbing inspectors.

*Joint Standing Committee on Business, Research and Economic Development*

**LD 512**                      **An Act To Promote Economic Development in Rural Maine**                      **ONTP**

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

LD 512, which was a concept draft pursuant to Joint Rule 208, proposed to promote economic development in rural Maine.

**LD 539**                      **An Act To Study Maine-Canada Issues**                      **ONTP**

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

LD 539, which was a concept draft pursuant to Joint Rule 208, proposed to establish a study commission to investigate, discuss and report on various Maine-Canada issues such as trade, economic development, Canadian ownership of Maine-based companies, employment and tax matters. Under the proposed bill, the commission would have been required to report back to the Legislature with its findings and legislation necessary to improve or alleviate problems between Maine and Canada.

The substance of this bill was incorporated into LD 607, which concerned similar subject matter.

**LD 580**                      **An Act Concerning the Fair Application of the Mechanic's Lien Laws**                      **ONTP**

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

LD 580 proposed to eliminate the nonresidential exemption to the prior notice requirement of the mechanic's lien law. The mechanic's lien law permits a subcontractor or material supplier to collect from a residential customer directly when that subcontractor or material supplier has not been paid by the general contractor, even if the residential customer has paid the general contractor. Thus, the residential customer may end up paying twice for services or materials, but only if the residential customer is given prior notice of the possibility that that customer may have to pay twice. There is no requirement that nonresidential customers be given such prior notice.

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**LD 607**

**Resolve, To Study the Effects of NAFTA and Other Cross-border  
Issues on Maine Businesses**

**RESOLVE 87**

<u>Sponsor(s)</u> ROTUNDO CRAVEN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-22 S-296 CATHCART
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LD 607 proposed to direct the Department of Economic and Community Development and the Executive Department, State Planning Office to study the positive and negative effects of the North American Free Trade Agreement, with particular emphasis on several important business sectors, and to permit the Department of Economic and Community Development to submit legislation for consideration in the Second Regular Session of the 121st Legislature to help expand business opportunities under and minimize adverse effects of NAFTA.

**Committee Amendment "A" (S-22)** proposed to specify that the study assess the impacts of NAFTA on small businesses throughout the State and include an assessment of imports and other cross-border commerce issues and effects on the natural resource-based industries of the State.

The amendment also proposed to add a one-time appropriation of \$75,000 in fiscal year 2003-04 to fund the study and to change the title of the resolve to reflect the changes proposed in this amendment.

**Senate Amendment "A" to Committee Amendment "A" (S-296)** proposed to reduce the one-time appropriation from \$75,000 to \$25,000.

***Enacted Law Summary***

Resolve 2003, chapter 87 directs the Department of Economic and Community Development and the Executive Department, State Planning Office to study the positive and negative effects of the North American Free Trade Agreement, with particular emphasis on several important business sectors, including an assessment of the impacts of NAFTA on small businesses throughout the State and an assessment of imports and other cross-border commerce issues and effects on the natural resource-based industries of the State. This resolve also permits the Department of Economic and Community Development to submit legislation for consideration in the Second Regular Session of the 121st Legislature to help expand business opportunities under and minimize adverse effects of NAFTA.

**LD 649**

**An Act To Allow the Practice of Optometry on the Same Premises  
As an Optical Shop or Other Establishment**

**ONTP**

<u>Sponsor(s)</u> SULLIVAN HATCH PH	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 649 proposed to do the following:

1. Eliminate the prohibition on optometric practice on premises where nonoptometric materials are dispensed;

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2. Eliminate the existing prohibition on "mercantile employment" of optometrists by clarifying related provisions;
3. Eliminate the prohibition on associations by any optometrist with a person, firm or corporation who is not a registered optometrist;
4. Permit optometrists to practice under a trade name like other medical professionals; and
5. Authorize contracts for the practice of optometry in or on the premises of an optical shop or commercial or mercantile establishment and permit the joint marketing of the optometrist and mercantile or retail establishment.

**LD 663                      An Act To Create Economic Development Zones                      ONTP**

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

LD 663 proposed to create the Economic Development Zone Program within the Department of Economic and Community Development, Office of Tourism and Community Development. The purpose of the program would have been to identify those areas of the State with high unemployment as economic development zones and to coordinate the department's economic development expenditures to ensure that at least 45% of the department's economic development expenditures are directed to those economic development zones and used for economic development activities that reduce unemployment in those areas.

The bill also proposed to require the Commissioner of Economic and Community Development to provisionally adopt major substantive rules implementing the program and submit them to the Legislature for review no later than January 1, 2004.

Lastly, the bill proposed to repeal this program January 1, 2007.

**LD 682                      An Act To Change the Membership of the Plumbers' Examining Board To Include a Local Plumbing Inspector                      PUBLIC 107**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM    MAJ ONTP        MIN	H-110 SULLIVAN H-89

LD 682 proposed to expand the membership of the Plumbers' Examining Board to include one member who is a local plumbing inspector.

**Committee Amendment "A" (H-89)**, which was the committee's majority report and was adopted, proposed to replace the bill. The amendment proposed to change the membership of the Plumbers' Examining Board by substituting a local plumbing inspector who has been engaged in plumbing inspections for at least 4 years and is employed by a municipality for one of the journeyman plumbers currently on the board. The amendment

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proposed to take effect on September 24, 2004, which is the expiration date of the term of the current board member who is a local plumbing inspector.

**House Amendment "A" to Committee Amendment "A" (H-110)** proposed to change the effective date of the bill from September 24, 2004 to June 19, 2005.

### ***Enacted Law Summary***

Public Law 2003, chapter 107 changes the membership of the Plumbers' Examining Board by substituting a local plumbing inspector who has been engaged in plumbing inspections for at least 4 years and is employed by a municipality for one of the journeyman plumbers currently on the board. The law takes effect on June 19, 2005. The law should be read in conjunction with Public Law 2003, chapter 446 which also affects the composition of the Plumbers' Examining Board.

**LD 688**                      **An Act To Provide Incentives for Municipalities To Adopt a Building Rehabilitation Code**                      **ONTP**

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

LD 688 proposed to provide that a municipality that adopts the rehabilitation component of a nationally recognized building code must be given preference for economic development grants administered by the Department of Economic and Community Development.

This bill was worked in conjunction with LD 1025, which concerned adoption of statewide codes and was carried over.

**LD 692**                      **An Act To Protect Consumer Privacy Rights**                      **CARRIED OVER**

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

LD 692 proposes to prohibit the denial of goods or services to an individual because the individual refuses to provide a social security number and to exempt from this prohibition those circumstances in which current law provides for collection of social security numbers.

The committee reported out the bill with a divided report, including a majority Ought Not to Pass report and a minority Ought to Pass as Amended report. The minority report proposed to clarify that current state or federal law allowing collection of social security numbers would not be affected by the bill, and proposed to exempt financial institutions from the bill. The bill was later recommitted to the committee, which voted to carry the bill over beyond adjournment of the First Regular Session.



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LD 708                      **An Act To Allow Limited Sunday Sales of Automobiles**                      ONTP

<u>Sponsor(s)</u> NASS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 708 proposed to allow a motor vehicle dealership to be operated on Sunday between the hours of 12:00 p.m. and 4:00 p.m. if that business is located within 10 miles of the New Hampshire border.

LD 710                      **An Act To Amend the Membership of the Plumbers' Examining Board**                      PUBLIC 446

<u>Sponsor(s)</u> BRYANT PATRICK		<u>Committee Report</u> OTP-AM    MAJ ONTP        MIN		<u>Amendments Adopted</u> S-157 S-222 BRYANT
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LD 710 proposed to amend the membership of the Plumbers' Examining Board to add a 6th member who is a master plumber and also a member of a bona fide labor organization.

**Committee Amendment "A" (S-157)**, which was the committee's majority report and was adopted, proposed to maintain the current number of board members at 5, 2 of whom are master plumbers, but retain the bill's requirement that one of the 2 master plumbers on the board also be a member of a bona fide labor organization.

**Senate Amendment "A" (S-222)** proposed to add an effective date of September 21, 2004 and make changes to be consistent with changes made to the Maine Revised Statutes, Title 32, section 3401 by Public Law 2003, chapter 107 to take effect June 19, 2005.

***Enacted Law Summary***

Public Law 2003, chapter 446 changes the membership of the Plumbers' Examining Board by requiring that one of the 2 members of the board who are master plumbers must also be a member of a bona fide labor organization. The law takes effect on September 21, 2004. The law should be read in conjunction with Public Law 2003, chapter 107 which also affects the composition of the Plumbers' Examining Board.

LD 735                      **An Act to Increase Faculty in Maine Nursing Education Programs**                      ONTP

<u>Sponsor(s)</u> RICHARDSON J DOUGLASS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 735 proposed to create the nursing education loan repayment program and fund, to be administered by the Finance Authority of Maine, for the purpose of increasing nursing faculty at nursing education programs in the State. Under the proposed bill, the program would repay up to \$4,500 of education loans for a master's degree and up to \$6,000 of education loans for a doctoral degree for a nurse who commits to working as faculty in a nursing education program in the State for a minimum of 3 years after acceptance into the program. This bill also proposed to appropriate \$50,000 from the General Fund each year for the next 2 years to finance the program.

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LD 748

**Resolve, Directing the Department of Labor To Publish Annually Economic and Workforce Information Concerning the Canadian Maritime Provinces**

RESOLVE 15

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	OTP-AM	H-184

LD 748 proposed to direct the Department of Labor and the Department of Economic and Community Development to include in their economic and workforce comparison reports data comparing the economy and workforce of the Canadian Maritime Provinces to the economy and workforce of the State.

**Committee Amendment "A" (H-184)** proposed to replace the resolve. The amendment proposed to direct only the Department of Labor, rather than the Department of Labor and the Department of Economic and Community Development, to provide information comparing the economy and workforce of the Canadian Maritime Provinces to the economy and workforce of the State. The amendment also proposed to replace the resolve's specific direction that the information be provided in existing regional economic and workforce comparison reports with a general direction that the department publish the information annually.

## ***Enacted Law Summary***

Resolve 2003, chapter 15 directs the Department of Labor to provide information comparing the economy and workforce of the Canadian Maritime Provinces to the economy and workforce of the State. The resolve directs the department to publish the information annually.

LD 764

**An Act To Ensure Choice for Maine Consumers**

ONTP

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

LD 764 proposed to allow cigarette manufacturers and retailers to enter into promotional or discount agreements. The bill proposed to prohibit cigarette manufacturers from requiring that the retailer do the following:

1. Dedicate a specified percentage of its shelf space to the manufacturer; or
2. Cease or limit its stocking of, or raise its prices on, cigarettes from a competing manufacturer.

The bill also proposed to bar manufacturers from dictating the size or location of the space used by the retailer to stock, display, promote or advertise cigarettes.

As proposed, the bill would not have applied to contracts or agreements in existence on its effective date, but would have applied to renewals or extensions. The bill also proposed to provide for enforcement by the Attorney General and by a private right of action.

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**LD 826**                      **Resolve, To Allow Certain State Employees To Be Voting Board Members of Project SHARE**                      **RESOLVE 8**

<u>Sponsor(s)</u> DUNLAP EDMONDS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-114
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LD 826 proposed to allow an employee of the Department of Environmental Protection, Department of Conservation or the Maine Atlantic Salmon Commission to serve on the steering committee of Project SHARE.

**Committee Amendment "A" (H-114)** proposed to replace the resolve. The amendment proposed to allow an employee of the Department of Environmental Protection, the Department of Conservation, the Department of Marine Resources, the Department of Agriculture, Food and Rural Resources or the Department of Inland Fisheries and Wildlife to serve on behalf of the State as a member of the board of directors of the nonprofit corporation known as "Project SHARE," as long as the employee is elected to serve on the board pursuant to the bylaws of the corporation.

***Enacted Law Summary***

Resolve 2003, chapter 8 allows an employee of the Department of Environmental Protection, Department of Conservation or the Maine Atlantic Salmon Commission to serve on the steering committee of Project SHARE.

**LD 833**                      **An Act To Facilitate Economic Development in Maine**                      **ONTP**

<u>Sponsor(s)</u> MAIETTA	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 833 proposed to require agencies that issue licenses to approve, deny, conditionally approve or conditionally deny an application for a license within 7 days of receiving the application, if the decision does not require an adjudicatory proceeding.

**LD 847**                      **An Act To Offer Zero-interest Loans to Employers Providing Bicycle Facilities**                      **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> SUSLOVIC BROMLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-181
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LD 847 proposed to create the Bicycling Assistance Loan Program within the Finance Authority of Maine to provide zero-interest loans to qualifying businesses for the purchase and installation of bicycle racks, showers and changing rooms for its employees. The bill proposed to require the authority to administer the loans through approved lenders and to charge the costs of the interest subsidy to the Fund for a Healthy Maine, contingent upon the availability of funds in the Fund for a Healthy Maine.

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The bill also proposed to require the Finance Authority of Maine to adopt major substantive rules to implement the loan program, including provisions that specify the criteria for determining qualifying lenders, eligibility requirements for participation in the program by businesses, the maximum amount of loan or interest subsidy permitted under the program and the maximum term of loans allowed under the program.

**Committee Amendment "A" (H-181)** proposed to change the sources of funding for the Bicycling Assistance Loan Fund in the Finance Authority of Maine to allow it to be capitalized by grants, donations or other money received by the authority and any federal funds or other revenues allocated by the Legislature to the fund for those purposes. The amendment proposed that money in that fund be used to pay for the Finance Authority of Maine's costs to establish and administer the Bicycling Assistance Loan Program and for the loan interest rate subsidies necessary to provide zero-interest loans to qualifying businesses.

The amendment proposed to prohibit the authority from incurring any eligible costs for program implementation or loan subsidies unless the authority first determines that sufficient funds exist in the fund or the Fund for a Healthy Maine to pay those costs, except that the authority may not charge more than \$50,000 in eligible costs to the Fund for a Healthy Maine.

**LD 848**                      **An Act To Establish a Circuit Breaker Program for Fuel Assistance**                      **ONTP**

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

LD 848 proposed to create the Maine Heating Fuel Assistance Program to provide reimbursement for heating fuel costs to taxpayers. Under the proposed bill, the Maine Heating Fuel Assistance Program would have been administered by the Maine State Housing Authority.

**LD 887**                      **An Act To Amend the Maine "Lemon Law"**                      **PUBLIC 337**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE TREAT	OTP-AM	H-382

LD 887 proposed to eliminate the laws that allow automobile manufacturers or their agents or dealers to deduct an allowance for mileage from the amount refunded to an automobile owner who qualifies for a refund under the State's "lemon law."

The bill also proposed to increase from one to five the number of arbitrators that must be involved in a "lemon law" arbitration process and to require that those arbitrators include a new car dealer, someone experienced in automobile mechanics and three public members.

The bill also proposed to add a provision to the criteria that establish when an automobile qualifies under the "lemon law" that states that an automobile qualifies if it has multiple problems that have not been successfully repaired after the vehicle has been out of service for 15 or more business days within the warranty term.

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**Committee Amendment "A" (H-382)** proposed to replace the bill. The amendment, which incorporates many changes to the Maine "Lemon Law" proposed by the Maine Office of the Attorney General in LR 1844 (which was not printed as an LD), proposed to amend the Maine "Lemon Law" by:

1. Expanding the term of protection under the lemon law from 2 to 3 years, the warranty period or 18,000 miles of operation, whichever occurs earliest;
2. Allowing consumers, after one repair attempt, to claim the presumption that a reasonable number of repair attempts have been undertaken when the claimed nonconformity has resulted in a serious failure of either the braking or steering systems in the vehicle;
3. Requiring that a motor vehicle surrendered to a manufacturer as a result of a settlement under the lemon law be affixed with a notice, when that vehicle is first offered for resale to the public, stating that the vehicle was the subject of a Maine Lemon Law settlement agreement;
4. Expanding the time limit for applying for lemon law state arbitration from 2 years to 3 years or to any time before expiration of the manufacturer's express warranties, whichever occurs earlier;
5. Eliminating the requirement that 2 attempts to repair the defect or defects must be made by the same dealer; and
6. Limiting the amount that may be deducted from the refund required under the lemon law for mileage to the mileage that is reported on the application accepted by the State for lemon law arbitration and any mileage directly attributable to use by a consumer beyond 20,000 miles.

### *Enacted Law Summary*

Public Law 2003, chapter 337 amends the State's "lemon law" by:

1. Expanding the term of protection under the lemon law from 2 to 3 years, the warranty period or 18,000 miles of operation, whichever occurs earliest;
2. Allowing consumers, after one repair attempt, to claim the presumption that a reasonable number of repair attempts have been undertaken when the claimed nonconformity has resulted in a serious failure of either the braking or steering systems in the vehicle;
3. Requiring that a motor vehicle surrendered to a manufacturer as a result of a settlement under the lemon law be affixed with a notice, when that vehicle is first offered for resale to the public, stating that the vehicle was the subject of a Maine Lemon Law settlement agreement;
4. Expanding the time limit for applying for lemon law state arbitration from 2 years to 3 years or to any time before expiration of the manufacturer's express warranties, whichever occurs earlier;
5. Eliminating the requirement that 2 attempts to repair the defect or defects must be made by the same dealer; and
6. Limiting the amount that may be deducted from the refund required under the lemon law for mileage to the mileage that is reported on the application accepted by the State for lemon law arbitration and any mileage directly attributable to use by a consumer beyond 20,000 miles.

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LD 904

**An Act To Educate Consumers Regarding Voluntary  
Repossession**

**PUBLIC 98**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY CLARK	OTP-AM	S-42

LD 904 proposed to require that dealers provide information to purchasers of new or used motor vehicles that are financed for purchase describing the purchaser's responsibility for paying a deficiency balance due on a repossessed vehicle.

**Committee Amendment "A" (S-42)** proposed to replace the bill with a requirement that a notice of a consumer's right to cure that is sent by a creditor to a consumer whose obligation is secured by a motor vehicle include a statement that if the motor vehicle is repossessed it may be sold by the creditor and that the difference between the net proceeds from that sale and the remaining balance may be owed by the consumer. The amendment proposed that this new notice provision apply only to notices sent on or after January 1, 2004.

***Enacted Law Summary***

Public Law 2003, chapter 98 requires that a notice of a consumer's right to cure that is sent by a creditor to a consumer whose obligation is secured by a motor vehicle include a statement that if the motor vehicle is repossessed it may be sold by the creditor and that the difference between the net proceeds from that sale and the remaining balance may be owed by the consumer. This new notice provision applies only to notices sent on or after January 1, 2004.

LD 913

**An Act To Increase Community Development Block Grants**

**ONTP**

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

LD 913, which was a concept draft pursuant to Joint Rule 208, proposed to increase the amount available for home improvement loans through community development block grants.

LD 918

**An Act Concerning the Provision of Information and Services to  
Businesses and Workers in Response to Certain Events**

**PUBLIC 159  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK STANLEY	OTP-AM	H-183

LD 918 proposed to designate the Department of Economic and Community Development as the lead agency for the State in coordinating the response of state agencies to an event that causes the Department of Labor to carry out rapid-response activities.

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**Committee Amendment "A" (H-183)** proposed to designate the Department of Economic and Community Development as the lead agency for providing information and business assistance to employers and businesses in response to an event that triggers rapid-response activities. The bill would have designated that department as the lead agency for the entire State response to such an event. The amendment proposed to retain for the Department of Labor its current role as the lead agency for providing assistance to workers affected by such an event and direct the Department of Labor, within 90 days from the effective date of the Act, to develop a directory of organizations that can provide resources to laid-off workers.

### ***Enacted Law Summary***

Public Law 2003, chapter 159 designates the Department of Economic and Community Development as the lead agency for providing information and business assistance to employers and businesses in response to an event that triggers rapid-response activities. The law retains for the Department of Labor its role as the lead agency for providing assistance to workers affected by such an event and directs the Department of Labor, within 90 days from the effective date of the law, to develop a directory of organizations that can provide resources to laid-off workers.

Public Law 2003, chapter 159 was enacted as an emergency measure effective May 14, 2003.

**LD 945**

### **An Act To Facilitate Communication between Prescribers and Dispensers of Prescription Medication**

**PUBLIC 483**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A SHOREY	OTP-AM	H-457

LD 945 proposed to require the Department of Professional and Financial Regulation to establish by January 2, 2004 and maintain an electronic prescription monitoring program. The bill proposed that the program allow prescribers and dispensers to identify immediately persons engaging in fraud and deception in obtaining schedule II, III and IV prescription drugs and to assist prescribers and dispensers in the safe and appropriate treatment and medication of patients. The bill also proposed to provide for criminal penalties for misuse of the information.

**Committee Amendment "A" (H-457)** proposed to replace the bill. The amendment proposed to make the following changes to the bill:

1. Specify that the intent of the legislation is to detect and prevent substance abuse, not interfere with the legitimate medical use of controlled substances;
2. Designate the Department of Behavioral and Developmental Services, Office of Substance Abuse as the agency administering the prescription monitoring program and allow the office to receive funds from any public or private source;
3. Make implementation of the program contingent on the receipt of sufficient federal or private funding and specify that no general fund appropriation may be made to fund the program;
4. Cover prescriptions dispensed to any person in the State, rather than merely prescriptions actually dispensed in the State;

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5. Provide a list of items of information from which the office may choose requirements for submission;
6. Provide a dispenser with immunity from liability for disclosure of information if the disclosure was made pursuant to and in accordance with the requirements of the legislation;
7. Direct the office to establish thresholds that, when exceeded, would trigger notification; and
8. Direct the office to purge information after 6 years.

### ***Enacted Law Summary***

Public Law 2003, chapter 483 requires the Office of Substance Abuse within the Department of Behavioral and Developmental Services to establish by January 2, 2004 and to maintain an electronic prescription monitoring program. The program will allow prescribers and dispensers to identify immediately persons engaging in fraud and deception in obtaining schedule II, III and IV prescription drugs and to assist prescribers and dispensers in the safe and appropriate treatment and medication of patients. In addition, the law does the following:

1. It provides for criminal penalties for misuse of the information gathered through the program;
2. It specifies that the intent of the legislation is to detect and prevent substance abuse, not interfere with the legitimate medical use of controlled substances;
3. It allows the Office of Substance Abuse to receive funds from any public or private source for the program, makes implementation of the program contingent on the receipt of sufficient federal or private funding and specifies that no general fund appropriation may be made to fund the program;
4. It provides a list of items of information from which the office may choose requirements for submission;
5. It provides a dispenser with immunity from liability for disclosure of information if the disclosure was made pursuant to and in accordance with the requirements of the legislation;
6. It directs the office to establish thresholds that, when exceeded, will trigger notification; and
7. It directs the office to purge information after 6 years.

**LD 946**

**Resolve, To Establish the Commission To Promote Jobs and Economic Development through Ecotourism**

**ONTP**

Sponsor(s)  
FAIRCLOTH  
BRYANT

Committee Report  
ONTP

Amendments Adopted

LD 946 proposed to establish the Commission to Promote Jobs and Economic Development through Ecotourism.



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**LD 958**                      **An Act To Require the Display of Oil Prices on Home Heating Oil Delivery Trucks**                      **ONTP**

<u>Sponsor(s)</u> MAIETTA		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 958 proposed to require that retailers of home heating oil display the price per gallon on their delivery trucks.

**LD 968**                      **An Act To Protect the Future of the U.S. Naval Air Station at Brunswick**                      **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> MAYO RICHARDSON J		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-37
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LD 968 proposed to provide a General Fund appropriation of \$100,000 to be used to support community-based responses to the military base closure process as they pertain to the U.S. Naval Air Station in Brunswick, Maine. The bill proposed that these funds be used to cover travel costs for research and meeting attendance, formulation of information requests for the Base Realignment and Closure Commission, expenses incurred from consultant technical assistance and other expenses necessary to promote a visible show of community support for this installation.

**Committee Amendment "A" (S-37)** proposed to alter the fiscal years indicated in the appropriation and allocation section.

Although this bill died on adjournment, a grant of \$50,000 in State funds is to be made available to implement the intent of this bill through the Department of Economic and Community Development's program to provide grants to municipalities to retain mature or dominant employers under the provisions to Title 5, section 13063-D.

**LD 969**                      **An Act To Ensure Equity in Mortgage Volume Fees**                      **PUBLIC 462 EMERGENCY**

<u>Sponsor(s)</u> BROMLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-554 RICHARDSON J S-186
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LD 969 proposed to reduce the volume fee paid by certain lending institutions for loans secured by an interest in land to \$10 for each \$100,000 of the amount loaned.

**Committee Amendment "A" (S-186)** proposed to replace the bill. The amendment proposed to enact a provision clarifying the State's policy on volume fees payable for the refinancing of a sale, lease or loan. The amendment also proposed to create the 14-member Committee to Study the Revenue Sources of the Office of Consumer Credit Regulation, funded from Other Special Revenue funds within the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation. The amendment proposed that the Study Commission submit its report to the Joint Standing Committee on Business, Research and Economic

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Development and to the Joint Standing Committee on Insurance and Financial Services no later than December 10, 2003.

**House Amendment "A" to Committee Amendment "A" (H-554)** proposed to add an emergency preamble and emergency clause to the bill, to require the Committee to Study the Revenue Sources of the Office of Consumer Credit Regulation to submit its report to the Second Regular Session of the 121st Legislature no later than December 3, 2003 and to authorize the committee to submit a bill to the Legislature at the time of submission of its report.

### *Enacted Law Summary*

Public Law 2003, chapter 462 clarifies the State's policy on payment of volume fees upon refinancing a sale, lease or loan. The law also creates the 14-member Committee to Study the Revenue Sources of the Office of Consumer Credit Regulation. The committee is funded from Other Special Revenue funds within the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation. The committee is required to submit its report to the Second Regular Session of the 121st Legislature no later than December 3, 2003 and is authorized to submit a bill to the Legislature at the time of submission of its report.

Public Law 2003, chapter 462 was enacted as an emergency measure effective June 16, 2003.

**LD 979**                      **An Act To Require Continuing Education for Professional Engineers**                      **PUBLIC 94**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS BROWN	OTP	H-109 SULLIVAN

LD 979 proposed to establish a continuing professional education requirement for engineers registered under the Maine Revised Statutes, Title 32, chapter 19.

**House Amendment "A" (H-109)** proposed to add an appropriation and allocation section to the bill.

### *Enacted Law Summary*

Public Law 2003, chapter 94 establishes a continuing professional education requirement for engineers registered under the Maine Revised Statutes, Title 32, chapter 19.

**LD 985**                      **An Act To Improve the State's Returnable Bottle Law and Adjust Handling Fees**                      **PUBLIC 499**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM MAJ OTP-AM MIN	S-217 S-307 CATHCART

LD 985 proposed to allow initiators of deposits for beverage containers, for example, manufacturers or distributors, to enter into commingling agreements that would allow dealers of the initiators' products and

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redemption centers to commingle the returned beverage containers according to the material, size or product group. It also proposed to increase the handling fee that initiators of deposit must pay to dealers or redemption centers by 2¢ per returned container, for a total handling fee of 5¢ per container. However, to encourage the use of commingling agreements, this bill also proposed to provide a discount on the handling fee of 1.5¢ per container if that container were subject to a commingling agreement that allows for commingling of containers of like material and size, for example, 12-ounce aluminum cans. If the commingling agreement also requires the containers to be sorted by product group, for example, 12-ounce aluminum beer cans, the initiator of deposit would only be entitled to a discount of 1¢ per container. The net effect would be that dealers or redemption centers would realize a gain of at least .5¢ but not more than 2¢ per beverage container.

This bill also proposed to require unclaimed deposits for beverage containers not subject to a commingling agreement to be turned over to the State for deposit into the General Fund.

**Committee Amendment "A" (S-217)**, which was the majority report of the committee and was adopted, proposed to do the following:

1. Require dealers and distributors to accept beverage containers processed through reverse vending machines;
2. Raise the handling fee to 3 1/2¢ for an initiator of deposit who, after January 1, 2004, fails to enter into a qualified commingling agreement;
3. Require an initiator of deposit, other than a bottler who produces no more than 50,000 gallons in a calendar year, to establish and maintain a deposit transaction fund and to report and pay to the Department of Administrative and Financial Services, Maine Revenue Services the amount in the fund attributable to unclaimed deposits on a monthly basis; and
4. Direct that abandoned deposit amounts be deposited into the General Fund.

**Senate Amendment "C" to Committee Amendment "A" (S-307)** proposed to change from January 1, 2004 to March 1, 2004 the date after which the handling fee is raised for an initiator of a beverage container deposit who does not enter into a qualified commingling agreement. The amendment also proposed to authorize the commingling of beverage containers of like product group and allow deposit initiators who establish a qualified commingling agreement to add products to their agreement if they are from a different product group but of the same material. The amendment also proposed to limit the provisions pertaining to unclaimed deposits to the those containers that are not subject to a commingling agreement. This amendment proposed to change Committee Amendment "A"'s small bottler exemption from the return of unclaimed deposit amounts to include a brewer who produces no more than 50,000 gallons of its product and a bottler of water who sells no more than 250,000 containers each containing no more than one gallon of its product per year. The amendment also proposed to exempt a brewer who annually produces no more than 50,000 gallons of its product or a bottler of water who annually sells no more than 250,000 containers each containing no more than one gallon of its product from the 1/2¢ handling fee increase for initiators who fail to enter a commingling agreement by June 1, 2004, and therefore to leave the handling fee at 3¢ for these small bottlers regardless of whether they enter into a commingling agreement.

**Committee Amendment "B" (S-218)**, which was the minority report of the committee and was not adopted, proposed to require dealers and distributors to accept beverage containers processed through reverse vending machines.

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**Senate Amendment "A" (S-245)**, which was not adopted, proposed to increase the handling fee that an initiator of a deposit must pay to a dealer or redemption center so that a dealer or redemption center would receive at least a 2¢ per returned container increase in the handling fee.

**Senate Amendment "A" to Committee Amendment "A" (S-244)**, which was not adopted, proposed to increase the handling fee that an initiator of a deposit must pay to a dealer or redemption center by 2¢ per returned container, beginning January 1, 2004.

**Senate Amendment "B" to Committee Amendment "A" (S-250)**, which was not adopted, proposed to change from January 1, 2004 to June 1, 2004 the date after which the handling fee is raised for an initiator of a beverage container deposit who does not enter into a qualified commingling agreement. The amendment also proposed to authorize the commingling of beverage containers of like product group and allow deposit initiators who establish a qualified commingling agreement to add products to their agreement if they are from a different product group but of the same material. The amendment also proposed to limit the provisions pertaining to unclaimed deposits to the those containers that are not subject to a commingling agreement. This amendment proposed to change Committee Amendment "A"'s small bottler exemption from the return of unclaimed deposit amounts to include a brewer who produces no more than 50,000 gallons of its product and a bottler of water who sells no more than 250,000 containers each containing no more than one gallon of its product per year. The amendment also proposed to exempt a brewer who annually produces no more than 50,000 gallons of its product or a bottler of water who annually sells no more than 250,000 containers each containing no more than one gallon of its product from the 1/2¢ handling fee increase for initiators who fail to enter a commingling agreement by June 1, 2004, and therefore to leave the handling fee at 3¢ for these small bottlers regardless of whether they enter into a commingling agreement.

### ***Enacted Law Summary***

Public Law 2003, chapter 499 does the following:

1. It requires initiators of deposits for beverage containers to accept beverage containers processed through reverse vending machines;
2. It raises the handling fee to 3 1/2¢ for an initiator of deposit who, after March 1, 2004, fails to enter into a qualified commingling agreement;
3. It authorizes the commingling of beverage containers of like product group and allows deposit initiators who establish a qualified commingling agreement to add products to their agreement if they are from a different product group but of the same material;
4. It requires an initiator of deposit, other than certain small brewers and bottlers, to establish and maintain a deposit transaction fund and to report and pay to the Department of Administrative and Financial Services, Maine Revenue Services the amount in the fund attributable to unclaimed deposits on a monthly basis for those containers that are not subject to a commingling agreement; and
5. It directs that abandoned deposit amounts collected by Maine Revenue Services be deposited into the General Fund.

*Joint Standing Committee on Business, Research and Economic Development*

LD 989

**Resolve, To Establish a Task Force Concerning Speech-language Pathologists**

**RESOLVE 80  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO MAKAS	OTP-AM	H-552 RICHARDSON J H-591 DUPLESSIE S-185

LD 989 was a concept draft pursuant to Joint Rule 208. The concept draft proposed to transfer the licensure of individuals who provide speech pathologist services to Maine schools from the auspices of the Department of Professional and Financial Regulation and the Board of Examiners on Speech-language Pathology and Audiology under the Maine Revised Statutes, Title 32, chapter 77 to the Department of Education, thereby making such individuals subject to the department's rule-making authority. The concept draft also proposed to expand the number of training programs in order to provide local school departments with needed personnel, to allow out-of-state, degree-granting institutions to offer programs to meet Maine's personnel needs in the area of speech pathology and to allow certain speech pathology services to be delivered by individuals who hold less than a master's degree in speech pathology if those individuals are under the supervision of a master's-level speech pathologist.

**Committee Amendment "A" (S-185)** proposed to replace the concept draft. The amendment was a resolve that proposed to create a task force directed to study ways to increase the number of speech-language pathologists who provide services in Maine schools and the opportunities for postsecondary training and professional development programs in the State. The resolve proposed to direct the task force to submit a report, including findings, recommendations and recommended legislation, by January 15, 2004 to the Joint Standing Committee on Education and Cultural Affairs, the Commissioner of Education and the State Board of Education. In addition, the resolve proposed to direct that the agencies and entities represented on the task force absorb expenses incurred by the task force.

**House Amendment "A" to Committee Amendment "A" (H-552)** proposed to authorize the task force to submit its report to the Second Regular Session of the 121st Legislature rather than to the Joint Standing Committee on Education and Cultural Affairs. It also proposed to change the reporting date from January 15, 2004, to December 3, 2003, and to remove the provision allowing the Legislative Council to grant an extension of time for the task force to complete its study.

**House Amendment "B" to Committee Amendment "A" (H-591)** proposed to remove the emergency preamble and the emergency clause.

***Enacted Law Summary***

Resolve 2003, chapter 80 creates a task force that is directed to study ways to increase the number of speech-language pathologists who provide services in Maine schools and the opportunities for postsecondary training and professional development programs in the State. The task force is directed to submit a report, including findings, recommendations and recommended legislation, by December 3, 2003 to the Second Regular Session of the 121st Legislature, the Commissioner of Education and the State Board of Education. In addition, the resolve directs that the agencies and entities represented on the task force will absorb expenses incurred by the task force.

*Joint Standing Committee on Business, Research and Economic Development*

**LD 994**                      **Resolve, Directing the Department of Economic and Community Development To Inventory Maine Business Excellence**                      **ONTP**

<u>Sponsor(s)</u> BENNETT R		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 994 proposed to direct the Department of Economic and Community Development to inventory and study the State's enterprises, industries and business clusters to determine what makes them exceptional.

**LD 995**                      **An Act To Exempt a Person Who Performs Work on Certain Vessels from the Laws Governing Professional Engineers**                      **PUBLIC 34**

<u>Sponsor(s)</u> LEMONT BROWN		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 995 proposed to exempt a person who performs work only on vessels under 200 feet long from the laws governing professional engineers.

***Enacted Law Summary***

Public Law 2003, chapter 34 exempts a person who performs work only on vessels under 200 feet long from the laws governing professional engineers.

**LD 1004**                      **An Act To Clarify the Status of Regulated Water Utility Plumbing Permits**                      **PUBLIC 304**

<u>Sponsor(s)</u> DAVIS P		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-128
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LD 1004 proposed to direct the Plumbers' Examining Board to review and revise its rules to clarify and codify long-standing interpretation by water utilities and municipalities that excludes from permit requirements all installations of water meters, related valves and backflow prevention devices by a water utility or its contractor. The bill also proposed to specify that a municipality may not create a permit requirement for such installations.

**Committee Amendment "A" (S-128)** proposed to replace the bill. The amendment proposed to exempt the installation of stand-alone water meters, water meters in combination with nontestable backflow prevention devices and related valves by water utility personnel or water utility contractors from municipal plumbing inspection and permitting requirements. The amendment also proposed to require that a statement be included in any notice provided to a customer regarding entry to install such water meters or related valves that installation of a backflow preventor may necessitate installation by the customer of additional devices, such as an expansion tank, due to thermal expansion.

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## Enacted Law Summary

Public Law 2003, chapter 304 exempts the installation of stand-alone water meters, water meters in combination with nontestable backflow prevention devices and related valves by water utility personnel or water utility contractors from municipal plumbing inspection and permitting requirements. It also requires that a statement be included in any notice provided to a customer regarding entry to install such water meters or related valves that installation of a backflow preventor may necessitate installation by the customer of additional devices, such as an expansion tank, due to thermal expansion.

**LD 1006**                      **An Act To Require Confirmation of Appointments to the Board of**                      **ONTP**  
**Accountancy**

<u>Sponsor(s)</u> BARSTOW		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1006 proposed to require that gubernatorial appointments to the Board of Accountancy be subject to review by the appropriate legislative committee and approval by the Senate.

**LD 1025**                      **An Act To Ensure Uniform Code Compliance and Efficient**                      **CARRIED OVER**  
**Oversight of Construction in the State**

<u>Sponsor(s)</u> HALL		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1025 proposes to establish the Office of Building Codes within the Department of Professional and Financial Regulation to ensure the uniform code compliance and efficient oversight of construction of new residential and commercial buildings in the State. The bill proposes to make that office responsible for providing testing and licensing standards for private building inspectors and establishing a fee schedule for building inspector services. This bill also proposes to require owners and developers of residential and commercial buildings to certify to the Office of Building Codes that a newly constructed building meets all applicable building and energy codes. It also proposes to require the department to submit a plan to the Joint Standing Committee on Business, Research and Economic Development prior to the Second Regular Session of the 121st Legislature to merge into the Office of Building Codes functions within existing agencies that are responsible for plumbing, electrical, fire and energy code inspections.

This bill was worked in conjunction with LD 401 and LD 688.

*Joint Standing Committee on Business, Research and Economic Development*

**LD 1033**                      **An Act To Require the Maine State Housing Authority To  
Guarantee Security Deposits for Low-income Renters**                      **ONTP**

<u>Sponsor(s)</u> LAVERRIERE-BOUC		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1033 proposed to authorize the Maine State Housing Authority to guarantee the security deposit of a person who qualifies and receives rent assistance from the Federal Government as long as that person is capable of paying the security deposit to the landlord in monthly installments over a one-year period.

**LD 1054**                      **An Act To Require Continuing Education in the Cosmetology,  
Barbering, Aesthetics and Manicuring Fields**                      **ONTP**

<u>Sponsor(s)</u> BLISS		<u>Committee Report</u> ONTP      MAJ OTP        MIN		<u>Amendments Adopted</u>
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LD 1054 proposed to establish a continuing education requirement for people engaged in the practice of cosmetology, manicuring, aesthetics and barbering and set criteria for the applicants, the continuing education courses and the entities that provide the courses.

**LD 1085**                      **An Act To Provide Security Deposit Assistance to Renters  
Receiving Federal Rent Assistance**                      **ONTP**

<u>Sponsor(s)</u> STRIMLING		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1085 proposed to require the Maine State Housing Authority to pay the security deposit for a person who qualifies and receives rent assistance from the Federal Government. This bill also proposed to require that the security deposit be paid directly to the landlord.

**LD 1086**                      **An Act To Require a 30-Day Deferment Period To Pay Bills**                      **ONTP**

<u>Sponsor(s)</u> STRIMLING		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1086 proposed to allow consumers 30 days to pay a bill relating to a consumer transaction for goods or services.



*Joint Standing Committee on Business, Research and Economic Development*

LD 1092

**An Act To Amend the Laws Pertaining to Denturists**

ONTP

Sponsor(s)  
STANLEY

Committee Report  
ONTP

Amendments Adopted

LD 1092 proposed to remove denturists from the authority of the Board of Dental Examiners and create a new Board of Denturists under the jurisdiction of the Department of Professional and Financial Regulation.

LD 1146

**An Act To Allow Licensure of Graduates of Social Work Programs That Are in Candidacy for Accreditation**

**PUBLIC 211  
EMERGENCY**

Sponsor(s)  
LAVERRIERE-BOUC

Committee Report  
OTP-AM

Amendments Adopted  
H-182  
S-109 BRENNAN

LD 1146 proposed to allow volunteer hours to count towards fulfilling the licensing requirements of a licensed clinical social worker if the hours are performed under the appropriate supervision and the applicant agrees in writing to follow the volunteer agency's rules of practice. This bill also proposed to allow graduates of an unaccredited social work or social welfare program administered by the University of Southern Maine to be licensed as long as the program is in the process of receiving accreditation.

**Committee Amendment "A" (H-182)** proposed to replace the bill. The amendment proposed to allow master social worker licensure of a graduate of a social work or social welfare program of an institution in candidacy for accreditation from the Council on Social Work Education or a successor organization. The amendment also proposed to add an emergency preamble and an emergency clause.

**Senate Amendment "A" (S-109)** proposed to repeal on July 1, 2005 the language that allows master social worker licensure of a graduate of a social work or social welfare program of an institution in candidacy for accreditation from the Council on Social Work Education or a successor organization.

***Enacted Law Summary***

Public Law 2003, chapter 211 allows, until July 1, 2005, master social worker licensure of a graduate of a social work or social welfare program of an institution in candidacy for accreditation from the Council on Social Work Education or a successor organization.

Public Law 2003, chapter 211 was enacted as an emergency measure effective May 19, 2003.

*Joint Standing Committee on Business, Research and Economic Development*

**LD 1152**                      **An Act To Authorize Collaborative Practice for Emergency Contraception**                      **CARRIED OVER**

<u>Sponsor(s)</u> DAGGETT RICHARDSON J	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1152 proposes to authorize a pharmacist to initiate emergency contraception drug therapy in accordance with standardized protocols developed by the pharmacist and an authorized prescriber acting within his or her scope of practice. The bill also proposes to require a pharmacist who initiates emergency contraception drug therapy pursuant to these provisions to provide the recipient with a standardized fact sheet developed by the Department of Professional and Financial Regulation, Maine Board of Pharmacy, in consultation with the Department of Human Services, the American College of Obstetricians and Gynecologists, the Maine Pharmacy Association and other health care organizations. Finally, the bill proposes to require that prior to performing this procedure a pharmacist complete a specified training program.

**LD 1231**                      **An Act To Restrict Excessive Late Rental Fees for Self-service Storage Facilities**                      **PUBLIC 274**

<u>Sponsor(s)</u> DUPLESSIE BROMLEY	<u>Committee Report</u> OTP-AM    MAJ ONTP        MIN	<u>Amendments Adopted</u> H-292
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LD 1231, which was modeled on Ohio and Missouri law, proposed to prohibit operators of self-service storage facilities from imposing excessive rental fees. The bill proposed to require that the amount and the conditions for imposing the late fee be in writing. The bill also proposed to establish as a reasonable late fee \$20 for each late rental payment or 20% of the amount of each late rental payment, whichever is greater, and to authorize the operator and the occupant to contract for a higher late fee as long as the higher amount is reasonable. The bill also proposed to authorize an operator to recover from the occupant reasonable expenses incurred in rent collection or lien enforcement.

**Committee Amendment "A" (H-292)** was the majority report of the committee and was adopted. The amendment proposed to change the title to reflect that the bill only addresses late fees, to specify that the fees must be included in a written agreement in 12-point type and to delete language that would allow a late fee of greater than \$20 or 20% of a rental payment by rental agreement.

***Enacted Law Summary***

Public Law 2003, chapter 274 prohibits operators of self-service storage facilities from imposing excessive late rental fees. The law requires that the amount and the conditions for imposing the late fee be included in a written agreement in 12-point type. The law establishes as a reasonable late fee \$20 for each late rental payment or 20% of the amount of each late rental payment, whichever is greater, and authorizes an operator to recover from the occupant reasonable expenses incurred in rent collection or lien enforcement.

*Joint Standing Committee on Business, Research and Economic Development*

LD 1240

**An Act To Amend the Regional Economic Development Revolving Loan Program**

**PUBLIC 195  
EMERGENCY**

Sponsor(s)  
KAELIN  
STANLEY

Committee Report  
OTP

Amendments Adopted  
H-198 KAE LIN

LD 1240 proposed to amend the requirement of the Regional Economic Development Revolving Loan Program that borrowers obtaining loans of \$50,000 or less must receive a 2-to-one match of the funds borrowed from the program, to reduce the required match to a one-to-one match.

**House Amendment "A" (H-198)** proposed to add an emergency preamble and emergency clause to the bill.

***Enacted Law Summary***

Public Law 2003, chapter 195 amends the requirement of the Regional Economic Development Revolving Loan Program that borrowers obtaining loans of \$50,000 or less must receive a 2-to-one match of the funds borrowed from the program, reducing the required match to a one-to-one match.

Public Law 2003, chapter 195 was enacted as an emergency measure effective May 16, 2003.

LD 1243

**An Act To Exclude Inclined Stairway Chairlifts from the Definition of Elevator**

**PUBLIC 292**

Sponsor(s)  
ANNIS

Committee Report  
OTP-AM

Amendments Adopted  
H-360

LD 1243 proposed to remove inclined stairway chairlifts from the definition of "elevator," to establish an annual inspection fee cap of \$50 for such chairlifts and to direct the Board of Elevator and Tramway Safety to propose any changes to the laws governing the installation, operation, maintenance and use of such chairlifts necessitated by the exclusion of inclined stairway chairlifts from the definition of "elevator."

**Committee Amendment "A" (H-360)** proposed to exempt an inclined stairway chairlift from the definition of "elevator." The amendment proposed to replace the bill's definition of "inclined stairway chairlift" with new language that defines the device as a mechanized chair apparatus running on a track or rail along the side of a staircase. The amendment also proposed to remove these chairlifts from regulation and oversight by the Board of Elevator and Tramway Safety altogether.

The committee also directed that a letter be sent to the Joint Standing Committee on Health and Human Services requesting that chairlifts be included in that committee's review of the Department of Human Services' rules concerning assisted housing programs.

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## Enacted Law Summary

Public Law 2003, chapter 292 defines "inclined stairway chairlift" as a mechanized chair apparatus running on a track or rail along the side of a staircase, and removes inclined stairway chairlifts from regulation and oversight by the Board of Elevator and Tramway Safety by removing these chairlifts from the definition of "elevator."

### LD 1257                    **An Act To Increase Returnable Beverage Container Redemption Rates**                    **CARRIED OVER**

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

LD 1257 proposes to do the following:

1. Raise from 5¢ to 7¢ the deposit on refillable and nonrefillable beverage containers, except wine and spirits containers;
2. Raise from 15¢ to 20¢ the deposit on wine and spirits containers;
3. Specify that 1/2 of 1¢ of each deposit must be placed in the Beverage Container Enforcement Fund, which is used to fund the administrative and enforcement responsibilities under the bottle return laws of the Department of Agriculture, Food and Rural Resources; and
4. Increase the handling fee that initiators of deposit must pay to dealers or redemption centers from 3¢ to 4.5¢ and 5¢, depending on the type of beverage container.

### LD 1278                    **An Act To Amend the Maine Health Security Act as It Relates to the Reporting of Registered Nurses by Health Care Providers**                    **ONTP**

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

LD 1278 proposed to amend the Maine Health Security Act as it relates to the reporting of registered nurses by health care providers and health care entities to the State Board of Nursing to provide that the State Board of Nursing should adopt rules for mandatory reporting of registered nurses.

### LD 1294                    **An Act To Amend the Motor Vehicle Franchise Law**                    **PUBLIC 356**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN O'NEIL	OTP-AM	S-184

LD 1294 proposed to amend the laws concerning regulation of business practices between motor vehicle manufacturers, distributors and dealers.

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This bill proposed to prohibit automobile franchisors from recovering costs for reimbursing a franchisee for parts and labor and to create a 7-member Maine Motor Vehicle Franchise Board to resolve complaints between motor vehicle dealers and manufacturers. The bill also proposed to repeal the existing mediation process used to settle such disputes and to amend various timelines for certain notifications required by law. The bill also proposed to create a position in the Department of the Secretary of State, Bureau of Motor Vehicles, to serve as the chair of the Maine Motor Vehicle Franchise Board. As proposed in the bill, partial compensation for that position and all costs for the operation of the board would be paid entirely from the Maine Motor Vehicle Franchise Fund, which is funded by fees imposed in the law that are paid by automobile franchisees and franchisors. This bill also proposed to clarify that the right to succeed to ownership of a franchise by family members and other lawful successors applies to the retirement of the franchise owner as well as death or disability, and to clarify that a franchise agreement may not include any requirement that a franchisee establish or maintain exclusive facilities, personnel or display space for different lines of motor vehicles or related products.

This bill was heard and worked in conjunction with LD 75, which also proposed to amend the laws concerning the regulation of business practices between motor vehicle manufacturers, distributors and dealers.

**Committee Amendment "A" (S-184)** proposed to change the length of time allowed for filing various notices and claims proposed in the bill, to change the composition of the proposed Maine Motor Vehicle Franchise Board by reducing from 4 to 3 the number of members who are motor vehicle dealers and by increasing from one to 2 the number of public members and to clarify that the board, rather than the Secretary of State, has the authority to levy civil penalties for violations of the laws governing business practices between motor vehicle manufacturers, distributors and dealers.

The amendment also proposed to clarify that the position in the Bureau of Motor Vehicles is a full-time attorney position and that full compensation for that position, as well as costs for the operation of the board, are to be paid entirely from the proposed Maine Motor Vehicle Franchise Fund.

### ***Enacted Law Summary***

Public Law 2003, chapter 356 amends the laws concerning regulation of business practices between motor vehicle manufacturers, distributors and dealers. Specifically, this law prohibits automobile franchisors from recovering costs for reimbursing a franchisee for parts and labor and creates a 7-member Maine Motor Vehicle Franchise Board to resolve complaints between motor vehicle dealers and manufacturers. The Maine Motor Vehicle Franchise Board is not the exclusive venue for initially bringing a complaint, but if any party asserting claims or defenses under the Maine Revised Statutes, Title 10, chapter 204 or that could be brought under chapter 204 brings a complaint before the board, then all other civil actions or administrative actions must be tolled pending the outcome of proceedings before the board. This law also repeals the mediation requirements under the Maine Revised Statutes, Title 10, section 1173-A.

This law also clarifies that the right to succeed to ownership of a franchise by family members and other lawful successors applies to the retirement of the franchise owner as well as death or disability, clarifies that a franchise agreement may not include any requirement that a franchisee establish or maintain exclusive facilities, personnel or display space for different lines of motor vehicles or related products, changes the length of time allowed for filing various notices and claims, and grants the Maine Motor Vehicle Franchise Board, rather than the Secretary of State, the authority to levy civil penalties for violations of the laws governing business practices between motor vehicle manufacturers, distributors and dealers. The law also creates a full-time attorney position in the Department of the Secretary of State, Bureau of Motor Vehicles, who will serve as the chair of the Maine Motor Vehicle Franchise Board. Compensation for that position and all costs for the operation of the board are paid

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entirely from the Maine Motor Vehicle Franchise Fund, which is funded by fees imposed in the law that are paid by automobile franchisees and franchisors.

**LD 1305**                      **An Act To Require Water Tests Prior to the Sale of Homes**                      **ONTP**

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

LD 1305 proposed to require that the seller of residential real property with a private water supply provide to the purchaser the results of a water test. The bill also proposed to require the Real Estate Commission to adopt rules to ensure consistency with the requirements of disclosure of water test results.

**LD 1316**                      **An Act To Establish Medical Gas and Vacuum System Installer Certification**                      **ONTP**

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

LD 1316 proposed to create the State Board of Examiners for the Medical Gas and Vacuum System Industry and establish certification requirements for medical gas and vacuum system installers. The bill also proposed to create a permit system for those who apprentice as medical gas and vacuum system installers.

**LD 1325**                      **An Act To Encourage and Support Maine Owner-operated Small Businesses**                      **CARRIED OVER**

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

LD 1325 is a concept draft pursuant to Joint Rule 208. It proposes to direct the Department of Economic and Community Development to provide certain programming and resources specifically to owner-operated small businesses in this State.

**LD 1326**                      **An Act To Provide for the 2003 and 2004 Allocations of the State Ceiling on Private Activity Bonds**                      **P & S 17  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY SULLIVAN	OTP-AM	S-73

LD 1326 proposed to establish the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2003 and 2004. Under federal law, a maximum of \$228,580,000 in tax-exempt bonds benefiting private

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individuals or entities may be issued in Maine in 2003 and a maximum of \$228,580,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2004. This bill proposed to allocate the state ceiling among the state-level issuers of tax-exempt bonds as follows: to the Treasurer of State, \$20,000,000 in 2003 and \$0 in 2004; to the Finance Authority of Maine, \$60,000,000 in 2003 and \$30,000,000 in 2004; to the Maine Municipal Bond Bank, \$10,000,000 in 2003 and \$10,000,000 in 2004; to the Maine Educational Loan Authority, \$0 in 2003 and \$0 in 2004; and to the Maine State Housing Authority, \$40,000,000 in 2003 and \$40,000,000 in 2004. The bill proposed to leave \$98,580,000 of the state ceiling unallocated in 2003 and \$148,580,000 unallocated in 2004.

**Committee Amendment "A" (S-73)** incorporated a fiscal note.

### ***Enacted Law Summary***

Private and Special Law 2003, chapter 17 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2003 and 2004. Under federal law, a maximum of \$228,580,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2003 and a maximum of \$228,580,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2004. This law allocates the state ceiling among the state-level issuers of tax-exempt bonds as follows: to the Treasurer of State, \$20,000,000 in 2003 and \$0 in 2004; to the Finance Authority of Maine, \$60,000,000 in 2003 and \$30,000,000 in 2004; to the Maine Municipal Bond Bank, \$10,000,000 in 2003 and \$10,000,000 in 2004; to the Maine Educational Loan Authority, \$0 in 2003 and \$0 in 2004; and to the Maine State Housing Authority, \$40,000,000 in 2003 and \$40,000,000 in 2004. The law leaves \$98,580,000 of the state ceiling unallocated in 2003 and \$148,580,000 unallocated in 2004.

Private and Special Law 2003, chapter 17 was enacted as an emergency measure effective May 15, 2003.

<b>LD 1345</b>	<b>An Act To Make Minor Technical Changes to the Maine Biomedical Research Program and To Amend the Calculation of Funds To Be Transferred to the Maine Research and Development Evaluation Fund</b>	<b>PUBLIC 464 EMERGENCY</b>
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<u>Sponsor(s)</u> SHOREY RICHARDSON J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-579 SULLIVAN S-158
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LD 1345 proposed to remove the rule-making authority of the Department of Economic and Community Development from the Maine Biomedical Research Program because the department no longer manages the program.

**Committee Amendment "A" (S-158)** proposed to restore the rule-making authority concerning the Maine Biomedical Research Program that was repealed by the bill but transfer that authority from the Department of Economic and Community Development to the Maine Biomedical Research Board and to designate rules adopted pursuant to that authority as routine technical rather than major substantive.

**House Amendment "A" to Committee Amendment "A" (H-579)** proposed to add general obligation bonds issued for research and development to the calculation of funds to be transferred to the Maine Research and Development Evaluation Fund that is administered by the Department of Economic and Community Development for the purposes of funding the comprehensive evaluation of state investments in research and

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development. This amendment also proposed to require that private entities receiving general obligation bond proceeds for research and development pay to the Treasurer of State an amount not to exceed 0.8% of the general obligation bond proceeds, which must be paid from available resources in the fiscal year in which the general obligation bond was issued rather than bond proceeds. The amendment also proposed to add an emergency preamble and emergency clause.

**Senate Amendment "A" to Committee Amendment "A" (S-269)**, which was not adopted, was identical to House Amendment "A," except that House Amendment "A" clarified that payment of funds to the Maine Research and Development Fund would not come from general obligation bond proceeds.

### *Enacted Law Summary*

Public Law 2003, chapter 464 transfers the rule-making authority concerning the Maine Biomedical Research Program from the Department of Economic and Community Development to the Maine Biomedical Research Board and designates rules adopted pursuant to that authority as routine technical rather than major substantive. The law also adds general obligation bonds issued for research and development to the calculation of funds to be transferred to the Maine Research and Development Evaluation Fund that is administered by the Department of Economic and Community Development for the purposes of funding the comprehensive evaluation of state investments in research and development. In addition, the law requires that private entities receiving general obligation bond proceeds for research and development pay to the Treasurer of State an amount not to exceed 0.8% of the general obligation bond proceeds, which must be paid from available resources in the fiscal year in which the general obligation bond was issued.

Public Law 2003, chapter 464 was enacted as an emergency measure effective June 17, 2003.

**LD 1351**                      **An Act Regarding the Labeling of Returnable Containers**                      **ONTP**

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

LD 1351 proposed to ensure that the type size of refund information on refundable beverage containers is at least 1/8 inch high so that it can be read by the consumer. The bill would have taken effect 270 days after adjournment of the First Regular Session of the 121st Legislature.

**LD 1385**                      **An Act To Establish the Pine Tree Development Zones Program**                      **DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY SULLIVAN	OTP-AM	S-231 GAGNON S-68

LD 1385 proposed to establish the Pine Tree Development Zone program within the Department of Economic and Community Development and to authorize qualified businesses in the manufacturing, technology and financial services sectors to receive the following benefits for a period of 10 years as a result of their operations established within the zones:



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1. Financing assistance equal to 100% of the tax paid on real property improvements;
2. Exemption of personal property from taxation;
3. Employment tax increment financing equal to 100% of qualified employees' state income tax withholdings for a period of 10 years; and
4. A tax credit equal to 100% of the state income tax due and attributable to operations within the zones for each of the first 5 years, followed by a credit equal to 50% of the state income tax due and attributable to operations within the zones for the 6th through the 10th years.

**Committee Amendment "A" (S-68)** proposed to replace the original bill. The amendment proposed to establish the Pine Tree Development Zone program within the Department of Economic and Community Development and to authorize qualified businesses in the manufacturing, target technology and financial services sectors to receive the following benefits as a result of their operations established or expanded within the zones:

1. Sales tax exemptions for certain building materials purchased pursuant to construction contracts with qualified Pine Tree Development Zone businesses and for all tangible personal property purchased by qualified businesses;
2. Exclusion from the calculation of a municipality's total tax increment financing district area and original assessed value limitations of tax increment financing districts established in Pine Tree Development Zones;
3. Employment tax increment financing equal to 80% of qualified employees' state income tax withholdings directly attributable to qualified business activities for a period of no more than 10 years; and
4. A tax credit equal to 100% of the state income tax and insurance premiums tax due and directly attributable to operations within the zones for each of the first 5 years, followed by a credit equal to 50% of the state income tax due and attributable to operations within the zones for the 6th through 10th years.

The amendment also proposed to specify that in no event would any of the tax benefits described above be available to taxpayers after December 31, 2018.

The amendment also proposed to limit designation of Pine Tree Development Zones to areas that have a greater unemployment rate than the state average and lower wages than the state average or that have sustained a loss of workforce or population greater than 5% in the previous 3-year period due to business closings. In addition, the amendment proposed to include technical changes to the original bill, to add an emergency preamble and emergency clause, and to create a reporting requirement for the Commissioner of Economic and Community Development.

**House Amendment "A" to Committee Amendment "A" (H-406)**, which was not adopted, proposed to do the following:

1. Limit the number of Pine Tree Development Zones that the Commissioner of Economic and Community Development may establish in each region;

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2. Change the eligibility standards for zone designation by allowing the property to meet the requirements by having either an unemployment rate higher than the state rate or being located in a county in which the average weekly wage is lower than the state average;
3. Clarify terminology regarding average weekly wages and workforce;
4. Clarify the procedure for determining the apportioned credit for taxes paid;
5. Specify how multijurisdictional applicants meet the requirements of unemployment rate and average weekly wage;
6. Require the Commissioner of Economic and Community Development to report back to the Joint Standing Committee on Business, Research and Economic Development regarding rulemaking and other progress in implementing Pine Tree Development Zones;
7. Require the Commissioner of Economic and Community Development to determine the existence of criteria necessary for a business to qualify as a qualified business, and require the Executive Director of the Bureau of Revenue Services within the Department of Administrative and Financial Services to provide an advisory opinion to the commission; and
8. Remove the emergency preamble and the emergency clause and provide for the application of the tax credits for years beginning on or after January 1, 2003.

### **Senate Amendment "C" (S-231) proposed to:**

1. Limit the number of Pine Tree Development Zones that the Commissioner of Economic and Community Development may establish in each region;
2. Change the eligibility standards for zone designation by allowing the property to meet the requirements by having either an unemployment rate higher than the state rate or being located in a county in which the average weekly wage is lower than the state average;
3. Clarify terminology regarding average weekly wages and workforce;
4. Clarify the procedure for determining the apportioned credit for taxes paid;
5. Specify how multijurisdictional applicants meet the requirements of unemployment rate and average weekly wage;
6. Require the Commissioner of Economic and Community Development to report back to the Joint Standing Committee on Business, Research and Economic Development regarding rulemaking and other progress in implementing Pine Tree Development Zones;
7. Require the Department of Economic and Community Development to investigate whether the establishment or expansion of a business within a Pine Tree Development Zone would not occur but for the availability of the Pine Tree Development Zone benefits and to issue an advisory opinion regarding the results of its investigation to the Executive Director of the Bureau of Revenue Services in the Department of Administrative and Financial Services, who would be required to make a final determination whether the business has met this requirement; and

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8. Remove the emergency preamble and the emergency clause and provide for the application of the tax credits for years beginning on or after January 1, 2003.

**Senate Amendment "A" (S-137)**, which was not adopted, proposed to:

1. Limit the number of Pine Tree Development Zones that the Commissioner of Economic and Community Development may establish in each region;
2. Change the eligibility standards for zone designation by allowing the property to meet the requirements by having either an unemployment rate higher than the state rate or being located in a county in which the average weekly wage is lower than the state average;
3. Clarify terminology regarding average weekly wages and workforce;
4. Clarify the procedure for determining the apportioned credit for taxes paid;
5. Require that preference be given to multijurisdictional applications and specify how multijurisdictional applicants meet the requirements of unemployment rate and average weekly wage;
6. Require the Commissioner of Economic and Community Development to report back to the Joint Standing Committee on Business, Research and Economic Development regarding rulemaking and other progress in implementing Pine Tree Development Zones; and
7. Remove the emergency preamble and the emergency clause and provides for the application of the tax credits for years beginning on or after January 1, 2003.

**Senate Amendment "B" (S-146)**, which was not adopted, proposed to:

1. Limit the number of Pine Tree Development Zones that the Commissioner of Economic and Community Development may establish in each region;
2. Change the eligibility standards for zone designation by allowing the property to meet the requirements by having either an unemployment rate higher than the state rate or being located in a county in which the average weekly wage is lower than the state average;
3. Clarify terminology regarding average weekly wages and workforce;
4. Clarify the procedure for determining the apportioned credit for taxes paid;
5. Specify how multijurisdictional applicants meet the requirements of unemployment rate and average weekly wage;
6. Require the Commissioner of Economic and Community Development to report back to the Joint Standing Committee on Business, Research and Economic Development regarding rulemaking and other progress in implementing Pine Tree Development Zones; and
7. Remove the emergency preamble and the emergency clause and provide for the application of the tax credits for years beginning on or after January 1, 2003.

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LD 1385 died on adjournment. However, the substance of the bill, as amended, was incorporated into Public Law 2003, chapter 451 (the "Part 2 Budget") as section NNN.

**LD 1390**                      **An Act To Suspend Rules of the Board of Dental Examiners**                      **P & S 27**  
**Regarding Permission for Public Health Supervision Status**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
YOUNGBLOOD	ONTP      MAJ	S-130
SULLIVAN	OTP-AM    MIN	

LD 1390 proposed to establish the Board of Licensure of Dental Hygienists and transfer jurisdiction for licensing and regulation of dental hygienists from the Board of Dental Examiners to the Board of Licensure of Dental Hygienists. The bill also proposed to establish membership, procedures and powers of the new board, as well as qualifications, disciplinary procedures, licensure, continuing education and other requirements for dental hygienists who would be licensed by the new board. The bill also proposed to include a provision authorizing dental hygienists to become shareholders in dental practices up to a 49% ownership interest.

**Committee Amendment "A" (S-130)**, which was the minority report of the committee and was adopted, proposed to replace the bill. The amendment proposed to suspend that portion of the rules of the Board of Dental Examiners that requires a dental hygienist to seek permission from the board to perform work under public health supervision status. The amendment also proposed to require a dental hygienist, prior to performing this work, to give notice to the board that identifies the site where the work is to be performed, the nature of the work and the name of the supervising dentist with whom the hygienist has entered into the required public health supervision agreement.

***Enacted Law Summary***

Private and Special Law 2003, chapter 27 suspends until May 1, 2004 that portion of the rules of the Board of Dental Examiners that requires a dental hygienist to seek permission from the board to perform work under public health supervision status. The law requires a dental hygienist, prior to performing this work, to give notice to the board that identifies the site where the work is to be performed, the nature of the work and the name of the supervising dentist with whom the hygienist has entered into the required public health supervision agreement.

**LD 1402**                      **An Act To Conform the Voting Members of Certain State Entities**                      **PUBLIC 385**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J	OTP      MAJ	H-358    RINES
	ONTP     MIN	

LD 1402 proposed to amend the status of the Treasurer of State from being a nonvoting member to a voting member of the group of representatives who vote with respect to agreements or recommendations for allocation or reallocation of the state ceiling and a voting member of the Maine Educational Loan Authority.

**House Amendment "A" (H-358)**, which was presented on behalf of the Committee on Bills in the Second Reading and was adopted, proposed to incorporate changes made by Public Law 2003, chapter 112, section 1.

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## Enacted Law Summary

Public Law 2003, chapter 385 amends the status of the Treasurer of State from being a nonvoting member to a voting member of the group of representatives who vote with respect to agreements or recommendations for allocation or reallocation of the state ceiling and a voting member of the Maine Educational Loan Authority.

**LD 1406**                      **An Act To Separate the Office of Tourism from the Office of Community Development**                      **PUBLIC 198**

<u>Sponsor(s)</u> COWGER		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1406 proposed to separate the Office of Tourism and Community Development, previously a single office within the Department of Economic and Community Development, into 2 separate and distinct offices within the department.

## Enacted Law Summary

Public Law 2003, chapter 198 separates the Office of Tourism and Community Development, previously a single office within the Department of Economic and Community Development, into 2 separate and distinct offices within the department.

**LD 1408**                      **An Act To Refine the Maine Rural Development Statutes**                      **PUBLIC 281**

<u>Sponsor(s)</u> BROMLEY SMITH N		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-148
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LD 1408 proposed to clarify that employees of the Maine Rural Development Authority are eligible for the state employee health plan, to change the rulemaking designation for the community industrial building program from major substantive to routine technical and to remove the language that requires that unused funds be deposited with the Treasurer of State. The bill also proposed to expand the types of buildings the authority may invest in under the Commercial Facilities Development Program to include any buildings suitable for adaptive reuse as commercial or industrial facilities.

**Committee Amendment "A" (S-148)** proposed to expressly grant the Maine Rural Development Authority the power to make loans under the Commercial Facilities Development Program, to designate the Commissioner of Economic and Community Development as the chair of the board of trustees and to remove language that requires a separate fund to be set up for the community industrial building program.

## Enacted Law Summary

Public Law 2003, chapter 281 clarifies that employees of the Maine Rural Development Authority are eligible for the state employee health plan, changes the rulemaking designation for the community industrial building program from major substantive to routine technical and removes the language that requires that unused funds be

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deposited with the Treasurer of State. The law also expressly grants the Maine Rural Development Authority the power to make loans under the commercial facilities development program, expands the types of buildings the authority may invest in under that program to include any buildings suitable for adaptive reuse as commercial or industrial facilities and eliminates the requirement that a separate fund to be set up for the program. Additionally, the law designates the Commissioner of Economic and Community Development as the chair of the Maine Rural Development Authority's board of trustees.

**LD 1409                      An Act To Update the Process for the Allocation of the State Ceiling on Tax-exempt Bonds                      PUBLIC 112 EMERGENCY**

<u>Sponsor(s)</u> DAGGETT COLWELL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-41
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LD 1409 proposed to update provisions for the allocation of the state ceiling for tax-exempt bonds to allow the Governor to name a nonprofit corporation or state agency to serve as a secondary market for student loans that are eligible to receive an allocation of a portion of the state ceiling and to vote on the overall allocation of the state ceiling for tax-exempt bonds.

**Committee Amendment "A" (S-41)** proposed to add an emergency preamble and emergency clause to the bill.

*Enacted Law Summary*

Public Law 2003, chapter 112 updates provisions for the allocation of the state ceiling for tax-exempt bonds to allow the Governor to name a nonprofit corporation or state agency that is eligible to receive an allocation of a portion of the state ceiling and to vote on the overall allocation of the state ceiling for tax-exempt bonds to serve as a secondary market for student loans.

Public Law 2003, chapter 112 was enacted as an emergency measure effective May 6, 2003.

**LD 1410                      An Act To Eliminate State Licensing of Boxers, Wrestlers and Transient Sellers                      CARRIED OVER**

<u>Sponsor(s)</u> BROMLEY SULLIVAN	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1410 proposes to eliminate state licensing of boxers, wrestlers and transient sellers.

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**LD 1411**                      **An Act To Increase the Licensing Fee Caps of the State Board of Optometry**                      **PUBLIC 252**

<u>Sponsor(s)</u> BROMLEY SULLIVAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-98
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LD 1411 proposed to increase the fee caps for the State Board of Optometry to enable the board to increase its fees in order to meet its expenses.

**Committee Amendment "A" (S-98)** added a fiscal note to the bill.

### *Enacted Law Summary*

Public Law 2003, chapter 252 increases the fee caps for the State Board of Optometry in order to enable the board to increase its fees in order to meet its expenses.

**LD 1441**                      **An Act To Establish New License Fee Caps**                      **PUBLIC 250**

<u>Sponsor(s)</u> BROMLEY SULLIVAN	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1441 proposed to increase the license fee cap for physical therapy licenses from \$60 to \$100 and to increase the cap for plumbers' licenses from \$150 to \$200. It also proposed to give the Director of the Office of Licensing and Registration within the Department of Professional and Financial Regulation the authority to set individual licensing fee amounts.

### *Enacted Law Summary*

Public Law 2003, chapter 250 increases the license fee cap for physical therapy licenses from \$60 to \$100 and increases the cap for plumbers' licenses from \$150 to \$200. The law also gives the Director of the Office of Licensing and Registration within the Department of Professional and Financial Regulation the authority to set individual licensing fee amounts.

**LD 1455**                      **An Act To Amend the Forester Law**                      **PUBLIC 364**

<u>Sponsor(s)</u> MCKEE	<u>Committee Report</u> OTP	<u>Amendments Adopted</u> S-156 BRYANT
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LD 1455 proposed to amend the forester licensing law to allow the Board of Licensure of Foresters to renew forester licenses without examination or internship for applicants who renew within 2 years of their license expiration date. Similarly, the bill proposed to allow the board to renew intern forester licenses without imposing all requirements for new licensure for applicants who renew within 2 years of license expiration. The bill also

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proposed to allow intern forester applicants to use relatives as references and sponsors, and to change the board's variance and supervisor registration rules from major substantive to routine technical.

**Senate Amendment "A" (S-156)** proposed to clarify that applicants who have applied on or before April 30, 2002 for a forester license may be qualified by experience or education to be licensed.

**Enacted Law Summary**

Public Law 2003, chapter 364 amends the forester licensing law to allow the Board of Licensure of Foresters to renew forester licenses without examination or internship for applicants who renew within 2 years of their license expiration date. Similarly, the law allows the board to renew intern forester licenses without imposing all requirements for new licensure for applicants who renew within 2 years of license expiration. The law also allows intern forester applicants to use relatives as references and sponsors, and changes the board's variance and supervisor registration rules from major substantive to routine technical. Additionally, the law clarifies that applicants who have applied on or before April 30, 2002 for a forester license may be qualified by experience or education to be licensed.

**LD 1469**

**An Act To Raise the Fee Cap for Dentists**

**PUBLIC 285**

Sponsor(s)  
SULLIVAN  
BROMLEY

Committee Report  
OTP-AM

Amendments Adopted  
H-263

LD 1469 proposed to increase the fee caps for the Department of Professional and Financial Regulation, Board of Dental Examiners and delete the exclusion of an initial license fee for denturists to make it consistent with all other license categories.

**Committee Amendment "A" (H-263)** proposed to delete those provisions of the bill that raised the fee caps for dental hygienists, denturists and dental radiographers. The amendment proposed to retain the provision that raises the fee cap for dentists. The amendment also proposed to raise the fee cap for licensure of dentists with out-of-state licenses to \$400 rather than \$500 to be consistent with licensure of in-state dentists, in order to avoid constitutional problems.

**Enacted Law Summary**

Public Law 2003, chapter 285 increases the fee cap for licensure of dentists from \$200 to \$400 and increases the fee cap for licensure of dentists with out-of-state licenses from \$300 to \$400. The law also increases the fee cap for reinstatement of dentist licenses from \$100 to \$200 for fees paid before February 1 and from \$200 to \$400 for fees paid after February 1.



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LD 1505

**An Act To Amend the Licensing Requirements for Veterinarians**

**PUBLIC 251**

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

LD 1505 proposed to amend licensure requirements for veterinarians by granting authority for the Maine State Board of Veterinary Medicine to consider alternative pathways to licensure for foreign educated and trained applicants and to set criteria by rule. This bill also proposed to make technical adjustments to bring the Maine Veterinary Practice Act in line with other laws and to allow the Director of the Office of Licensing and Registration within the Department of Professional and Financial Regulation to set licensure fees instead of the State Board of Veterinary Medicine.

***Enacted Law Summary***

Public Law 2003, chapter 251 amends licensure requirements for veterinarians by granting authority for the Maine State Board of Veterinary Medicine to consider alternative pathways to licensure for foreign educated and trained applicants and to set criteria by rule. The law also allows the Director of the Office of Licensing and Registration, rather than the State Board of Veterinary Medicine, to set licensure fees concerning veterinary practice, and sets the cap for any such fee at \$150. In addition, the law makes technical adjustments to bring the Maine Veterinary Practice Act in line with other laws.

LD 1506

**An Act To Make Technical Changes to Statutes Regarding  
Regulatory Boards and Registrations**

**PUBLIC 204**

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

LD 1506 proposed to make technical changes in 6 board statutes and one registration statute involving the Department of Professional and Financial Regulation as well as one change regarding the ability of a licensing board to deny an application for licensure when an applicant has failed to comply with a board order or consent agreement.

Part A of the bill proposed to change the submission deadline for the commissioner's report on charitable solicitation activity from February to December, to capture information on November filings.

Part B proposed to allow licensing boards to deny initial licensure to an applicant who is in noncompliance with a board order or consent agreement (the boards currently only can deny renewal).

Part C proposed to repeal the outdated provision requiring a specific number of electrical inspectors; to permit the Electricians' Examining Board to adopt, through routine technical rulemaking, appropriate exceptions to national codes as provided by the codes; and to repeal the provision requiring the board to keep records of licensees' names and addresses and money received and disbursed by the board.

Part D proposed to repeal unnecessary complaint provisions for physical therapists.

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Part E proposed to change the passing criteria for certified public accountant examinations to accommodate computer-based testing, and to allow the board to contract with third parties to administer the exam.

Part F proposed to permit the Propane and Natural Gas Board to adopt, through rulemaking, appropriate exceptions to national codes as provided by the codes.

Part G proposed to change the exemption from the definition of "boiler" for certain types of pressure vessels that are regulated by the Propane and Natural Gas Board.

Part H proposed to permit nurses who have passed the National Council of State Boards of Nursing, Inc.'s National Council's Learning Extension examination or who are licensed in a United States territory or a foreign jurisdiction and who have met all other requirements for licensure to practice nursing in this State for up to 90 days while awaiting the issuance of a social security number. In addition, Part H proposed to eliminate the requirement that an applicant for licensure as a registered professional nurse have a high school diploma or the equivalent since all applicants must have completed a course of study of not less than 2 years in an approved program in professional nursing and hold a degree, diploma or certificate from that program. Part H also proposed to make additional technical changes to the laws governing nurses and nursing.

### ***Enacted Law Summary***

Public Law 2003, chapter 204 makes technical changes in 6 board statutes and one registration statute involving the Department of Professional and Financial Regulation as well as a change regarding the ability of a licensing board to deny an application for licensure when an applicant has failed to comply with a board order or consent agreement.

Part A of the law changes the submission deadline for the commissioner's report on charitable solicitation activity from February to December, to capture information on November filings.

Part B allows licensing boards to deny initial licensure to an applicant who is in noncompliance with a board order or consent agreement (the boards currently only can deny renewal).

Part C repeals the outdated provision requiring a specific number of electrical inspectors; permits the Electricians' Examining Board to adopt, through routine technical rulemaking, appropriate exceptions to national codes as provided by the codes; and repeals the provision requiring the board to keep records of licensees' names and addresses and money received and disbursed by the board.

Part D repeals unnecessary complaint provisions for physical therapists.

Part E changes the passing criteria for certified public accountant examinations to accommodate computer-based testing, and allows the board to contract with third parties to administer the exam.

Part F permits the Propane and Natural Gas Board to adopt, through rulemaking, appropriate exceptions to national codes as provided by the codes.

Part G changes the exemption from the definition of "boiler" for certain types of pressure vessels that are regulated by the Propane and Natural Gas Board.

Part H permits nurses who have passed the National Council of State Boards of Nursing, Inc.'s National Council's Learning Extension examination or who are licensed in a United States territory or a foreign jurisdiction and who

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have met all other requirements for licensure to practice nursing in this State for up to 90 days while awaiting the issuance of a social security number. In addition, Part H eliminates the requirement that an applicant for licensure as a registered professional nurse have a high school diploma or the equivalent since all applicants must have completed a course of study of not less than 2 years in an approved program in professional nursing and hold a degree, diploma or certificate from that program. Part H also makes additional technical changes to the laws governing nurses and nursing.

### **LD 1551                      An Act To License Home Building and Improvement Contractors    CARRIED OVER**

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

LD 1551 proposes to create the Maine Home Contractor Licensing Act. The bill proposes to create the Maine Home Contractor Licensing Board, which would be responsible for licensing and regulation of home contractors and would be authorized to promulgate rules. The bill also proposes to prohibit certain acts as unfair trade practices and to provide penalties for violations, and to standardize contracts in the home construction industry. In addition, the bill proposed to adopt a state-wide building code.

### **LD 1554                      An Act Regarding Eligibility under the Municipal Investment Trust Fund                      PUBLIC 288 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM	S-149

LD 1554 proposed to make service center communities eligible for grants or loans under the Municipal Investment Trust Fund. It also proposed to add that grants or loans may be used for downtown improvement projects and to remove some of the program requirements for eligibility for a downtown improvement program.

**Committee Amendment "A" (S-149)** proposed to add an emergency preamble and emergency clause to the bill.

#### ***Enacted Law Summary***

Public Law 2003, chapter 288 makes service center communities eligible for grants or loans under the Municipal Investment Trust Fund. It also allows grants or loans to be used for downtown improvement projects and removes some prior program requirements for eligibility for a downtown improvement program.

Public Law 2003, chapter 288 was enacted as an emergency measure effective May 23, 2003.

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LD 1559

**An Act To Amend the Laws Concerning State Board of Alcohol and Drug Counselors**

**PUBLIC 347**

Sponsor(s)  
SULLIVAN  
MARTIN

Committee Report  
OTP

Amendments Adopted

LD 1559 proposed to reorganize the alcohol and drug counselor registration currently issued by the State Board of Alcohol and Drug Counselors by recognizing practitioners who provide public services at varying levels within agencies licensed by the Office of Substance Abuse in the Department of Behavioral and Developmental Services. This bill proposed to provide an alternative pathway to certification and licensure for persons without degree-level education by recognizing work experience in the field of alcohol and drug counseling as one of the criteria for certification and licensing. The bill also proposed to require an alcohol and drug counseling aide and a certified alcohol and drug counselor to be supervised by a board-certified clinical supervisor. The bill proposed to eliminate outdated practices and language as it pertains to examinations and reciprocity, to clarify requirements for continuing education and inactive licenses issued by the board and to make minor technical changes throughout the alcohol and drug practice laws.

***Enacted Law Summary***

Public Law 2003, chapter 347 reorganizes the alcohol and drug counselor registration currently issued by the State Board of Alcohol and Drug Counselors by recognizing practitioners who provide public services at varying levels within agencies licensed by the Office of Substance Abuse in the Department of Behavioral and Developmental Services. This law provides an alternative pathway to certification and licensure for persons without degree-level education by recognizing work experience in the field of alcohol and drug counseling as one of the criteria for certification and licensing. The law also requires an alcohol and drug counseling aide and a certified alcohol and drug counselor to be supervised by a board-certified clinical supervisor. The law eliminates outdated practices and language as it pertains to examinations and reciprocity. Finally, the law clarifies requirements for continuing education and inactive licenses issued by the board and makes minor technical changes throughout the alcohol and drug practice laws.

LD 1560

**Resolve, Regarding Legislative Review of Chapter 1: Community Industrial Building Program, a Major Substantive Rule of the Maine Rural Development Authority**

**RESOLVE 47  
EMERGENCY**

Sponsor(s)

Committee Report  
OTP

Amendments Adopted

LD 1560 proposed to authorize final adoption of Chapter 1: Community Industrial Building Program, a major substantive rule of the Maine Rural Development Authority, which concerns the application process for loans for construction of speculative buildings through the program. The rule is based on the prior rule governing the community industrial building program, originally promulgated by the State Development Office. It also proposed to provide for legislative review of Chapter 1: Community Industrial Building Program, a major substantive rule of the Maine Rural Development Authority.

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## Enacted Law Summary

Resolve 2003, chapter 47 authorizes final adoption of Chapter 1: Community Industrial Building Program, a major substantive rule of the Maine Rural Development Authority, which concerns the application process for loans for construction of speculative buildings through the program. The rule is based on the prior rule governing the community industrial building program, originally promulgated by the State Development Office.

Resolve 2003, chapter 47 was passed as an emergency measure effective May 23, 2003.

LD 1578

**An Act To Make Filling Out-of-State Prescriptions for Schedule II  
Drugs More Convenient**

**PUBLIC 326  
EMERGENCY**

<u>Sponsor(s)</u> BRUNO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-359
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LD 1578 proposed to address the difficulty that a Maine resident may encounter if being treated by a practitioner from a state that does not use security prescription blanks. The bill proposed to provide for a prescription written on a prescription blank that does not comply with the requirements of Department of Public Safety rules to be filled if valid photographic identification is produced and the pharmacist confirms the validity of the prescription by telephone. The bill also proposed to allow for a partial dispensing of a 72-hour supply of the drug in case the oral confirmation is delayed due to nights, weekends or holidays.

**Committee Amendment "A" (H-359)** proposed to change the bill's requirement concerning the presentation of photographic identification. The amendment proposed to require that a person presenting an out-of-state prescription for a Schedule II drug or receiving that filled prescription present photographic identification unless the person is the patient for whom the prescription is written, is personally known to the pharmacist and has previously presented photographic identification that has been noted by the pharmacist. The bill proposed to require that a person presenting an out-of-state prescription for a Schedule II drug present photographic identification without exception, but did not require identification when the filled prescription was received. The amendment also proposed to require the pharmacist to make a record of oral confirmation of the validity of the prescription from the out-of-state practitioner or the practitioner's agent.

## Enacted Law Summary

Public Law 2003, chapter 326 addresses the difficulty that a Maine resident may encounter if being treated by a practitioner from a state that does not use security prescription blanks. The law provides for an out-of-state prescription for a Schedule II drug, written on a prescription blank that does not comply with the requirements of Department of Public Safety rules, to be filled if the person presenting the prescription or receiving that filled prescription presents photographic identification. The law allows the prescription to be filled without presentation of identification if the person receiving it is the patient for whom the prescription is written, is personally known to the pharmacist and has previously presented photographic identification that has been noted by the pharmacist. The law also requires the pharmacist to make a record of oral confirmation of the validity of the prescription from the out-of-state practitioner or the practitioner's agent. Additionally, the law allows a 72-hour supply of the drug to be dispensed in case the oral confirmation is delayed due to nights, weekends or holidays.

Public Law 2003, chapter 326 was enacted as an emergency measure effective May 27, 2003.

# Joint Standing Committee on Business, Research and Economic Development

LD 1589

## An Act To Change Certain Educational Requirements and Make Title Changes for Licensed Social Workers

PUBLIC 429

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN L BRENNAN	OTP-AM	H-454 S-232 BROMLEY

LD 1589 proposed to reverse changes made by Public Law 2001, chapter 316, which created the position of licensed bachelor social worker and establish standards and educational requirements for the position. The bill also included a retroactivity provision which proposed to reverse those changes to their effective date of September 21, 2001.

**Committee Amendment "A" (H-454)** proposed to allow for the continued issuance of conditional social work licenses after September 30, 2003 to applicants who have bachelor's degrees in fields other than social work, as did the bill. The amendment also proposed to limit conditional social work licensure in several additional ways:

1. Only applicants with bachelor's degrees in "related fields," a term to be defined by the State Board of Social Worker Licensure, would be eligible for conditional licensure.
2. Beginning January 1, 2004, all conditional licensees would be required to complete consultation requirements. A conditional licensee who is employed by the Department of Human Services would be required to complete no less than 96 hours of consultation, over the first 3,200 hours of social work employment and within 2 to 4 years with a licensed social worker who has been licensed for at least 4 years or a licensed master social worker. A conditional licensee who is not employed by the Department of Human Services would be required to complete no less than 96 hours of consultation, as determined by the board, over the first 3,200 hours of social work employment and within 2 to 4 years.
3. Beginning on January 1, 2004, all conditional licensees would be required to complete contact hours, as defined by the board, in an amount set by the board, within the first 2 years of licensure, of which 6 hours must be on the subject of social work ethics and 6 hours must be on the subject of psychosocial assessment.
4. The amendment also proposed that, once a person is licensed as a social worker, the person must, if not employed by the Department of Human Services, provide documentation of 96 hours of consultation as determined by the board during the first 3,200 hours of social work employment in a period not less than 2 years but not more than 4 years. If the person is employed by the Department of Human Services, the person would be required to provide documentation of either:
  - A. A minimum of 96 hours of consultation with a licensed social worker who has been licensed for at least 4 years or a licensed master social worker, concurrent with the first 3,200 hours of social work employment occurring in a period of not less than 2 years but not more than 4 years; or
  - B. A minimum of 96 hours of consultation concurrent with the person's first 3,200 hours of social work employment occurring in a period of not less than 2 years but not more than 4 years with a licensed social worker who has been licensed for at least 2 years, has been designated by the department as a supervisor trainee and is concurrently receiving 48 hours of consultation with a licensed master social worker.

## *Joint Standing Committee on Business, Research and Economic Development*

**Senate Amendment "A" to Committee Amendment "A" (S-232)** was a technical amendment that proposed to remove a provision of law concerning consultation that would be in conflict with other changes made by Committee Amendment "A".

**House Amendment "A" to Committee Amendment "A" (H-486)**, which was not adopted, proposed to remove language from the bill and current law that would have allowed different consultation requirements for social workers who are employees of the Department of Human Services.

### ***Enacted Law Summary***

Public Law 2003, chapter 429 allows for the continued issuance of conditional social work licenses after September 30, 2003 to applicants who have bachelor's degrees in fields other than social work. The law also limits conditional social work licensure in several additional ways:

1. Only applicants with bachelor's degrees in "related fields," a term to be defined by the State Board of Social Worker Licensure, are eligible for conditional licensure;
2. Beginning January 1, 2004, all conditional licensees must complete consultation requirements. The law specifies consultation requirements for employees of the Department of Human Services and other licensees;
3. Beginning on January 1, 2004, all conditional licensees must complete contact hours, as defined by the board, in an amount set by the board, within the first 2 years of licensure, of which 6 hours must be on the subject of social work ethics and 6 hours must be on the subject of psychosocial assessment; and
4. All licensees must provide documentation of consultation completed in a period not less than 2 years nor more than 4 years. The law specifies consultation requirements for employees of the Department of Human Services and other licensees.

**LD 1625**

**An Act To Provide Affordable Loans for Higher Education**

**PUBLIC 455**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT COLWELL	OTP-AM	S-257

LD 1625 proposed to create the Higher Education Loan Purchase Program to be administered by the Finance Authority of Maine as a secondary market for higher education loans, as provided in Public Law 2003, chapter 112, allowing the Governor to designate a state agency as a secondary market, and Executive Order 16 FY 02/03, dated May 14, 2003, designating the Finance Authority of Maine as the state secondary market for educational loans. The bill also proposed to add the administration of a secondary market for student loans to the general powers of the authority. The authority is authorized to issue tax exempt bonds to finance certain loans.

**Committee Amendment "A" (S-257)** proposed to limit the Finance Authority of Maine's authority to originate loans to consolidation loans only, unless the authority finds that that limitation is a significant impediment to providing students with the benefits of the loan program. The amendment also proposed to make technical changes to the bill.

## *Joint Standing Committee on Business, Research and Economic Development*

### ***Enacted Law Summary***

Public Law 2003, chapter 455 creates the Higher Education Loan Purchase Program to be administered by the Finance Authority of Maine as a secondary market for higher education loans, as provided in Public Law 2003, chapter 112, allowing the Governor to designate a state agency as a secondary market, and Executive Order 16 FY 02/03, dated May 14, 2003, designating the Finance Authority of Maine as the state secondary market for educational loans. The law adds the administration of a secondary market for student loans to the general powers of the authority, and authorizes the authority to issue tax exempt bonds to finance certain loans. The law also authorizes the authority to originate loans, but limits this power to the origination of consolidation loans only, unless the authority finds that that limitation is a significant impediment to providing students with the benefits of the loan program.



*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Criminal Justice and Public Safety*

*July 2003*

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

**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>	96	93.2%	5.9%
<u><i>Bills Carried Over</i></u>	<u>6</u>	<u>5.8%</u>	<u>0.4%</u>
<b>Total Bills referred</b>	<b>102</b>	<b>99.0%</b>	<b>6.2%</b>
<b>B. Bills reported out by law or joint order</b>	<b>1</b>	<b>1.0%</b>	<b>0.1%</b>
<b>Total Bills considered by Committee</b>	<b>103</b>	<b>100.0%</b>	<b>6.3%</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>
<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>	11	11.3%	0.8%
<i>Ought to Pass as Amended</i>	39	40.2%	2.7%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>31</u>	<u>32.0%</u>	<u>2.1%</u>
<b>Total unanimous reports</b>	<b>81</b>	<b>83.5%</b>	<b>5.5%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	16	16.5%	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>16.5%</b>	<b>1.1%</b>
<b>Total committee reports</b>	<b>97</b>	<b>100.0%</b>	<b>6.6%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>2</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>	47	45.6%	2.9%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	4	3.9%	0.2%
<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>51</b>	<b>49.5%</b>	<b>3.1%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	1	100.0%	6.7%
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>1</b>	<b>100.0%</b>	<b>6.7%</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.

Prepared by the Office of Policy and Legal Analysis  
121st Legislature, First Regular Session

## Joint Standing Committee on Criminal Justice

### SUBJECT INDEX

#### *Corrections*

##### Enacted

LD 223	An Act To Amend the Maine Juvenile Code as Recommended by the Criminal Law Advisory Commission	PUBLIC 16	Page 242
LD 475	An Act To Improve Conditions for Inmates with Mental Illness	PUBLIC 482	Page 251
LD 1023	An Act To Criminalize Noncompliance with an Interstate Compact for Adult Offender Supervision	PUBLIC 158	Page 277
LD 1224	An Act To Increase Requirements for Notification of Release to Victims of Stalkers	PUBLIC 186	Page 284
LD 1323	An Act To Adopt an Interstate Compact for Juveniles on Probation and Parole	PUBLIC 500	Page 286
LD 1497	An Act To Amend the Laws Pertaining to the Department of Corrections	PUBLIC 205	Page 291
LD 1498	An Act To Improve Access by the Department of Corrections to Federal Funds under Title IV-E of the Federal Social Security Act	PUBLIC 503	Page 292
LD 1526	Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections	RESOLVE 26 EMERGENCY	Page 297
LD 1592	An Act To Amend the Department of Corrections' Laws Pertaining to Juvenile Offenders	PUBLIC 410	Page 298

##### Not Enacted

LD 48	An Act to Reduce Jail Overcrowding	DIED ON ADJOURNMENT	Page 240
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<b>LD 105</b>	<b>An Act to Further the Productive Use of Land Held by the Department of Corrections</b>	<b>CARRIED OVER</b>	<b>Page 241</b>
<b>LD 495</b>	<b>An Act To Amend the Law Regarding Revocation of Probation</b>	<b>ONTP</b>	<b>Page 253</b>
<b>LD 689</b>	<b>An Act To Require Periodic In-person Meetings Between a Probationer and a Probation Officer</b>	<b>ONTP</b>	<b>Page 256</b>
<b>LD 863</b>	<b>An Act To Require State Reimbursement to Counties for Health Expenses Incurred For Prisoners in County Jails</b>	<b>ONTP</b>	<b>Page 263</b>
<b>LD 907</b>	<b>Resolve, Directing the Department of Corrections To Develop a Plan To Improve Transitional Services for Sex Offenders and Sexually Violent Predators and To Improve Communications with Law Enforcement Agencies Regarding the Release of Sex Offenders</b>	<b>ONTP</b>	<b>Page 266</b>
<b>LD 1186</b>	<b>An Act to Revise the Reimbursement by the County Jail Prisoner Support and Community Corrections Fund and To Provide Additional Support to County Jails</b>	<b>CARRIED OVER</b>	<b>Page 282</b>

### *County Jails*

#### Enacted

<b>LD 475</b>	<b>An Act To Improve Conditions for Inmates with Mental Illness</b>	<b>PUBLIC 482</b>	<b>Page 251</b>
<b>LD 808</b>	<b>An Act to Control County Jail and Correctional Facility Health Care Expenses Incurred outside the Facilities</b>	<b>PUBLIC 461</b>	<b>Page 260</b>
<b>LD 1224</b>	<b>An Act To Increase Requirements for Notification of Release to Victims of Stalkers</b>	<b>PUBLIC 186</b>	<b>Page 284</b>
<b>LD 1592</b>	<b>An Act To Amend the Department of Corrections' Laws Pertaining to Juvenile Offenders</b>	<b>PUBLIC 410</b>	<b>Page 298</b>
<b>LD 1622</b>	<b>An Act To Amend the Laws Regarding Prisoner Participation in Public Works Projects</b>	<b>PUBLIC 413</b>	<b>Page 299</b>

**Not Enacted**

LD 48	An Act to Reduce Jail Overcrowding	DIED ON ADJOURNMENT	Page 240
LD 807	An Act To Permit the Use of Videoconferencing for the Purpose of Jail Visitation	ONTP	Page 260
LD 863	An Act To Require State Reimbursement to Counties for Health Expenses Incurred For Prisoners in County Jails	ONTP	Page 263
LD 876	An Act To Make Changes to the Sex Offender Notification Provisions	ONTP	Page 263
LD 893	An Act To Authorize County Jails To Purchase Prescription Drugs and Other Medications in Bulk for Prisoners	ONTP	Page 265
LD 1186	An Act to Revise the Reimbursement by the County Jail Prisoner Support and Community Corrections Fund and To Provide Additional Support to County Jails	CARRIED OVER	Page 282

***Criminal Law***

**Enacted**

LD 18	An Act to Make Corrections to Laws in Conflict with MCJUSTIS Changes	PUBLIC 1 EMERGENCY	Page 239
LD 404	An Act To Limit the Transfer of Handguns to Minors	PUBLIC 188	Page 248
LD 722	An Act to Protect Against Unlawful Sexual Touching	PUBLIC 138	Page 257
LD 728	An Act To Repeal the Crime of Plundering at Fires as Larceny	PUBLIC 24	Page 258
LD 856	An Act To Change Mandatory Minimum Sentences in Certain Cases	PUBLIC 232	Page 262
LD 976	An Act To Ensure Effective Prosecution of Certain Repeat Offenders	PUBLIC 475	Page 271

<b>LD 1020</b>	<b>An Act To Amend the Maine Criminal Code as Recommended by the Criminal Law Advisory Commission</b>	<b>PUBLIC 143</b>	<b>Page 273</b>
<b>LD 1023</b>	<b>An Act To Criminalize Noncompliance with an Interstate Compact for Adult Offender Supervision</b>	<b>PUBLIC 158</b>	<b>Page 277</b>
<b>LD 1182</b>	<b>An Act To Change the Definition of Family or Household Members for Purposes of Criminal Statutes</b>	<b>PUBLIC 102</b>	<b>Page 282</b>
<b>LD 1230</b>	<b>An Act To Amend the Law Regarding Juvenile Restitution</b>	<b>PUBLIC 239</b>	<b>Page 284</b>
<b>LD 1266</b>	<b>An Act To Clarify Sentencing for Persons Convicted of Class D and Class E Crimes Involving Domestic Violence</b>	<b>PUBLIC 154</b>	<b>Page 286</b>

**Not Enacted**

<b>LD 145</b>	<b>An Act To Clarify That Possession of More Than 1 1/4 Ounces of Marijuana is a Crime</b>	<b>DIED BETWEEN BODIES</b>	<b>Page 242</b>
<b>LD 413</b>	<b>An Act To Amend the Laws Governing Penalties for Writing Bad Checks</b>	<b>ONTP</b>	<b>Page 248</b>
<b>LD 496</b>	<b>An Act To Amend the Period of Probation for Class D Crimes</b>	<b>ONTP</b>	<b>Page 253</b>
<b>LD 638</b>	<b>An Act To Discourage Driving While under the Influence of Methadone</b>	<b>ONTP</b>	<b>Page 255</b>
<b>LD 792</b>	<b>An Act To Make the Use of Scheduled Drugs without a Prescription a Crime</b>	<b>ONTP</b>	<b>Page 260</b>
<b>LD 815</b>	<b>An Act To Exclude Voluntary Intoxication as a Criminal Defense</b>	<b>DIED BETWEEN BODIES</b>	<b>Page 261</b>
<b>LD 941</b>	<b>An Act To Strengthen the Criminal Laws by Expanding the Definition of Trafficking and Furnishing Prescription Narcotic Drugs To Include Illegal Possession of a Large Number of Pills</b>	<b>DIED BETWEEN BODIES</b>	<b>Page 267</b>
<b>LD 1005</b>	<b>An Act To Increase the Class of Crime of Unlawful Sexual Contact</b>	<b>ONTP</b>	<b>Page 272</b>

LD 1109	An Act Regarding Passing Bad Checks	ONTP Page 279
LD 1237	An Act To Promote Justice for Those Not Guilty of Crimes Due to Mental Disease or Defect	ONTP Page 285
LD 1244	An Act To Increase the Penalties for a Person Who Vandalizes Cemetery Property	ONTP Page 285

### *Criminal Procedure/Bail*

#### Enacted

LD 224	An Act to Amend the Maine Bail Code as Recommended by the Criminal Law Advisory Commission	PUBLIC 15 Page 243
LD 729	An Act To Clarify the Standard for Review of Preconviction Bail	PUBLIC 66 Page 258
LD 838	An Act Regarding Bail and Fines	PUBLIC 87 Page 262
LD 1020	An Act To Amend the Maine Criminal Code as Recommended by the Criminal Law Advisory Commission	PUBLIC 143 Page 273
LD 1524	An Act To Conform to Federal Standards Maine's Law Regarding Strip Searches of Persons in Custody	PUBLIC 196 Page 296

#### Not Enacted

LD 495	An Act To Amend the Law Regarding Revocation of Probation	ONTP Page 253
LD 815	An Act To Exclude Voluntary Intoxication as a Criminal Defense	DIED BETWEEN BODIES Page 261
LD 1091	An Act To Amend the Not Guilty by Reason of Insanity Verdict	ONTP Page 279
LD 1237	An Act To Promote Justice for Those Not Guilty of Crimes Due to Mental Disease or Defect	ONTP Page 285

## *Domestic Violence*

### Enacted

**LD 1573**                    **An Act To Make Minor Changes to the Required Law Enforcement Policies**                    **PUBLIC 361**   **Page 298**

### Not Enacted

**LD 1164**                    **An Act To Allow a Victim of Domestic Violence To Carry a Firearm without a Concealed Firearm Permit**                    **ONTP**   **Page 281**

## *Drugs*

### Enacted

**LD 856**                    **An Act To Change Mandatory Minimum Sentences in Certain Cases**                    **PUBLIC 232**   **Page 262**

**LD 944**                    **An Act To Increase Penalties for Furnishing or Trafficking Scheduled Drugs That Cause Death or Serious Bodily Injury**                    **PUBLIC 476**   **Page 268**

**LD 970**                    **An Act To Allow a Judge To Assess a Fee on a Defendant To Reimburse a Municipality for a Drug Test**                    **PUBLIC 182**   **Page 270**

### Not Enacted

**LD 31**                    **An Act to Establish a Seamless Strategic Drug Abuse Model for Addressing Criminal Enforcement, Treatment, Education and Public Advocacy within Washington County**                    **CARRIED OVER**   **Page 240**

**LD 145**                    **An Act To Clarify That Possession of More Than 1 1/4 Ounces of Marijuana is a Crime**                    **DIED BETWEEN BODIES**   **Page 242**

**LD 636**                    **An Act To Improve Highway Safety Regarding Methadone**                    **ONTP**   **Page 255**

**LD 638**                    **An Act To Discourage Driving While under the Influence of Methadone**                    **ONTP**   **Page 255**

**LD 792**                    **An Act To Make the Use of Scheduled Drugs without a Prescription a Crime**                    **ONTP**   **Page 260**



<b>LD 941</b>	<b>An Act To Strengthen the Criminal Laws by Expanding the Definition of Trafficking and Furnishing Prescription Narcotic Drugs To Include Illegal Possession of a Large Number of Pills</b>	<b>DIED BETWEEN BODIES Page 267</b>
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*Juveniles*

**Enacted**

<b>LD 223</b>	<b>An Act To Amend the Maine Juvenile Code as Recommended by the Criminal Law Advisory Commission</b>	<b>PUBLIC 16 Page 242</b>
<b>LD 380</b>	<b>An Act To Protect Public Safety Using DNA Data of Juvenile Violent Offenders</b>	<b>PUBLIC 393 Page 247</b>
<b>LD 427</b>	<b>An Act To Clarify That the Maine Juvenile Code Does Not Preclude Sharing Information with School Administrators for Purposes of School Safety</b>	<b>PUBLIC 190 Page 249</b>
<b>LD 884</b>	<b>An Act To Expand the Definition of "Juvenile Crime" To Include the Offenses of Possession and Use of Drug Paraphernalia, Illegal Transportation of Alcohol by a Minor and Transportation of Illegal Drugs by a Minor</b>	<b>PUBLIC 305 Page 264</b>
<b>LD 956</b>	<b>An Act To Improve the Procedure for Locating Runaway Children</b>	<b>PUBLIC 443 Page 270</b>
<b>LD 1192</b>	<b>An Act To Enhance Juvenile Rehabilitation</b>	<b>PUBLIC 142 Page 283</b>
<b>LD 1230</b>	<b>An Act To Amend the Law Regarding Juvenile Restitution</b>	<b>PUBLIC 239 Page 284</b>
<b>LD 1323</b>	<b>An Act To Adopt an Interstate Compact for Juveniles on Probation and Parole</b>	<b>PUBLIC 500 Page 286</b>
<b>LD 1496</b>	<b>An Act To Amend the Maine Juvenile Code</b>	<b>PUBLIC 180 Page 290</b>
<b>LD 1498</b>	<b>An Act To Improve Access by the Department of Corrections to Federal Funds under Title IV-E of the Federal Social Security Act</b>	<b>PUBLIC 503 Page 292</b>
<b>LD 1592</b>	<b>An Act To Amend the Department of Corrections' Laws Pertaining to Juvenile Offenders</b>	<b>PUBLIC 410 Page 298</b>

**Not Enacted**

<b>LD 72</b>	<b>An Act to Improve Juvenile Rehabilitation</b>	<b>ONTP Page 240</b>
<b>LD 762</b>	<b>An Act To Require a Juvenile to Pay Restitution after Attaining 18 Years of Age</b>	<b>ONTP Page 260</b>
<b>LD 922</b>	<b>An Act To Clarify the Bind-over Provisions of the Maine Juvenile Code</b>	<b>ONTP Page 267</b>
<b>LD 1139</b>	<b>An Act To Increase Parental Responsibility for Restitution</b>	<b>ONTP Page 280</b>
<b>LD 1244</b>	<b>An Act To Increase the Penalties for a Person Who Vandalizes Cemetery Property</b>	<b>ONTP Page 285</b>

***Law Enforcement***

**Enacted**

<b>LD 79</b>	<b>An Act Regarding the Enforcement Powers of the Office of the State Fire Marshal</b>	<b>PUBLIC 42 Page 241 EMERGENCY</b>
<b>LD 151</b>	<b>An Act Concerning Full-time Law Enforcement and Corrections Officers</b>	<b>PUBLIC 19 Page 242</b>
<b>LD 249</b>	<b>An Act to Aid Law Enforcement in Complying with Maine's Freedom of Access Laws</b>	<b>PUBLIC 185 Page 243</b>
<b>LD 427</b>	<b>An Act To Clarify That the Maine Juvenile Code Does Not Preclude Sharing Information with School Administrators for Purposes of School Safety</b>	<b>PUBLIC 190 Page 249</b>
<b>LD 469</b>	<b>An Act To Enhance the Powers of Law Enforcement Officers Authorized To Make Out-of-county or Out-of-municipality Arrests</b>	<b>PUBLIC 233 Page 250</b>
<b>LD 895</b>	<b>An Act To Clarify the Responsibilities of Contract Law Enforcement Officers</b>	<b>PUBLIC 80 Page 265</b>
<b>LD 956</b>	<b>An Act To Improve the Procedure for Locating Runaway Children</b>	<b>PUBLIC 443 Page 270</b>
<b>LD 1182</b>	<b>An Act To Change the Definition of Family or Household Members for Purposes of Criminal Statutes</b>	<b>PUBLIC 102 Page 282</b>

LD 1434	An Act To Ensure Basic Standards for Death Investigations by Law Enforcement Agencies	PUBLIC 370 Page 288
LD 1449	An Act Regarding the State Police Command Staff	PUBLIC 360 Page 289
LD 1450	An Act Regarding Railroad Police Training	PUBLIC 199 Page 290
LD 1524	An Act To Conform to Federal Standards Maine's Law Regarding Strip Searches of Persons in Custody	PUBLIC 196 Page 296
LD 1573	An Act To Make Minor Changes to the Required Law Enforcement Policies	PUBLIC 361 Page 298

**Not Enacted**

LD 461	Resolve, Requiring the State Police To Develop a Form for Use in Private Firearm Sales	ONTP Page 249
LD 618	An Act To Allow Municipalities To Hire Full-time Humane Law Enforcement Officers	ONTP Page 255
LD 747	An Act to Provide Funding for the Maine Computer Crimes Program	ONTP Page 259
LD 891	An Act To Require the Videotaping of Police Interrogations	CARRIED OVER Page 265
LD 1026	An Act To Broaden the Law Enforcement Authority of University of Maine System Public Safety Officers	ONTP Page 277

***Operating Under the Influence/Operating After Suspension/Other Motor Vehicle Violations***

**Enacted**

LD 705	Resolve, To Streamline and Encourage Use of the Suspension Process to Combat Reckless Driving	RESOLVE 33 Page 257
LD 856	An Act To Change Mandatory Minimum Sentences in Certain Cases	PUBLIC 232 Page 262

**Not Enacted**

LD 324	An Act to Create a Crime of Refusing an Alcohol Test in Operating-under-the-influence Cases	ONTP Page 245
LD 610	An Act To Establish a Schedule for Mandatory Sentencing for a Motor Vehicle Operator Found Guilty of Negligence that Caused the Death of a Motorcycle Rider	ONTP Page 254
LD 636	An Act To Improve Highway Safety Regarding Methadone	ONTP Page 255
LD 646	An Act To Allow the Secretary of State To Issue Restricted Licenses for Work Purposes for Drivers with 2 or Fewer Operating-under-the-Influence Convictions	ONTP Page 256
LD 694	An Act Regarding Criminal Liability in an OUI Case When the Passenger Is Also under the Influence of Alcohol or Drugs	ONTP Page 256

***Private Investigations/Security Guards***

**Enacted**

LD 375	An Act To Amend the Law Regarding Security Officer Qualifications	PUBLIC 12 Page 247
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**Not Enacted**

LD 1014	An Act To Enhance Professionalism of Private Investigators in this State	DIED ON ADJOURNMENT Page 272
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***Public Safety/Fire Safety/Emergency Medical Services***

**Enacted**

LD 79	An Act Regarding the Enforcement Powers of the Office of the State Fire Marshal	PUBLIC 42 Page 241 EMERGENCY
LD 249	An Act to Aid Law Enforcement in Complying with Maine's Freedom of Access Laws	PUBLIC 185 Page 243

<b>LD 375</b>	<b>An Act To Amend the Law Regarding Security Officer Qualifications</b>	<b>PUBLIC 12 Page 247</b>
<b>LD 380</b>	<b>An Act To Protect Public Safety Using DNA Data of Juvenile Violent Offenders</b>	<b>PUBLIC 393 Page 247</b>
<b>LD 1065</b>	<b>Resolve, Directing the Commissioner of Public Safety To Study the Emergency Medical Services System</b>	<b>RESOLVE 23 Page 277</b>
<b>LD 1160</b>	<b>An Act To Amend the Membership of the Maine Fire Protection Services Commission</b>	<b>PUBLIC 160 Page 281 EMERGENCY</b>
<b>LD 1401</b>	<b>An Act To Provide the Office of the State Fire Marshal with Adequate Funding for Construction Plans Review</b>	<b>PUBLIC 358 Page 287</b>
<b>LD 1449</b>	<b>An Act Regarding the State Police Command Staff</b>	<b>PUBLIC 360 Page 289</b>
<b><u>Not Enacted</u></b>		
<b>LD 461</b>	<b>Resolve, Requiring the State Police To Develop a Form for Use in Private Firearm Sales</b>	<b>ONTP Page 249</b>
<b>LD 529</b>	<b>An Act To Clearly Define the State Fire Marshal's Powers</b>	<b>ONTP Page 254</b>
<b>LD 747</b>	<b>An Act to Provide Funding for the Maine Computer Crimes Program</b>	<b>ONTP Page 259</b>
<b>LD 758</b>	<b>Resolve, Directing the Department of Public Safety, Bureau of State Police to Provide On-line Access to Sex Offender and Sexually Violent Predator Registration Information</b>	<b>ONTP Page 259</b>
<b>LD 949</b>	<b>An Act To Eliminate the 6 Regional Emergency Medical Services Councils and To Transfer Authority and Funding to the Technical Colleges in Each Region</b>	<b>ONTP Page 269</b>
<b>LD 1405</b>	<b>An Act To Adjust Fees Charged for Licenses Issued by the Bureau of State Police Licensing Division</b>	<b>ONTP Page 287</b>
<b>LD 1436</b>	<b>An Act To Clarify That an Individual Requestor of a State Bureau of Identification Record Check Must Pay a Fee</b>	<b>ONTP Page 288</b>

## *Sentencing*

### Enacted

LD 856	An Act To Change Mandatory Minimum Sentences in Certain Cases	PUBLIC 232	Page 262
LD 944	An Act To Increase Penalties for Furnishing or Trafficking Scheduled Drugs That Cause Death or Serious Bodily Injury	PUBLIC 476	Page 268
LD 970	An Act To Allow a Judge To Assess a Fee on a Defendant To Reimburse a Municipality for a Drug Test	PUBLIC 182	Page 270
LD 976	An Act To Ensure Effective Prosecution of Certain Repeat Offenders	PUBLIC 475	Page 271
LD 1020	An Act To Amend the Maine Criminal Code as Recommended by the Criminal Law Advisory Commission	PUBLIC 143	Page 273
LD 1230	An Act To Amend the Law Regarding Juvenile Restitution	PUBLIC 239	Page 284
LD 1266	An Act To Clarify Sentencing for Persons Convicted of Class D and Class E Crimes Involving Domestic Violence	PUBLIC 154	Page 286

### Not Enacted

LD 48	An Act to Reduce Jail Overcrowding	DIED ON ADJOURNMENT	Page 240
LD 478	An Act Requiring Lifetime Probation for Dangerous Sexual Offenders	ONTP	Page 253
LD 496	An Act To Amend the Period of Probation for Class D Crimes	ONTP	Page 253
LD 610	An Act To Establish a Schedule for Mandatory Sentencing for a Motor Vehicle Operator Found Guilty of Negligence that Caused the Death of a Motorcycle Rider	ONTP	Page 254
LD 635	An Act Creating Residency Requirements for Sexually Violent Predators	ONTP	Page 255

<b>LD 694</b>	<b>An Act Regarding Criminal Liability in an OUI Case When the Passenger Is Also under the Influence of Alcohol or Drugs</b>	<b>ONTP Page 256</b>
<b>LD 1091</b>	<b>An Act To Amend the Not Guilty by Reason of Insanity Verdict</b>	<b>ONTP Page 279</b>
<b>LD 1237</b>	<b>An Act To Promote Justice for Those Not Guilty of Crimes Due to Mental Disease or Defect</b>	<b>ONTP Page 285</b>
<b>LD 1244</b>	<b>An Act To Increase the Penalties for a Person Who Vandalizes Cemetery Property</b>	<b>ONTP Page 285</b>

### *Sex Offenders*

#### Enacted

<b>LD 372</b>	<b>Resolve, to Improve Community Safety and Sex Offender Accountability</b>	<b>RESOLVE 75 Page 245 EMERGENCY</b>
<b>LD 1514</b>	<b>An Act To Amend the Sex Offender Registration and Notification Laws</b>	<b>PUBLIC 371 Page 294</b>

#### Not Enacted

<b>LD 478</b>	<b>An Act Requiring Lifetime Probation for Dangerous Sexual Offenders</b>	<b>ONTP Page 253</b>
<b>LD 617</b>	<b>An Act Amending the Time by Which a Sex Offender or Sexually Violent Predator Must Register</b>	<b>CARRIED OVER Page 254</b>
<b>LD 635</b>	<b>An Act Creating Residency Requirements for Sexually Violent Predators</b>	<b>ONTP Page 255</b>
<b>LD 758</b>	<b>Resolve, Directing the Department of Public Safety, Bureau of State Police to Provide On-line Access to Sex Offender and Sexually Violent Predator Registration Information</b>	<b>ONTP Page 259</b>
<b>LD 907</b>	<b>Resolve, Directing the Department of Corrections To Develop a Plan To Improve Transitional Services for Sex Offenders and Sexually Violent Predators and To Improve Communications with Law Enforcement Agencies Regarding the Release of Sex Offenders</b>	<b>ONTP Page 266</b>

## *Victims*

### Enacted

LD 1224	<b>An Act To Increase Requirements for Notification of Release to Victims of Stalkers</b>	<b>PUBLIC 186 Page 284</b>
LD 1510	<b>An Act To Improve Access to the Victims' Compensation Fund</b>	<b>PUBLIC 243 Page 293</b>

### Not Enacted

None

## *Weapons/Firearms and Permits*

### Enacted

LD 404	<b>An Act To Limit the Transfer of Handguns to Minors</b>	<b>PUBLIC 188 Page 248</b>
LD 1546	<b>An Act To Amend Certain Provisions Relating to a Permit To Carry Concealed Firearms To Be Consistent with Changes to the Statute Relating to Possession of Firearms by Prohibited Persons</b>	<b>PUBLIC 341 Page 297</b>

### Not Enacted

LD 917	<b>An Act Regarding the Sale of Weapons at Gun Shows</b>	<b>CARRIED OVER Page 266</b>
LD 1110	<b>An Act Creating an Alternate Concealed Weapons Permit Process</b>	<b>ONTP Page 279</b>
LD 1111	<b>An Act To Implement Full Reciprocity of Concealed Weapons Requirements</b>	<b>ONTP Page 280</b>
LD 1125	<b>An Act To Eliminate the Concealed Weapons Permit</b>	<b>ONTP Page 280</b>
LD 1164	<b>An Act To Allow a Victim of Domestic Violence To Carry a Firearm without a Concealed Firearm Permit</b>	<b>ONTP Page 281</b>



*Joint Standing Committee on Criminal Justice and Public Safety*

LD 18

**An Act to Make Corrections to Laws in Conflict with MCJUSTIS  
Changes**

**PUBLIC 1  
EMERGENCY**

Sponsor(s)

Committee Report  
OTP-AM

Amendments Adopted  
H-5

LD 18 proposed to amend the Maine Criminal Code to correct conflicts with Public Law 2001, chapter 667, legislation enacted in the 120th Legislature, pursuant to recommendations by the Maine Criminal Justice Information System Policy Board, in the following manner:

1. Repeal 3 sections of law that were incorporated into the Maine Criminal Code elsewhere by Public Law 2001, chapter 667;
2. Include the correct classification of crime for 2 forms of aggravated trafficking and aggravated furnishing of scheduled drugs;
3. Correct a cross-reference concerning the theft of scheduled drugs;
4. Correct the application of general language concerning prior convictions by providing that prior convictions for sexual assaults may be used as sentencing enhancers even if the prior convictions were entered more than 10 years earlier; and
5. Provide a retroactive effective date of January 31, 2003 to be consistent with the effective date of Public Law 2001, chapter 667, Part D.

**Committee Amendment "A" (H-5)** proposed to repeal sections of law involving classification of theft offenses that were incorporated elsewhere in the Maine Criminal Code in the MCJUSTIS changes. This amendment also proposed to remove the retroactivity clause from the bill.

***Enacted Law Summary***

Public Law 2003, chapter 1 amends the Maine Criminal Code to correct conflicts with Public Law 2001, chapter 667, legislation enacted in the 120th Legislature, pursuant to recommendations by the Maine Criminal Justice Information System Policy Board. Public Law 2003, chapter 1 does the following.

1. It repeals sections of law that were incorporated into the Maine Criminal Code elsewhere by Public Law 2001, chapter 667.
2. It includes the correct classification of crime for 2 forms of aggravated trafficking and aggravated furnishing of scheduled drugs.
3. It corrects a cross-reference concerning the theft of scheduled drugs.

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4. It corrects the application of general language concerning prior convictions by providing that prior convictions for sexual assaults may be used as sentencing enhancers even if the prior convictions were entered more than 10 years earlier.

Public Law 2003, chapter 1 was enacted as an emergency measure effective January 30, 2003.

**LD 31**                      **An Act to Establish a Seamless Strategic Drug Abuse Model for Addressing Criminal Enforcement, Treatment, Education and Public Advocacy within Washington County**                      **CARRIED OVER**

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

LD 31 was a concept draft pursuant to Joint Rule 208.

This bill proposed to establish a seamless strategic drug abuse model for addressing issues surrounding criminal enforcement, substance abuse treatment and education and public advocacy in Washington County.

LD 31 was carried over to the Second Regular Session of the 121st Legislature.

**LD 48**                      **An Act to Reduce Jail Overcrowding**                      **DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	OTP-AM	H-52

LD 48 proposed to require that a person whose probation was revoked be resentenced to the place of imprisonment to which that person was originally sentenced.

**Committee Amendment "A" (H-52)** proposed to add an appropriation section and a fiscal note to the bill.

**LD 72**                      **An Act to Improve Juvenile Rehabilitation**                      **ONTP**

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

LD 72 proposed to allow a court, as a condition of probation, to require a juvenile to attend a residential special-purpose private school or similar private facility approved by either the Department of Education or the Department of Human Services. The bill proposed that the State would pay for the school or similar private facility, minus any parental support ordered.

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LD 79

**An Act Regarding the Enforcement Powers of the Office of the State Fire Marshal**

**PUBLIC 42  
EMERGENCY**

Sponsor(s)  
DAVIS P

Committee Report  
OTP-AM

Amendments Adopted  
S-3

LD 79

Under current law, the State Fire Marshal and the State Fire Marshal's deputy and investigators are granted the same enforcement power and duties as sheriffs have in their respective counties, except that those powers are limited to enforcement of laws, rules and ordinances concerned with issues such as fire prevention and arson. This bill proposed to remove this limitation.

**Committee Amendment "A" (S-3)** proposed to add an emergency preamble and emergency clause, which would immediately allow the State Fire Marshal and the State Fire Marshal's deputy and investigators to exercise their law enforcement powers for issues other than fire prevention and arson.

***Enacted Law Summary***

Public Law 2003, chapter 42 removes the limitation on the State Fire Marshal and the State Fire Marshal's deputy and investigators to enforcement of laws, rules and ordinances concerned only with issues such as fire prevention and arson. Public Law 2003, chapter 42 specifies that the State Fire Marshal and the State Fire Marshal's deputy and investigators have the same law enforcement powers and duties as sheriffs have in their respective counties.

Public Law 2003, chapter 42 was enacted as an emergency measure effective April 15, 2003.

LD 105

**An Act to Further the Productive Use of Land Held by the Department of Corrections**

**CARRIED OVER**

Sponsor(s)  
USHER  
BLANCHETTE

Committee Report

Amendments Adopted

LD 105 was a concept draft pursuant to Joint Rule 208.

This bill proposes to require that land in Windham held by the State under the direction of the Department of Corrections be put to productive use. For example, the bill proposed that the land could be farmed, as it was in the past.

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**LD 145**                    **An Act To Clarify That Possession of More Than 1 1/4 Ounces of Marijuana is a Crime**                    **DIED BETWEEN BODIES**

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

LD 145 proposed to specify that possession of more than 1 1/4 ounces of marijuana is a Class E crime under the Maine Revised Statutes, Title 17-A, section 1107-A. Possession of an amount equal to or less than 1 1/4 ounces of marijuana is a civil violation.

**LD 151**                    **An Act Concerning Full-time Law Enforcement and Corrections Officers**                    **PUBLIC 19**

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

LD 151 proposed to change the method of determining who is a full-time law enforcement or corrections officer for purposes of required training from one based on compensation to one based on hours worked in the course of a year. The bill proposed to make the training law consistent with Title 30-A, section 386, which deals with compensation of a deputy sheriff based on hours worked.

***Enacted Law Summary***

Public Law 2003, chapter 19 changes the method of determining who is a full-time law enforcement or corrections officer for purposes of required training from one based on compensation to one based on hours worked in the course of a year. Current law defines a full time officer as one who has a reasonable expectation of earning at least \$10,000 per year. Public Law 2003, chapter 19 makes the training law consistent with Title 30-A, section 386, which deals with compensation of a deputy sheriff based on hours worked. Title 30-A and Public Law 2003, chapter 19 specify that a part-time law enforcement or corrections officer may not be compensated for more than 1040 hours of work in any one calendar or fiscal year.

**LD 223**                    **An Act To Amend the Maine Juvenile Code as Recommended by the Criminal Law Advisory Commission**                    **PUBLIC 16**

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

LD 223 proposed to clarify the authority of a juvenile community corrections officer to issue and serve a summons. The bill proposed that the Commissioner of Corrections, at the commissioner's discretion, must authorize any issuance or service by a juvenile community corrections officer. The bill further proposed to allow the commissioner to impose conditions as to when and under what circumstances such authority could be

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exercised. The primary responsibility for issuing and serving summonses would continue to rest with law enforcement officers.

### *Enacted Law Summary*

Public Law 2003, chapter 16 clarifies the authority of a juvenile community corrections officer to issue and serve a summons. The Commissioner of Corrections, at the commissioner's discretion, must authorize any issuance or service by a juvenile community corrections officer. Public Law 2003, chapter 16 further allows the commissioner to impose conditions as to when and under what circumstances such authority may be exercised. The primary responsibility for issuing and serving summonses continues to rest with law enforcement officers.

**LD 224**                      **An Act to Amend the Maine Bail Code as Recommended by the Criminal Law Advisory Commission**                      **PUBLIC 15**

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

LD 224 proposed to amend the definition of "failure to appear" to include a failure to surrender into custody at the time and place required under the Maine Rules of Criminal Procedure, Rule 32(a)(1).

The bill also proposed to prohibit an attorney in a criminal matter, while representing a defendant, from providing cash bail or acting as surety for the client. This same prohibition is found in the Maine Rules of Criminal Procedure, Rule 26(d).

### *Enacted Law Summary*

Public Law 2003, chapter 15 amends the definition of "failure to appear" to include a failure to surrender into custody at the time and place required under the Maine Rules of Criminal Procedure, Rule 32(a)(1).

Public Law 2003, chapter 15 also prohibits an attorney in a criminal matter, while representing a defendant, from providing cash bail or acting as surety for the client. This same prohibition is found in the Maine Rules of Criminal Procedure, Rule 26(d).

**LD 249**                      **An Act to Aid Law Enforcement in Complying with Maine's Freedom of Access Laws**                      **PUBLIC 185**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN MARTIN	OTP-AM	H-186

LD 249 proposed to require that all law enforcement agencies add to their existing collection of mandatory written policies one that addresses compliance with Maine's freedom of access laws, which govern citizen access to public records and proceedings. It further proposed to provide that the Board of Trustees of the Maine Criminal Justice Academy establish, by June 2004, minimum standards that each agency policy would have to meet and proposed to establish deadlines in 2005 by which each law enforcement agency would have to adopt a policy and provide training and orientation to its personnel regarding the policy.

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**Committee Amendment "A" (H-186)** proposed to replace the bill. The amendment proposed to require the chief administrative officer of each municipal, county and state law enforcement agency to certify to the board of trustees of the Maine Criminal Justice Academy annually that the agency had adopted a written policy regarding procedures to deal with freedom of access requests and that the chief had designated a person who was trained to respond to freedom of access requests received by the agency. The amendment proposed to add a mandate preamble and a fiscal note to the bill.

### *Enacted Law Summary*

Public Law 2003, chapter 185 requires the chief administrative officer of each municipal, county and state law enforcement agency to certify to the board of trustees of the Maine Criminal Justice Academy annually that the agency has adopted a written policy regarding procedures to deal with a freedom of access request and that the chief has designated a person who is trained to respond to freedom of access requests received by the agency.

**LD 311**

**An Act to Adopt a New Interstate Compact Regarding Adults  
Who are on Probation and Parole**

**PUBLIC 495**

Sponsor(s)  
O'BRIEN J

Committee Report  
OTP-AM

Amendments Adopted  
H-210  
S-293 CATHCART

LD 311 proposed to create the Interstate Compact for Adult Offender Supervision. The bill proposed to enter Maine into a compact among enacting states to oversee, supervise and coordinate the interstate movement of adult offenders who are on probation or parole. The compact creates a governing body called the Interstate Commission for Adult Offender Supervision made up of representatives from the enacting states, which has rulemaking, enforcement and other powers. The compact currently is in effect in over 40 states.

**Committee Amendment "A" (H-210)** proposed to incorporate a fiscal note.

**Senate Amendment "A" (S-293 )** proposed to add an appropriations and allocations section to the bill that proposed to deappropriate \$23,000 in fiscal years 2003-2004 and 2004-2005 from the Adult Community Corrections program within the Department of Corrections, and to appropriate \$23,000 from the General Fund in fiscal years 2003-2004 and 2004-2005 to cover association dues and transportation costs.

### *Enacted Law Summary*

Public Law 2003, chapter 495 creates the Interstate Compact for Adult Offender Supervision. The law enters Maine into a compact among enacting states to oversee, supervise and coordinate the interstate movement of adult offenders who are on probation or parole. The compact creates a governing body called the Interstate Commission for Adult Offender Supervision made up of representatives from the enacting states, which has rulemaking, enforcement and other powers. The compact currently is in effect in over 40 states. The law deappropriates \$23,000 in fiscal years 2003-2004 and 2004-2005 from the Adult Community Corrections program within the Department of Corrections, and appropriates \$23,000 from the General Fund in fiscal years 2003-2004 and 2004-2005 to cover association dues and transportation costs.

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LD 324

**An Act to Create a Crime of Refusing an Alcohol Test in Operating-under-the-influence Cases**

ONTP

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

LD 324 proposed to subject a person who failed to submit to mandatory testing to determine whether the person was under the influence of intoxicants to the same penalties as if the person were convicted of operating under the influence. This bill proposed to make a conviction for failure to submit to mandatory testing equivalent to a conviction for operating under the influence of intoxicants. The bill proposed to specify that a person who had no previous OUI offenses and failed to submit to a test at the request of a law enforcement officer would have to be sentenced to at least 48 hours of incarceration, which is the same mandatory penalty that is imposed for a person convicted of a first OUI offense. This bill also proposed to remove the enhanced penalties for a refusing to submit to testing since such refusal would have been a separate offense.

**Committee Amendment "A" (H-314)** proposed to replace the bill and was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to create a new Class D crime of failure to submit to a chemical test. A person would commit this new crime if a law enforcement officer had probable cause to believe that person had operated a motor vehicle while under the influence of intoxicants; the law enforcement officer had warned the person of the consequences of failing to submit to a chemical test pursuant to Title 29-A, section 2521, subsection 3; and the person in fact failed to submit to and complete a chemical test to determine blood-alcohol level and drug concentration by analysis of blood, breath or urine. The amendment proposed that a person who was convicted of failure to submit to a chemical test would be subject to the same mandatory penalties as a person convicted of criminal OUI under Title 29-A, section 2411.

LD 372

**Resolve, to Improve Community Safety and Sex Offender Accountability**

**RESOLVE 75  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL	OTP-AM	H-158
ROTUNDO		S-267 GAGNON

LD 372, proposed to establish the Commission to Improve Community Safety and Sex Offender Accountability. The resolve proposed that the commission's duties include gathering information from public and private entities to examine and recommend changes to current laws governing sentencing, registration, release and placement of sex offenders.

**Committee Amendment "A" (H-158)** proposed to make the following changes to the resolve:

1. Expand the makeup of the Commission to Improve Community Safety and Sex Offender Accountability by adding members representing the Judicial Department, district attorneys, psychiatrists or psychologists who treat sex offenders, direct providers of services for sex offenders, the Maine Civil Liberties Union, the Maine Council of Churches and a 2nd local law enforcement officer;

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2. Change the reporting date of the commission from January 2, 2004 to December 1, 2003;
3. Authorize the Joint Standing Committee on Criminal Justice and Public Safety to report out legislation to the Second Regular Session of the 121st Legislature;
4. Add an emergency preamble and clause; and
5. Incorporate an appropriation and allocation section and add fiscal note.

### **Senate Amendment "A" to Committee Amendment "A" (S-267) proposed to do the following:**

1. Alter the language that allows the Chief Justice of the Supreme Judicial Court to designate a judge or justice to serve on the commission;
2. Require the commission chairs, rather than the Executive Director of the Legislative Council, to convene the commission;
3. Reduce from 6 to 4 the number of meetings authorized for the commission;
4. Authorize reimbursement of expenses to public members upon a showing of financial hardship;
5. Authorize the commission to submit its report to the Legislature, rather than to the Joint Standing Committee on Criminal Justice and Public Safety;
6. Change the reporting date from December 1, 2003 to December 3, 2003; and
7. Authorize the Joint Standing Committee on Criminal Justice and Public Safety to report out a single bill related to the study.

### ***Enacted Law Summary***

Resolve 2003, chapter 75 establishes the Commission to Improve Community Safety and Sex Offender Accountability. The resolve directs the commission to gather information from public and private entities to examine and recommend changes to current laws governing sentencing, registration, release and placement of sex offenders. The commission is composed of 18 members, and the group has 4 meetings in which to complete its work. The commission shall submit its report to the Legislature, and the Joint Standing Committee on Criminal Justice and Public Safety may report out a single bill related to the study.

Resolve 2003, chapter 75 was passed as an emergency measure effective June 17, 2003.



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LD 375

**An Act To Amend the Law Regarding Security Officer  
Qualifications**

**PUBLIC 12**

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

LD 375 proposed to remove from the list of screening criteria for security guard employment the automatic disqualifier of having been adjudicated of committing 3 civil violations within 5 years.

***Enacted Law Summary***

Public Law 2003, chapter 12 removes from the list of screening criteria for security guard employment the automatic disqualifier of having been adjudicated of committing 3 civil violations within 5 years.

LD 380

**An Act To Protect Public Safety Using DNA Data of Juvenile  
Violent Offenders**

**PUBLIC 393**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH BRENNAN	OTP-AM MAJ ONTP MIN	H-313

LD 380 proposed to subject a juvenile to DNA testing requirements if the juvenile were adjudicated of committing a juvenile crime that, if committed by an adult, would constitute an offense listed in the DNA Data Base and Data Bank Act.

**Committee Amendment "A" (H-313)** proposed to replace the bill and was the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to narrow the scope of the bill by subjecting a juvenile to DNA testing if the juvenile were adjudicated of committing a specific juvenile crime that, if committed by an adult, would constitute an offense listed in Title 25, section 1574, subsection 6. This proposed change would subject juveniles to DNA testing for only the most violent crimes, the list of which is more limited than the list of crimes for which adults must submit to DNA testing.

This amendment also proposed to allow for the collection of biological samples, instead of only blood draws, for DNA testing. The process for collection of biological samples other than blood draws is less complicated, less expensive and less invasive. This proposed change would apply to both juvenile and adult offenders subject to DNA testing requirements.

***Enacted Law Summary***

Public Law 2003, chapter 393 subjects a juvenile to DNA testing if the juvenile is adjudicated of committing a specific juvenile crime that, if committed by an adult, would constitute an offense listed in the Title 25, section 1574, subsection 6. This change would subject juveniles to DNA testing for only the most violent crimes, the list of which is more limited than the list of crimes for which adults must submit to DNA testing. Public Law 2003, chapter 393 also allows for the collection of biological samples, instead of only blood draws, for DNA testing.

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The process for collection of biological samples other than blood draws is less complicated, less expensive and less invasive. This change would apply to both juvenile and adult offenders subject to DNA testing requirements.

LD 404

**An Act To Limit the Transfer of Handguns to Minors**

**PUBLIC 188**

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

LD 404 proposed to amend Maine law to be consistent with federal law governing the transfer of handguns to minors. Specifically, the bill proposed to follow the 2-tiered approach of federal law: individuals may not transfer handguns to those under 18 years of age and federally licensed commercial dealers may not sell handguns to those under 21 years of age. The bill proposed to provide that unlawful transfer or sales to minors are Class C crimes.

**Committee Amendment "A" (S-86)** proposed to lower the penalty for unlawful transfer of a handgun to a minor from a Class C crime in all cases to a Class D crime for the first offense and a Class C crime for a 2nd and all subsequent offenses. The amendment also proposed to make technical changes to clarify that possession of a handgun by a minor is not covered within the bill's scope. Finally, the amendment proposed to add a fiscal note and delete the portion of the bill regarding commercial firearms dealers. Licensed commercial firearms dealers currently are prohibited by federal law from transferring handguns to persons under 21 years of age.

### *Enacted Law Summary*

Public Law 2003, chapter 188 prohibits an individual who is not a federally licensed commercial firearms dealer from transferring a handgun to a person under the age of 18, making that provision of State law consistent with federal law. Federal law also prohibits licensed commercial firearms dealers from transferring handguns to persons under 21 years of age. Public law 2003, chapter 188 provides that unlawful transfer or sale to a minor is a Class D crime for the first offense and a Class C crime for any subsequent offense. Public Law 2003, chapter 188 also makes technical changes to clarify that possession of a handgun by a minor is not covered under the law's provisions.

LD 413

**An Act To Amend the Laws Governing Penalties for Writing Bad Checks**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY-HASKELL NASS	ONTP MAJ OTP MIN	

LD 413 proposed to provide that a person who negotiated a worthless instrument with a face value of \$500 or less committed a Class D crime. Currently, such conduct is a Class E crime.

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LD 427

**An Act To Clarify That the Maine Juvenile Code Does Not Preclude Sharing Information with School Administrators for Purposes of School Safety**

**PUBLIC 190**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON SYKES	OTP-AM	S-29 S-95 WESTON

LD 427 proposed to specify that the Maine Juvenile Code's confidentiality provisions do not preclude law enforcement officers or criminal justice agencies from sharing information pertaining to juveniles with school administrators in order to maintain safety, order and discipline in the schools and to prevent harm to persons or property.

**Committee Amendment "A" (S-29)** proposed to change the title, replace the bill and was the majority report. The amendment proposed to narrow the scope of information that may be shared by law enforcement with school administrators to that information that was credible and indicated an impending danger to the safety of students and school personnel. The amendment also proposed to control the dissemination of information by requiring the superintendent who received student information from a law enforcement officer to set up a notification team pursuant to Title 20-A, section 1055, subsection 11. The amendment also proposed to add a fiscal note and to clarify that information received pursuant to this new provision could not become part of a student's education record.

**Senate Amendment "A" to Committee Amendment "A" (S-95)** proposed to clarify that the information contained in the notice from a law enforcement officer pertaining to an alleged juvenile offense must indicate an "imminent" danger to the safety of students or school personnel pursuant to Title 15, section 3301-A.

***Enacted Law Summary***

Public Law 2003, chapter 190 specifies that the Maine Juvenile Code's confidentiality provisions authorize law enforcement officers or criminal justice agencies to share information pertaining to juveniles with school administrators if that information is credible and indicates an imminent danger to the safety of students or school personnel. Public Law 2003, chapter 190 also controls the dissemination of this information by requiring the superintendent who receives student information from a law enforcement officer to set up a notification team pursuant to Title 20-A, section 1055, subsection 11. Any information received pursuant to Public Law 2003, chapter 190 may not become part of a student's education record.

LD 461

**Resolve, Requiring the State Police To Develop a Form for Use in Private Firearm Sales**

**ONTP**

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

LD 461 proposed to require the State Police to develop a form for a purchaser of a firearm to complete prior to a private firearm sale and to make the form available to municipalities and the general public and through downloading from the Internet.

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LD 469

**An Act To Enhance the Powers of Law Enforcement Officers  
Authorized To Make Out-of-county or Out-of-municipality  
Arrests**

**PUBLIC 233**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY STRIMLING	OTP-AM	H-123 H-290 DUNLAP

LD 469 proposed to clarify that the arrest powers of a law enforcement officer are limited to the powers authorized by the municipality or county in which the officer is appointed unless the officer meets the law enforcement training requirements of the Maine Revised Statutes, Title 25, section 2804-C.

**Committee Amendment "A" (H-123)** proposed to replace the bill. The amendment proposed to:

1. Retain the authority of counties and municipalities to determine whether their officers are empowered to make out-of-county or out-of-municipality arrests;
2. Limit who may exercise these powers to only those officers who meet the training requirements of the Maine Revised Statutes, Title 25, section 2804-C;
3. Expand these arrest powers for officers who meet the training requirements to include all powers listed in Title 17-A, section 15;
4. Retain liability protection for officers with these arrest powers under the county or municipality of their appointment;
5. Retain the duty of these officers to notify the county or municipality in which they are making the arrest that the arrest will be or has been made; and
6. Authorize the trustees of the University of Maine System to empower the university system's full-time police officers to make arrests described in Title 17-A, section 15 outside university property, subject to the same training requirements, liability protection and notification requirements governing counties and municipalities for this purpose.

**House Amendment "A" to Committee Amendment "A" (H-290)** proposed to authorize the trustees of the University of Maine System to empower the university system's full-time police officers to make certain arrests outside university property only if the municipality in which an arrest is to be made had requested assistance in advance by cooperative agreement.

**Senate Amendment "A" (S-111)**, which was not adopted, proposed to eliminate that provision of Committee Amendment "A" that proposed to authorize the trustees of the University of Maine System to empower the university system's full-time police officers to make arrests described in the Maine Revised Statutes, Title 17-A, section 15 outside university property, subject to the same training requirements, liability protection and notification requirements governing counties and municipalities for this purpose.

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### ***Enacted Law Summary***

Public Law 2003, chapter 233 enhances the powers of law enforcement officers in the following ways.

1. The law limits the authority to make out-of-county or out-of-municipality arrests to only those officers who meet the training requirements of Title 25, section 2804-C.
2. The law expands these arrest powers for officers who meet the training requirements to include all powers listed in Title 17-A, section 15.
3. The law authorizes the trustees of the University of Maine System to empower the university system's full-time police officers to make certain arrests outside university property if the municipality in which an arrest is to be made has requested assistance in advance by cooperative agreement.

**LD 475**

**An Act To Improve Conditions for Inmates with Mental Illness**

**PUBLIC 482**

<u>Sponsor(s)</u> GERZOFSKY DAGGETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-548 S-260 STRIMLING
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LD 475 proposed to do the following:

1. Direct the Department of Behavioral and Developmental Services to add no more than 20 beds to the capacity of the Riverview Psychiatric Center to be used as swing beds to accommodate the forensic and civil commitment needs of the State;
2. Appropriate \$300,000 for county mental illness treatment pilot programs;
3. Direct the Department of Corrections to establish a training program to provide specialized training to case management and community support providers and providers of mental health services;
4. Direct the board of visitors for each correctional facility to report annually to the Commissioner of Corrections, the Governor and the Legislature. It would require that all uses of lengthy administrative segregation for certain inmates be reported to the appropriate board of visitors;
5. Establish boards of visitors for county correctional facilities; and
6. Require that an inmate in a county jail determined by a medical or mental health professional to need inpatient treatment be placed in a forensic hospital bed.

**Committee Amendment "A" (H-548)** proposed to replace the bill. Part A of the amendment proposed to direct sheriffs to establish boards of visitors for county jails. Part A also proposed to direct that a Justice of the Superior Court, upon being notified by the sheriff of a county in which an inmate had been determined by a competent medical authority to require inpatient treatment for mental illness, could issue an order transferring the inmate to a forensic hospital for treatment. An inmate with respect to whom an application and a certification under the Maine Revised Statutes, Title 34-B, section 3863 were made would have had to be admitted to either state mental health forensic institute.

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Part B of the amendment proposed to reword a provision of Title 34-A to clarify that a chief administrative officer would have to make an application for involuntary hospitalization of an inmate when that inmate had been determined by a competent medical authority to require inpatient treatment for mental illness.

Part C of the amendment proposed to require the Department of Behavioral and Developmental Services to review the use of seclusion and restraint with prisoners with major mental illness and annually report findings and recommendations to the Commissioner of Corrections and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters.

Part C of the amendment also proposed to direct the Department of Corrections to assist the department's correctional officers assigned to inmate discharge planning in increasing their understanding of the services and supports available in the State for inmates with mental illness or substance abuse diagnoses.

Part D proposed to direct the Department of Behavioral and Developmental Services to absorb within existing resources any costs involved in the implementation of the department's responsibilities under this bill, as amended.

The amendment also proposed to add a mandate preamble and a fiscal note.

**House Amendment "A" to Committee Amendment "A" (H-550)** proposed to remove from the committee amendment language that directed that a Justice of the Superior Court, upon being notified by the sheriff of a county in which an inmate had been determined by a competent medical authority to require inpatient treatment for mental illness, could issue an order transferring the inmate to a forensic hospital for treatment. This amendment also proposed to strike language that directed that an inmate with respect to whom an application and a certification under Title 34-B, section 3863 were made must be admitted to either state mental health forensic institute. This amendment was not adopted.

**House Amendment "B" to Committee Amendment "A" (H-559)** proposed to do the same as House Amendment "A" to Committee Amendment "A." This amendment was not adopted.

**Senate Amendment "A" to Committee Amendment "A" (S-260)** proposed to do the same as House Amendment "A" to Committee Amendment "A."

### ***Enacted Law Summary***

Public Law 2003, chapter 482 accomplishes the following.

1. It directs sheriffs to establish boards of visitors for county jails.
2. It rewords a provision of Title 34-A to clarify that a chief administrative officer shall make an application for involuntary hospitalization of an inmate when that inmate has been determined by a competent medical authority to require inpatient treatment for mental illness.
3. It requires the Department of Behavioral and Developmental Services to review the use of seclusion and restraint with prisoners with major mental illness and annually report findings and recommendations to the Commissioner of Corrections and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters.

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4. It directs the Department of Corrections to assist the department's correctional officers assigned to inmate discharge planning in increasing their understanding of the services and supports available in the State for inmates with mental illness or substance abuse diagnoses.

**LD 478**                      **An Act Requiring Lifetime Probation for Dangerous Sexual Offenders**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J	ONTP      MAJ	
DAGGETT	OTP-AM    MIN	

LD 478 proposed to require a court to impose lifetime probation for a person sentenced as a dangerous sexual offender. "Dangerous sexual offender" means a person who commits a new gross sexual assault after having been convicted previously and sentenced for gross sexual assault, rape, attempted murder accompanied by sexual assault, murder accompanied by sexual assault or conduct substantially similar to one of these crimes that is a crime under the laws of the United States or any other state.

The bill also proposed to require a court to impose lifetime probation for a person convicted of a sexually violent offense as defined in the Maine Revised Statutes, Title 34-A, section 11203. A "sexually violent offense" means a conviction for certain offenses or for an attempt to commit certain offenses under Title 17-A, sections 253 and 255-A.

**Committee Amendment "A" (H-215)** was the minority report. The amendment proposed to incorporate a fiscal note. This amendment was not adopted.

**LD 495**                      **An Act To Amend the Law Regarding Revocation of Probation**                      **ONTP**

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

LD 495 proposed to allow prosecuting attorneys to file motions to revoke probation.

**LD 496**                      **An Act To Amend the Period of Probation for Class D Crimes**                      **ONTP**

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

LD 496 proposed to increase the period of probation for all Class D crimes to a period not to exceed 2 years. Current law provides for a period of probation not to exceed one year for a Class D crime, except the period of probation for a person convicted of a Class D crime involving domestic violence must be 2 years or until the probationer completes a certified batterers' intervention program, unless there is another condition of probation that has not yet been met.

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**LD 529**                      **An Act To Clearly Define the State Fire Marshal's Powers**                      **ONTP**

<u>Sponsor(s)</u> CRESSEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 529 proposed to require the State Fire Marshal to adopt major substantive rules pertaining to all aspects of review of construction permits and require the State Fire Marshal to adopt as rule the national building code of the Building Officials Code Administrators International, Inc., the international plumbing code of the International Code Council and the National Fire Code of the National Fire Protection Association. The bill proposed to require the effective date of a rule adopted by the State Fire Marshal to be 90 days after public comment is closed and exempt from the rule any building permit filed before the effective date of the rule. This bill also proposed to exempt townhouses, apartment buildings and condominiums that are subject to a permit for new construction from the requirement of having 2 means of egress other than a window for each story above the first story.

**LD 610**                      **An Act To Establish a Schedule for Mandatory Sentencing for a Motor Vehicle Operator Found Guilty of Negligence that Caused the Death of a Motorcycle Rider**                      **ONTP**

<u>Sponsor(s)</u> SAVAGE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 610, which was a concept draft pursuant to Joint Rule 208, proposed to establish a schedule for mandatory sentencing for a motor vehicle operator found guilty of negligence that caused the death of a motorcycle rider. The bill proposed to mandate that this schedule reflect the penalties currently provided by law for manslaughter.

**LD 617**                      **An Act Amending the Time by Which a Sex Offender or Sexually Violent Predator Must Register**                      **CARRIED OVER**

<u>Sponsor(s)</u> ROTUNDO WALCOTT		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 617 proposes to reduce from 10 days to 48 hours the time within which a sex offender or sexually violent predator must register with the Department of Public Safety, State Bureau of Identification to comply with the Sex Offender Registration and Notification Act of 1999.



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**LD 618**                      **An Act To Allow Municipalities To Hire Full-time Humane Law Enforcement Officers**                      **ONTP**

<u>Sponsor(s)</u> LAFOUNTAIN SULLIVAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 618 proposed to allow municipalities to hire full-time humane law enforcement officers whose responsibilities would be investigating and enforcing the animal welfare laws. The bill proposed to allow these officers to serve civil and criminal summons, to make arrests and to carry firearms. The bill also proposed to require that humane law enforcement officers undergo the same law enforcement training as harbor masters and municipal shellfish conservation wardens.

**LD 635**                      **An Act Creating Residency Requirements for Sexually Violent Predators**                      **ONTP**

<u>Sponsor(s)</u> O'BRIEN J DAGGETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 635 proposed to prohibit sexually violent predators from residing within 500 feet of an elementary school, licensed day care center, playground or any other place where children are likely to gather.

**LD 636**                      **An Act To Improve Highway Safety Regarding Methadone**                      **ONTP**

<u>Sponsor(s)</u> MAIETTA		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 636 proposed to affirm that methadone is a drug under the criminal operating-under-the-influence statutes and require a person taking methadone to inform a law enforcement officer if the officer stops that person while the person is driving.

**LD 638**                      **An Act To Discourage Driving While under the Influence of Methadone**                      **ONTP**

<u>Sponsor(s)</u> MAIETTA		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 638 proposed to make a methadone clinic civilly and criminally liable for the bodily injury or death of a person resulting from an accident caused by a driver under the influence of methadone issued to that driver by the clinic.

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**LD 646**                      **An Act To Allow the Secretary of State To Issue Restricted Licenses for Work Purposes for Drivers with 2 or Fewer Operating-under-the-Influence Convictions**                      **ONTP**

<u>Sponsor(s)</u> CARR STANLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 646 proposed to give the Secretary of State discretion to issue a restricted license to a person who has been convicted of criminally operating under the influence 2 or fewer times. The restricted license would not be available until 2/3 of the suspension period had passed and the Secretary of State had received notice that the person had committed no motor vehicle offenses since the imposition of the suspension; had completed an alcohol and drug program as defined in the Maine Revised Statutes, Title 29-A, section 2401, subsection 1; and, for the most recent OUI conviction, the person did not refuse a breath or other test and pled guilty to the OUI charge. The bill also proposed that restrictions on the license must include that the license may be used only for travel to and from a treatment program or to employment for the remaining term of the original suspension, and that the Secretary of State could also consider any other conditions or restrictions advisable for the safety of the public or welfare of the operator.

**LD 689**                      **An Act To Require Periodic In-person Meetings Between a Probationer and a Probation Officer**                      **ONTP**

<u>Sponsor(s)</u> LAVERRIERE- BOUCHER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 689 proposed to require a probation officer to meet at least once every 3 months in person with a probationer. At these meetings, both the probation officer and the probationer would have had to sign a report verifying the meeting occurred, and both would have had to forward a copy of the report to the court. The bill proposed that the Department of Corrections reprimand a probation officer who failed to comply with these requirements.

**LD 694**                      **An Act Regarding Criminal Liability in an OUI Case When the Passenger Is Also under the Influence of Alcohol or Drugs**                      **ONTP**

<u>Sponsor(s)</u> GLYNN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 694 proposed to require a court, in determining the sentence of a person convicted of aggravated OUI when another person suffered serious bodily injury or death, to assign special weight to the fact that there was a passenger in the driver's motor vehicle at the time of the accident, and the passenger was also under the influence of intoxicating liquor or drugs and knew or reasonably should have known that the driver was under the influence of intoxicating liquor or drugs. The bill also proposed to create a new Class E crime for a person who was a passenger in a motor vehicle, was under the influence of intoxicating liquor or drugs, knew or reasonably should

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have known that the driver of that motor vehicle was under the influence of intoxicating liquor or drugs, took no action to prevent the driver from operating that motor vehicle and that motor vehicle was involved in an accident that causes serious bodily injury or death. The bill proposed to limit this new crime to persons 18 years of age or older.

**LD 705**                      **Resolve, To Streamline and Encourage Use of the Suspension Process to Combat Reckless Driving**                      **RESOLVE 33**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT R	OTP-AM	S-110

LD 705 proposed to provide that the driver's license of a person cited twice for driving to endanger within a year would be immediately suspended pending final disposition by the court.

**Committee Amendment "A" (S-110)** proposed to replace the bill with a resolve. The resolve proposed to direct the Secretary of State to develop a form for use by law enforcement officers to transmit adverse reports, which enable the Secretary of State to suspend licenses for reckless driving pursuant to the Maine Revised Statutes, Title 29-A, section 2458. The resolve also proposed to direct the Maine Criminal Justice Academy and law enforcement agencies to make officers aware and encourage use of the form.

### *Enacted Law Summary*

Resolve 2003, chapter 33 directs the Secretary of State to develop a form for use by law enforcement officers to transmit adverse reports, which enables the Secretary of State to suspend licenses for reckless driving pursuant to Title 29-A, section 2458. The resolve also directs the Maine Criminal Justice Academy and law enforcement agencies to make officers aware and encourage use of the form.

**LD 722**                      **An Act to Protect Against Unlawful Sexual Touching**                      **PUBLIC 138**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N	OTP-AM	H-155 H-257 SMITH N

LD 722 proposed to criminalize intentional sexual contact with a person who is either 14 or 15 years of age and is not the actor's spouse when the actor is at least 10 years older than the other person. The bill proposed that this form of sexual abuse of a minor is a Class D crime. The bill proposed that it would be a defense to a prosecution for the new crime that the actor reasonably believed the other person to be at least 16 years of age.

**Committee Amendment "A" (H-155)** proposed to change the title of the bill and create the new crime of unlawful sexual touching. The amendment proposed that "sexual touching" means any touching of the breasts, buttocks, groin or inner thigh, directly or through clothing, for the purpose of arousing or gratifying sexual desire or for the purpose of causing bodily injury or offensive physical contact. The crime of unlawful sexual touching was modeled after the current crime of unlawful sexual contact. The amendment also proposed to add a fiscal note.

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**House Amendment "A" to Committee Amendment "A" (H-257)** proposed to change the title of Committee Amendment "A" and to remove from the definition of "sexual touching" touching for the purpose of causing offensive physical contact. The amendment also proposed to add a fiscal note.

### *Enacted Law Summary*

Public Law 2003, chapter 138 criminalizes intentional sexual contact with a person who is either 14 or 15 years of age who is not the actor's spouse when the actor is at least 10 years older than the other person. This form of sexual abuse of a minor is a Class D crime. It is a defense to a prosecution for the new crime that the actor reasonably believed the other person to be at least 16 years of age.

Public Law 2003, chapter 138 also creates the new crime of unlawful sexual touching. "Sexual touching" means any touching of the breasts, buttocks, groin or inner thigh, directly or through clothing, for the purpose of arousing or gratifying sexual desire. The crime of unlawful sexual touching is modeled after the current crime of unlawful sexual contact.

**LD 728**                      **An Act To Repeal the Crime of Plundering at Fires as Larceny**                      **PUBLIC 24**

<u>Sponsor(s)</u> MILLS J		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 728 proposed to repeal the crime of "plundering at fires," which is larceny that occurs when a person "takes, carries away or conceals any property not his own, at a fire, or exposed by reason thereof, and does not give notice of it to the owner or one of the fire wards." This crime may be prosecuted under the Maine Criminal Code as theft.

### *Enacted Law Summary*

Public Law 2003, chapter 24 repeals the crime of "plundering at fires," which is larceny that occurs when a person "takes, carries away or conceals any property not his own, at a fire, or exposed by reason thereof, and does not give notice of it to the owner or one of the fire wards." This crime may be prosecuted under the Maine Criminal Code as theft.

**LD 729**                      **An Act To Clarify the Standard for Review of Preconviction Bail**                      **PUBLIC 66**

<u>Sponsor(s)</u> MILLS P		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-71
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LD 729 proposed to clarify that a Superior Court Justice petitioned to review a District Court Judge's or bail commissioner's determination of bail has the authority to reduce bail to personal recognizance, increase or lower bail to a different amount, eliminate bail conditions or impose new bail conditions.

**Committee Amendment "A" (H-71)** proposed to replace the bill. The amendment proposed to clarify the process for review of preconviction bail by clearly stating that, upon receiving a petition for review of preconviction bail from a defendant who was in custody as a result of a decision of a District Court Judge or a

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bail commissioner or a defendant who is not in custody but who was aggrieved by a decision of a District Court Judge or a bail commissioner, a Superior Court Justice would have to make an entirely new or de novo determination of bail. The bill proposed that the Superior Court could not increase or decrease or otherwise modify the bail that was set but instead would hear argument and make an entirely new bail determination. This determination could include bail in any manner authorized by Title 15, section 1026; therefore, the Superior Court's de novo determination of bail could be the same, could be higher or lower or could have different conditions than the bail previously set.

### ***Enacted Law Summary***

Public Law 2003, chapter 66 clarifies the process for review of preconviction bail by clearly stating that, upon receiving a petition for review of preconviction bail from a defendant who is in custody as a result of a decision of a District Court Judge or a bail commissioner or a defendant who is not in custody but who is aggrieved by a decision of a District Court Judge or a bail commissioner, a Superior Court Justice shall make an entirely new or de novo determination of bail. The Superior Court does not increase or decrease or otherwise modify the bail that is set but instead hears argument and makes an entirely new bail determination. This determination may include bail in any manner authorized by Title 15, section 1026; therefore, the Superior Court's de novo determination of bail may be the same, may be higher or lower or may have different conditions than the bail previously set.

**LD 747**                      **An Act to Provide Funding for the Maine Computer Crimes Program**                      **ONTP**

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

LD 747 proposed to appropriate additional funding for the Maine Computer Crimes program.

**LD 758**                      **Resolve, Directing the Department of Public Safety, Bureau of State Police to Provide On-line Access to Sex Offender and Sexually Violent Predator Registration Information**                      **ONTP**

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

LD 758 proposed to direct the Department of Public Safety, Bureau of State Police to develop and implement a plan to provide public on-line access to sex offender and sexually violent predator registration information. The bill proposed that the Department of Public Safety, Bureau of State Police present a report, including its on-line public access plan, what information may be accessed and a schedule for implementation of the plan, to the Joint Standing Committee on Criminal Justice and Public Safety by May 1, 2003.

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**LD 762**                      **An Act To Require a Juvenile to Pay Restitution after Attaining 18 Years of Age**                      **ONTP**

<u>Sponsor(s)</u> WOODCOCK BRUNO	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 762 proposed to require a court to order a juvenile to pay restitution for damages resulting from a crime committed by a juvenile if the order of restitution fell within statutory criteria and proposed to require a juvenile to pay any unpaid restitution upon the juvenile's 18th birthday.

**LD 792**                      **An Act To Make the Use of Scheduled Drugs without a Prescription a Crime**                      **ONTP**

<u>Sponsor(s)</u> DAMON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 792 proposed to prohibit the unauthorized use of scheduled drugs.

**LD 807**                      **An Act To Permit the Use of Videoconferencing for the Purpose of Jail Visitation**                      **ONTP**

<u>Sponsor(s)</u> BOWLES NASS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 807 proposed to authorize a county sheriff to allow a county jail to provide a prisoner with visitation with friends or family by videoconferencing, rather than in person, with the prisoner's consent. The bill also proposed that visitation by a prisoner's attorney or religious advisor must be in person.

**LD 808**                      **An Act to Control County Jail and Correctional Facility Health Care Expenses Incurred outside the Facilities**                      **PUBLIC 461**

<u>Sponsor(s)</u> BUNKER CARPENTER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-365
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LD 808 proposed to limit the amount a county could pay a health care provider for health care services, goods, prescriptions and medications supplied to a prisoner only to the amount equal to the reimbursement rate applicable to that provider and that service as established by rule of the Department of Human Services for the MaineCare program under the Maine Revised Statutes, Title 22.

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**Committee Amendment "A" (H-365)** proposed to clarify that the reimbursement rate applied only to services and medications provided to an inmate outside a county jail. The reimbursement rate would not have applied to any contracts for services within county jails. This amendment also proposed to add a mandate preamble and a fiscal note to the bill.

**Senate Amendment "A" (S-167)** proposed to add, effective July 1, 2004, state correctional and detention facilities to the applicable medical services and medications reimbursement rate and to clarify that this reimbursement rate applied only to services and medications provided to prisoners outside corrections and detention facilities. This reimbursement rate would not have applied to contracts for medical services provided within correctional and detention facilities. This amendment was not adopted.

**Senate Amendment "B" (S-242)** proposed to remove the mandate preamble and make it optional for a county to link its payment for medical services provided to a prisoner of that county to the reimbursement rate established by rule of the Department of Human Services for the MaineCare program. A medical service provider could not require the county to pay an amount greater than that reimbursement rate.

This amendment also proposed to add, effective July 1, 2004, state correctional and detention facilities to the applicable medical services and medications reimbursement rate and to clarify that this reimbursement rate applied only to services and medications provided to prisoners outside corrections and detention facilities. This reimbursement rate would not have applied to contracts for medical services provided within correctional and detention facilities. This amendment was not adopted.

***Enacted Law Summary***

Public Law 2003, chapter 461 limits the amount a county may pay a health care provider for health care services, goods, prescriptions and medications supplied to a prisoner only to the amount equal to the reimbursement rate applicable to that provider and that service as established by rule of the Department of Human Services for the MaineCare program under the Maine Revised Statutes, Title 22. The reimbursement rate applies only to services and medications provided to an inmate outside a county jail. The reimbursement rate does not apply to any contracts for services within county jails.

**LD 815                      An Act To Exclude Voluntary Intoxication as a Criminal Defense      **DIED BETWEEN BODIES****

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

LD 815 proposed to remove the exception to the statute that allows the defense of self-induced intoxication to a criminal charge.

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LD 838

An Act Regarding Bail and Fines

PUBLIC 87

Sponsor(s)  
SHERMAN  
WOODCOCK

Committee Report  
OTP-AM

Amendments Adopted  
H-90

Current law authorizes the setoff of bail against criminal fines, forfeitures, fees, restitution, attorney's fees and expenses and surcharges arising from the criminal proceeding for which the bail has been posted. LD 838 proposed to allow for the bail to be set off against the same expenses associated with other proceedings involving the same defendant.

**Committee Amendment "A" (H-90)** proposed to direct the court to apply any bail owned by a defendant that has not been forfeited to restitution first.

*Enacted Law Summary*

Public Law 2003, chapter 87 allows for bail previously posted to be set off against the same expenses associated with other proceedings involving the same defendant. Current law authorizes the setoff of bail against criminal fines, forfeitures, fees, restitution, attorney's fees and expenses and surcharges arising from the criminal proceeding for which the bail has been posted. Public Law 2003, chapter 87 also directs the court to apply any bail collected pursuant to this subsection first to restitution.

LD 856

An Act To Change Mandatory Minimum Sentences in Certain Cases

PUBLIC 232

Sponsor(s)  
MILLS P

Committee Report  
OTP-AM

Amendments Adopted  
H-311

LD 856 proposed to affect sentences in criminal cases in the following ways:

1. Decrease the minimum sentence of imprisonment for murder to 20 years;
2. Grant the sentencing court the authority to deviate from a mandatory minimum sentence and mandatory minimum fine in those circumstances when the court determined that the mandatory fine or sentence would create a substantial injustice and the deviation would not diminish the gravity of the offense or adversely affect the public safety. The court would have had to consider specific factors before deviating from the mandatory minimum;
3. Remove the cap on fines for operating under the influence and instead allow the court to impose the maximum fine allowed for that specific class of crime. Currently, the maximum penalty that may be imposed for a Class D crime is \$2,000; for a Class C crime, the maximum is \$5,000; and for a Class B crime, the maximum is \$20,000; and



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4. Change the class of crime for a 3rd OUI conviction in less than 10 years from a Class D to a Class C crime. It also proposed to change the class of crime for 4 or more OUI convictions in a 10-year period from a Class C crime to a Class B crime.

**Committee Amendment "A" (H-311)** proposed to replace the bill. The amendment proposed to repeal the sentencing provision that required that a person have no prior criminal history in order to be considered for a sentence that is other than a minimum mandatory term of imprisonment for a violation of Title 17-A, section 1105-A, 1105-B, 1105-C or 1105-D.

### ***Enacted Law Summary***

Public Law 2003, chapter 232 repeals the sentencing provision that requires that a person have no prior criminal history in order to be considered for a sentence that is other than a minimum mandatory term of imprisonment for a violation of Title 17-A, section 1105-A, 1105-B, 1105-C or 1105-D.

**LD 863**                      **An Act To Require State Reimbursement to Counties for Health Expenses Incurred For Prisoners in County Jails**                      **ONTP**

<u>Sponsor(s)</u> PARADIS PENDLETON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 863 proposed to require the State to reimburse each county for all remaining medical care expenses that county incurred caring for a prisoner in a county jail after the county had exercised all other methods for obtaining reimbursement from the prisoner.

**LD 876**                      **An Act To Make Changes to the Sex Offender Notification Provisions**                      **ONTP**

<u>Sponsor(s)</u> O'BRIEN J GAGNON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 876 proposed to amend the notification provisions of the Sex Offender Registration and Notification Act of 1999 as follows:

1. Include county jails and state mental health institutes with the Department of Corrections as required parties to give notice of conditional release or discharge of a sex offender or sexually violent predator to the Department of Public Safety, State Bureau of Identification and all law enforcement agencies that have jurisdiction in those areas where the sex offender or sexually violent predator may reside, work or attend college or school if the sex offender or sexually violent predator were being conditionally released or discharged from a county jail or state mental health institute; and
2. Include county jails and state mental health institutes with the Department of Corrections as entities required to give notice of conditional release or discharge of a sex offender or sexually violent predator from a county

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3. jail or state mental health institute to members of the public the county jail or state mental health institute determined appropriate to ensure public safety.

**LD 884**                      **An Act To Expand the Definition of "Juvenile Crime" To Include the Offenses of Possession and Use of Drug Paraphernalia, Illegal Transportation of Alcohol by a Minor and Transportation of Illegal Drugs by a Minor**                      **PUBLIC 305**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT PENDLETON	OTP-AM	H-366

LD 884 proposed to amend the Maine Juvenile Code to add to the definition of "juvenile crime" the civil violations of possessing and using drug paraphernalia, transportation of alcohol or illegal drugs by a minor and violation of a condition of release imposed by a juvenile correction officer. The bill proposed to clarify jurisdiction and enforcement of closely related violations, such as possession of drugs and possession and use of drug paraphernalia and possession of alcohol and transportation of alcohol by a minor. Under current law, for example, a juvenile who is in possession of illegal drugs and drug paraphernalia is required to appear in juvenile court for the drug possession charge and district court for the civil paraphernalia charge.

**Committee Amendment "A" (H-366)** proposed to:

1. Make a technical correction by adding to the provision defining juvenile crimes a reference to Title 15, section 393, subsection 1, paragraph C;
2. Correct an oversight by adding Title 15, section 3103, subsection 1, paragraph G to the list of juvenile crimes for which a juvenile may be arrested without a warrant;
3. Remove sections 5, 6 and 7 of the bill that created the new juvenile crime of violation of a condition of release and related provisions; and
4. Clarify the process by which the juvenile community corrections officer ensures that the Secretary of State receives notice of violations of Title 28-A, section 2052 and Title 22, section 2389, subsection 2 when no juvenile petition will be filed. The amendment proposed to require the Secretary of State to suspend a juvenile's driver's license for 30 days upon receiving notice of a violation. The amendment also proposed to specify that the court may suspend a juvenile's license for up to 6 months when a juvenile violates Title 17-A, chapter 45; Title 22, section 2383; Title 22, section 2383-B, subsection 5; Title 22, section 2389, subsection 2; or Title 28-A, section 2052 and is adjudicated to have committed a juvenile crime.

***Enacted Law Summary***

Public Law 2003, chapter 305 amends the Maine Juvenile Code to add to the definition of "juvenile crime" the civil violations of possessing and using drug paraphernalia and transportation of alcohol or illegal drugs by a minor. Public Law 2003, chapter 305 corrects previous oversights in the law by adding to the provision defining juvenile crimes a reference to Title 15, section 393, subsection 1, paragraph C and by adding Title 15, section 3103, subsection 1, paragraph G to the list of juvenile crimes for which a juvenile may be arrested without a warrant.

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Public Law 2003, chapter 305 clarifies the process by which the juvenile community corrections officer ensures that the Secretary of State receives notice of violations of Title 28-A, section 2052 and Title 22, section 2389, subsection 2 when no juvenile petition will be filed. Public Law 2003, chapter 305 requires the Secretary of State to suspend a juvenile's driver's license for 30 days upon receiving notice of a violation. Public Law 2003, chapter 305 also specifies that the court may suspend a juvenile's license for up to 6 months when a juvenile violates Title 17-A, chapter 45; Title 22, section 2383; Title 22, section 2383-B, subsection 5; Title 22, section 2389, subsection 2, or Title 28-A, section 2052 and is adjudicated to have committed a juvenile crime.

**LD 891**                      **An Act To Require the Videotaping of Police Interrogations**                      **CARRIED OVER**

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

LD 891 proposes to require police departments and other law enforcement agencies to videotape examinations that concern the commission of a crime and that are conducted within police departments or other law enforcement facilities.

**LD 893**                      **An Act To Authorize County Jails To Purchase Prescription Drugs and Other Medications in Bulk for Prisoners**                      **ONTP**

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

LD 893 proposed to authorize sheriffs to purchase and store prescription drugs and other medications in bulk quantities to be administered to prisoners in county jails.

**LD 895**                      **An Act To Clarify the Responsibilities of Contract Law Enforcement Officers**                      **PUBLIC 80**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE	OTP-AM	S-25

LD 895 proposed to clarify that, if a municipality contracts with a sheriff's department or the State Police to provide law enforcement for the municipality, officers of that sheriff's department or the State Police have the full powers of municipal police officers within the municipality, including authority to enforce local parking ordinances.

**Committee Amendment "A" (S-25)** proposed to replace the bill. The amendment proposed to clarify that a municipality lacking an organized police department may contract with the State Police or a sheriff's department to enforce municipal ordinances and give the officers or deputy sheriffs the authority to enforce the ordinances.

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### *Enacted Law Summary*

Public Law 2003, chapter 80 clarifies that a municipality lacking an organized police department may contract with the State Police or a sheriff's department to enforce municipal ordinances and give the officers or deputy sheriffs the authority to enforce the ordinances.

**LD 907**                      **Resolve, Directing the Department of Corrections To Develop a Plan To Improve Transitional Services for Sex Offenders and Sexually Violent Predators and To Improve Communications with Law Enforcement Agencies Regarding the Release of Sex Offenders**                      **ONTP**

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

LD 907 proposed to direct the Department of Corrections to develop a plan to establish transitional services for sex offenders and sexually violent predators released from incarceration, including community support for housing and employment and necessary counseling and treatment, and to improve communications between the department and law enforcement agencies regarding the conditional release and discharge of sex offenders and sexually violent predators. The bill proposed that the Department of Corrections report to the Joint Standing Committee on Criminal Justice and Public Safety by May 1, 2003, and that the committee has authority to report out any necessary legislation to implement recommendations.

**LD 917**                      **An Act Regarding the Sale of Weapons at Gun Shows**                      **CARRIED OVER**

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

LD 917 proposes to close the "gun show loophole" by requiring that a national instant criminal background check be performed prior to the sale or transfer of a firearm at a gun show. The bill proposes to make a gun show operator responsible for any failure to perform a required background check and subject to a fine of up to \$10,000 for each such failure. The bill also proposes to require gun show operators to post signs at gun shows and notify exhibitors of the background check requirement and to provide unlicensed sellers and transferors with access to licensed sellers and transferors who would undertake the required background checks.

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**LD 922**                      **An Act To Clarify the Bind-over Provisions of the Maine Juvenile Code**                      **ONTP**

<u>Sponsor(s)</u> DAVIS G		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 922 proposed to direct the Juvenile Court to bind a juvenile over to the Superior Court if the court found that there were probable cause to believe the juvenile committed a crime that would constitute murder or a Class A, B or C crime if the juvenile were an adult and if it were appropriate to prosecute the juvenile as if the juvenile were an adult. This bill proposed that the presence of only one of these 2 factors would be sufficient to bind a juvenile over to Superior Court.

**LD 941**                      **An Act To Strengthen the Criminal Laws by Expanding the Definition of Trafficking and Furnishing Prescription Narcotic Drugs To Include Illegal Possession of a Large Number of Pills**                      **DIED BETWEEN BODIES**

<u>Sponsor(s)</u> BUNKER CARPENTER		<u>Committee Report</u> OTP-AM    MAJ ONTP        MIN		<u>Amendments Adopted</u>
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LD 941 proposed to make the treatment of illegally possessed prescription narcotic pills consistent with the treatment of heroin under the Maine Criminal Code. The bill proposed to expand the definition of "trafficking" to include the possession of 90 or more pills or other units of narcotic prescription drugs with no further proof of intent needed to prove trafficking.

The bill also proposed to amend the definition of "furnishing" to include the possession of at least 45 but fewer than 90 pills or other units of narcotic prescription drugs with no further proof of intent required to prove furnishing.

The bill did not propose to change current law that provides that possession of any amount of narcotic prescription pills with the intent to traffic is a violation of Title 17-A, section 1101, subsection 17, paragraph C ("trafficking"), and possession of any amount of narcotic prescription pills with the intent to furnish is a violation of Title 17-A, section 1101, subsection 18, paragraph A ("furnishing").

**Committee Amendment "A" (H-212)** was the majority report of the committee. The amendment proposed to clarify that the bill addressed the "unlawful" possession of drugs and proposed to add a fiscal note. This amendment was not adopted.

**House Amendment "A" (H-291)** proposed to establish as a Class C crime the unlawful possession of pills or units that in the aggregate contain not less than 400 milligrams of oxycodone or not less than 50 milligrams of hydromorphone or units. The amendment also proposed to add a fiscal note. This amendment was not adopted.

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LD 944

**An Act To Increase Penalties for Furnishing or Trafficking  
Scheduled Drugs That Cause Death or Serious Bodily Injury**

**PUBLIC 476**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER HATCH PH	OTP-AM	H-157 S-93 MARTIN

LD 944 proposed to increase the penalties for trafficking or furnishing schedule W drugs or a counterfeit scheduled drug when death or serious bodily injury resulted from the use of the drug, as in cases of accidental overdoses. Specifically, the bill proposed to:

1. Make it a Class A crime with the possibility of a 4-year mandatory minimum sentence when death occurred from the aggravated trafficking of a schedule W drug;
2. Make it a Class B crime with the possibility of a 2-year mandatory minimum sentence when death occurred from the aggravated furnishing of a schedule W drug, when serious bodily injury occurred from aggravated trafficking of a schedule W drug or when death or serious bodily injury occurred from the aggravated trafficking or aggravated furnishing of a counterfeit scheduled drug; and
3. Make it a Class C crime when serious bodily injury occurred from the aggravated furnishing of a schedule W drug.

Schedule W drugs include those whose use is most likely to result in a fatal overdose, such as heroin, cocaine and prescription narcotic pills. Counterfeit drugs are those substances, sometimes sold as illegal drugs that are capable of causing death or serious bodily injury, such as poisons or chemical agents. The bill's proposed changes would have been added to the list of existing aggravating circumstance that already provide for increased penalties (i.e., furnishing or trafficking within 1,000 feet of a school or to a child under 18 years of age). The death or serious bodily injury need not have been reasonably foreseeable by the defendant; it would have been sufficient if the death would not have happened but for the use of the drug, either alone or concurrently with another cause, unless the concurrent cause was clearly sufficient to produce the result, and the conduct of the defendant was clearly insufficient.

**Committee Amendment "A" (H-157)** proposed to provide for an affirmative defense if the defendant believed that death or serious bodily injury was not reasonably foreseeable from the use of the lawfully possessed scheduled drug that was unlawfully furnished. The affirmative defense would have been available only when a prescription medication was lawfully prescribed to the defendant, the defendant unlawfully furnished the medication without payment or other consideration and death or serious bodily injury resulted that was not reasonably foreseeable. In assessing whether the death or serious bodily injury was foreseeable, a jury would have had to consider the factual circumstances surrounding the furnishing, the total quantity of the drug furnished, the dosage of the units furnished, the nature of the drug, the overdose risk presented by its use and any safety warnings provided to the defendant at the time of dispensing.

This amendment also proposed to add a fiscal note.

**Senate Amendment "A" (S-93)** was proposed on behalf of the Committee on Engrossed Bills. It proposed to change the provision regarding an affirmative defense for a defendant who believed that death was not

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reasonably foreseeable from the use of a lawfully possessed scheduled drug that was unlawfully furnished in order to be consistent with the legislative intent.

### ***Enacted Law Summary***

Public Law 2003, chapter 476 increases the penalties for trafficking or furnishing schedule W drugs or a counterfeit scheduled drug when death or serious bodily injury results from the use of the drug, as in cases of accidental overdoses. The law does the following:

1. Makes it a Class A crime with the possibility of a 4-year mandatory minimum sentence when death occurs from the aggravated trafficking of a schedule W drug;
2. Makes it a Class B crime with the possibility of a 2-year mandatory minimum sentence when death occurs from the aggravated furnishing of a schedule W drug, when serious bodily injury occurs from aggravated trafficking of a schedule W drug or when death or serious bodily injury occurs from the aggravated trafficking or aggravated furnishing of a counterfeit scheduled drug; and
3. Makes it a Class C crime when serious bodily injury occurs from the aggravated furnishing of a schedule W drug.

The changes add such situations to the existing list of aggravating circumstances that already provide for increased penalties, such as furnishing or trafficking within 1,000 feet of a school or to a child under 18 years of age. The death or serious bodily injury need not be reasonably foreseeable by the defendant; it is sufficient if the death would not have happened but for the use of the drug, either alone or concurrently with another cause, unless the concurrent cause was clearly sufficient to produce the result, and the conduct of the defendant was clearly insufficient.

Public Law 2003, chapter 476 provides for an affirmative defense if the defendant believed that death or serious bodily injury was not reasonably foreseeable from the use of the lawfully possessed scheduled drug that was unlawfully furnished. The affirmative defense would be available only when a prescription medication was lawfully prescribed to the defendant, the defendant unlawfully furnished the medication without payment or other consideration and death or serious bodily injury resulted that was not reasonably foreseeable. In assessing whether the death or serious bodily injury was foreseeable, a jury shall consider the factual circumstances surrounding the furnishing, the total quantity of the drug furnished, the dosage of the units furnished, the nature of the drug, the overdose risk presented by its use and any safety warnings provided to the defendant at the time of dispensing.

**LD 949**

**An Act To Eliminate the 6 Regional Emergency Medical Services Councils and To Transfer Authority and Funding to the Technical Colleges in Each Region**

**ONTP**

Sponsor(s)  
BLANCHETTE  
CARPENTER

Committee Report  
ONTP

Amendments Adopted

LD 949 proposed to eliminate the current 6 regional emergency medical services councils and transfer the authority and funding to the technical colleges in each region.

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LD 956

**An Act To Improve the Procedure for Locating Runaway Children**

**PUBLIC 443**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N MARTIN	ONTP MAJ OTP-AM MIN	H-367

LD 956 proposed that if a juvenile in the custody of the Department of Human Services ran away from an interim care placement that included temporary shelter, the law enforcement agency in the jurisdiction from which the juvenile had run away would be responsible for finding that juvenile. The bill further proposed that, if that law enforcement agency did not locate the juvenile within 48 hours, the responsibility would revert to the law enforcement agency in the jurisdiction of the juvenile's legal residence.

**Committee Amendment "A" (H-367)** proposed to replace the bill and was the minority report. The amendment proposed to allow a law enforcement agency having original responsibility over a missing child report involving a child who was a runaway from the Department of Human Services interim care that included temporary shelter to transfer responsibility for investigating the case to the law enforcement agency that had jurisdiction over a location in this State that was believed to be the permanent residence of the runaway child. A transfer of responsibility would be made after the child had been a missing child for at least 48 hours, but no more than 60 days, if the chief administrative officer of the law enforcement agency determined that it was in the best interest of finding the child. This amendment also proposed to repeal this new subsection July 1, 2005.

***Enacted Law Summary***

Public Law 2003, chapter 443 allows a law enforcement agency having original responsibility over a missing child report involving a child who is a runaway from the Department of Human Services interim care that includes temporary shelter to transfer responsibility for investigating the case to the law enforcement agency having jurisdiction over a location in this State that is believed to be the permanent residence of the runaway child. A transfer of responsibility may be made after the child has been a missing child for at least 48 hours, but no more than 60 days, if the chief administrative officer of the law enforcement agency determines that it is in the best interest of finding the child.

Public Law 2003, chapter 443 is repealed July 1, 2005.

LD 970

**An Act To Allow a Judge To Assess a Fee on a Defendant To Reimburse a Municipality for a Drug Test**

**PUBLIC 182**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN BUNKER	OTP-AM	S-76

LD 970 proposed to authorize a court to include in a sentence for a crime the costs of drug tests administered by a law enforcement agency to the defendant. The bill proposed that the court would then have to pay over any amounts collected to the municipality, county or law enforcement agency that incurred the costs. This bill would not apply to a test administered under Title 29-A for OUI.



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**Committee Amendment "A" (S-76)** proposed to add state agencies to those who could be reimbursed for the costs of administering drug tests and to clarify that the court could order costs paid as part of a defendant's restitution. The amendment also proposed to add a fiscal note to the bill.

### *Enacted Law Summary*

Public Law 2003, chapter 182 authorizes a court, as part of a defendant's restitution, to include in a sentence for a crime the costs of drug tests administered by a law enforcement agency to the defendant. The court must then pay over any amounts collected to the state, municipal or county law enforcement agency that incurred the costs. Public Law 2003, chapter 182 does not apply to a test administered under the Maine Revised Statutes, Title 29-A for OUI.

**LD 976**

### **An Act To Ensure Effective Prosecution of Certain Repeat Offenders**

**PUBLIC 475**

Sponsor(s)  
SAVAGE

Committee Report  
OTP-AM

Amendments Adopted  
S-33

LD 976 proposed to amend the provision of the Maine Criminal Code that allows enhanced prosecution of persons for certain crimes who have at least 2 previous convictions for certain offenses by adding references to a crime that is not in chapter 9, 11, 13 or 27 of the Maine Criminal Code. Aggravated criminal trespass in the Maine Revised Statutes, Title 17-A, section 402-A, subsection 1, paragraph A always includes within its proof the commission of a crime in chapters 9 or 11 of the Maine Criminal Code, but aggravated criminal trespass is in chapter 17 and therefore currently does not raise the sentencing category for certain subsequent crimes. This bill also proposed to add aggravated criminal trespass to the list of crimes for which enhanced prosecution may be sought in the case of a defendant who has prior convictions for certain crimes.

**Committee Amendment "A" (S-33)** also proposed to incorporate a fiscal note.

### *Enacted Law Summary*

Public Law 2003, chapter 475 amends the provision of the Maine Criminal Code that allows enhanced prosecution of persons for certain crimes who have at least 2 previous convictions for certain offenses by adding references to a crime that is not in chapter 9, 11, 13 or 27 of the Maine Criminal Code. Aggravated criminal trespass in the Maine Revised Statutes, Title 17-A, section 402-A, subsection 1, paragraph A always includes within its proof the commission of a crime in chapters 9 or 11 of the Maine Criminal Code, but aggravated criminal trespass is in chapter 17 and therefore currently does not raise the sentencing category for certain subsequent crimes. Public Law 2003, chapter 475 also adds aggravated criminal trespass to the list of crimes for which enhanced prosecution may be sought in the case of a defendant who has prior convictions for certain crimes.

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**LD 1005**                    **An Act To Increase the Class of Crime of Unlawful Sexual Contact**                    **ONTP**

<u>Sponsor(s)</u> LEMONT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1005 proposed to make all forms of unlawful sexual contact a Class B crime.

**LD 1014**                    **An Act To Enhance Professionalism of Private Investigators in this State**                    **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> BUNKER CARPENTER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-249
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LD 1014 proposed to make several changes to the current licensing requirements for private investigators. The bill proposed to allow, under certain circumstances, a private investigator licensed in a state or territory that has a reciprocal agreement with Maine to conduct an investigation in Maine without a Maine private investigator's license. The bill also proposed to require a private investigative assistant to complete 1,700 hours of employment, under the supervision of a licensed private investigator and within 18 months of receiving an investigative assistant license, to be eligible for a private investigator's license. Additionally, the bill proposed to require that a licensed private investigator complete 40 hours of continuing professional education within each 2-year license renewal period, and clarify that use of a badge to suggest that a private investigator is a sworn peace officer of the State is unlawful.

**Committee Amendment "A" (H-249)** proposed to replace the bill. The amendment proposed to do the following:

1. Change the time when a private investigator's license may be renewed after initial licensure from every 2 to every 4 years and double the renewal fee to \$400;
2. Change the term of an investigative assistant's license from one year with a possibility of a 6-month extension to 2 years and double the fee to \$600;
3. Clarify that presentation of a badge by a private investigator or an investigative assistant to cause another person to believe that the private investigator or investigative assistant is a sworn peace officer is a Class D crime; and
4. Clarify that a private investigator or investigative assistant who contracts with a state law enforcement agency is bound by that agency's confidentiality obligations.

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LD 1020

**An Act To Amend the Maine Criminal Code as Recommended by  
the Criminal Law Advisory Commission**

**PUBLIC 143**

Sponsor(s)

Committee Report  
OTP-AM

Amendments Adopted  
H-153

LD 1020 proposed to do the following:

1. Define "reasonable degree of force" in the context of the use of physical force by a parent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of a person, as limited to applying physical force to a person that at most results in transient pain or minor temporary marks on that person. As enacted, Title 17-A, section 106, subsection 1-A reflects current Maine case law respecting use of physical force by a parent to prevent or punish a child's misconduct. See State v. York, 2001 ME 30, 766 A.2d 570. In light of this new Title 17-A, section 106, subsection 1-A definition, the bill proposed to remove the reference to subsection 1 from Title 17-A, section 106, subsection 4. The bill proposed that the word "purposeful" be replaced with the equivalent word "intentional" in Title 17-A, section 106, subsection 4 to reflect Maine Criminal Code language usage;
2. Amend the law regarding the use of physical force in law enforcement in 3 ways. First, it proposed to add the word "unlawful" to the law to specify that a law enforcement officer or private person may use force upon another when the law enforcement officer or private person reasonably believes that there exists an imminent use of "unlawful" force by another. The addition of "unlawful" would have made this law consistent with other use of force provisions in Chapter 5 of the Maine Criminal Code;
3. Strike an outdated reference to the Maine Correctional Institution – Warren;
4. Make Title 17-A, section 107 gender neutral in conformance with drafting standards;
5. Add the phrase "in fact" before the word "communicates" in Title 17-A, section 210, subsection 1 to clarify that no culpable mental state need be proved. The proposed addition mirrors Maine case law. See State v. Porter, 384 A.2d 429, 433-434 (Me. 1978);
6. Repeal Title 17-A, section 451, subsection 3-A and section 452, subsection 2-A. Each subsection was intended to continue in effect the traditional "2 witness" rule as set forth in State v. Farrington, 411 A.2d 396, 401 (Me. 1980). See State v. Anthoine, 2002 ME 22, ¶8, 789 A.2d 1277, 1279, n.2. However, neither section of law accurately expresses the rule or any exception to the rule. The bill proposed to delete both provisions in favor of allowing State v. Farrington and subsequent cases to speak to the rule and any exception to it;
7. Clarify Title 17-A, section 454, subsection 1, paragraph A, which concerns tampering with a witness, informant, juror or victim, by specifying that the actor must be aware at the time the actor induces or otherwise causes, or attempts to cause, a witness or informant to testify or inform falsely that such testimony or information is false;

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8. Amend Title 17-A, section 1108, subsection 5, which concerns acquiring drugs by deception, to clarify that the trier of fact is permitted, as authorized by the Maine Rules of Evidence, Rule 303(b), to infer the causation element of "acquiring" from the act of deception described in Title 17-A, section 1108, subsection 2, paragraph A or B. The proposed change is not intended to create a conclusive presumption;
9. Strike from Title 17-A, section 1158, which concerns the forfeiture of firearms, the reference to the "judgment of conviction" to eliminate confusion. The forfeiture of a firearm is part of the sentence while the sentence is part of the judgment. See the Maine Rules of Criminal Procedure, Rule 32(b);
10. Provide for the tolling of a Maine sentence involving imprisonment in the event the person in execution of that sentence is a recalcitrant witness in a grand jury or criminal proceeding in a Maine court of record and has been ordered into coercive imprisonment as a remedial sanction for refusing to comply with an order of the court to testify or to provide evidence;
11. Enact a new Title 17-A, section 1252, subsection 2, paragraph A and eliminate constitutional doubts by replacing the 2-tier Class A sentencing system with a single sentencing range, while preserving the Supreme Judicial Court's discretion to establish and enforce, through appellate review, sentencing factors that avoid excessively harsh sentences. The proposed change is not intended that this change modify current sentencing practices.

In 1988 the Legislature doubled the maximum sentence of imprisonment for Class A crimes from 20 years to 40 years. See Public Law 1987, chapter 808, codified as Title 17-A, section 1252, subsection 2, paragraph A. In 1991 the Law Court examined the legislative history of that Act and determined that the legislative intent was to "make available two discrete ranges of sentences for Class A crimes." See *State v. Lewis*, 590 A.2d 149, 151 (Me. 1991). Most Class A crime sentences were intended to remain in the original 0 to 20 year range, while the "expanded range" of 20-40 year sentences was reserved "only for the most heinous and violent crimes committed against a person" (590 A.2d at 151). The sentencing court was to apply this "heinousness" standard "in its discretion" as a sentencing factor, subject to appellate review (590 A.2d at 151).

This two-tier system has been placed under a constitutional cloud by the decision of the United States Supreme Court in *Apprendi v. New Jersey*, 530 U.S. 466 (2000), which held that sentencing factors increasing punishment beyond the maximum authorized must be treated as elements of crimes to be pleaded and proved beyond a reasonable doubt rather than as sentencing factors. Since the "heinousness" standard can be interpreted as increasing the maximum punishment of up to 20 years to the "expanded range" of 20 to 40 years, it is potentially unconstitutional absent legislative correction;

12. Clarify that if the State pleads and proves that an actor has 2 or more prior convictions for stalking under Title 17-A, section 210-A, the State may not plead and prove further sentencing class enhancement under Title 17-A, section 1252;
13. Effective January 1, 2004, eliminate the current requirement under Title 17-A, section 1252-B that deductions for good time and meritorious good time be taken into consideration when a sentencing alternative involving imprisonment is requested or recommended by a party or imposed by a court.

In 1988 the 113th Legislature enacted Title 17-A, section 1252-B, which for the first time expressly precluded a sentencing court from ignoring administrative awards for good time and meritorious good time in the sentencing decision and instead required that such awards be considered. See Public Law 1987, chapter 808, section 2.

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Seven years later, in 1995, the 117th Legislature enacted Title 17-A, section 1253, subsection 8, which on or after October 1, 1995 markedly reduced the statutory deductions for good time and meritorious good time authorized under that same section. See Public Law 1995, chapter 433, section 4. The resulting disparity in an administrative award of good time and meritorious good time for persons committing crimes prior to October 1, 1995 and for persons committing crimes on and after that date is illustrated by the following: A person who committed a crime before October 1, 1995, and subsequently was sentenced to a term of imprisonment of more than 6 months, and receives maximum deductions under section 1253, subsections 3, 4 and 5, or about 180 days a year, will serve about 57% of the term of imprisonment. A person who commits a crime on or after October 1, 1995, and subsequently is sentenced to a term of imprisonment of more than 6 months, receiving maximum deductions under section 1253, subsection 8, or about 60 days a year, will serve about 85% of the term of imprisonment. At the same time that the Legislature prospectively sharply reduced good time and meritorious good time awards, because sentencing courts since 1988 had been required to take good time and meritorious good time deductions into consideration in their sentencing decisions, the Legislature repealed and replaced Title 17-A, section 1252-B to address the disparity. As replaced, Title 17-A, section 1252-B designated the existing provisions as subsection 1 with added specific reference to the deductions applicable to crimes committed prior to October 1, 1995, namely section 1253, subsections 3, 3-B, 4 and 5, and added a subsection 2 that addressed the disparity in deductions created by section 1253, subsection 8. See Public Law 1995, chapter 433, section 1. The Legislature directed in subsection 2 that to the extent that longer terms of imprisonment have previously been imposed in an effort to compensate for the impact of substantial good time and meritorious good time deductions, an adjustment must be made in the sentencing process for crimes committed on or after October 1, 1995 in view of the substantially reduced deduction under subsection 8.

By January 1, 2004, Title 17-A, section 1252-B, subsection 2 will have been law for over 8 years. During this transitional period, a large number of sentences subject to adjustment for the substantially reduced deductions have been imposed. That body of sentences serves to inform a court's sentencing decision rather than the pre-1995 sentences. With its intended legislative purpose accomplished, this directive is no longer necessary. Repealing Title 17-A, section 1252-B is necessary to accomplish the intended fundamental policy change of allowing both the parties and the sentencing court to ignore administrative awards for good time and meritorious good time when a sentencing alternative involving imprisonment is requested or recommended by a party or imposed by a court;

14. Amend the criteria for imposing fines to expressly recognize the existing limitation upon the court's discretion in the event the fine amount is mandatory and thus the convicted offender must be sentenced to pay the fine amounts required under Title 17-A, sections 1201 and 1301;
15. Amend Title 17-A, chapter 55, which concerns the Criminal Law Advisory Commission, to make section 1352, subsection 3 gender neutral; and
16. Amend provisions regarding the Criminal Law Advisory Commission to make the provisions gender neutral.

**Committee Amendment "A" (H-153)** proposed to strike language that would repeal the statutory provisions regarding the "2 witness" rule and that would eliminate the current 2-tier system for sentencing in Class A crimes. The amendment also proposed to add a fiscal note to the bill.

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### *Enacted Law Summary*

Public Law 2003, chapter 143 does the following.

1. It defines "reasonable degree of force" in the context of the use of physical force by a parent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of a person, as limited to applying physical force to a person that at most results in transient pain or minor temporary marks on that person.
2. It amends the law regarding the use of physical force in law enforcement in 3 ways. First, it adds the word "unlawful" to the law to specify that a law enforcement officer or private person may use force upon another when the law enforcement officer or private person reasonably believes that there exists an imminent use of "unlawful" force by another. The addition of "unlawful" makes this law consistent with other use of force provisions in Chapter 5 of the Maine Criminal Code. Second, it strikes an outdated reference to the Maine Correctional Institution - Warren. Third, it makes Title 17-A, section 107 gender neutral in conformance with drafting standards.
3. It adds the phrase "in fact" before the word "communicates" in Title 17-A, section 210, subsection 1 to clarify that no culpable mental state need be proved. The addition mirrors Maine case law. See State v. Porter, 384 A.2d 429, 433-434 (Me. 1978).
4. It clarifies Title 17-A, section 454, subsection 1, paragraph A, which concerns tampering with a witness, informant, juror or victim, by specifying that the actor must be aware at the time the actor induces or otherwise causes, or attempts to cause, a witness or informant to testify or inform falsely that such testimony or information is false.
5. It amends Title 17-A, section 1108, subsection 5, which concerns acquiring drugs by deception, to clarify that the trier of fact is permitted, as authorized by the Maine Rules of Evidence, Rule 303(b), to infer the causation element of "acquiring" from the act of deception described in Title 17-A, section 1108, subsection 2, paragraph A or B. This change is not intended to create a conclusive presumption.
6. It strikes from Title 17-A, section 1158, which concerns the forfeiture of firearms, the reference to the "judgment of conviction" to eliminate confusion. The forfeiture of a firearm is part of the sentence while the sentence is part of the judgment. See the Maine Rules of Criminal Procedure, Rule 32(b).
7. It provides for the tolling of a Maine sentence involving imprisonment in the event the person in execution of that sentence is a recalcitrant witness in a grand jury or criminal proceeding in a Maine court of record and has been ordered into coercive imprisonment as a remedial sanction for refusing to comply with an order of the court to testify or to provide evidence.
8. It clarifies that if the State pleads and proves that an actor has 2 or more prior convictions for stalking under Title 17-A, section 210-A, the State may not plead and prove further sentencing class enhancement under Title 17-A, section 1252.
9. Effective January 1, 2004, it eliminates the current requirement under Title 17-A, section 1252-B that deductions for good time and meritorious good time be taken into consideration when a sentencing alternative involving imprisonment is requested or recommended by a party or imposed by a court.

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10. It amends the criteria for imposing fines to expressly recognize the existing limitation upon the court's discretion in the event the fine amount is mandatory and thus the convicted offender must be sentenced to pay the fine amounts required under Title 17-A, sections 1201 and 1301.

11. It amends provisions regarding the Criminal Law Advisory Commission to make them gender neutral.

**LD 1023**                      **An Act To Criminalize Noncompliance with an Interstate Compact for Adult Offender Supervision**                      **PUBLIC 158**

<u>Sponsor(s)</u> LAFOUNTAIN SULLIVAN	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1023 proposed that a person commits a Class D crime if that person is released on probation or parole by a state that is a member of an interstate compact for adult offender supervision and the person resides in Maine without complying with the requirements of the interstate compact.

*Enacted Law Summary*

Public Law 2003, chapter 158 specifies that a person commits a Class D crime if that person is released on probation or parole by a state that is a member of an interstate compact for adult offender supervision and the person resides in Maine without complying with the requirements of the interstate compact.

**LD 1026**                      **An Act To Broaden the Law Enforcement Authority of University of Maine System Public Safety Officers**                      **ONTP**

<u>Sponsor(s)</u> DUNLAP CATHCART	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1026 proposed to broaden the powers of University of Maine System police officers to include enforcement authority throughout the State, rather than within the limits of university property only.

**LD 1065**                      **Resolve, Directing the Commissioner of Public Safety To Study the Emergency Medical Services System**                      **RESOLVE 23**

<u>Sponsor(s)</u> BULL NASS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-187 H-208 BULL
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LD 1065 was a resolve that proposed to direct the Commissioner of Public Safety to study the emergency medical services system. The resolve proposed that the commissioner's study of the emergency medical services system would include, but not be limited to, an examination of the following issues:

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1. Consolidating the emergency medical services regions;
2. Streamlining the administration of emergency medical services at the state level;
3. Clarifying the role of the Emergency Medical Services' Board; and
4. Standardizing protocols.

**Committee Amendment "A" (H-187)** proposed to replace the resolve. The amendment proposed to direct the Commissioner of Public Safety to commission a study of the emergency medical services system, including the following components:

1. An independent assessment of the needs, design and structure of the organization and administration of the emergency medical services system at the regional level;
2. An independent assessment of the needs, design and structure of the organization and administration of the emergency medical services system at the state level; and
3. An independent assessment of the fiscal resources necessary to deliver emergency medical services at the regional and state levels.

The amendment also proposed to direct that the study include input and information from various interested parties, to enable the commissioner to accept public or private funds and grants for the study, to direct the commissioner to report back to the Joint Standing Committee on Criminal Justice and Public Safety and to enable that committee to report out legislation concerning the report.

**House Amendment "A" to Committee Amendment "A" (H-208)** proposed to clarify that the costs of the study are intended to be funded by Other Special Revenue funds. This amendment proposed to replace the General Fund appropriation with an Other Special Revenue funds allocation.

### ***Enacted Law Summary***

Resolve 2003, chapter 23 directs the Commissioner of Public Safety to conduct a study of the emergency medical services system that includes the following components:

1. An independent assessment of the needs, design and structure of the organization and administration of the emergency medical services system at the regional level;
2. An independent assessment of the needs, design and structure of the organization and administration of the emergency medical services system at the state level; and
3. An independent assessment of the fiscal resources necessary to deliver emergency medical services at the regional and state levels.

The resolve also directs that the study include input and information from various interested parties, enables the commissioner to accept public or private funds and grants for the study, directs the commissioner to report back to the Joint Standing Committee on Criminal Justice and Public Safety and enables that committee to report out



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legislation concerning the report. The resolve notes that costs of the study are intended to be funded by Other Special Revenue funds and makes an Other Special Revenue funds allocation for this purpose.

**LD 1091**                      **An Act To Amend the Not Guilty by Reason of Insanity Verdict**                      **ONTP**

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

LD 1091 proposed to change the verdict of "not criminally responsible by reason of insanity" to "guilty but insane."

**LD 1109**                      **An Act Regarding Passing Bad Checks**                      **ONTP**

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

LD 1109 was a concept draft pursuant to Joint Rule 208. The bill proposed to treat passing a bad check in exchange for merchandise, regardless of the amount of the check, the same as the theft of merchandise of a similar value after 3 failed attempts by the merchant to collect the amount of the check. After these 3 attempts, the merchant could have reported a theft. The bill also proposed to permit a merchant to make a black-and-white photocopy of a person's driver's license when that person paid by check.

**Committee Amendment "A" (H-213)** proposed to replace the bill and was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. This amendment proposed to allow a merchant to make a black-and-white photocopy of a driver's license when the merchant accepted payment by check or draft. The merchant then would have had to file the photocopy in a secure, nonpublic location and destroy the photocopy once the check or draft had been paid. The amendment also proposed to add a fiscal note. This amendment was not adopted.

**LD 1110**                      **An Act Creating an Alternate Concealed Weapons Permit Process**                      **ONTP**

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

LD 1110 proposed to provide an appeal process for a person who was denied a concealed weapons permit through the local application process. Under the bill the Chief of the State Police would have had to review the application anew. The bill also proposed to authorize the Commissioner of Public Safety to adopt rules as necessary.

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**LD 1111**                      **An Act To Implement Full Reciprocity of Concealed Weapons Requirements**                      **ONTP**

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

LD 1111 proposed to allow a person to carry a concealed weapon if the person meet all the requirements for carrying a concealed weapon in another state.

**Committee Amendment "A" (H-312)**, which was not adopted, was the minority report of the committee. The amendment proposed to incorporate a fiscal note.

**LD 1125**                      **An Act To Eliminate the Concealed Weapons Permit**                      **ONTP**

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

LD 1125 proposed to repeal the chapter that requires permits to carry concealed weapons in this State. The bill also proposed to clearly articulate that it is not the intent of the Legislature to override Title 15, section 393, which prohibits firearm possession by persons convicted of certain violent crimes or under court order because of certain violent behaviors.

**LD 1139**                      **An Act To Increase Parental Responsibility for Restitution**                      **ONTP**

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

LD 1139 proposed to increase the limit of liability from \$800 to \$10,000 for a parent or guardian for damage caused by that parent or guardian's minor child. The bill proposed that when a juvenile had been adjudicated as having committed a juvenile crime and the court ordered restitution and subsequently found that the earning capacity of the juvenile was insufficient to pay restitution to the victim, the court could order a custodial parent or legal guardian to make restitution to the victim of the offense for which the juvenile was adjudicated. It also proposed to provide that a court could order the parents or legal guardian of a juvenile who had been adjudicated as having committed a juvenile crime to personally participate in counseling, education and treatment reasonably available in the parents' or legal guardian's area. Finally, the bill proposed to permit a court to invoke its contempt powers to enforce an order entered regarding dispositional alternatives for juveniles.

**Committee Amendment "A" (H-132)** was the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to decrease the limit of civil liability imposed by the bill from \$10,000 to \$3,000 for a parent or guardian for damage caused by that parent or guardian's minor child.

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Like the bill, this amendment also proposed to provide that when a juvenile had been adjudicated as having committed a juvenile crime and the court ordered restitution and subsequently found that the earning capacity of the juvenile was insufficient to pay restitution to the victim, the court could order a custodial parent or legal guardian to make restitution to the victim of the offense for which the juvenile was adjudicated.

This amendment also proposed to strike provisions of the bill that authorized a court to order the parents or legal guardian of a juvenile to personally participate in counseling or treatment and to allow a court to invoke its contempt powers to enforce any order entered regarding dispositional alternatives.

This amendment was not adopted.

**LD 1160**                      **An Act To Amend the Membership of the Maine Fire Protection Services Commission**                      **PUBLIC 160  
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-156

LD 1160 proposed to add to the members of the Maine Fire Protection Services Commission the Director of Maine Emergency Medical Services and the Director of the Maine Emergency Management Agency. The bill also proposed to authorize the President of the Senate and the Speaker of the House of Representatives to appoint any Legislators to the Maine Fire Protection Services Commission, instead of limiting legislative members to those serving on the committee having jurisdiction over fire protection matters.

**Committee Amendment "A" (H-156)** proposed to add an emergency preamble, an emergency clause and a fiscal note to the bill.

### *Enacted Law Summary*

Public Law 2003, chapter 160 adds to the members of the Maine Fire Protection Services Commission the Director of Maine Emergency Medical Services and the Director of the Maine Emergency Management Agency. Public Law 2003, chapter 160 also authorizes the President of the Senate and the Speaker of the House of Representatives to appoint any Legislators to the Maine Fire Protection Services Commission, instead of limiting legislative members to those serving on the committee having jurisdiction over fire protection matters.

Public Law 2003, chapter 160 was enacted as an emergency measure effective May 14, 2003.

**LD 1164**                      **An Act To Allow a Victim of Domestic Violence To Carry a Firearm without a Concealed Firearm Permit**                      **ONTP**

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

LD 1164 proposed to allow a person who has been the victim of a crime of domestic violence to carry a concealed firearm without obtaining a permit. The bill proposed to require that the person carry proof of

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successful completion of a handgun safety course, and to exclude a person convicted of murder or a Class A, B or C crime in this State, from eligibility.

**LD 1182**                      **An Act To Change the Definition of Family or Household Members for Purposes of Criminal Statutes**                      **PUBLIC 102**

<u>Sponsor(s)</u> LAFOUNTAIN O'NEIL		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1182 proposed to change the definition of "family or household members" in the laws governing when a law enforcement officer may arrest a person without a warrant for certain crimes between family or household members to include individuals presently or formerly living together and individuals who are or were sexual partners.

### *Enacted Law Summary*

Public Law 2003, chapter 102 changes the definition of "family or household members" in the laws governing when a law enforcement officer may arrest a person without a warrant for certain crimes between family or household members to include individuals presently or formerly living together and individuals who are or were sexual partners.

**LD 1186**                      **An Act to Revise the Reimbursement by the County Jail Prisoner Support and Community Corrections Fund and To Provide Additional Support to County Jails**                      **CARRIED OVER**

<u>Sponsor(s)</u> STRIMLING		<u>Committee Report</u>		<u>Amendments Adopted</u>
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The Maine Revised Statutes, Title 34-A, section 1210-A currently provides for a subsidy to counties for the support of prisoners detained or sentenced to county jails and to maintain community corrections programs. LD 1186 proposes to change the section to reimburse a percentage of the actual costs of those programs. The bill proposes that the percentage would start at 10% beginning July 1, 2005 and increase in annual increments of 5% to a maximum of 30% of actual costs reimbursed.

**Committee Amendment "A" (S-227)**, which was not adopted, proposed to strike and replace the distribution formula in the bill. This amendment proposed to create a new 10% surcharge on all fines, forfeitures and penalties, except the new surcharge could not be imposed on fines collected for violations of the Maine Revised Statutes, Title 29-A, chapter 21. The money collected pursuant to the surcharge would have been distributed annually to each county based on that county's total jail operating costs as a percentage of the expenditures to operate all jails. The amendment also proposed to strike the effective date, as this distribution would have begun in the next fiscal year, and proposed to add an appropriation section and fiscal note to the bill.

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LD 1192

An Act To Enhance Juvenile Rehabilitation

PUBLIC 142

Sponsor(s)  
EDMONDS

Committee Report  
OTP-AM

Amendments Adopted  
S-77

LD 1192 proposed to amend the Maine Juvenile Code to allow the juvenile court to require that the parent, guardian or custodian of a juvenile charged with committing a juvenile crime attend all juvenile court proceedings, unless the court excused attendance for good cause. The bill proposed to amend the Maine Juvenile Code to allow a court to order the parent, guardian or custodian of a juvenile adjudicated as having committed a juvenile crime to participate in and pay all or part of the reasonable costs of counseling, treatment, education and supervision as determined by the court. LD 1192 also proposed to affirm that the court could invoke its contempt powers to enforce such attendance and court orders.

**Committee Amendment "A" (S-77)** proposed to replace the bill and to make the following changes:

1. Amend the Maine Juvenile Code to allow the juvenile court to require that the parent, guardian or legal custodian of a juvenile charged with committing a juvenile crime attend all juvenile court proceedings, unless the court excused attendance for good cause; however, it would have clarified that the failure of a parent, guardian or legal custodian to appear in response to the summons or for a later hearing, or the inability to serve such a party, would not prevent the court from continuing with the proceedings against a juvenile who was before the court, except as required in the Maine Revised Statutes, Title 15, section 3314, subsection 1, paragraphs C-1 and C-2;
2. Amend the Maine Juvenile Code to allow a court to order the parent, guardian or legal custodian of a juvenile adjudicated as having committed a juvenile crime to participate in and pay all or part of the reasonable costs of counseling, treatment, education and case management as determined by the court;
3. Affirm that the court could invoke its contempt powers to enforce such attendance and court orders;
4. Specify that the court could not revoke a juvenile's probation because of the failure of the juvenile's parent, guardian or legal custodian to comply with an order to participate in or pay all or part of the reasonable costs of counseling, treatment, education and case management as determined by the court; and
5. Add a fiscal note.

## ***Enacted Law Summary***

Public Law 2003, chapter 142 amends the Maine Juvenile Code to allow the juvenile court to require that the parent, guardian or legal custodian of a juvenile charged with committing a juvenile crime attend all juvenile court proceedings, unless the court excuses attendance for good cause; however, it clarifies that the failure of a parent, guardian or legal custodian to appear in response to the summons or for a later hearing, or the inability to serve such a party, may not prevent the court from continuing with the proceedings against a juvenile who is before the court, except as required in the Maine Revised Statutes, Title 15, section 3314, subsection 1, paragraphs C-1 and C-2.

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Public Law 2003, chapter 142 amends the Maine Juvenile Code to allow a court to order the parent, guardian or legal custodian of a juvenile adjudicated as having committed a juvenile crime to participate in and pay all or part of the reasonable costs of counseling, treatment, education and case management as determined by the court.

Public Law 2003, chapter 142 affirms that the court may invoke its contempt powers to enforce such attendance and court orders.

Public Law 2003, chapter 142 specifies that the court may not revoke a juvenile's probation because of the failure of the juvenile's parent, guardian or legal custodian to comply with an order to participate in or pay all or part of the reasonable costs of counseling, treatment, education and case management as determined by the court.

### LD 1224                      **An Act To Increase Requirements for Notification of Release to Victims of Stalkers**                      PUBLIC 186

<u>Sponsor(s)</u> CUMMINGS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-188
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LD 1224 proposed to expand the laws governing the notification of a defendant's release from jail or an institution. This bill proposed to add "stalking" to the list of crimes for which a victim must be informed of the release of the defendant. This bill also proposed to require notification of the defendant's release to a victim when the defendant was institutionalized after being found incompetent to stand trial.

**Committee Amendment "A" (H-188)** proposed to add a mandate preamble and a fiscal note to the bill.

#### *Enacted Law Summary*

Public Law 2003, chapter 186 expands the laws governing the notification of a defendant's release from jail or an institution. Public Law 2003, chapter 186 adds "stalking" to the list of crimes for which a victim must be informed of the release of the defendant. Public Law 2003, chapter 186 also requires notification of the defendant's release to a victim when the defendant is institutionalized after being found incompetent to stand trial.

### LD 1230                      **An Act To Amend the Law Regarding Juvenile Restitution**                      PUBLIC 239

<u>Sponsor(s)</u> SNOWE-MELLO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-278
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LD 1230 proposed to prohibit the removal or destruction of street signs or traffic control signs. The bill proposed to require that a person who is at least 18 years of age and was convicted of removing or destroying a street or traffic control sign would be subject to a minimum penalty of \$500. The bill proposed that a juvenile who was adjudicated to have committed the crime would be required to pay restitution to the municipality for the street sign or traffic control sign and perform at least 8 hours of community service in the affected municipality.

**Committee Amendment "A" (H-278)** proposed to change the title and to replace the bill. The amendment proposed that for purposes of a juvenile disposition involving restitution, the court could enter a separate order

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for income withholding if the juvenile was employed. This is consistent with the process of collecting restitution paid by adult offenders.

### ***Enacted Law Summary***

Public Law 2003, chapter 239 specifies that for purposes of a juvenile disposition involving restitution, the court may enter a separate order for income withholding if the juvenile is employed. This is consistent with the process of collecting restitution paid by adult offenders.

**LD 1237                      An Act To Promote Justice for Those Not Guilty of Crimes Due to                      ONTP**  
**Mental Disease or Defect**

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

LD 1237 proposed that proper use of prescribed medications could be a condition of release for a person found not criminally responsible by reason of mental disease or mental defeat. This bill proposed to lessen the burden of proof for a petitioner seeking the release or discharge of a person hospitalized after having been found not criminally responsible by reason of mental disease or mental defect for committing a Class B, C, D or E crime. For discharge or release, a petitioner would have had to demonstrate by a preponderance of the evidence that the modified release treatment program, release on conditions or discharge could be granted without likelihood that the person would cause injury to that person or to others due to mental disease or mental defect. The petitioner's burden of proof in a case for release or discharge where a person was found not criminally responsible by reason of mental disease or defect for murder or a Class A crime would have remained proof by clear and convincing evidence. (Taylor v. Commissioner of Mental Health and Mental Retardation, 481 A.2d 139 (1984)). The bill also proposed to make technical changes to the statutes.

**LD 1244                      An Act To Increase the Penalties for a Person Who Vandalizes                      ONTP**  
**Cemetery Property**

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

LD 1244 proposed to provide mandatory penalties that a court would have to impose on a person convicted of vandalizing a cemetery. If the violator is a minor, the bill proposed that the court require the violator or the violator's family to pay restitution and require the violator to perform 8 hours of community service per week for the cemetery for 2 consecutive summers following the conviction. If the violator is an adult, the bill proposed that the court require the violator to pay restitution and to perform 5 hours of community service for the cemetery per week for one year.

**Committee Amendment "A" (H-214)** was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. This amendment proposed to strike provisions of the bill that provide mandatory penalties that a court shall impose on a juvenile adjudicated of vandalizing a cemetery. The amendment proposed to maintain mandatory penalties for adults convicted of vandalizing a cemetery. In addition to any

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other penalty allowed by law, the court would have had to require the violator to pay restitution and to perform community service for the owner of the cemetery if the owner requested that community service work be performed.

This amendment was not adopted.

**LD 1266**                      **An Act To Clarify Sentencing for Persons Convicted of Class D  
and Class E Crimes Involving Domestic Violence**                      **PUBLIC 154**

<u>Sponsor(s)</u> COLWELL STRIMLING	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-154
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LD 1266 proposed that the period of probation for a person convicted of a Class D or Class E crime involving domestic violence would be 2 years, except that the term of probation would terminate when the probationer had served at least one year, had completed a certified batterers' intervention program and had met all other conditions of probation.

**Committee Amendment "A" (H-154)** proposed to amend the title to accurately reflect the intent of the bill and to add a fiscal note.

### *Enacted Law Summary*

Public Law 2003, chapter 154 specifies that the period of probation for a person convicted of a Class D or Class E crime involving domestic violence is 2 years, except that the term of probation terminates when the probationer has served at least one year, has completed a certified batterers' intervention program and has met all other conditions of probation.

**LD 1323**                      **An Act To Adopt an Interstate Compact for Juveniles on  
Probation and Parole**                      **PUBLIC 500**

<u>Sponsor(s)</u> O'BRIEN J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-209
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LD 1323 proposed to create the Interstate Compact for Juveniles. The bill proposed to enter Maine into a compact among enacting states to oversee, supervise and coordinate the interstate movement of juveniles who are on probation or parole. The compact creates a governing body called the Interstate Commission for Juveniles made up of representatives from the enacting states, which has rulemaking, enforcement and other powers. The compact would become effective upon enactment by the 35th state.

**Committee Amendment "A" (H-209)** proposed to incorporate a fiscal note.

### *Enacted Law Summary*

Public Law 2003, chapter 500 creates the Interstate Compact for Juveniles. The law enters Maine into a compact among enacting states to oversee, supervise and coordinate the interstate movement of juveniles who are on



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probation or parole. The compact creates a governing body called the Interstate Commission for Juveniles made up of representatives from the enacting states, which has rulemaking, enforcement and other powers. The compact becomes effective upon enactment by the 35th state.

**LD 1401**                      **An Act To Provide the Office of the State Fire Marshal with Adequate Funding for Construction Plans Review**                      **PUBLIC 358**

<u>Sponsor(s)</u> BUNKER STRIMLING	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-472
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LD 1401 proposed to allow the Commissioner of Public Safety to establish a fee schedule for the review of plans for construction, reconstruction or repairs to structures submitted to the Office of the State Fire Marshal that would cover the cost of providing the service so long as the fee did not exceed \$10,000.

**Committee Amendment "A" (H-472)** proposed to replace the bill. The amendment proposed to authorize the Commissioner of Public Safety to establish a fee schedule for the review of plans for construction, reconstruction or repairs to structures submitted to the Office of the State Fire Marshal. The amendment proposed that the fee schedule for new construction or new use would be 5¢ per square foot for occupied spaces and 2¢ per square foot for bulk storage occupancies, except that a fee for review of a plan for new construction by a public school could not exceed \$450. The amendment proposed that the fee schedule for reconstruction, repairs or renovations would be based on the cost of the project and could not exceed \$450. The amendment also proposed to add a fiscal note.

### *Enacted Law Summary*

Public Law 2003, chapter 358 authorizes the Commissioner of Public Safety to establish a fee schedule for the review of plans for construction, reconstruction or repairs to structures submitted to the Office of the State Fire Marshal. The fee schedule for new construction or new use is 5¢ per square foot for occupied spaces and 2¢ per square foot for bulk storage occupancies, except that a fee for review of a plan for new construction by a public school may not exceed \$450. The fee schedule for reconstruction, repairs or renovations is based on the cost of the project and may not exceed \$450.

**LD 1405**                      **An Act To Adjust Fees Charged for Licenses Issued by the Bureau of State Police Licensing Division**                      **ONTP**

<u>Sponsor(s)</u> BLANCHETTE MAYO	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1405 proposed to adjust fees collected for issuance of licenses and permits issued by the Department of Public Safety, Bureau of State Police, Licensing Division for games of chance and beano, contract security guard companies, private investigators and firearms permits.

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LD 1434

**An Act To Ensure Basic Standards for Death Investigations by  
Law Enforcement Agencies**

**PUBLIC 370**

<u>Sponsor(s)</u> BUNKER STRIMLING	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-474
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LD 1434 proposed to require law enforcement agencies to adopt a written policy to deal with death investigations, including the minimum standard protocol for death investigations published by the Department of the Attorney General.

**Committee Amendment "A" (H-474)** proposed to direct the Board of Trustees of the Maine Criminal Justice Academy to establish by January 1, 2004 the new model policy for death investigations that the bill required. The amendment also proposed to require that each law enforcement agency certify by June 1, 2004 to the board that the agency has adopted a death investigation policy and to require a law enforcement agency to certify by June 1, 2005 that the law enforcement agency has adopted orientation and training regarding the new policy.

This amendment also proposed to add a mandate preamble and a fiscal note to the bill.

***Enacted Law Summary***

Public Law 2003, chapter 370 requires law enforcement agencies to adopt a written policy to deal with death investigations, including the minimum standard protocol for death investigations published by the Department of the Attorney General. Public Law 2003, chapter 370 directs the Board of Trustees of the Maine Criminal Justice Academy to establish by January 1, 2004 the new model policy for death investigations. Public Law 2003, chapter 370 also requires that each law enforcement agency certify by June 1, 2004 to the board that the agency has adopted a death investigation policy and requires a law enforcement agency to certify by June 1, 2005 that the law enforcement agency has adopted orientation and training regarding the new policy.

LD 1436

**An Act To Clarify That an Individual Requestor of a State Bureau  
of Identification Record Check Must Pay a Fee**

**ONTP**

<u>Sponsor(s)</u> STRIMLING JODREY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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The Department of Public Safety, State Bureau of Identification has historically charged individuals, as well as organizations, to conduct criminal history record checks. LD 1436 proposed to clarify the language of the enabling statute to reflect that practice by adding individuals to the list of entities that could be charged a fee.

# Joint Standing Committee on Criminal Justice and Public Safety

LD 1449

An Act Regarding the State Police Command Staff

PUBLIC 360

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP-AM MAJ	S-211
JODREY	OTP-AM MIN	

The Chief of the State Police may appoint lieutenant colonels and majors to assist the chief. An appointee who is either removed by the chief for a reason other than malfeasance of office or is not reappointed by a new chief may return to the appointee's previous rank in the State Police if the appointee is not eligible to collect retirement benefits. LD 1449 proposed to reflect that the number of years of creditable service for a full service retirement benefit has increased from 20 years to 25 years.

**Committee Amendment "A" (S-211)** was the majority report of the Joint Standing Committee on Criminal Justice and Public Safety and proposed to replace the bill. The amendment proposed to maintain the language from the bill that reflects the number of years of creditable service for a full service retirement benefit has increased from 20 to 25 years. The amendment also proposed to amend the law to reflect that only one chief deputy may be appointed, instead of 2, which the law now authorizes. The amendment also proposed to make technical changes.

**Committee Amendment "B" (S-212)** was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety and proposed to replace the bill. The amendment proposed to maintain the language from the bill that reflects the number of years of creditable service for a full service retirement benefit has increased from 20 to 25 years. The amendment also proposed to amend the law to reflect that only one chief deputy may be hired and that the chief deputy and 2 majors are to be hired based on merit, instead of being appointed by the Chief of the State Police. The bill intended that the change from an appointment process to one of promotions based on merit would apply to the next officers hired to these positions and not to the current chief deputy and majors. The amendment also proposed to make technical changes. This amendment was not adopted.

## ***Enacted Law Summary***

Public Law 2003, chapter 360 amends the laws concerning State Police command staff. Under current law, the Chief of the State Police may appoint lieutenant colonels and majors to assist the chief. An appointee who is either removed by the chief for a reason other than malfeasance of office or is not reappointed by a new chief may return to the appointee's previous rank in the State Police if the appointee is not eligible to collect retirement benefits. Public Law 2003, chapter 360 reflects that the number of years of creditable service for a full service retirement benefit has increased from 20 years to 25 years. Public Law 2003, chapter 360 also amends the law to reflect that only one chief deputy may be appointed, instead of 2, which the law now authorizes.

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LD 1450

**An Act Regarding Railroad Police Training**

**PUBLIC 199**

<u>Sponsor(s)</u> STRIMLING JODREY	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1450 proposed to bring the references in the statutes that specifically address the training requirements for a railroad police officer up to date and into compliance with the current training requirements established for law enforcement officers through the Maine Criminal Justice Academy.

***Enacted Law Summary***

Public Law 2003, chapter 199 brings the references in the statutes that specifically address the training requirements for a railroad police officer up to date and into compliance with the current training requirements established for law enforcement officers through the Maine Criminal Justice Academy.

LD 1496

**An Act To Amend the Maine Juvenile Code**

**PUBLIC 180**

<u>Sponsor(s)</u> BUNKER CARPENTER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-189
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LD 1496 proposed to require the Juvenile Court to determine within 48 hours after a juvenile had been arrested if there were probable cause to believe that the juvenile had committed a juvenile crime. The bill proposed to require the Chief Judge of the District Court to have a Juvenile Court Judge available on Saturdays, Sundays and legal holidays. The bill also proposed to move the section of law that deals with detention of juveniles charged as adults from Title 15, section 1102 to section 3206.

**Committee Amendment "A" (H-189)** proposed to authorize justices of the peace to determine if there were probable cause to believe that a juvenile had committed a juvenile crime when a juvenile was arrested without a warrant for a juvenile crime or a violation of conditional release and was not released from custody or did not receive a detention hearing within 48 hours after arrest. In the bill, only Juvenile Court Judges had that authorization. The amendment proposed to remove the requirement that the Chief Judge of the District Court provide that a Juvenile Court Judge be available on all days, including Saturdays, Sundays and legal holidays, since justices of the peace would now also have authority to make these probable cause determinations. This amendment also proposed to strike "testimony" from the types of evidence that could be used to establish probable cause and to add a fiscal note to the bill.

***Enacted Law Summary***

Public Law 2003, chapter 180 requires that a Juvenile Court Judge or a justice of the peace determine whether there is probable cause to believe that a juvenile has committed a juvenile crime when a juvenile is arrested without a warrant for a juvenile crime or a violation of conditional release and is not released from custody or does not receive a detention hearing within 48 hours after arrest. Public Law 2003, chapter 180 also moves the

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section of law that deals with detention of juveniles charged as adults from Title 15, section 1102 to section 3206.

LD 1497

**An Act To Amend the Laws Pertaining to the Department of Corrections**

**PUBLIC 205**

<u>Sponsor(s)</u> BUNKER STRIMLING	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-248
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LD 1497 proposed to:

1. Provide that, upon the request of the Department of Corrections, an adult in the drug court be required to pay a substance testing fee. This is similar to a provision that applies to adult probationers under Title 17-A, section 1204;
2. Amend the supervised community confinement program to allow release to a hospice when medically appropriate;
3. Specify that the sheriff must directly provide all jail time credits to the department. Currently, post-sentencing jail time credits are provided by the sheriff, but presentence jail time credits are provided by the prosecutor, who receives this information from the sheriff and relays the information to the correctional facility. This change would eliminate a step in the process and make the flow of information more efficient and timely;
4. Replace Title 34-A, section 3003 with Title 34-A, section 1216. This provision applies to probationers as well as prisoners, so it did not belong in the Part of the Title that covers only correctional facilities. The language of the provision was not changed;
5. Delete Title 34-A, section 3036 pertaining to halfway houses, as this section is obsolete and unnecessary; and
6. Fix cross-references to reflect the sections of law repealed by this bill.

**Committee Amendment "A" (H-248)** proposed that, upon the request of the Department of Corrections, the court may order a defendant to pay a substance abuse testing fee as a requirement of participation in the alcohol or drug treatment program. This amendment also proposed to give the attorney for the State an opportunity to review calculations of presentence detention for purposes of determining when a defendant may be released from incarceration. The amendment also proposed to add an appropriation and allocation section and fiscal note to the bill.

***Enacted Law Summary***

Public Law 2003, chapter 205 does the following.

1. It provides that, upon the request of the Department of Corrections, a court may order a defendant to pay a substance testing fee as a requirement of participation in an alcohol or drug treatment program.

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2. It amends the supervised community confinement program to allow release to a hospice when medically appropriate.
3. It updates language in the crime of assault against a corrections officer.
4. It clarifies the process for revocation of a period of supervised release of sex offenders pursuant to Title 17-A, subchapter 50. Public Law 2003, chapter 205 clarifies that when a person's supervised release is revoked, the remaining period of supervised release that is not required to be served in prison remains in effect to be served after the person is released and is subject to revocation again. This clarification is consistent with the process for revocation of probation.
5. It clarifies the process for sheriffs communicating information regarding presentence jail time credits. It requires a sheriff to provide all presentence jail time credits to the department and to the attorney for the State for the attorney's review. The attorney for the State then has a 15-day opportunity to review calculations of presentence detention for purposes of determining when a defendant may be released from incarceration.
6. It also fixes cross-references, repeals obsolete language and makes technical corrections.

LD 1498

### An Act To Improve Access by the Department of Corrections to Federal Funds under Title IV-E of the Federal Social Security Act

PUBLIC 503

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING GERZOFISKY	OTP-AM	S-118 S-301 CATHCART

LD 1498 proposed to amend Title 15, section 3314, subsection 1, paragraph H so that when a juvenile was given a "shock" sentence, or 30-day short term sentence, the court would have to make the reasonable-efforts determination required for federal funding under Title IV-E of the Social Security Act. This bill also proposed to amend Title 15, section 3314, subsection 2 to add a provision so that whenever a probation revocation resulted in a juvenile's being committed to a department facility, whether for an indeterminate time or for a "shock" sentence, the court would have to make the reasonable-efforts determination required for federal funding under Title IV-E of the Social Security Act. Similarly, Title 15, section 3314 would be amended so that the determination was made whenever a court orders continued detention pending a probation revocation. Compliance with the requirements of Title IV-E is necessary to receive federal funds for juveniles who are placed outside of their homes. Finally, this bill proposed to amend Title 15, section 3315, subsection 3 to end the reviews of these reasonable-efforts determinations once a juvenile reached 18 years of age, when eligibility for federal funding would cease.

**Committee Amendment "A" (S-118)** proposed to add an appropriation and allocation section to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-301)** proposed to remove the General Fund appropriation to the Judicial Department.

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### *Enacted Law Summary*

Public Law 2003, chapter 503 amends the Maine Revised Statutes, Title 15, section 3314, subsection 1, paragraph H so that when a juvenile is given a "shock" sentence, or 30-day short term sentence, the court must make the reasonable-efforts determination required for federal funding under Title IV-E of the Social Security Act. Public Law 2003, chapter 503 also amends Title 15, section 3314, subsection 2 to add a provision so that whenever a probation revocation results in a juvenile's being committed to a department facility, whether for an indeterminate time or for a "shock" sentence, the court must make the reasonable-efforts determination required for federal funding under Title IV-E of the Social Security Act. Similarly, Public Law 2003, chapter 503 amends Title 15, section 3314 so that the determination is made whenever a court orders continued detention pending a probation revocation. Compliance with the requirements of Title IV-E is necessary to receive federal funds for juveniles who are placed outside of their homes. Finally, Public Law 2003, chapter 503 amends Title 15, section 3315, subsection 3 to end the reviews of these reasonable-efforts determinations once a juvenile reaches 18 years of age, when eligibility for federal funding ceases.

**LD 1510**

**An Act To Improve Access to the Victims' Compensation Fund**

**PUBLIC 243**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER STRIMLING	OTP-AM	H-277

LD 1510 proposed to make the following changes to the laws regarding the Victims' Compensation Fund:

1. Expand the definition of family or household member to include other individuals "who bear an equally significant relationship to the victim";
2. Add leaving the scene of a motor vehicle accident to the list of covered crimes if the crime results in personal injury or death;
3. Add to eligible expenses repair or replacement of locks or other security devices;
4. Extend the application filing deadline from one year to 3 years;
5. Require disclosure of relevant health care information to the Victims' Compensation Board pursuant to a victim's signed application to the board; and
6. Provide for reimbursement to the Victims' Compensation Fund from restitution payments made by the offender after the victim's actual losses are covered.

**Committee Amendment "A" (H-277)** proposed to clarify the definition of "family or household member" in section 3 of the bill. This amendment proposed to clarify the process by which providers and others who pay the costs of health care must submit to the board any information that is required to support a claimant's application or that is necessary to process a claim for payment. This amendment also proposed to clarify that restitution collected for the benefit of victims includes restitution collected at a county jail or prison.

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### Enacted Law Summary

Public Law 2003, chapter 243 makes the following changes to the laws regarding the Victims' Compensation Fund.

1. It expands the definition of family or household member to include other individuals "who bear an equally significant relationship to the victim."
2. It adds leaving the scene of a motor vehicle accident to the list of covered crimes if the crime results in personal injury or death.
3. It adds to eligible expenses repair or replacement of locks or other security devices.
4. It extends the application filing deadline from one year to 3 years.
5. It requires disclosure of relevant health care information to the Victims' Compensation Board pursuant to a victim's signed application to the board.
6. It provides for reimbursement to the Victims' Compensation Fund from restitution payments made by the offender after the victim's actual losses are covered.

LD 1514

### An Act To Amend the Sex Offender Registration and Notification Laws

PUBLIC 371

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J CARPENTER	OTP-AM MAJ ONTP MIN	H-420

LD 1514 proposed to make several changes to the sex offender registration and notification laws. Specifically, the bill proposed to do the following:

1. Expand the definition of "sex offense" to include 2 crimes regarding sexual exploitation of minors. The bill proposed to add the crimes of dissemination of sexually explicit materials and possession of sexually explicit materials to the definition of "sex offense;"
2. Repeal a provision of law that requires the Department of Public Safety, State Bureau of Identification to maintain a directory of sexually violent predators. This provision is redundant, since the Maine Revised Statutes, Title 34-A, section 11221, subsection 1 requires the bureau to maintain a registry of all persons required to register under the chapter;
3. Clarify the process for distribution of sex offender and sexually violent predator registration information to the Department of Corrections and law enforcement agencies and clarify what access to that information the public and sex offenders or sexually violent predators have;
4. Clarify that a sex offender or sexually violent predator shall notify the Department of Public Safety, State Bureau of Identification in writing when that person's place of employment or college or school changes, as a sex offender or sexually violent predator is required to do for a change in domicile;



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5. Specify that a person required under another jurisdiction to register pursuant to that jurisdiction's registration statute shall register in this State when establishing domicile here or when employed or attending school here, since every state does not use the terms "sex offender" and "sexually violent predator"; and
6. Add county jails and state mental health institutes to the list of entities required to provide notification to the Department of Public Safety, State Bureau of Identification of a sex offender's or sexually violent predator's conditional release or discharge from that entity's facility.

**Committee Amendment "A" (H-420)** was the majority report. The amendment proposed to address an evidentiary issue by creating a provision that is similar to that authorizing the Secretary of State to use computer transcripts as evidence. This amendment proposed to specify that a signed and sworn certificate by the custodian of the records of the Department of Public Safety, Bureau of State Police, State Bureau of Identification would be admissible in a judicial or administrative proceeding as prima facie evidence of any fact stated in the certificate or in any documents attached to the certificate. This change would eliminate the need to bring the custodian of the records to the court. The amendment also proposed to clarify that a court determines at the time of sentencing whether a person is a sex offender or sexually violent predator. The amendment also proposed to add a mandate preamble and fiscal note to the bill.

### ***Enacted Law Summary***

Public Law 2003, chapter 371 makes several changes to the sex offender registration and notification laws. Public Law 2003, chapter 371 does the following.

1. It expands the definition of "sex offense" to include 2 crimes regarding sexual exploitation of minors. The crimes of dissemination of sexually explicit materials and possession of sexually explicit materials are added to the definition of "sex offense."
2. It repeals a provision of law that requires the Department of Public Safety, State Bureau of Identification to maintain a directory of sexually violent predators. This provision is redundant, since Title 34-A, section 11221, subsection 1 requires the bureau to maintain a registry of all persons required to register under the chapter.
3. It clarifies the process for distribution of sex offender and sexually violent predator registration information to the Department of Corrections and law enforcement agencies and clarifies what access to that information the public and sex offenders or sexually violent predators have.
4. It clarifies that a sex offender or sexually violent predator shall notify the Department of Public Safety, State Bureau of Identification in writing when that person's place of employment or college or school changes, as a sex offender or sexually violent predator is required to do for a change in domicile.
5. Since every state does not use the terms "sex offender" and "sexually violent predator," this law specifies that a person required under another jurisdiction to register pursuant to that jurisdiction's registration statute shall register in this State when establishing domicile here or when employed or attending school here.
6. It adds county jails and state mental health institutes to the list of entities required to provide notification to the Department of Public Safety, State Bureau of Identification of a sex offender's or sexually violent predator's conditional release or discharge from that entity's facility.

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7. It addresses an evidentiary issue by creating a provision that is similar to that authorizing the Secretary of State to use computer transcripts as evidence. Public Law 2003, chapter 371 specifies that a signed and sworn certificate by the custodian of the records of the Department of Public Safety, Bureau of State Police, State Bureau of Identification is admissible in a judicial or administrative proceeding as prima facie evidence of any fact stated in the certificate or in any documents attached to the certificate. This change eliminates the need to bring the custodian of the records to the court.
8. It also clarifies that a court determines at the time of sentencing whether a person is a sex offender or sexually violent predator.

LD 1524

### An Act To Conform to Federal Standards Maine's Law Regarding Strip Searches of Persons in Custody

PUBLIC 196

<u>Sponsor(s)</u> BUNKER STRIMLING	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-232
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LD 1524 proposed to seek to conform the law on strip searches to developments in case law since the initial enactment of this statute. Before a law enforcement officer authorizes a strip or body cavity search of any person arrested for a Class D or E crime or a traffic violation not punishable by more than 30 days in jail, that officer must have, at a minimum, a reasonable suspicion that the person is concealing a weapon, contraband or evidence of a crime. The fact that the person was about to come into contact with the inmate population of a detention facility was no longer justification for dispensing with the reasonable suspicion requirement for persons arrested for minor crimes, traffic violations and ordinance violations.

**Committee Amendment "A" (H-232)** proposed to replace the bill. The law in this area is insufficiently precise to be codified in statute, so the amendment proposed to repeal the law. The rules provided for in Title 5, section 200-G, subsection 1 are a sufficient means to provide guidance to law enforcement officers in this area and are much easier to amend if case law developments warrant such a change.

#### *Enacted Law Summary*

Public Law 2003, chapter 196 repeals Title 5 section 200-G, subsection 2, paragraph A, which governed the use of strip searches. Because the law is insufficiently precise to be codified in statute, the rules provided for in the Title 5, section 200-G, subsection 1 are a sufficient means to provide guidance to law enforcement officers in this area and are much easier to amend if case law developments warrant such a change.

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**LD 1526**

**Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections**

**RESOLVE 26  
EMERGENCY**

Sponsor(s)

Committee Report  
OTP

Amendments Adopted

LD 1526 proposed to provide for legislative review of Chapter 15: Batterer Intervention Program Certification, a major substantive rule of the Department of Corrections.

***Enacted Law Summary***

Resolve 2003, chapter 26 provides for legislative review of Chapter 15: Batterer Intervention Program Certification, a major substantive rule of the Department of Corrections. The Joint Standing Committee on Criminal Justice and Public Safety authorized final adoption of the rule without amendment.

Resolve 2003, chapter 26 was passed as an emergency measure effective May 16, 2003.

**LD 1546**

**An Act To Amend Certain Provisions Relating to a Permit To Carry Concealed Firearms To Be Consistent with Changes to the Statute Relating to Possession of Firearms by Prohibited Persons**

**PUBLIC 341**

Sponsor(s)  
CARR

Committee Report  
OTP

Amendments Adopted

LD 1546 proposed to amend the requirements for the issuance of a permit to carry concealed firearms by the issuing authority to incorporate into the requirements the recent changes made to the Maine Revised Statutes, Title 15, section 393 relating to possession of firearms by prohibited persons pursuant to Public Law 2001, chapter 549. Additionally, this bill proposed to add a permit to carry firearms provision in Title 25, section 2002 definitions for "conviction," "not criminally responsible by reason of mental disease or defect," "State," "state" and "use of dangerous weapon." Each definition is contained in Title 15, section 393.

***Enacted Law Summary***

Public Law 2003, chapter 341 amends the requirements for the issuance of a permit to carry concealed firearms by the issuing authority to incorporate into the requirements the recent changes made to the Title 15, section 393 relating to possession of firearms by prohibited persons pursuant to Public Law 2001, chapter 549. Public Law 2003, chapter 341 also adds a permit to carry firearms provision in Title 25, section 2002 definitions for "conviction," "not criminally responsible by reason of mental disease or defect," "State," "state" and "use of dangerous weapon." Each definition is contained in Title 15, section 393.

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LD 1573

### An Act To Make Minor Changes to the Required Law Enforcement Policies

PUBLIC 361

<u>Sponsor(s)</u> STRIMLING JODREY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-203
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LD 1573 proposed to make minor changes to the requirements contained within the mandatory law enforcement policy on domestic violence. Law enforcement agencies must have policies that require the collection of certain information by an officer that is to be provided to the bail commissioner after the arrest of a person involved in a domestic violence incident. The bill proposed to change a reference to a risk assessment to the collection of information, since the arresting officers do not perform risk assessments. Secondly, the bill proposed to amend requirements regarding retrieval of personal property to allow for, rather than require, a neutral location for the exchange and to give the victim the option of 24 hours' notice to each party prior to retrieval rather than requiring it.

**Committee Amendment "A" (S-203)** proposed to add a mandate preamble and a fiscal note to the bill.

#### *Enacted Law Summary*

Public Law 2003, chapter 361 makes minor changes to the requirements contained within the mandatory law enforcement policy on domestic violence. Law enforcement agencies must have policies that require the collection of certain information by an officer that is to be provided to the bail commissioner after the arrest of a person involved in a domestic violence incident. A reference to a risk assessment is changed to the collection of information. The arresting officer does not perform a risk assessment. Secondly, the requirements regarding retrieval of personal property are modified slightly to allow for, rather than require, a neutral location for the exchange and to give the victim the option of 24 hours' notice to each party prior to retrieval rather than requiring it.

LD 1592

### An Act To Amend the Department of Corrections' Laws Pertaining to Juvenile Offenders

PUBLIC 410

<u>Sponsor(s)</u> BUNKER HATCH PH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-473
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LD 1592 proposed to eliminate terms of imprisonment in county jails for juveniles who committed adult offenses under Titles 12 and 29-A, such as operating after suspension, night hunting and operating an ATV on a public way, but would have provided, if the juvenile did not comply with the sentence given, that the juvenile committed a new juvenile crime.

The bill proposed to amend the purposes of juvenile institutions to eliminate the references to preliminary hearings since these are no longer held for juveniles. The bill proposed to amend the definition of "juvenile detainee" to include a juvenile detained for a drug court sanction under Title 15, section 3312, subsection 3, paragraph D. This would clarify that juveniles sanctioned by a drug court are considered detainees under the

## *Joint Standing Committee on Criminal Justice and Public Safety*

provisions of Title 34-A. The bill proposed to clarify that the Long Creek Youth Development Center and the Mountain View Youth Development Center are both detention and correctional facilities. The bill also proposed to replace references to "aftercare" with "community reintegration" throughout Title 34-A to reflect current terminology and to allow a juvenile detainee to be hospitalized in a nonstate psychiatric hospital if ordered by the court by way of a procedure known as the "blue paper" process.

**Committee Amendment "A" (H-473)** proposed to make a technical correction and replace another reference to "after-care" in Title 34-A with "community reintegration."

### ***Enacted Law Summary***

Public Law 2003, chapter 410 eliminates terms of imprisonment in county jails for juveniles who commit adult offenses under Titles 12 and 29-A, such as operating after suspension, night hunting and operating an ATV on a public way, but provides, if the juvenile doesn't comply with the sentence given, the juvenile commits a juvenile crime.

Public Law 2003, chapter 410 amends the purposes of juvenile institutions to eliminate the references to preliminary hearings since these are no longer held for juveniles. Public Law 2003, chapter 410 amends the definition of "juvenile detainee" to include a juvenile detained for a drug court sanction under Title 15, section 3312, subsection 3, paragraph D. This clarifies that juveniles sanctioned by a drug court are considered detainees under the provisions of Title 34-A. Public Law 2003, chapter 410 clarifies that the Long Creek Youth Development Center and the Mountain View Youth Development Center are both detention and correctional facilities. Public Law 2003, chapter 410 also replaces references to "aftercare" with "community reintegration" throughout Title 34-A to reflect current terminology. Finally, Public Law 2003, chapter 410 allows a juvenile detainee to be hospitalized in a nonstate psychiatric hospital if ordered by the court by way of a procedure known as the "blue paper" process.

**LD 1622**

**An Act To Amend the Laws Regarding Prisoner Participation in Public Works Projects**

**PUBLIC 413**

Sponsor(s)

Committee Report

Amendments Adopted

H-513 BUNKER

Public Law 2001, chapter 171 authorized county sheriffs instead of a court to make decisions concerning prisoner employment, participation in public works and participation in electronic monitoring and intensive supervision outside the jail. However, the law repeals that authorization 90 days after the adjournment of the First Regular Session of the 121st Legislature. LD 1622 proposed to repeal the reversion to the courts so that county sheriffs could continue to make decisions regarding prisoner participation in employment, public works, electronic monitoring and intensive supervision.

**House Amendment "A" (H-513)** proposed to direct that the wages or salaries of employed prisoners and employment income of self-employed prisoners must be disbursed by the sheriff for fines, forfeitures and penalties, attorney's fees and surcharges after the wages or salaries are disbursed for the prisoner's board, the prisoner's work-related expenses, the prisoner's support of that prisoner's dependents and for restitution to victims.

## *Joint Standing Committee on Criminal Justice and Public Safety*

### *Enacted Law Summary*

Public Law 2003, chapter 413 amends the laws regarding prisoner participation in public works projects.

Public Law 2001, chapter 171 authorized county sheriffs instead of a court to make decisions concerning prisoner employment, participation in public works and participation in electronic monitoring and intensive supervision outside the jail. However, the law repeals that authorization 90 days after the adjournment of the First Regular Session of the 121st Legislature. Public Law 2003, chapter 413 repeals the reversion to the courts so that county sheriffs will continue to make decisions regarding prisoner participation in employment, public works, electronic monitoring and intensive supervision. Public Law 2003, chapter 413 also directs that the wages or salaries of employed prisoners and employment income of self-employed prisoners must be disbursed by the sheriff for fines, forfeitures and penalties, attorney's fees and surcharges after the wages or salaries are disbursed for the prisoner's board, the prisoner's work-related expenses, the prisoner's support of that prisoner's dependents and for restitution to victims.

*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Education and Cultural Affairs*

*July 2003*

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**JOINT STANDING COMMITTEE ON  
EDUCATION AND CULTURAL AFFAIRS**

**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>	82	91.1%	5.0%
<i><u>Bills Carried Over</u></i>	<u>8</u>	<u>8.9%</u>	<u>0.5%</u>
<b>Total Bills referred</b>	<b>90</b>	<b>100.0%</b>	<b>5.5%</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>90</b>	<b>100.0%</b>	<b>5.5%</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%
<i><u>Orders and Resolutions Carried Over</u></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>	7	8.5%	0.5%
<i>Ought to Pass as Amended</i>	18	22.0%	1.2%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>47</u>	<u>57.3%</u>	<u>3.2%</u>
<b>Total unanimous reports</b>	<b>72</b>	<b>87.8%</b>	<b>4.9%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	10	12.2%	0.7%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>10</b>	<b>12.2%</b>	<b>0.7%</b>
<b>Total committee reports</b>	<b>82</b>	<b>100.0%<sup>1</sup></b>	<b>5.6%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>5</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>	21	23.3%	1.3%
<i>Private and Special Laws</i>	1	1.1%	0.1%
<i>Resolves</i>	6	6.7%	0.4%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>28</b>	<b>31.1%</b>	<b>1.7%</b>
<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>	2	100.0%	13.3%
<i><u>Rules not authorized by the Legislature</u></i>	<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>13.3%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	1	1.1%	0.1%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>1</b>	<b>1.1%</b>	<b>0.1%</b>

Prepared by the Office of Policy and Legal Analysis  
121st Legislature, First Regular Session



## Joint Standing Committee on Education and Cultural Affairs

### SUBJECT INDEX

#### *Administration, Department of Education, State Board, and School Governance*

##### Enacted

LD 8	An Act to Change the Membership of the Board of Trustees of the Maine School of Science and Mathematics	PUBLIC 4	Page 314
LD 262	An Act To Require That Disciplinary, Attendance and Health Records Be Included in the Records That Follow a Student Who Transfers to Another School	PUBLIC 472	Page 322
LD 420	An Act Regarding the School Board of the Governor Baxter School for the Deaf	PUBLIC 115	Page 325
LD 527	An Act To Improve the Method of Reapportionment of School Boards	PUBLIC 57 EMERGENCY	Page 327
LD 541	An Act To Ensure Timely Responses to Requests for School Administrative District Reapportionments	PUBLIC 354 EMERGENCY	Page 328
LD 628	Resolve, Directing the Department of Education To Develop Guidelines for Outdoor Playground Surfaces	RESOLVE 10	Page 330
LD 1032	An Act Concerning the Processing Time for Substitute and Regular School Employee Fingerprinting	PUBLIC 184	Page 340
LD 1508	Resolve, Regarding Legislative Review of Chapter 7: Rules Advancing the Performance of Sound Student Safety Practices in Maine's Public Schools and Colleges, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards, Board of Occupational Safety and Health	RESOLVE 56 EMERGENCY	Page 356
LD 1577	An Act To Amend and Improve the Education Laws	PUBLIC 477	Page 359

**Not Enacted**

<b>LD 13</b>	<b>An Act to Establish a Visual and Performing Arts Position for the Department of Education</b>	<b>ONTP</b>	<b>Page 314</b>
<b>LD 104</b>	<b>An Act to Help Public Schools Promote Public Health and Address Childhood Obesity</b>	<b>CARRIED OVER</b>	<b>Page 316</b>
<b>LD 203</b>	<b>An Act to Establish the Full Right of Petition and Redress in Local School Board Decisions</b>	<b>ONTP</b>	<b>Page 321</b>
<b>LD 230</b>	<b>An Act Concerning Restructuring of School Districts</b>	<b>CARRIED OVER</b>	<b>Page 322</b>
<b>LD 386</b>	<b>An Act to Exempt School Units From Liability When Releasing Information Regarding School Employees Accused of a Crime</b>	<b>ONTP</b>	<b>Page 324</b>
<b>LD 499</b>	<b>An Act To Allow a Parent To Choose Not To Vaccinate a Child against Chicken Pox for School Attendance</b>	<b>ONTP</b>	<b>Page 327</b>
<b>LD 641</b>	<b>An Act To Implement a Recommendation of the Commission on Fatherhood Issues Related to Parental Notice of School Activities and Programs</b>	<b>ONTP</b>	<b>Page 330</b>
<b>LD 653</b>	<b>An Act To Repeal the Fingerprinting Requirement for Teachers and School Employees</b>	<b>DIED IN CONCURRENCE</b>	<b>Page 331</b>
<b>LD 822</b>	<b>An Act To Provide Greater Protection for School Children</b>	<b>ONTP</b>	<b>Page 335</b>
<b>LD 890</b>	<b>An Act To Restrict Fingerprinting of Educational Personnel to New Applicants for Certification, Authorization or Approval</b>	<b>VETO SUSTAINED</b>	<b>Page 337</b>
<b>LD 1103</b>	<b>An Act To Protect Children from Indecent Material on the Internet</b>	<b>ONTP</b>	<b>Page 343</b>
<b>LD 1198</b>	<b>An Act Regarding the Criminal History Record Check of School Employees</b>	<b>ONTP</b>	<b>Page 345</b>
<b>LD 1250</b>	<b>An Act To Provide an Exception to the Laws Governing Fingerprinting of Educational Personnel</b>	<b>ONTP</b>	<b>Page 346</b>
<b>LD 1344</b>	<b>An Act To Give Teachers a Greater Voice in School Improvement</b>	<b>CARRIED OVER</b>	<b>Page 350</b>

**LD 1365**            **An Act To Assist Maine Educators in Meeting the Quality Requirements of the Federal Elementary and Secondary Education Act of 1965**            **CARRIED OVER**    **Page 350**

**LD 1374**            **An Act To Ensure That No Maine Child Is Left behind by Improving the Overall Education of Disadvantaged Children and Complying with New Federal Education Funding Requirements**            **ONTP**    **Page 352**

*Adult Education*

Enacted

None

Not Enacted

None

*Alternative Education, Charter Schools and School Choice*

Enacted

**LD 160**            **An Act To Amend the Laws Governing Home Instruction**            **PUBLIC 181**    **Page 317**  
**EMERGENCY**

**LD 987**            **An Act To Establish Consistent Requirements for High School Course Credits and Diploma Eligibility**            **PUBLIC 271**    **Page 340**

Not Enacted

**LD 182**            **An Act to Eliminate Discrimination Against Parents Who Want to Send Their Children to Religious Private Schools**            **ONTP**    **Page 320**

**LD 687**            **An Act To Allow Home Schooled Athletes To Play on Private School Teams**            **ONTP**    **Page 331**

**LD 1229**            **An Act To Provide School Vouchers to Students in Overcrowded Schools**            **ONTP**    **Page 346**

**LD 1241**            **An Act To Provide Tuition Subsidies for Students in High-growth Areas**            **ONTP**    **Page 346**

LD 1391                      An Act To Approve Public Charter Schools in Maine                      ONTP Page 352

*Applied Technology Education*

Enacted

None

Not Enacted

LD 1133                      Resolve, To Establish the Study Committee to Study                      ONTP Page 344  
the Feasibility of a 4-year High School Vocational  
Program

*Cultural Affairs*

Enacted

LD 84                      An Act To Reimburse the State Poet Laureate and                      PUBLIC 300 Page 316  
To Provide Access to the State Poet Laureate's  
Services

LD 477                      An Act To Establish the Maine Week of Heroes                      PUBLIC 56 Page 326

LD 1069                      Resolve, Directing the Maine State Cultural Affairs                      RESOLVE 18 Page 342  
Council To Examine Available Funding for Local  
Historical Societies

Not Enacted

LD 660                      An Act To Create the Maine Humanities Authority                      ONTP Page 331

*Curriculum, Instruction, Textbooks and Testing*

Enacted

LD 425                      Resolve, To Prepare Maine's Students for Active                      RESOLVE 85 Page 325  
Citizenship

LD 553                      Resolve, To Study the Needs of Deaf and Hard-of-                      RESOLVE 84 Page 328  
hearing Children and Adolescents

**LD 592**                    **An Act Regarding Age Eligibility for Enrollment in a Public Secondary School**                    **PUBLIC 116** Page 329  
**EMERGENCY**

**LD 751**                    **An Act To Implement the Recommendations of the Legislative Youth Advisory Council**                    **PUBLIC 481** Page 333  
**EMERGENCY**

**Not Enacted**

**LD 13**                    **An Act to Establish a Visual and Performing Arts Position for the Department of Education**                    **ONTP** Page 314

**LD 177**                    **An Act to Ensure that Emergency Medical Help is Available to All School Children and Personnel**                    **CARRIED OVER** Page 319

**LD 195**                    **An Act to Facilitate Summer Employment for Youths**                    **CARRIED OVER** Page 320

**LD 825**                    **An Act To Establish a Special Education Secondary School Diploma**                    **ONTP** Page 336

**LD 931**                    **An Act To Provide Certain Health Emergency Training to High School Seniors**                    **ONTP** Page 338

**LD 1036**                    **An Act To Clarify Curriculum Requirements for Gifted and Talented High School Students**                    **ONTP** Page 341

**LD 1130**                    **An Act To Protect Children from Classes Contradictory to Their Religious Beliefs**                    **ONTP** Page 344

**LD 1133**                    **Resolve, To Establish the Study Committee to Study the Feasibility of a 4-year High School Vocational Program**                    **ONTP** Page 344

***Postsecondary Education Finance and Student Aid***

**Enacted**

**LD 326**                    **An Act To Increase Access to Higher Education**                    **PUBLIC 187** Page 323  
**EMERGENCY**

**LD 1296**                    **An Act To Amend the Maine State Grant Program**                    **PUBLIC 103** Page 347

**LD 1340**                    **An Act To Amend the Educators for Maine Program**                    **PUBLIC 427** Page 348

**Not Enacted**

<b>LD 301</b>	<b>An Act To Allow Access to State Postsecondary Educational Institutions to Maine Seniors</b>	<b>ONTP Page 323</b>
<b>LD 715</b>	<b>An Act to Assist Visual Care Providers in the State</b>	<b>ONTP Page 332</b>
<b>LD 763</b>	<b>Resolve, Directing the Department of Professional and Financial Regulation To Establish a Degree Program for Denturism</b>	<b>ONTP Page 335</b>
<b>LD 1046</b>	<b>An Act To Expand Waiver of Tuition Payments to All Active Duty Military Personnel Who Are Maine Residents</b>	<b>ONTP Page 342</b>
<b>LD 1302</b>	<b>An Act To Expand Access to Higher Education</b>	<b>ONTP Page 347</b>
<b>LD 1384</b>	<b>An Act To Provide Student Loan Forgiveness to Maine Employees</b>	<b>ONTP Page 352</b>

***Postsecondary Education Governance and Coordination***

**Enacted**

<b>LD 1116</b>	<b>An Act Regarding University of Maine System Boards of Visitors</b>	<b>P &amp; S 14 Page 343</b>
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**Not Enacted**

<b>LD 23</b>	<b>An Act Authorizing the University of Maine System to Enter into Cooperative Agreements with Local Law Enforcement Agencies</b>	<b>ONTP Page 314</b>
<b>LD 442</b>	<b>Resolve, Directing the President of Each University Campus To Meet With Local Municipal Officers To Negotiate Reasonable and Appropriate Financial Support for Municipal Services Provided</b>	<b>ONTP Page 326</b>
<b>LD 597</b>	<b>An Act To Establish a Community College System in Maine</b>	<b>ONTP Page 329</b>
<b>LD 1269</b>	<b>An Act To Support Maine's Educational Needs through a Public Education Partnership</b>	<b>ONTP Page 347</b>
<b>LD 1369</b>	<b>An Act To Establish the Maine Community College System</b>	<b>ONTP Page 351</b>

## *Safe Schools and Student Conduct*

### Enacted

LD 262	An Act To Require That Disciplinary, Attendance and Health Records Be Included in the Records That Follow a Student Who Transfers to Another School	PUBLIC 472 Page 322
LD 425	Resolve, To Prepare Maine's Students for Active Citizenship	RESOLVE 85 Page 325

### Not Enacted

LD 641	An Act To Implement a Recommendation of the Commission on Fatherhood Issues Related to Parental Notice of School Activities and Programs	ONTP Page 330
LD 1103	An Act To Protect Children from Indecent Material on the Internet	ONTP Page 343

## *School Budgets*

### Enacted

LD 69	An Act To Clarify the Intent of School Budget Referendum Language	PUBLIC 474 Page 315
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### Not Enacted

LD 1202	An Act To Require Consistency in the School Budget Process	ONTP Page 345
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## *School Construction, Facilities and Buses*

### Enacted

LD 199	Resolve, Directing the Department of Agriculture, Food and Rural Resources, the Department of Education, the Department of Human Services and the Department of Labor To Review the 2002 United States Environmental Protection Agency List of Pesticides Registered and Classified as Known, Likely or Probable Human Carcinogens	RESOLVE 48 Page 320 EMERGENCY
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<b>LD 628</b>	<b>Resolve, Directing the Department of Education To Develop Guidelines for Outdoor Playground Surfaces</b>	<b>RESOLVE 10 Page 330</b>
<b>LD 842</b>	<b>An Act Relating to Portable Classrooms for Certain Cases</b>	<b>PUBLIC 314 Page 336</b>
<b>LD 1465</b>	<b>Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate Located in Hallowell and To Enter into Lease-purchase Agreements for School Bus Acquisition</b>	<b>RESOLVE 92 Page 355</b>
<b>LD 1508</b>	<b>Resolve, Regarding Legislative Review of Chapter 7: Rules Advancing the Performance of Sound Student Safety Practices in Maine's Public Schools and Colleges, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards, Board of Occupational Safety and Health</b>	<b>RESOLVE 56 Page 356 EMERGENCY</b>
<b>LD 1564</b>	<b>An Act Regarding School Bus Contracts</b>	<b>PUBLIC 325 Page 359 EMERGENCY</b>
<b>LD 1615</b>	<b>An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 71</b>	<b>P &amp; S 20 Page 361 EMERGENCY</b>
<b><u>Not Enacted</u></b>		
<b>LD 149</b>	<b>An Act to Transfer Bureau of General Services School Construction Functions to the Maine Department of Education</b>	<b>CARRIED OVER Page 317</b>
<b>LD 624</b>	<b>Resolve, Directing the Department of Education to Use Money for School Transportation Costs for Payment of School Crossing Guards</b>	<b>ONTP Page 330</b>
<b>LD 822</b>	<b>An Act To Provide Greater Protection for School Children</b>	<b>ONTP Page 335</b>
<b>LD 1355</b>	<b>An Act To Increase State Funding for Renovation, Repair and Replacement of Schools for Local Communities by Limiting the State's Debt Limit for New School Construction</b>	<b>ONTP Page 350</b>



LD 1484                    **An Act To Amend the School Construction Program**                    ONTP Page 356

*School Finance*

Enacted

LD 1623                    **An Act To Implement School Funding Based on  
Essential Programs and Services**                    PUBLIC 504 Page 361

Not Enacted

LD 162                    **An Act to Provide for the Fair Distribution of  
Resources for Teaching Students of Limited  
Proficiency in English**                    ONTP Page 319

LD 344                    **An Act To Amend the School Finance Act**                    ONTP Page 324

LD 624                    **Resolve, Directing the Department of Education to  
Use Money for School Transportation Costs for  
Payment of School Crossing Guards**                    ONTP Page 330

LD 744                    **An Act To Ensure Improved Stability in School  
Funding Distributions**                    ONTP Page 332

LD 850                    **An Act To Establish a New School Funding Formula**                    ONTP Page 337

LD 828                    **An Act To Phase In General Purpose Aid for Local  
Schools Funding Losses Over Time**                    ONTP Page 336

LD 1112                    **An Act To Restore an Annual Adjustment for Costs  
to the School Funding Formula**                    ONTP Page 343

LD 1205                    **Resolve, Regarding the Effect of the Income Factor  
on General Purpose Aid for Local Schools**                    ONTP Page 345

LD 1303                    **An Act To Provide for Full State Funding for Special  
Education Costs**                    ONTP Page 348

LD 1422                    **An Act To Promote Student and Taxpayer Equity in  
the School Funding Formula**                    ONTP Page 353

LD 1432                    **An Act Regarding the Factors Used for General  
Purpose Aid in the Essential Programs and Services  
Model for "English as a 2nd Language" Students**                    ONTP Page 354

## *Special Education Programs and Finance*

### Enacted

LD 553	Resolve, To Study the Needs of Deaf and Hard-of-hearing Children and Adolescents	RESOLVE 84 Page 328
LD 1577	An Act To Amend and Improve the Education Laws	PUBLIC 477 Page 359

### Not Enacted

LD 825	An Act To Establish a Special Education Secondary School Diploma	ONTP Page 336
LD 1374	An Act To Ensure That No Maine Child Is Left behind by Improving the Overall Education of Disadvantaged Children and Complying with New Federal Education Funding Requirements	ONTP Page 352

## *Teachers and Administrators*

### Enacted

LD 957	An Act To Retain Teachers Holding Targeted Need Area Certificates, Conditional Certificates or Transitional Endorsements	PUBLIC 445 Page 338
LD 1032	An Act Concerning the Processing Time for Substitute and Regular School Employee Fingerprinting	PUBLIC 184 Page 340
LD 1530	Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Major Substantive Rule of the Department of Education	RESOLVE 60 Page 358 EMERGENCY

### Not Enacted

LD 358	An Act To Promote Participation of Retired Professionals in the State's Classrooms	ONTP Page 324
LD 386	An Act to Exempt School Units From Liability When Releasing Information Regarding School Employees Accused of a Crime	ONTP Page 324

LD 653	An Act To Repeal the Fingerprinting Requirement for Teachers and School Employees	DIED IN CONCURRENCE	Page 331
LD 699	Resolve, To Address Multicultural Education Needs of Maine Teachers	ONTP	Page 332
LD 890	An Act To Restrict Fingerprinting of Educational Personnel to New Applicants for Certification, Authorization or Approval	VETO SUSTAINED	Page 337
LD 1198	An Act Regarding the Criminal History Record Check of School Employees	ONTP	Page 345
LD 1250	An Act To Provide an Exception to the Laws Governing Fingerprinting of Educational Personnel	ONTP	Page 346
LD 1269	An Act To Support Maine's Educational Needs through a Public Education Partnership	ONTP	Page 347
LD 1344	An Act To Give Teachers a Greater Voice in School Improvement	CARRIED OVER	Page 350
LD 1365	An Act To Assist Maine Educators in Meeting the Quality Requirements of the Federal Elementary and Secondary Education Act of 1965	CARRIED OVER	Page 350

### *Truants, Dropouts and Homeless Students*

#### Enacted

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#### Not Enacted

LD 60	An Act to Provide School Districts with Authority to Address the Problem of Truancy	ONTP	Page 315
LD 390	An Act To Raise the High School Dropout Age	ONTP	Page 325
LD 765	An Act To Prevent Truancy	ONTP	Page 335
LD 1082	An Act Regarding Habitual Truants	CARRIED OVER	Page 343

*Tuition Rates for Non-resident Students*

**Enacted**

None

**Not Enacted**

None

*Education - Other*

**Enacted**

<b>LD 199</b>	<b>Resolve, Directing the Department of Agriculture, Food and Rural Resources, the Department of Education, the Department of Human Services and the Department of Labor To Review the 2002 United States Environmental Protection Agency List of Pesticides Registered and Classified as Known, Likely or Probable Human Carcinogens</b>	<b>RESOLVE 48 Page 320 EMERGENCY</b>
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**Not Enacted**

<b>LD 104</b>	<b>An Act to Help Public Schools Promote Public Health and Address Childhood Obesity</b>	<b>CARRIED OVER Page 316</b>
<b>LD 499</b>	<b>An Act To Allow a Parent To Choose Not To Vaccinate a Child against Chicken Pox for School Attendance</b>	<b>ONTP Page 327</b>
<b>LD 641</b>	<b>An Act To Implement a Recommendation of the Commission on Fatherhood Issues Related to Parental Notice of School Activities and Programs</b>	<b>ONTP Page 330</b>

*Joint Standing Committee on Education and Cultural Affairs*

**LD 8**                      **An Act to Change the Membership of the Board of Trustees of the  
Maine School of Science and Mathematics**                      **PUBLIC 4**

<u>Sponsor(s)</u> YOUNG		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 8 proposed to change the membership of the Board of Trustees of the Maine School of Science and Mathematics to allow the chair of the Limestone School Board to choose a designee.

***Enacted Law Summary***

Public Law 2003, chapter 4 changes the membership of the Board of Trustees of the Maine School of Science and Mathematics to allow the chairperson of the Limestone School Board to choose a designee.

**LD 13**                      **An Act to Establish a Visual and Performing Arts Position for the  
Department of Education**                      **ONTP**

<u>Sponsor(s)</u> MARLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 13 proposed to provide funds for one Regional Education Rep position within the Department of Education beginning October 1, 2003 to provide leadership and support in helping teachers and administrators implement the visual and performing arts content area of Maine's learning results system.

**LD 23**                      **An Act Authorizing the University of Maine System to Enter into  
Cooperative Agreements with Local Law Enforcement Agencies**                      **ONTP**

<u>Sponsor(s)</u> DUNLAP CATHCART		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 23 proposed to provide that the trustees of the University of Maine System, or such administrators of the University of Maine System as the trustees may designate for this purpose, may enter into cooperative agreements with municipal law enforcement agencies for the provision of law enforcement services.

The substance of this bill was also addressed by other bills referred to the Joint Standing Committee on Criminal Justice and Public Safety (see LD 469, which was enacted as P.L. 2003, c. 233, and LD 1026).

*Joint Standing Committee on Education and Cultural Affairs*

**LD 60**

**An Act to Provide School Districts with Authority to Address the Problem of Truancy**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUC BRENNAN	ONTP	

LD 60, which was a concept draft pursuant to Joint Rule 208, proposed to address the issues surrounding truancy and to provide school districts with procedures to combat truancy. The bill proposed to create a protocol that school districts could follow to enforce the laws regarding school attendance.

**LD 69**

**An Act To Clarify the Intent of School Budget Referendum Language**

**PUBLIC 474**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL TREAT	OTP-AM	H-115

LD 69 proposed to add language to the required format of school referenda articles to explain to the voters the meaning of the terms "foundation allocation," "debt service" and "additional local funds." Under current law, the legislative body of a school administrative unit must vote to raise and appropriate amounts using articles that are worded in "substantially" the same form as is set forth in the Maine Revised Statutes.

**Committee Amendment "A" (H-115)** proposed to strike and replace the bill to make technical corrections to the explanations provided for the foundation allocation article and the additional local appropriation article. The amendment proposed to contain the provisions of the bill that proposed to add language to the required format of school referenda articles to explain to the voters the meaning of the terms "foundation allocation," "debt service" and "additional local funds." The amendment also proposed to replace the term "school district" with the term "municipality/district" to correspond to the existing statutory provisions of the Maine Revised Statutes, Title 20-A, section 15614.

***Enacted Law Summary***

Public Law 2003, chapter 474 adds language to the required format of school referenda articles to explain to the voters the meaning of the terms "foundation allocation," "debt service" and "additional local funds." Under current law, the legislative body of a school administrative unit must vote to raise and appropriate amounts using articles that are worded in "substantially" the same form as is set forth in the Maine Revised Statutes.

*Joint Standing Committee on Education and Cultural Affairs*

**LD 84**

**An Act To Reimburse the State Poet Laureate and To Provide  
Access to the State Poet Laureate's Services**

**PUBLIC 300**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER TREAT	OTP-AM	H-392

LD 84 proposed to establish the State Poet Laureate Reimbursement Fund within the Maine Arts Commission and require the commission to administer the fund, which provides funds to nonprofit public agencies in Maine to reimburse the State Poet Laureate for the cost of travel and related expenses associated with bringing the services of the State Poet Laureate to the community. This bill further proposed to require the commission to conduct a review of the process of applying for and obtaining funds once the process has been in place for 3 years and implement any necessary adjustments by September 30, 2006. The bill also proposed to require the Maine Arts Commission to promote the State Poet Laureate Reimbursement Fund through its various avenues of communication, including its publicly accessible site on the Internet.

**Committee Amendment "A" (H-392)** proposed to replace the bill and proposed to establish the State Poet Laureate Reimbursement Fund within the Maine Arts Commission. The amendment proposed to replace the General Fund account proposed in the bill with an Other Special Revenue Funds account and clarify that the fund administered by the commission may provide funds to nonprofit public agencies and to schools in Maine to reimburse the State Poet Laureate for the cost of travel and related expenses associated with bringing the services of the State Poet Laureate to the community. The amendment also proposed to require the commission to conduct a review of the process of applying for and obtaining funds once the process has been in place for 3 years and to implement any necessary adjustments by September 30, 2006. The amendment further proposed to require the Maine Arts Commission to promote the State Poet Laureate Reimbursement Fund through its various avenues of communication, including its publicly accessible site on the Internet.

***Enacted Law Summary***

Public Law 2003, chapter 300 establishes the State Poet Laureate Reimbursement Fund within the Maine Arts Commission as an Other Special Revenue Funds account. The fund is administered by the commission and may provide funds to nonprofit public agencies and to schools in Maine to reimburse the State Poet Laureate for the cost of travel and related expenses associated with bringing the services of the State Poet Laureate to the community.

**LD 104**

**An Act to Help Public Schools Promote Public Health and  
Address Childhood Obesity**

**CARRIED OVER**

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

LD 104 proposes to direct the Department of Education to adopt rules to prohibit the sale of certain foods and drinks in schools. The bill proposes to prohibit the sale in all schools of any food or beverage that has more than a 35 percent sugar or sweetener content, any juice that is less than 100 percent real fruit

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juice and any food that has more than 8 grams of fat per serving. The bill also proposes to prohibit the sale of all soft drinks in elementary schools and middle schools. It would allow the sale of soft drinks in high schools only if they are free of caffeine and sugar. The bill also proposes to allow schools to honor contracts that were in effect on January 1, 2003 with suppliers for the prohibited foods and beverages. The bill has been carried over to the Second Regular Session.

**LD 149**                      **An Act to Transfer Bureau of General Services School Construction Functions to the Maine Department of Education**                      **CARRIED OVER**

<u>Sponsor(s)</u> NASS	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 149, which is a concept draft pursuant to Joint Rule 208, proposes to move current oversight of state-approved school construction projects from the Department of Administrative and Financial Service, Bureau of General Services to the Department of Education. The purpose of this change would be to create a single oversight and service entity, so that all of the major functions, from application through final project completion, associated with school construction projects are delivered from a single agency.

Under the bill, fees currently collected by the Bureau of General Services would be assigned to the Department of Education to support the additional responsibility the Department of Education would assume. Position counts at the Bureau of General Services would be transferred to the Department of Education as necessary. The bill has been carried over to the Second Regular Session.

**LD 160**                      **An Act To Amend the Laws Governing Home Instruction**                      **PUBLIC 181  
EMERGENCY**

<u>Sponsor(s)</u> WESTON GAGNE-FRIEL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-79
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LD 160 proposed to provide that a child is excused from attending a public day school if the person responsible for ensuring the child's attendance provides a written notice of intent to provide home instruction to the Commissioner of Education within 14 calendar days of the beginning of home instruction. This notice must contain a statement of assurance that the home instruction program will provide 175 days of instruction annually and provide instruction in the following subjects: English and language arts, math, science, social studies, physical education, health education, library skills, fine arts and, in at least one grade from grade 6 to 12, Maine studies. A home instruction program must also provide that, at one grade level from grade 7 to 12, the student must demonstrate proficiency in the use of computers.

**Committee Amendment "A" (S-79)** proposed to make changes to the bill to clarify the intent of the original bill, proposed to add certain provisions to the bill that are currently contained in Department of Education rules related to equivalent instruction through a home instruction program and proposed to make changes to other sections of the statutes related to equivalent instruction through a home instruction program so that they are consistent with the intent of the original bill. The committee amendment also proposed to include the following provisions.



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1. It proposed to provide that a student is excused from attending a public day school if the student's parent or guardian provides a written notice of intent to provide home instruction to the Commissioner of Education and to the superintendent of the local school administrative unit within 10 calendar days of the beginning of the home instruction program.
2. It proposed to provide that the notice of intent to provide a home instruction program must contain a statement of assurance that the home instruction program will provide for an annual assessment of the student's academic progress. It also proposed to specify the several forms of assessment that comply with this requirement.
3. It proposed to provide that, following the initial year of providing a home instruction program, the notice of intent to continue to provide a home instruction program must include a copy of the annual assessment of the student's academic progress from the prior year.
4. It proposed to make technical changes to 2 related statutory provisions so that these provisions are consistent with the new "notice of intent" requirements governing the provision of equivalent instruction through a home instruction program.
5. It proposed to provide that the information filed under the new "notice of intent" requirements governing the provision of equivalent instruction through a home instruction program and any other education records pertaining to the home instruction program must be maintained by the student's parent or guardian until the home instruction program concludes. It further provides that these records must be made available to the Commissioner of Education upon request.
6. It proposed to provide that the Commissioner of Education should amend or adopt rules to be consistent with the new "notice of intent" requirements governing the provision of equivalent instruction through a home instruction program. The rules adopted are proposed to be major substantive rules.
7. It proposed to underscore that, notwithstanding any Department of Education rules to the contrary, the Commissioner of Education shall use the new written "notice of intent" provisions in excusing a child from attendance at a public day school if a parent or guardian of the child who intends to provide equivalent instruction through a home instruction program for the child in the 2003-2004 school year provides the notice of intent.
8. It proposed to add an emergency preamble and an emergency clause to the bill.

### ***Enacted Law Summary***

Public Law 2003, chapter 181 provides that a child is excused from attending a public day school if the child's parent or guardian provides a written notice of intent to provide home instruction to the Commissioner of Education within 10 calendar days of the beginning of home instruction. This notice must contain a statement of assurance that the home instruction program will provide 175 days of instruction annually, provide instruction in certain subject areas and provide for an annual assessment of the child's academic progress. The law also provides that the Commissioner of Education shall adopt major substantive rules to be consistent with these new requirements.

Public Law 2003, chapter 181 was enacted as an emergency measure effective May 16, 2003.

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LD 162

**An Act to Provide for the Fair Distribution of Resources for Teaching Students of Limited Proficiency in English**

ONTP

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

LD 162 proposed to direct the Department of Education to use an enrollment-driven method to adjust the amount of general purpose aid subsidy that a school administrative unit would receive for the costs of providing a transitional instruction program for students of limited proficiency in English who are placed in a transitional instruction program using English as a 2nd language or bilingual techniques approved by the Commissioner of Education. The bill proposed to accomplish the following.

1. Beginning in fiscal year 2003-04, a school administrative unit would receive an adjustment to its state subsidy on a per capita basis for each student of limited proficiency in English placed in an approved transitional instruction program. State payments to school administrative units would be made during the year of allocation as a single payment.
2. The adjustment would be calculated using a weighted average student count with a 3-tiered differential weighting scheme based on the number of students placed in an approved transitional instruction program in the unit and the averaging of the 2 most recent student census counts.
3. The funds disbursed for this adjustment would be limited to the amount appropriated by the Legislature for this purpose and payments to units would be prorated if the amount appropriated is insufficient to make full payments to all units. If additional appropriations were not provided for this disbursement, the Department of Education would not redistribute existing appropriations for general purpose aid to local schools for this adjustment.
4. The Commissioner of Education would be directed to revise the forms provided to school administrative units and private schools so that the annual student counts required each school year could include the count of all students placed in an approved transitional instruction program beginning with the April 15, 2003 student count. The commissioner would also be directed to provide notice to all superintendents and private school principals that, beginning with the April 15, 2003 student count, each school administrative unit and private school would be required to specify the number of students placed in an approved transitional instruction program as part of the annual student counts.

LD 177

**An Act to Ensure that Emergency Medical Help is Available to All CARRIED OVER School Children and Personnel**

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

LD 177 proposes to require that a school administrative unit or private school ensure that all school personnel are certified in cardiopulmonary resuscitation. The bill has been carried over to the Second Regular Session.

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**LD 182**

**An Act to Eliminate Discrimination Against Parents Who Want to Send Their Children to Religious Private Schools**

**ONTP**

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

Current law prohibits religious private schools from receiving public funding to educate children from school districts that do not have secondary schools. LD 182 proposed to repeal that prohibition.

**Committee Amendment "A" (H-324)** was the minority report and proposed to change the title of the bill and strike and replace the bill with a resolve to establish the Commission to Study School Tuition Reimbursement Policies and Practices in Maine. The amendment proposed that the study commission would study Maine's tuition payment policies and practices and the chairs of the commission could seek and accept outside funding to support the work of this study commission. The commission would have submitted its report with any accompanying legislation to the Second Regular Session of the 121st Legislature by December 1, 2003. This amendment was not adopted.

**LD 195**

**An Act to Facilitate Summer Employment for Youths**

**CARRIED OVER**

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

LD 195 proposes to prohibit school administrative units from commencing classes prior to Labor Day. The bill would allow school administrative units to hold athletic activities, in-service days and summer school prior to Labor Day. The bill has been carried over to the Second Regular Session.

**LD 199**

**Resolve, Directing the Department of Agriculture, Food and Rural Resources, the Department of Education, the Department of Human Services and the Department of Labor To Review the 2002 United States Environmental Protection Agency List of Pesticides Registered and Classified as Known, Likely or Probable Human Carcinogens**

**RESOLVE 48  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDER	OTP-AM	H-323

LD 199 proposed to require the Commissioner of Education and the Commissioner of Human Services to adopt major substantive rules that would prohibit the presence, use and storage of chemicals known to cause cancer on school and child care center property by July 1, 2004.

**Committee Amendment "A" (H-323)** proposed to change the bill to a resolve that would direct the Department of Agriculture, Food and Rural Resources, the Department of Education, the Department of Human Services and the Department of Labor to review the 2002 EPA list of pesticides registered and classified as known, likely and probable carcinogens and compare it to current department rules

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governing the purchase and storage of hazardous chemicals. The amendment also proposed to direct the departments to report back to the Joint Standing Committee on Education and Cultural Affairs with recommendations regarding proposed amendments to current department rules regarding the use and storage of hazardous chemicals by July 1, 2003.

### *Enacted Law Summary*

Resolve 2003, chapter 48 directs the Department of Agriculture, Food and Rural Resources, the Department of Education, the Department of Human Services and the Department of Labor to review the 2002 EPA list of pesticides registered and classified as known, likely and probable carcinogens and compare it to current department rules governing the purchase and storage of hazardous chemicals. The resolve directs the departments to report back to the Joint Standing Committee on Education and Cultural Affairs with recommendations regarding proposed amendments to current department rules regarding the use and storage of hazardous chemicals by July 1, 2003.

Resolve 2003, chapter 48 was passed as an emergency measure effective May 27, 2003.

**LD 203**

### **An Act to Establish the Full Right of Petition and Redress in Local School Board Decisions**

**ONTP**

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

LD 203 proposed to provide for a direct initiative and people's veto process for school policies and rules, except those that pertain to staffing or salary matters, any other personnel matters or any budgetary matters, to be exercised by the voters of any school administrative unit. The processes proposed to be established are similar to those available under the Constitution of Maine for initiation and veto of legislation by the voters of the State.

**Committee Amendment "A" (H-460)** was the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment proposed to strike and replace the bill title and the bill to limit the right of petition and redress in local school board decisions to the voters in a municipality that has a municipal school unit. Under this amendment, the right of petition and redress in local school committee decisions would be a local option available to the voters in a municipality that has a municipal school unit form of school governance. The amendment proposed the following provisions to accomplish this purpose:

1. It proposed to provide that the voters in a municipality that also has a municipal school unit could use the provisions of the Maine Revised Statutes, Title 30-A, chapter 111 to adopt or amend a municipal charter to establish a direct initiative and people's veto process regarding the establishment, amendment or repeal of a limited scope of school committee policies;
2. It proposed to provide that the direct initiative and people's veto process regarding school committee policies would not apply to policies that pertain to staffing, salary or any other personnel matters or any budgetary matters; and

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3. It proposed to provide an emergency override provision for the school committee of a municipal school unit. The school committee would have the power to override any school policy adopted, amended or rejected by the voters of the municipal school unit provided that the school committee declares an emergency, that such override is approved on an individual case-by-case basis in the application of the school policy and that such override is approved by a 2/3 vote of the school committee members present and voting.

**LD 230**

**An Act Concerning Restructuring of School Districts**

**CARRIED OVER**

<u>Sponsor(s)</u> MARTIN LUNDEEN	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 230, which is a concept draft pursuant to Joint Rule 208, proposes the restructuring of school districts within Aroostook County to provide for only one school administrative district for the county. The bill has been carried over to the Second Regular Session.

**LD 262**

**An Act To Require That Disciplinary, Attendance and Health Records Be Included in the Records That Follow a Student Who Transfers to Another School**

**PUBLIC 472**

<u>Sponsor(s)</u> MITCHELL CUMMINGS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-189
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LD 262 proposed to require that when a student transfers from one school administrative unit to another, the school administrative unit from which the student is transferring must transfer the student's disciplinary records, attendance records and health records to the school administrators at the school administrative unit to which the student is seeking a transfer.

**Committee Amendment "A" (S-189)** proposed to retain the provisions of the bill and proposed to clarify that a student's health records, including records and information pertaining to HIV infection status, health care and treatment, mental health treatment and alcohol and other substance abuse treatment, may not be disseminated as part of a student's health records without the authorization or consent necessary under existing state statutes.

### ***Enacted Law Summary***

Public Law 2003, chapter 472 requires that when a student transfers from one school administrative unit to another, the school administrative unit from which the student is transferring must transfer the student's disciplinary records, attendance records and health records to the school administrators at the school administrative unit to which the student is seeking a transfer. The law also clarifies that a student's health records, including records and information pertaining to HIV infection status, health care and treatment, mental health treatment and alcohol and other substance abuse treatment, may not be disseminated as part of a student's health records without the authorization or consent necessary under existing state statutes.

## Joint Standing Committee on Education and Cultural Affairs

LD 301

### An Act To Allow Access to State Postsecondary Educational Institutions to Maine Seniors

ONTP

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

LD 301 proposed to allow residents 65 years of age and older to audit courses at any state postsecondary educational institution free of tuition charges. Under the proposed bill, individuals would be allowed to audit only if space is available, as tuition-paying students have priority in the case of limited class size.

LD 326

### An Act To Increase Access to Higher Education

**PUBLIC 187  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN KANE	OTP-AM	S-71

LD 326 proposed to increase the number of foster care residents who are eligible for a tuition waiver at a state postsecondary educational institution from 25 to 35 new students per year in each year.

**Committee Amendment "A" (S-71)** proposed to strike and replace the bill. The amendment proposed to increase the number of foster care residents who are eligible for a tuition waiver at state postsecondary educational institutions from 25 to 30 new students per year in each year, whereas the bill proposed to increase the number to 35. The amendment also proposed to clarify that the 5 additional tuition waivers must be available to eligible persons at state postsecondary educational institutions as follows:

1. Three must be available to eligible persons at the University of Maine System; and
2. Two must be available to eligible persons at the Maine Community College System.

The amendment also proposed to add an emergency preamble and an emergency clause to the bill.

#### ***Enacted Law Summary***

Public Law 2003, chapter 187 increases the number of foster care residents who are eligible for a tuition waiver at state postsecondary educational institutions from 25 to 30 new students per year in each year. The law also provides that the 5 additional tuition waivers must be available to eligible persons at state postsecondary educational institutions as follows: 3 must be available to eligible persons at the University of Maine System; and 2 must be available to eligible persons at the Maine Community College System.

Public Law 2003, chapter 187 was enacted as an emergency measure effective May 16, 2003.

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**LD 344**

**An Act To Amend the School Finance Act**

**ONTP**

<u>Sponsor(s)</u> MURPHY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 344, which was a concept draft pursuant to Joint Rule 208, proposed to amend the school funding formula in the following ways:

1. It proposed to change the school funding formula so that it would, during periods of diminishing state fiscal resources, direct state subsidy to students in the classrooms rather than to subsidize the costs for school administrators and limit the amount of the state subsidy allocated to all school administrative units for allowable reimbursements under the school funding formula to the level of the previous school year's state subsidy allocation;
2. It proposed that all costs for school administrators would be removed from the reimbursement formula for operating costs and program costs, and school administrator costs would be included in a separate category of the school funding formula and would be reimbursed at a lower rate of reimbursement under the school funding formula; and
3. It proposed that the savings from reimbursing school administrator costs at a lower rate would be redistributed to other program costs and operating costs eligible for state subsidy under the school funding formula.

**LD 358**

**An Act To Promote Participation of Retired Professionals in the State's Classrooms**

**ONTP**

<u>Sponsor(s)</u> DUDLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 358, which was a concept draft pursuant to Joint Rule 208, proposed to establish a program to recruit retired professionals to become teachers or mentors in the State's classrooms.

**LD 386**

**An Act to Exempt School Units From Liability When Releasing Information Regarding School Employees Accused of a Crime**

**ONTP**

<u>Sponsor(s)</u> O'BRIEN J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 386 proposed to allow a school administrative unit to release confidential information about an employee or former employee to another school administrative unit for the purpose of a reference for employment.

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LD 390

An Act To Raise the High School Dropout Age

ONTP

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 390 proposed to raise the age until which a student is required to attend school from 17 years of age to 18 years of age.

LD 420

An Act Regarding the School Board of the Governor Baxter School for the Deaf

PUBLIC 115

<u>Sponsor(s)</u> CUMMINGS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-139
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LD 420 proposed to amend the appointment process for nonvoting student members of the School Board of the Governor Baxter School for the Deaf to provide that nonvoting members appointed by the Governor would not be subject to review by the Joint Standing Committee on Education and Cultural Affairs nor subject to confirmation by the Legislature. It also proposed to clarify that the School Board of the Governor Baxter School for the Deaf has the legal authority to grant the necessary security interest in Mackworth Island and the facilities in order to secure bonds that generate revenue to make necessary improvements to the school facilities on the island.

**Committee Amendment "A" (H-139)** proposed to strike out the provision in the bill that would have provided the School Board of the Governor Baxter School for the Deaf the legal authority to grant the necessary security interest in Mackworth Island and the facilities in order to secure bonds that generate revenue to make necessary improvements to the school facilities on the island.

***Enacted Law Summary***

Public Law 2003, chapter 115 amends the appointment process for nonvoting student members of the School Board of the Governor Baxter School for the Deaf to provide that nonvoting members appointed by the Governor are not subject to review by the Joint Standing Committee on Education and Cultural Affairs nor subject to confirmation by the Legislature.

LD 425

Resolve, To Prepare Maine's Students for Active Citizenship

RESOLVE 85

<u>Sponsor(s)</u> CUMMINGS ROTUNDO		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-239 H-599 CUMMINGS
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LD 425 proposed to establish the 15-member Commission to Study the Scope and Quality of Citizenship Education. As proposed, the duties of the commission would be to evaluate the extent to which citizenship education is included in the values and practices of Maine schools.



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**Committee Amendment "A" (H-239)** proposed to expand the membership of the commission to include one principal, one superintendent and one school board member. The amendment also proposed to require that at least one legislative appointee to the commission has experience in the field of education. It would also require the solicitation and use of outside funding to cover all costs of the commission.

**House Amendment "A" to Committee Amendment "A" (H-599)** proposed to change the appointing authority for members, specify that the commission may hold up to 4 meetings and change language regarding compensation and funding. The amendment also proposed to remove the emergency preamble and emergency clause from the resolve.

### ***Enacted Law Summary***

Resolve 2003, chapter 85 establishes the 15-member Commission to Study the Scope and Quality of Citizenship Education. The commission is required to solicit and use outside funding to cover all its costs. The commission is also required to submit its report to the Second Regular Session of the 121st Legislature no later than December 3, 2003 and is authorized to submit a bill to the Legislature at the time of submission of its report.

Resolve 2003, chapter 85 was passed as an emergency measure effective June 23, 2003.

**LD 442**

**Resolve, Directing the President of Each University Campus To Meet With Local Municipal Officers To Negotiate Reasonable and Appropriate Financial Support for Municipal Services Provided**

**ONTP**

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

LD 442 proposed to direct the president of each university within the University of Maine System to meet with the municipal officers of the host municipality of each respective university campus to negotiate reasonable and appropriate financial support for municipal services provided to each campus.

**LD 477**

**An Act To Establish the Maine Week of Heroes**

**PUBLIC 56**

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

LD 477 proposed to encourage each political subdivision and school administrative unit to observe a Maine Week of Heroes during the week within which September 11th occurs, to honor the efforts of heroic people in Maine communities.

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### *Enacted Law Summary*

Public Law 2003, chapter 56 encourages each political subdivision and school administrative unit to observe a Maine Week of Heroes, during the week within which September 11th occurs, to honor the efforts of heroic people in Maine communities.

**LD 499**

**An Act To Allow a Parent To Choose Not To Vaccinate a Child  
against Chicken Pox for School Attendance**

**ONTP**

Sponsor(s)  
MCNEIL

Committee Report  
ONTP

Amendments Adopted

LD 499 proposed to allow a parent to choose not to immunize a child against chicken pox, which is a requirement for enrollment in elementary and secondary school in the State effective for the start of 2003 school year.

**LD 527**

**An Act To Improve the Method of Reapportionment of School  
Boards**

**PUBLIC 57  
EMERGENCY**

Sponsor(s)  
NUTTING  
GAGNON

Committee Report  
OTP

Amendments Adopted

LD 527 proposed to provide additional options to the board of directors of a school administrative district that is instituting an approved reapportionment plan that requires a reduction in the number of directors to be elected to represent a member municipality. Under current law, if a school administrative district requires reapportionment that results in a reduction in the number of directors, all of the directors choose by lot which directors' terms terminate. To avoid the necessity of the existing directors representing the municipality having to cast lots to determine which director or directors position should be terminated in accordance with the reapportionment plan, the bill proposed to allow one or more directors to voluntarily resign to achieve the necessary reduction and proposed to allow the municipality to reduce the number of open positions prior to election.

### *Enacted Law Summary*

Public Law 2003, chapter 57 provides two additional options to the board of directors of a school administrative district that is instituting an approved reapportionment plan that requires a reduction in the number of directors to be elected to represent a member municipality. To avoid the necessity of the existing directors representing the municipality having to cast lots to determine which director or directors position shall terminate in accordance with the reapportionment plan, the law allows one or more directors to voluntarily resign to achieve the necessary reduction and allows the municipality to reduce the number of open positions prior to election.

Public Law 2003, chapter 57 was enacted as an emergency measure effective April 18, 2003.

*Joint Standing Committee on Education and Cultural Affairs*

**LD 541**

**An Act To Ensure Timely Responses to Requests for School  
Administrative District Reapportionments**

**PUBLIC 354  
EMERGENCY**

Sponsor(s)  
MITCHELL  
LEDWIN

Committee Report  
OTP-AM

Amendments Adopted  
S-174

LD 541 proposed to require the Commissioner of Education to make a determination whether a school district needs to be reapportioned within 30 days of receiving a request by the board of directors or a petition from district voters.

**Committee Amendment "A" (S-174)** proposed to strike and replace the bill to add a mandate preamble, emergency preamble and clause to the bill and to clarify the duties of the Commissioner of Education in ordering the establishment of a reapportionment committee. The amendment proposed to retain the original provision of the bill that would require the Commissioner of Education to make a determination whether a school district needs to be reapportioned within 30 days of receiving a request by the board of directors or a petition from district voters.

***Enacted Law Summary***

Public Law 2003, chapter 354 requires the Commissioner of Education to make a determination whether a school administrative district needs to be reapportioned within 30 days of receiving a request by the board of directors or a petition from district voters. The law also clarifies the duties of the Commissioner of Education in ordering the establishment of a reapportionment committee.

Public Law 2003, chapter 354 was enacted as an emergency measure effective May 30, 2003.

**LD 553**

**Resolve, To Study the Needs of Deaf and Hard-of-hearing  
Children and Adolescents**

**RESOLVE 84**

Sponsor(s)  
EDMONDS  
SMITH W

Committee Report  
OTP-AM

Amendments Adopted  
H-553 RICHARDSON J  
H-590 DUPLESSIE  
S-182

LD 553 proposed to establish the Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents.

**Committee Amendment "A" (S-182)** proposed to add 6 members to the Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents. It proposed to clarify the duties of the task force regarding mental health services and educational services.

**House Amendment "A" (H-590)** proposed to remove the emergency preamble and emergency clause from the resolve.

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**House Amendment "A" to Committee Amendment "A" (H-553)** proposed to change who appoints the 11 public members of the task force from the Governor to the Speaker of the House and the President of the Senate,

who would appoint 5 and 6 members respectively. The amendment proposed to authorize the task force to hold up to 4 meetings. It also proposed to allow public members of the task force to receive a per diem upon a demonstration of financial hardship and to change the reporting date from December 10, 2003 to December 3, 2003.

### ***Enacted Law Summary***

Resolve 2003, chapter 84 establishes the Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents. The task force is composed of 4 legislators, 11 members of the public, the Commissioner of Human Services, the Commissioner of Education and the Commissioner of Behavioral and Developmental Services. The task force is authorized to meet up to 4 times and is required to submit a report, including suggested legislation, to the 2<sup>nd</sup> Regular Session of the 121<sup>st</sup> Legislature no later than December 3, 2003.

**LD 592**

**An Act Regarding Age Eligibility for Enrollment in a Public  
Secondary School**

**PUBLIC 116  
EMERGENCY**

Sponsor(s)  
BRENNAN  
MARLEY

Committee Report  
OTP

Amendments Adopted

LD 592 proposed to authorize the Commissioner of Education to waive on a case-by-case basis age requirements to allow students who have reached 20 years of age before the start of the school year to enroll as public secondary school students.

### ***Enacted Law Summary***

Public Law 2003, chapter 116 authorizes the Commissioner of Education to waive, on a case-by-case basis, age requirements to allow students who have reached 20 years of age before the start of the school year to enroll as public secondary school students.

Public Law 2003, chapter 116 was enacted as an emergency measure effective May 8, 2003.

**LD 597**

**An Act To Establish a Community College System in Maine**

**ONTP**

Sponsor(s)  
BRENNAN  
CUMMINGS

Committee Report  
ONTP

Amendments Adopted

LD 597 proposed to transform the Maine Technical College System into the Maine Community College System and provide funds necessary to support the transition to a comprehensive community college system.

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The substance of this bill was also addressed by another bill referred to the Education Committee (see LD 1369) and was enacted as part of the Part I budget bill (see LD 1319, which was enacted as P.L. 2003, c. 20, Part OO).

**LD 624**                      **Resolve, Directing the Department of Education to Use Money for School Transportation Costs for Payment of School Crossing Guards**                      **ONTP**

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

LD 624 proposed to require the Department of Education to adopt major substantive rules for the apportionment of money for school transportation costs to pay for school crossing guards.

**LD 628**                      **Resolve, Directing the Department of Education To Develop Guidelines for Outdoor Playground Surfaces**                      **RESOLVE 10**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN HALL	OTP-AM	H-150

LD 628, a resolve, proposed to require the Department of Education to adopt policy standards for outdoor playground surfaces at public schools.

**Committee Amendment "A" (H-150)** proposed to change the title and proposed to strike and replace the original resolve with a resolve that would require the Department of Education to develop and communicate policy guidelines for outdoor playground surfaces at public schools.

### *Enacted Law Summary*

Resolve 2003, chapter 10 requires the Department of Education to develop and communicate policy guidelines for outdoor playground surfaces at public schools.

**LD 641**                      **An Act To Implement a Recommendation of the Commission on Fatherhood Issues Related to Parental Notice of School Activities and Programs**                      **ONTP**

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

Current law provides that, upon written request and with the agreement of both the custodial parent and the school administrative unit, a school may provide written notification of all school activities and programs for which parental participation, involvement, notification or awareness is in the best interest of

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the student. LD 641 proposed to implement one of the recommendations of the Commission on Fatherhood Issues related to the notification provided to a noncustodial parent regarding that parent's child's school activities and programs. Under this proposed bill, a school administrative unit must provide a noncustodial parent with written notification of the child's school activities and programs when the noncustodial parent submits a copy of a court order awarding parental rights and responsibilities that includes a statement that the noncustodial parent must have access to records and information pertaining to the minor child's school records and other information on school activities.

The bill also proposed to include an exception provision to providing notification to a noncustodial parent. Under the proposed bill, upon the written request of a custodial parent that states the reasons why written notification of school activities and programs is not in the best interests of the child, the superintendent or the superintendent's designee in the school administrative unit where the child is enrolled may deny providing notification to the noncustodial parent who has submitted a request for that notification.

**LD 653**                      **An Act To Repeal the Fingerprinting Requirement for Teachers and School Employees**                      **DIED IN CONCURRENCE**

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

LD 653 proposed to repeal the law requiring background checks and fingerprinting of school employees. This bill also proposed to correct cross-references to the repealed provisions.

**LD 660**                      **An Act To Create the Maine Humanities Authority**                      **ONTP**

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

LD 660 proposed to create the Maine Humanities Authority and give the authority bonding authority for the purpose of financing, protecting or acquiring works of art, literature, archives and library acquisitions.

**LD 687**                      **An Act To Allow Home Schooled Athletes To Play on Private School Teams**                      **ONTP**

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

LD 687 proposed to allow a home schooled student to participate in an interscholastic, cocurricular or extracurricular activity at a private school. The bill further proposed to allow a student enrolled in a private school to participate in an interscholastic, cocurricular or extracurricular activity at another

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private school if the student's school does not provide the activity. This bill also proposed to forbid interscholastic organizations to deny the eligibility of a student or that student's team or school in an interscholastic, cocurricular or extracurricular activity because the student is home schooled but participating with a private school and forbid public schools from belonging to such interscholastic organizations.

**LD 699**                      **Resolve, To Address Multicultural Education Needs of Maine Teachers**                      **ONTP**

<u>Sponsor(s)</u> MCKEE ROTUNDO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 699 proposed to create a special commission to study the multicultural needs of Maine teachers to ensure that multicultural awareness and understanding is brought to the attention of all students.

**LD 715**                      **An Act to Assist Visual Care Providers in the State**                      **ONTP**

<u>Sponsor(s)</u> STANLEY PARADIS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 715 proposed to expand the loan forgiveness aspect of the Health Professions Loan Program to include ophthalmologists and optometrists practicing in health professional shortage areas, practicing in underserved specialty areas or providing services to a designated underserved group as determined by the Commissioner of Human Services. Currently dentists and physicians practicing general or family medicine, internal medicine, pediatrics, obstetrics and gynecology qualify for loan forgiveness under the program.

**LD 744**                      **An Act To Ensure Improved Stability in School Funding Distributions**                      **ONTP**

<u>Sponsor(s)</u> LEMOINE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 744 proposed to require that the pupil count and the property valuation data used for determination of the state general purpose aid for local schools subsidy to be distributed to each school administrative unit be based on the averages of the annual numbers for pupil count and for property valuation for the most recent 5-year period.

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**LD 751**

**An Act To Implement the Recommendations of the Legislative Youth Advisory Council**

**PUBLIC 481  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-295

S-297 CATHCART

LD 751 proposed to implement the recommendations of the Legislative Youth Advisory Council. The bill proposed to accomplish the following:

1. It proposed to require the Commissioner of Education, the Secretary of State and the Director of the Office of Substance Abuse within the Department of Behavioral and Developmental Services to develop recommendations for the establishment of a permanent youth advisory committee within the Executive Branch to serve as a resource for any state agency charged with developing, implementing or enforcing programs, policies or laws that apply specifically to youth;
2. It proposed to require the Director of the Office of Substance Abuse to review the procedures used by the office for collecting information on drug and alcohol use among youth, including a review of Washington State's "Healthy Youth Survey," and to report back to the Legislative Youth Advisory Council on options to the existing Maine Youth Drug and Alcohol Use Survey tool that include a more appropriate survey tool and a methodology based on random sampling that provides statistically valid data at the state level and within participating local school districts and expanding the target population of the survey to include not only students who attend school but also home-schooled students and youth who attend school infrequently or have dropped out of school.
3. It proposed to require the Director of the Office of Substance Abuse to review procedures used by the office for awarding grants for youth-related drug and alcohol abuse prevention programs and services to ensure that those grants are being awarded to programs with the highest demonstrated level of effectiveness and in those areas of the State having the highest demonstrated need;
4. It proposed to require the Director of the Office of Substance Abuse and the Commissioner of Education to review and report on procedures for preparing and training teachers and others who administer the Maine Youth Drug and Alcohol Use Survey in the schools to ensure that all persons administering the survey are adequately prepared to perform that task;
5. It proposed to require the Commissioner of Education to review the Project ALERT program and other similar prevention programs and prepare recommendations on the viability of those programs as options to the Drug Abuse Resistance Education, DARE, program in Maine schools;
6. It proposed to require the Commissioner of Education, as part of the required review of content standards and performance indicators under the system of learning results, to determine whether the content standards pertaining to health and physical education adequately incorporate the principles and goals of the alcohol and drug use policies for student athletes as proposed in the 2002 report by the Youth Policy and Empowerment Project;
7. It proposed to add a 2nd Senate member to the Legislative Youth Advisory Council and provides for the legislative chair to alternate every 2 years between the first-appointed House member and the first-appointed Senate member; and



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8. It proposed to adjust the terms of the existing youth members to provide greater consistency in membership and simplicity in the appointment process.

**Committee Amendment "A" (H-295)** proposed to clarify the terms of the members of the Legislative Youth Advisory Council, correct errors in the bill and add the process to be used to review alcohol and drug abuse prevention policies for student athletes.

**Senate Amendment "A" to Committee Amendment "A" (S-297)** proposed to remove the appropriations and allocations section from the amendment.

### *Enacted Law Summary*

Public Law 2003, chapter 481 implements the recommendations of the Legislative Youth Advisory Council. Specifically, this law:

1. Requires the Commissioner of Education, the Secretary of State and the Director of the Office of Substance Abuse within the Department of Behavioral and Developmental Services to develop recommendations for the establishment of a permanent youth advisory committee within the Executive Branch to serve as a resource for any state agency charged with developing, implementing or enforcing programs, policies or laws that apply specifically to youth;
2. Requires the Director of the Office of Substance Abuse to review the procedures used by the office for collecting information on drug and alcohol use among youth, including a review of Washington State's "Healthy Youth Survey," and to report back to the Legislative Youth Advisory Council on options to the existing Maine Youth Drug and Alcohol Use Survey tool that include a more appropriate survey tool and a methodology based on random sampling that provides statistically valid data at the state level and within participating local school districts and expanding the target population of the survey to include not only students who attend school but also home-schooled students and youth who attend school infrequently or have dropped out of school;
3. Requires the Director of the Office of Substance Abuse to review procedures used by the office for awarding grants for youth-related drug and alcohol abuse prevention programs and services to ensure that those grants are being awarded to programs with the highest demonstrated level of effectiveness and in those areas of the State having the highest demonstrated need;
4. Requires the Director of the Office of Substance Abuse and the Commissioner of Education to review and report on procedures for preparing and training teachers and others who administer the Maine Youth Drug and Alcohol Use Survey in the schools to ensure that all persons administering the survey are adequately prepared to perform that task;
5. Requires the Commissioner of Education to review the Project ALERT program and other similar prevention programs and prepare recommendations on the viability of those programs as options to the Drug Abuse Resistance Education, DARE, program in Maine schools;
6. Requires the Commissioner of Education to review the principles and goals of the alcohol and drug use policies for student athletes proposed in the 2002 report by the Youth Policy and Empowerment Project and discuss that report with the Legislative Youth Advisory Council during the fall of 2003;

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7. Adds a second Senate member to the Legislative Youth Advisory Council and provides for the legislative chair to alternate every 2 years between the first-appointed House member and the first-appointed Senate member; and
8. Adjusts the terms of the existing youth members to provide greater consistency in membership and simplicity in the appointment process.

Public Law 2003, chapter 481 was enacted as an emergency measure effective June 23, 2003.

**LD 763**                      **Resolve, Directing the Department of Professional and Financial Regulation To Establish a Degree Program for Denturism**                      **ONTP**

<u>Sponsor(s)</u> STANLEY DUPREY G	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 763 proposed to direct the Department of Professional and Financial Regulation to establish a degree program for denturism.

**LD 765**                      **An Act To Prevent Truancy**                      **ONTP**

<u>Sponsor(s)</u> PENDLETON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 765 proposed to authorize the Secretary of State to suspend the driver's license or driving privileges of a student who is determined "habitually truant."

**LD 822**                      **An Act To Provide Greater Protection for School Children**                      **ONTP**

<u>Sponsor(s)</u> KANE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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Current law requires that school employees or service providers under contract with a school administrative unit must undergo a criminal history record check. However, current statutes do not require schools to conduct an investigation or verification of a volunteer driver's driving, record or criminal history. LD 822 proposed to require superintendents of a school administrative unit or a school union to complete a background check on each driver who transports students on behalf of the school administrative unit, including verification of the driver's driving record, criminal history and other relevant information.

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**LD 825**                      **An Act To Establish a Special Education Secondary School Diploma**                      **ONTP**

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 825 proposed to direct the Department of Education to authorize special education secondary school diplomas.

**LD 828**                      **An Act To Phase In General Purpose Aid for Local Schools Funding Losses Over Time**                      **ONTP**

<u>Sponsor(s)</u> GLYNN BROMLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 828 proposed to provide for an ongoing "maximum loss" provision for the general purpose aid for local schools program. The bill proposed to require that, beginning in fiscal year 2003-04 and for each fiscal year thereafter, the Legislature provide each school administrative unit with at least 90% of the state share of subsidy that it received for the preceding fiscal year for operating costs, program costs excluding the state share of bus purchases and minimum subsidy.

**LD 842**                      **An Act Relating to Portable Classrooms for Certain Cases**                      **PUBLIC 314**

<u>Sponsor(s)</u> MILLS J		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-351
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LD 842 proposed to provide that a school administrative unit engaged in a lease agreement for temporary interim nonadministrative space may be eligible for state support beyond the 5-year limit if the school unit has a major capital improvement application or a school revolving renovation fund application on file with the Department of Education and is not rated high enough by the Department of Education using the department's rating scale compared to other school units to obtain funding to correct problems with its facilities. Under this proposal, the school administrative unit would be eligible for state support until it obtained funding to correct problems with its facilities.

**Committee Amendment "A" (H-351)** proposed to strike and replace the bill. The amendment proposed to clarify that a school administrative unit engaged in a lease agreement for temporary interim nonadministrative space may be eligible for state support beyond the 5-year limit if the school administrative unit has a major capital improvement application or a school revolving renovation fund application on file with the Department of Education and is not rated high enough by the Department of Education using the department's rating scale compared to other school administrative units to obtain funding to correct problems with its facilities. The amendment also proposed to provide criteria that the State Board of Education must use when making a determination on a school administrative unit's appeal for relief from an undue burden presented by this statutory requirement.

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### ***Enacted Law Summary***

Public Law 2003, chapter 314 provides that a school administrative unit engaged in a lease agreement for temporary interim nonadministrative space may be eligible for state support beyond the 5-year limit if the school unit has a major capital improvement application or a school revolving renovation fund application on file with the Department of Education and is not rated high enough by the Department of Education using the department's rating scale compared to other school units to obtain funding to correct problems with its facilities. The law also provides criteria that the State Board of Education must use when making a determination on a school unit's appeal for relief from an undue burden presented by this statutory requirement.

**LD 850**

**An Act To Establish a New School Funding Formula**

**ONTP**

<u>Sponsor(s)</u> MCKENNEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 850 proposed to repeal the Maine Revised Statutes, Title 20-A, chapter 606, the School Finance Act of 1985; Title 20-A, chapter 606-A, the School Finance Act of 1995; and Title 20-A, chapter 606-B, Essential Programs and Services. The bill proposed to provide that the general purpose aid to local schools program would be recreated to provide a certain amount of state subsidy to each pupil in the State regardless of where the pupil resides or attends school.

**LD 890**

**An Act To Restrict Fingerprinting of Educational Personnel to New Applicants for Certification, Authorization or Approval**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u> TRAHAN	<u>Committee Report</u> OTP-AM   MAJ ONTP     MIN	<u>Amendments Adopted</u> H-520
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LD 890 proposed to restrict application of the fingerprinting and background check requirements to newly hired educational personnel. This bill proposed to authorize the Maine State Police and the Commissioner of Education to release certain general information relating to the fingerprinting and criminal history record checks of educational personnel.

**Committee Amendment "A" (H-520)** was the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment proposed to change the title and proposed to strike and replace the bill. The amendment proposed to accomplish the following:

1. It proposed to clarify that, beginning on August 15, 2003 the fingerprinting and criminal history record check requirements for educational personnel would be limited to applicants for initial certification, authorization and approval from the Department of Education under the Maine Revised Statutes, Title 20-A, chapters 501 and 502.
2. It proposed to include in the definition of "applicant" a person who applies for a position that requires certification or authorization and who holds a valid credential from another state, including a

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state that is a party state to an interstate agreement on qualifications of educational personnel under Title 20-A, chapter 511.

- 3. It proposed to exclude from the definition of "applicant" a person who is an applicant for renewal of certification, authorization and approval from the Department of Education under Title 20-A, chapters 501 and 502.
- 4. It proposed to remove the provision from the bill that would have authorized the Maine State Police and the Commissioner of Education to release statistics and certain general information relating to the fingerprinting and criminal history record check of educational personnel.

**LD 931**                      **An Act To Provide Certain Health Emergency Training to High School Seniors**                      **ONTP**

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

LD 931 proposed to authorize schools to provide voluntary cardiopulmonary resuscitation and automatic external defibrillator training to students during senior year health and safety classes through a cooperative agreement with a local fire department.

**LD 957**                      **An Act To Retain Teachers Holding Targeted Need Area Certificates, Conditional Certificates or Transitional Endorsements**                      **PUBLIC 445**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N BROMLEY	OTP-AM	H-458 H-523 CUMMINGS

LD 957 proposed to provide an exception from any amended rules adopted by the State Board of Education that increase the qualifications requirements for targeted need area certificates. Under this proposed bill, teachers who were issued targeted need area certificates to teach in teacher shortage areas prior to or during the 2002-2003 school year would be exempt from any increase in the qualifications required by amended rules adopted by the State Board of Education for targeted need area certificates.

**Committee Amendment "A" (H-458)** proposed to change the title of the bill and proposed to expand the exception provisions of the bill. The amendment proposed to accomplish the following.

- 1. It proposed to provide an exception from any amended rules adopted by the State Board of Education that revise the qualifications requirements for targeted need area certificates, conditional certificates or transitional endorsements. Teachers who were issued targeted need area certificates, conditional certificates or transitional endorsements to teach prior to or during the school year preceding the adoption of revisions to the original rules would be exempt from any revision in the qualifications required by amended rules adopted by the State Board of Education for targeted need area certificates, conditional certificates or transitional endorsements, provided that the holder of the

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targeted need area certificate, conditional certificate or transitional endorsement annually completed the required course work and testing as determined by the Department of Education for the school year preceding the adoption of revisions to the original rules.

2. It also proposed to provide that, until the Department of Education adopts revised rules under the Maine Revised Statutes, Title 20-A, section 13011, subsection 9, the Department of Education could issue 2nd and 3rd targeted need area certificates to prelingually deaf applicants provided that an applicant could show evidence of having attempted the Pre-professional Skills Test during the first or 2nd year of holding the targeted need area certificate.
3. It also proposed to direct the Department of Education to consider the concerns raised by the Superintendent of the Governor Baxter School for the Deaf and advocates for teachers of the deaf who are prelingually deaf regarding the need for accommodations for prelingually deaf applicants for targeted need area certificates as the department proceeds with the filing of the revised rule for the remaining portions of Chapter 115: Certification, Authorization and Approval of Education Personnel.

**House Amendment "A" to Committee Amendment "A" (H-523)** proposed to amend Committee Amendment "A," House Paper 458, to reflect that it would be the intent of the Legislature that the Department of Education consider the concerns specified in the committee amendment.

### ***Enacted Law Summary***

Public Law 2003, chapter 445 provides an exception from any amended rules adopted by the State Board of Education that revise the qualifications requirements for targeted need area certificates, conditional certificates or transitional endorsements. Under this law, teachers who were issued targeted need area certificates, conditional certificates or transitional endorsements to teach prior to or during the school year preceding the adoption of revisions to the original rules are exempt from any revision in the qualifications required by amended rules adopted by the State Board of Education for targeted need area certificates, conditional certificates or transitional endorsements, provided that the holder of the targeted need area certificate, conditional certificate or transitional endorsement annually completes the required course work and testing as determined by the Department of Education for the school year preceding the adoption of revisions to the original rules. The law also provides that, until the Department of Education adopts revised rules for targeted need area certificates, the department may issue 2nd and 3rd targeted need area certificates to prelingually deaf applicants provided that an applicant can show evidence of having attempted the Pre-professional Skills Test during the first or 2nd year of holding the targeted need area certificate. Finally, the law directs the Department of Education to consider the need for accommodations for prelingually deaf applicants for targeted need area certificates as the department proceeds with the filing of the revised rule for the remaining portions of Chapter 115: Certification, Authorization and Approval of Education Personnel.

*Joint Standing Committee on Education and Cultural Affairs*

LD 987

**An Act To Establish Consistent Requirements for High School  
Course Credits and Diploma Eligibility**

PUBLIC 271

<u>Sponsor(s)</u> MITCHELL GAGNE-FRIEL	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 987 proposed to make the law regarding transfer of credit for equivalent instruction at nonapproved private schools consistent with earned credit for home school instruction by adding the authority for a principal to require student testing before transferring credit for equivalent instruction. The bill also proposed to predicate the awarding of a high school diploma on a student's satisfying both course credit and other requirements set by a local school board.

***Enacted Law Summary***

Public Law 2003, chapter 271 makes the law regarding transfer of credit for equivalent instruction at nonapproved private schools consistent with earned credit for homeschool instruction by adding the authority for a principal to require student testing before transferring credit for equivalent instruction. The bill also predicates award of a high school diploma on a student's satisfying both course credit and other requirements set by a local school board.

LD 1032

**An Act Concerning the Processing Time for Substitute and  
Regular School Employee Fingerprinting**

PUBLIC 184

<u>Sponsor(s)</u> LAVERRIERE-BOUC	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-200
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LD 1032 proposed to provide that, beginning with the 2003-2004 school year, a person employed by a school as a substitute, and who also needs fingerprinting and a criminal history record check must be issued a temporary approval card by the Department of Education and must meet the fingerprinting and criminal history record check requirements within 8 weeks of employment. Current law requires that a regular school employee subject to the fingerprinting and criminal history record check requirements must meet these requirements prior to the 20th day of employment. The bill also proposed to provide that, for a person employed as a substitute and who has been fingerprinted pursuant to criminal history record check requirements, the temporary approval card would remain valid until the Commissioner of Education would determine whether approval is granted or denied based on the criminal history record information obtained from the State Bureau of Identification.

**Committee Amendment "A" (H-200)** proposed to change the title of the bill and proposed to strike and replace the bill to expand the provisions of the bill, which would affect only a person employed by a school as a substitute, to include a person who is a regular school employee. The amendment proposed to provide that, beginning with the 2003-2004 school year, a person employed by a school as a substitute and a person who is a regular school employee and who would also need fingerprinting and a criminal history record check must be issued a temporary approval card by the Department of Education and must meet the fingerprinting and criminal history record check requirements within 8 weeks of employment. The amendment also proposed to provide that, for a person employed as a substitute and for a person

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who is a regular school employee and who has been fingerprinted pursuant to criminal history record check requirements, the temporary approval card would remain valid until the Commissioner of Education would determine whether approval is granted or denied based on the criminal history record information obtained from the State Bureau of Identification.

**Enacted Law Summary**

Public Law 2003, chapter 184 provides that, beginning with the 2003-2004 school year, a person employed by a school as a substitute and a person who is a regular school employee and who also needs fingerprinting and a criminal history record check must be issued a temporary approval card by the Department of Education and must meet the fingerprinting and criminal history record check requirements within 8 weeks of employment. The law also provides that, for a person employed as a substitute and for a person who is a regular school employee and who has been fingerprinted pursuant to criminal history record check requirements, the temporary approval card remains valid until the Commissioner of Education determines whether approval is granted or denied based on the criminal history record information obtained from the State Bureau of Identification.

**LD 1036                      An Act To Clarify Curriculum Requirements for Gifted and Talented High School Students                      ONTP**

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

LD 1036, which was a concept draft pursuant to Joint Rule 208, proposed to clarify that the existing honors and advanced placement curricula serve to meet curriculum requirements for educating gifted and talented students, thus obviating the need for high schools to create an additional separate curriculum for such students. Currently, public high school students labeled as "gifted and talented" are enrolled in the honors classes and advanced placement classes offered by their high schools.

**LD 1041                      An Act To Protect Schools That Are Completing Health and Safety Improvements from Losing Points as Part of Their Major Capital Project Applications                      ONTP**

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

LD 1041 proposed to establish a so-called "hold harmless" provision to protect school administrative units that are completing health and safety improvements to their school facilities from losing points in the rating process used by the State Board of Education to evaluate school construction project applications. The bill also proposed to provide that, beginning with the 2003-2004 rating cycle for school construction project applications, the State Board of Education should ensure that the rating points assigned to a project application for the rating cycle in progress are not adjusted, reduced or affected by improvements made to existing buildings that relate directly to protecting the health or safety of staff or students, as long as the project application involved received a rating on the school facilities priority list for the 2001-2002 rating cycle and the improvements were made subsequent to the



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submission of the 2003-2004 application. The bill also proposed to direct the State Board of Education to adopt or amend rules relating to the rating and approval of school construction projects.

**LD 1046                      An Act To Expand Waiver of Tuition Payments to All Active Duty                      ONTP**  
**Military Personnel Who Are Maine Residents**

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1046 proposed to allow residents who are active duty military personnel to earn an associate degree at a state postsecondary educational institution free of tuition charges.

**LD 1069                      Resolve, Directing the Maine State Cultural Affairs Council To                      RESOLVE 18**  
**Examine Available Funding for Local Historical Societies**

<u>Sponsor(s)</u> THOMPSON MAYO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-133
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LD 1069 proposed to direct the Maine Historic Preservation Commission to review and study all available funding sources to fund projects for local historical societies to document and preserve the local histories throughout the State. It also proposed to direct the Commission to submit a report with its findings and any necessary implementing legislation to the Joint Standing Committee on State and Local Government by December 15, 2003.

**Committee Amendment "A" (H-133)** proposed to direct the Maine State Cultural Affairs Council instead of the Maine Historic Preservation Commission to review and study all available funding sources to fund projects for local historical societies to document and preserve the local histories throughout the State. It also proposed to direct the Council to submit a report with its findings and any necessary implementing legislation to the Joint Standing Committee on State and Local Government by December 15, 2003.

***Enacted Law Summary***

Resolve 2003, chapter 18 directs the Maine State Cultural Affairs Council to review and study all available funding sources to fund projects for local historical societies to document and preserve the local histories throughout the State. It also directs the Council to submit a report with its findings and any necessary implementing legislation to the Joint Standing Committee on State and Local Government by December 15, 2003.

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**LD 1082**

**An Act Regarding Habitual Truants**

**CARRIED OVER**

<u>Sponsor(s)</u> CLOUGH		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1082 proposes to amend the current law that addresses the procedures that local school units must take when dealing with students who are habitually truant. It would require the superintendent to send a notice to the parent of a truant informing the parent that the child is truant and is required by law to attend school. The bill also proposes to require the superintendent to report the truancy of a child to the local law enforcement agency if a parent has not complied with the notice. The bill further proposes to make it a Class E crime if a parent fails to enroll a child in school or fails to require the child to regularly attend school. The bill has been carried over to the Second Regular Session.

**LD 1103**

**An Act To Protect Children from Indecent Material on the Internet**

**ONTP**

<u>Sponsor(s)</u> DUPREY B		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1103 proposed to prohibit an elementary or secondary school from allowing a person under 18 years of age to access obscene or pornographic materials through the use of that school's computer. This bill also proposed to direct the Department of Education to adopt rules to implement this bill.

**LD 1112**

**An Act To Restore an Annual Adjustment for Costs to the School Funding Formula**

**ONTP**

<u>Sponsor(s)</u> COLLINS		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1112 proposed to restore to the school funding formula an annual adjustment to reflect variations in costs. The School Finance Act of 1995 used to factor in the school funding formula an adjustment to reflect variations in regional costs. Public Law 1999, chapter 401, Part GG, section 5 eliminated this adjustment.

**LD 1116**

**An Act Regarding University of Maine System Boards of Visitors**

**P & S 14**

<u>Sponsor(s)</u> DUNLAP		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-138
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LD 1116 proposed to require each board of visitors for each of the 7 universities in the University of Maine System to submit an annual report of its activities to the Board of Trustees of the University of Maine System. Under this proposed bill, the Board of Trustees would be required to submit a copy of the

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annual report of each board of visitors to the Legislature and to the joint standing committee of the Legislature having jurisdiction over education matters.

**Committee Amendment "A" (H-138)** proposed to clarify that the Board of Trustees of the University of Maine System is required to submit a copy of the annual report of each board of visitors to the Legislature and to the joint standing committee of the Legislature having jurisdiction over education matters annually in January as part of the report required from the board of trustees in the Maine Revised Statutes, Title 20-A, section 10902-A.

### ***Enacted Law Summary***

Private and Special Law 2003, chapter 14 requires that each board of visitors for each of the 7 universities in the University of Maine System must submit an annual report of its activities to the Board of Trustees of the University of Maine System. The law also requires that the Board of Trustees submit a copy of the annual report of each board of visitors to the Legislature and to the joint standing committee of the Legislature having jurisdiction over education matters annually in January as part of the report required from the Board of Trustees under existing law.

**LD 1130**                      **An Act To Protect Children from Classes Contradictory to Their Religious Beliefs**                      **ONTP**

<u>Sponsor(s)</u> DUPREY B	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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Current law and rules of the Department of Education include accommodation provisions for instances when course content conflicts with sincerely held religious beliefs and practices of a student or a student's parent or guardian. LD 1130 proposed to provide the procedures by which a student may be granted an excused absence from a course when course content conflicts with sincerely held religious beliefs and practices of the student or of the student's parent or guardian. The bill also proposed to provide the instructional alternatives available to such students and the procedures for receiving academic credit for these instructional alternatives. The bill also proposed to require the Commissioner of Education to establish or amend rules to accomplish this purpose.

**LD 1133**                      **Resolve, To Establish the Study Committee to Study the Feasibility of a 4-year High School Vocational Program**                      **ONTP**

<u>Sponsor(s)</u> ANNIS MITCHELL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1133 proposed to establish a study commission to study the feasibility of providing a technical high school setting for middle school students to attend after they complete 8th grade.

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**LD 1198                      An Act Regarding the Criminal History Record Check of School Employees                      ONTP**

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

LD 1198 proposed to provide that, beginning with the 2003-2004 school year, only newly hired school employees would be subject to the fingerprinting and criminal history record check requirements. The bill also proposed to provide that former school employees who left a school administrative unit in the State due to a sincerely held philosophical belief against the fingerprinting and criminal history record check requirement, and who subsequently return to school employment, would be exempted from the criminal history record check requirement for newly hired school employees. The bill also proposed to authorize the Maine State Police and the Commissioner of Education to release certain general information relating to the fingerprinting and criminal history record checks of educational personnel.

**LD 1202                      An Act To Require Consistency in the School Budget Process                      ONTP**

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

LD 1202 proposed to require that whenever a school budget is considered and defeated in a town meeting or municipal election then the revised budget to be considered must follow the same process for approval.

**LD 1205                      Resolve, Regarding the Effect of the Income Factor on General Purpose Aid for Local Schools                      ONTP**

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

LD 1205 proposed to direct the Department of Education to disclose in spreadsheet format the effect of eliminating the income factor from the General Purpose Aid for Local Schools funding formula.

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**LD 1229                      An Act To Provide School Vouchers to Students in Overcrowded Schools                      ONTP**

<u>Sponsor(s)</u> CRASSEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1229 proposed to create a school voucher program for students who live in households having an annual household income of \$30,000 or less and who attend public schools that have a student-to-teacher ratio greater than 20 to 1. If a student who is eligible for a school voucher chooses to leave a public overcrowded school to attend a public, private or religious school that has a student-to-teacher ratio less than 20 to 1, this bill proposed to require the State to pay \$3,000 to that receiving school towards the education of that student. Under the proposed bill, the remainder of the cost to educate that student at the receiving school would be paid by the sending school, up to an amount equal to the per-pupil costs at the sending school.

**LD 1241                      An Act To Provide Tuition Subsidies for Students in High-growth Areas                      ONTP**

<u>Sponsor(s)</u> VAUGHAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1241 proposed to require the Legislature to annually appropriate funds to a school district that is experiencing high growth in student enrollment or that is facing a crisis of overcrowding, as determined by the Commissioner of Education, to allow an appropriate number of those students to attend another public, private or religious school to alleviate that overcrowding.

**LD 1250                      An Act To Provide an Exception to the Laws Governing Fingerprinting of Educational Personnel                      ONTP**

<u>Sponsor(s)</u> SNOWE-MELLO		<u>Committee Report</u> ONTP      MAJ OTP      MIN		<u>Amendments Adopted</u>
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LD 1250 proposed to allow educational personnel who have not been fingerprinted and who are seeking certification, authorization, approval or renewal from the Department of Education to seek exemption due to a sincerely held philosophical objection to the required fingerprinting and criminal history record check.

Under the proposed bill, education personnel who had left their jobs due to the same objection would have also been allowed an exemption so they could seek reemployment in their field.

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**LD 1269**                      **An Act To Support Maine's Educational Needs through a Public Education Partnership**                      **ONTP**

<u>Sponsor(s)</u> CUMMINGS BRENNAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1269 proposed to provide funds for the University of Maine System to take a leadership role in integrating Maine's teacher education programs to form a comprehensive public education partnership to address issues related to school quality and teacher preparation.

**LD 1296**                      **An Act To Amend the Maine State Grant Program**                      **PUBLIC 103**

<u>Sponsor(s)</u> THOMAS CATHCART	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1296 proposed to provide a description of need for student financial assistance that is consistent with the definition used in federal student financial assistance programs.

### *Enacted Law Summary*

Public Law 2003, chapter 103 provides a description of need for student financial assistance that is consistent with the definition of need used in federal student financial assistance programs.

**LD 1302**                      **An Act To Expand Access to Higher Education**                      **ONTP**

<u>Sponsor(s)</u> RINES HALL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1302, which was a concept draft pursuant to Joint Rule 208, proposed to use existing infrastructure and technology available in this State for distance learning as well as improvements to this infrastructure and technology to expand access to higher education for the citizens of this State. The bill proposed to seek to provide access to and the benefits of higher education provided by the institutions of higher learning in this State to the citizens of Maine in their own communities through the use of technology.

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**LD 1303**

**An Act To Provide for Full State Funding for Special Education Costs**

**ONTP**

<u>Sponsor(s)</u> LEMOINE STANLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1303 proposed to provide that the general purpose aid for local schools program would provide state subsidy for 100% of the actual special education costs incurred by each school administrative unit in the State. Under this bill, the Commissioner of Education would be required to adjust each school administrative unit's state share of state subsidy to include an amount that equals 100% of the unit's actual special education costs, including the unit's personnel costs, to provide special education services and special education costs for state wards, state agency clients and out-of-district placements. The bill also proposed to provide an additional amount of General Fund appropriations for the general purpose aid for local schools program to fully fund the local share of actual local special education costs.

**LD 1340**

**An Act To Amend the Educators for Maine Program**

**PUBLIC 427**

<u>Sponsor(s)</u> CUMMINGS	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1340 proposed to make modifications to the Educators for Maine Program administered by the Finance Authority of Maine. The proposed modifications would allow for uniform administration of the program by integrating and coordinating amendments that have been made over several years. The proposed changes would also allow for consistent treatment for all undergraduate candidates, notwithstanding their course of study. The bill proposed to accomplish the following.

1. It proposed to repeal the existing definition section and replace it with updated definitions. New definitions are proposed to be added for "child care provider qualifications," "cost of attendance" and "undergraduate." The definition of "preservice" was proposed to be removed because all loan recipients now are required to show an interest in providing return service.
2. It proposed to eliminate distinctions in program participants other than as undergraduate and postbaccalaureate students.
3. It proposed to increase the maximum loan amounts available to students pursuing postbaccalaureate teacher certification from \$1,500 annually to \$2,000 and from up to \$6,000 total to a maximum aggregate loan of \$8,000.
4. It proposed to clarify that there are only 2 categories of eligible students: undergraduate and postbaccalaureate.
5. It proposed to clarify that no loan recipient would receive loan funds that result in making the total financial aid award exceed the amount it costs the recipient to attend the school.

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6. It proposed to provide that individuals would provide return service as a child care worker if they received their first loan after January 1, 2000, the first year that Educators for Maine funds were available to students pursuing a career in child care. The bill also proposed to clarify that the authority could allow for partial loan forgiveness for individuals who are teaching part-time. A reference to educator shortage areas is proposed to be removed because the Department of Education no longer designates educator shortage areas.
7. It proposed to change the maximum time to repay the debt to 11 years, to provide for the period between graduation and commencement of the repayment period. It proposed to provide that the authority could limit by rule the number of deferments granted to any one student.
8. It proposed to allow the authority to forgive loans made to individuals who die or become permanently disabled.
9. It proposed to repeal forgiveness provisions that are now incorporated into other provisions.
10. It proposed to provide that the authority could use a single master promissory note for multiple disbursements of loans under the program.

### ***Enacted Law Summary***

Public Law 2003, chapter 427 makes modifications to the Educators for Maine Program administered by the Finance Authority of Maine. The modifications allow for uniform administration of the program by integrating and coordinating amendments that have been made over several years. The changes allow for consistent treatment for all undergraduate candidates, notwithstanding their course of study. The law also:

1. Clarifies that there are only 2 categories of eligible students: undergraduate and postbaccalaureate;
2. Increases the maximum loan amounts available to students pursuing postbaccalaureate teacher certification from \$1,500 annually to \$2,000 and from up to \$6,000 total to a maximum aggregate loan of \$8,000;
3. Clarifies that no loan recipient may receive loan funds that result in making the total financial aid award exceed the amount it costs the recipient to attend the school;
4. Changes the maximum time to repay the debt to 11 years, to provide for the period between graduation and commencement of the repayment period. It provides that the authority may limit by rule the number of deferments granted to any one student;
5. Allows the authority to forgive loans made to individuals who die or become permanently disabled; and
6. Provides that the authority may use a single master promissory note for multiple disbursement of loans under the program.



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**LD 1344**                    **An Act To Give Teachers a Greater Voice in School Improvement**    **CARRIED OVER**

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

LD 1344 proposes to redefine as "working conditions" several specific issues that case law has identified as "educational policy." This modification to the bargaining law would allow school districts and school employees to negotiate such issues as preparation and planning time, work assignments and procedures for the evaluation of teachers. The bill has been carried over to the Second Regular Session.

**LD 1355**                    **An Act To Increase State Funding for Renovation, Repair and Replacement of Schools for Local Communities by Limiting the State's Debt Limit for New School Construction**                    **ONTP**

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

LD 1355 proposed that the Commissioner of Education be required to transfer debt service funds to be used to provide additional state subsidy to be distributed to school administrative units to offset school repair, replacement and renovation costs to increase the state share of school renovation, repair and replacement costs. The bill, in essence, proposed to freeze the debt service limit for state-supported school construction projects to the \$80,000,000 debt service limit established for fiscal year 2002-03; and, between fiscal year 2003-04 and fiscal year 2006-07, require the Commissioner of Education to transfer an increasing percentage of debt service funds to the foundation allocation component of the general purpose aid for local schools program. The bill also proposed to provide for a transfer of \$8,000,000 in fiscal year 2003-04 and an additional \$12,600,000 in fiscal year 2004-05 from the state debt service allocation to the School Revolving Renovation Fund to increase the state share of school renovation, replacement and repair costs.

**LD 1365**                    **An Act To Assist Maine Educators in Meeting the Quality Requirements of the Federal Elementary and Secondary Education Act of 1965**                    **CARRIED OVER**

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

LD 1365 proposes to require the Department of Education to provide Maine educators with a range of options for demonstrating their proficiency and to assist Maine educators in meeting the requirements of the federal Elementary and Secondary Education Act of 1965, as amended by the federal No Child Left Behind Act of 2001. The bill proposes to accomplish the following:

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1. It proposes to require the Department of Education to adopt or amend rules for the program of technical assistance;
2. It proposes to require the Department of Education to notify by mail, by May 1, 2003, every person who is certified to teach or authorized to be employed as an educational technician in this State of the new requirements of and the deadlines for complying with the federal Elementary and Secondary Education Act 1965.
3. It proposes to require the Department of Education to convene, not later than June 1, 2003, an advisory committee, the majority of members of which are practicing classroom teachers and practicing educational technicians, to identify the needs imposed on Maine educators and Maine schools by the federal Elementary and Secondary Education Act of 1965's educator quality provisions and to recommend actions by the Department of Education and the Legislature to assist educators in meeting those needs. The advisory committee shall present a report on its findings and recommendations to the Joint Standing Committee on Education and Cultural Affairs no later than December 15, 2003.
4. It proposes to require the Department of Education to compile and publish on its website a database of programs accredited or recommended to assist educators in meeting the teacher quality requirements of the federal Elementary and Secondary Education Act of 1965 and other information about professional development funding, grants and other resources available to assist them in meeting these requirements.

The bill has been carried over to the Second Regular Session.

**LD 1369**

**An Act To Establish the Maine Community College System**

**ONTP**

<u>Sponsor(s)</u> DAGGETT COLWELL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1369 proposed to amend the Maine Revised Statutes to reflect the transformation of the Maine Technical College System into the Maine Community College System. The bill proposed to change statutory references from "technical" college or system to "community." The bill also proposed to amend the laws governing the Maine Career Advantage program to align its services with the Maine Community College System.

The substance of this bill was also addressed by another bill referred to the Education Committee (see LD 597) and was enacted as part of the Part I budget bill (see LD 1319, which was enacted as P.L. 2003, c. 20, Part OO).

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**LD 1374**

**An Act To Ensure That No Maine Child Is Left behind by  
Improving the Overall Education of Disadvantaged Children and  
Complying with New Federal Education Funding Requirements**

**ONTP**

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1374 proposed several changes in law to improve school choice in order to address the educational needs of a wider range of students. The bill proposed to provide for the establishment of charter schools to serve the unique educational needs of students by act of the Legislature. The bill also proposed to expand the current law governing transfer of students between public schools through the process known as "superintendents' agreement" to include a wider range of public schools and to include transfers between public schools and private schools approved for tuition purposes. Under the proposed bill, such transfers would have been required if the student had failed to meet state academic and student achievement standards and the school from which the student requests to transfer had failed to make adequate yearly progress as defined in the federal No Child Left Behind Act of 2001 and the school to which transfer is sought had met those standards. The bill also proposed to increase the number of private schools eligible for student transfer by removing the requirement that private schools be nonsectarian in order to be eligible for tuition payment. Finally, the bill proposed to establish principles to guide the Department of Education in implementing the law. The proposed bill would not have applied to homeschooling or homeschooled students.

**LD 1384**

**An Act To Provide Student Loan Forgiveness to Maine Employees**

**ONTP**

<u>Sponsor(s)</u> STRIMLING CUMMINGS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1384 proposed to establish a loan and loan forgiveness program, similar to that established for teachers, to provide school loans and loan forgiveness to students who remain in or return to Maine to work.

**LD 1391**

**An Act To Approve Public Charter Schools in Maine**

**ONTP**

<u>Sponsor(s)</u> WESTON		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1391 proposed to allow certain educational bodies to approve the establishment of charter schools, a new type of public school, to be a part of the State's program of public education.

Under the proposed bill, charter schools would be existing public schools or school units, new schools or existing nonprofit, nonsectarian schools that convert to charter status. A chartering authority would be a local school board or nonsectarian, 4-year postsecondary institution. Charter schools would be created to offer students and parents a choice of public schools. Charter schools would be open to all students

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equally, though they may specialize in serving a particular age group, a specific geographic area or a student population with specific needs. A charter school would not be affiliated with a religious institution and must be nonsectarian in its programs, practices and policies.

The bill also proposed that charter school staff would include at least one teacher holding an appropriate teaching certificate. Teachers in charter schools would be employees of the charter school and would have the right to organize and bargain collectively in a separate unit; or teachers could choose to operate the charter school themselves as partners or members of a cooperative.

The bill further proposed that charter schools would be funded by per-pupil allocations from state and local sources. The state and local per-pupil payments would be sent to each charter school or other public school chosen for each child. Both operating and program funds would follow each child to the public school chosen.

### **LD 1422                      An Act To Promote Student and Taxpayer Equity in the School Funding Formula**

**ONTP**

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

LD 1422 proposed to provide amendments to the school funding formula to ensure student equity and taxpayer equity in the distribution of state resources for kindergarten to grade 12 public education in the State. In order to achieve those goals, the bill proposed to provide the following changes to the school funding formula.

1. Beginning in fiscal year 2003-04, the pupil counts and the property valuation data used for determination of the state subsidy to be distributed to each school administrative unit would be based on the averages of the annual numbers for pupil count and for property valuation for the most recent 4-year period.
2. As an exception to the current method of computing property fiscal capacity, the Commissioner of Education would provide municipalities that have tax-exempt property that exceeds 20% of property in the municipality due to the location of nonprofit and governmental organizations within the municipality, with an adjustment to the property weight used to determine their school funding subsidy.
3. In fiscal year 2003-04, the income factor used to determine local fiscal capacity would be calculated at 20% and in fiscal year 2004-05, the income factor used would be calculated at 25%.
4. As an exception to using income to determine local fiscal capacity, the Commissioner of Education would adjust the income factor used for a school administrative unit that is located within a municipality whose local fiscal property capacity as a percent of the municipality's median household income exceeds the statewide fiscal property capacity as a percent of the statewide median household income.
5. For fiscal year 2003-04, the program millage limit would be 1.45 mills, approximately the level established for fiscal year 2002-03.

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6. For fiscal year 2003-04, the operating mill rate would be determined by the Department of Education.
7. For fiscal year 2003-04, the program cost reduction percentage would be 0%.
8. In fiscal year 2003-04, the adjustment for out-of-district placement would be increased to \$3,788,679.
9. In fiscal year 2003-04, the adjustment for the costs of geographic isolation would be fully funded at \$1,792,317.
10. The implementation of the essential program and services model would include a weighted pupil methodology, a cost-of-education adjustment and a method of calculating district costs other than using a statewide average cost method.
11. The State Board of Education and the Department of Education would prepare and present a state incentive plan for school consolidation. The Department of Education would designate a senior staff person to be responsible for investigating other state models of consolidation and would adopt rules on school administrative unit consolidation no later than November 1, 2003, which may provide for an additional allocation of state subsidy to school administrative units that consolidate schools.
12. The State Board of Education and the Commissioner of Education would study the possibility of establishing an early retirement program for educational personnel.

**LD 1432**

**An Act Regarding the Factors Used for General Purpose Aid in the Essential Programs and Services Model for "English as a 2nd Language" Students**

**ONTP**

Sponsor(s)  
ADAMS

Committee Report  
ONTP

Amendments Adopted

LD 1432 proposed to direct the Department of Education to use an enrollment-driven method to adjust the amount of general purpose aid subsidy that a school administrative unit would receive for the costs of providing a transitional instruction program for students of limited proficiency in English who were placed in a transitional instruction program using English as a 2nd language or bilingual techniques approved by the Commissioner of Education. The bill proposed to accomplish the following.

1. Beginning in fiscal year 2003-04, a school administrative unit would receive an adjustment to its state subsidy on a per capita basis for each student of limited proficiency in English placed in an approved transitional instruction program. State payments to school administrative units would be made during the year of allocation as a single payment.
2. The adjustment would be calculated using a weighted average student count with a 3-tiered differential weighting scheme based on the number of students placed in an approved transitional instruction program in the unit and the averaging of the 2 most recent student census counts.

**Joint Standing Committee on Education and Cultural Affairs**

3. The funds disbursed for this adjustment would be limited to the amount appropriated by the Legislature for this purpose and payments to units would be prorated if the amount appropriated was insufficient to make full payments to all units. If additional appropriations were not provided for this disbursement, the Department of Education would not redistribute existing appropriations for general purpose aid to local schools for this adjustment.
  
4. The Commissioner of Education would be directed to revise the forms provided to school administrative units and private schools so that the annual student counts required each school year would include the count of all students placed in an approved transitional instruction program beginning with the April 15, 2003 student count. The commissioner would also be directed to provide notice to all superintendents and private school principals that, beginning with the April 15, 2003 student count, each school administrative unit and private school would be required to specify the number of students placed in an approved transitional instruction program as part of the annual student counts.

<b>LD 1465</b>	<b>Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate Located in Hallowell and To Enter into Lease-purchase Agreements for School Bus Acquisition</b>	<b>RESOLVE 92</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	OTP-AM    MAJ	H-224
TREAT	ONTP      MIN	S-311   CATHCART

LD 1465 proposed to authorize the Commissioner of Administrative and Financial Services to sell or lease the State's interests in certain property located in Hallowell.

**Committee Amendment "A" (H-224)**, which is the majority report, proposed to incorporate a fiscal note.

**Senate Amendment "A" (S-311)** proposed to authorize the Commissioner of Administrative and Financial Services, on behalf of the Department of Education, to enter into lease-purchase contracts or other financing arrangements in fiscal years 2003-04 and 2004-05 for acquisition of school buses. This would be to replace 43 buses that must be removed from service for safety reasons. The amendment proposed that financing may not exceed 7 years in duration and \$2,500,000 in principal costs, and interest rates may not exceed 6%.

***Enacted Law Summary***

Resolve 2003, chapter 92 authorizes the Commissioner of Administrative and Financial Services to sell or lease the State's interests in certain property located in Hallowell. It also authorizes the Commissioner of Administrative and Financial Services, on behalf of the Department of Education, to enter into lease-purchase contracts or other financing arrangements in fiscal years 2003-04 and 2004-05 for acquisition of school buses. Financing may not exceed 7 years in duration and \$2,500,000 in principal costs. Interest rates may not exceed 6%.

*Joint Standing Committee on Education and Cultural Affairs*

LD 1484

An Act To Amend the School Construction Program

ONTP

<u>Sponsor(s)</u> BRENNAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1484 proposed to amend the requirements for local debt service costs that are eligible for state subsidy under the general purpose aid for local schools program. The bill proposed to amend provisions of the school construction program and the so-called debt service "circuit breaker" program in the following ways:

1. It proposed to increase the millage limit established for the debt service circuit breaker from 45% to 100%;
2. It proposed to provide that, beginning in school year 2003-04, a school administrative unit engaged simultaneously in 2 or more approved major capital projects is eligible to include the principal and interest costs for each major capital project in the determination of the debt service millage limit;
3. It proposed to provide that, beginning in school year 2003-04, a school administrative unit engaged simultaneously in an approved major capital project and a nonstate funded project is eligible for state support for 100% of the principal and interest costs for the approved major capital project and for 50% of the principal and interest costs for the nonstate funded project if the project was approved by the commissioner after the school administrative unit applied to the state board for major capital project approval and the project application involved received a rating in the top 50% on the major capital project priority list; and
4. It proposed to direct the Department of Education and the State Board of Education to amend or adopt rules necessary to implement the changes to the debt service "circuit breaker" program.

LD 1508

**Resolve, Regarding Legislative Review of Chapter 7: Rules Advancing the Performance of Sound Student Safety Practices in Maine's Public Schools and Colleges, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards, Board of Occupational Safety and Health**

**RESOLVE 56  
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-423 H-521 CUMMINGS
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LD 1508, a resolve, proposed to provide for legislative review of Chapter 7: Rules Advancing the Performance of Sound Student Safety Practices in Maine's Public Schools and Colleges, a major substantive rule of the Department of Labor, Bureau of Labor Standards.

**Committee Amendment "A" (H-423)** proposed to provide that the provisionally adopted rule submitted by the Department of Labor, Bureau of Labor Standards, Board of Occupational Safety and Health could be authorized only if the rule was amended as follows.

## *Joint Standing Committee on Education and Cultural Affairs*

1. The following designated parts of the provisionally adopted rule must be deleted: "III. Educational institution's duty to respond," "V. Board of Occupational safety and Health oversight of this rule," "VI. Educational institutions' additional duties to advance student safety through sound student safety practices initiatives" and "VII. Enforcement"; and
2. The part designated "I. Summary of purpose" must be amended by deleting the 2nd sentence, which summarizes parts of the rule that are not authorized for final adoption.

The amendment also proposed to add a new section to the resolve to report that the Joint Standing Committee on Education and Cultural Affairs made the following findings:

1. The portions of the rule that would not be authorized for final adoption would add new requirements to the existing health and safety requirements already mandated to school administrative units and that these new requirements could have a significant fiscal impact on school administrative units; and
2. The portions of the rule that would be authorized for final adoption are sufficient to permit the Department of Labor, Bureau of Labor Standards to communicate allegations of unsafe student conditions in educational institutions and to provide any technical assistance that could be necessary to these educational institutions.

The amendment further proposed to strike and replace the title of the resolve to more accurately reflect the entity that adopted the rules.

**House Amendment "A" to Committee Amendment "A" (H-521)** proposed to amend the "finding section" of the committee amendment to reflect that it is the Legislature that is making the final determination regarding the provisionally adopted rules.

### ***Enacted Law Summary***

Resolve 2003, chapter 56 requires the Department of Labor, Bureau of Labor Standards, Board of Occupational Safety and Health to amend its provisionally adopted major substantive rules regarding sound student safety practices in Maine's public schools and colleges. The resolve specifies that the portions of the rule that are authorized for final adoption are only those portions sufficient to permit the Bureau of Labor Standards to communicate allegations of unsafe student conditions in educational institutions and to provide any technical assistance that may be necessary to these educational institutions.

Resolve 2003, chapter 56 was passed as an emergency measure effective June 2, 2003.



*Joint Standing Committee on Education and Cultural Affairs*

LD 1530

**Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Major Substantive Rule of the Department of Education**

**RESOLVE 60  
EMERGENCY**

Sponsor(s)

Committee Report  
OTP-AM

Amendments Adopted  
H-453

LD 1530, a resolve, proposed to provide for legislative review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a major substantive rule of the Department of Education.

**Committee Amendment "A" (H-453)** proposed to provide that only specific portions of the provisionally adopted major substantive rule submitted by the Department of Education could be authorized and also proposed to provide that the remainder of the provisionally adopted major substantive rule could not be adopted, but rather must be reviewed and resubmitted by the Department of Education. The amendment proposed to authorize the adoption of the proposed provisions to the Administrator Certificates section of the rule only if certain portions of this section of the rule would be amended to include references to the Interstate School Leaders Licensure Consortium standards as part of the alternative pathways to certain administrator certificates.

The amendment also proposed to require that, pending the decision of the United States Department of Education on the Maine Department of Education's Consolidated State Application for State Grants under Title IX, Part C, Section 9302 of the federal Elementary and Secondary Education Act, Public Law 107-110, the Department of Education would review and file a revised provisionally adopted major substantive rule. The amendment further proposed to require that the Department of Education would also consider the concerns raised by interested parties during public hearings and work sessions on this rule conducted by the Joint Standing Committee on Education and Cultural Affairs related to other portions of the provisionally adopted major substantive rule that are not necessarily subject to the educator quality requirements of the federal Elementary and Secondary Education Act as amended by the No Child Left Behind Act of 2001.

***Enacted Law Summary***

Resolve 2003, chapter 60 provides that only specific portions of the provisionally adopted major substantive rule submitted by the Department of Education related to certification, authorization and approval of education personnel are authorized and also provides that the remainder of the provisionally adopted major substantive rule may not be adopted, but rather must be reviewed and resubmitted by the Department of Education. The resolve authorizes the adoption of the proposed provisions to the Administrator Certificates section of the rule only if certain portions of this section of the rule are amended to include references to the Interstate School Leaders Licensure Consortium standards as part of the alternative pathways to certain administrator certificates.

The resolve also requires that, pending the decision of the United States Department of Education on the Maine Department of Education's Consolidated State Application for State Grants under the federal Elementary and Secondary Education Act, the Department of Education shall review and file a revised provisionally adopted major substantive rule. The resolve further requires that the department shall consider the concerns raised by interested parties during public hearings and work sessions on this rule conducted by the Joint Standing Committee on Education and Cultural Affairs related to other portions

## Joint Standing Committee on Education and Cultural Affairs

of the provisionally adopted major substantive rule that are not necessarily subject to the educator quality requirements of the federal Elementary and Secondary Education Act as amended by the No Child Left Behind Act of 2001.

Resolve 2003, chapter 60 was passed as an emergency measure effective June 3, 2003.

### LD 1564 An Act Regarding School Bus Contracts

**PUBLIC 325  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE DOUGLASS	OTP-AM	H-364

LD 1564 proposed to allow the Commissioner of Education to authorize a one-year extension of a 5-year contract for transportation of public school students when such an extension would be beneficial to a school administrative unit.

**Committee Amendment "A" (H-364)** proposed to incorporate a fiscal note.

#### *Enacted Law Summary*

Public Law 2003, chapter 325 allows the Commissioner of Education to authorize a one-year extension of a 5-year contract for transportation of public school students when such an extension would be beneficial to a school administrative unit.

Public Law 2003, chapter 325 was enacted as an emergency measure effective May 27, 2003.

### LD 1577 An Act To Amend and Improve the Education Laws

**PUBLIC 477**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS CUMMINGS	OTP-AM MAJ OTP-AM MIN	S-201

LD 1577 proposed to amend certain provisions in the education statutes to ensure compliance with new federal requirements, to reflect current practice or to clarify existing state law. The bill proposed to accomplish the following:

1. It proposed to add "emotional disability" to the definition of "exceptional student";
2. It proposed to add "undue burden" as a requirement concerning requests for extension of leased space agreements relating to local school administrative units;
3. It proposed to amend the definition of "homeless student" in compliance with the provisions of federal law;

## *Joint Standing Committee on Education and Cultural Affairs*

4. It proposed to amend the homeless student provisions to be addressed by Department of Education rules to implement federal law;
5. It proposed to amend and clarify the section of the statute defining the tuition rate that could be charged by schools receiving tuition students who are enrolled in regular school day applied technology educational programs at applied technology centers. It proposed to add language establishing the tuition rate that could be charged by the applied technology center, satellite or region; and
6. It proposed to amend the statutes regarding local funding requirements for gifted and talented programs and the reporting dates and implementation dates for those programs.

**Committee Amendment "A" (S-201)**, which was the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to retain the provision in the original bill that proposed to amend the date for full implementation of the school administrative unit's gifted and talented program, but proposed to change the implementation date for gifted and talented programs from the 2003-2004 school year to the 2004-2005 school year. The amendment also proposed to provide that, beginning with the 2004-2005 school year, a school administrative unit could request a one-year waiver from the Commissioner of Education on the requirement for fully implementing its plan for phasing in its gifted and talented program.

### *Enacted Law Summary*

Public Law 2003, chapter 477 amends certain provisions in the education statutes to ensure compliance with new federal requirements, to reflect current practice or to clarify existing state law. The law accomplishes the following:

1. It adds "emotional disability" to the definition of "exceptional student" in the Maine Revised Statutes, Title 20-A, section 7001;
2. It adds "undue burden" as a requirement concerning requests for extension of leased space agreements relating to local school administrative units;
3. It amends the definition of "homeless student" in compliance with the provisions of federal law;
4. It amends the homeless student provisions to be addressed by Department of Education rules to implement federal law;
5. It amends and clarifies the section of the statute defining the tuition rate that may be charged by schools receiving tuition students who are enrolled in regular school day applied technology educational programs at applied technology centers. It adds language establishing the tuition rate that may be charged by the applied technology center, satellite or region; and
6. It amends the statutes regarding local funding requirements for gifted and talented programs by establishing the date for full implementation of the school administrative unit's gifted and talented program to the 2004-2005 school year. The law also provides that, beginning with the 2004-2005 school year, a school administrative unit may request a one-year waiver from the Commissioner of Education on the requirement for fully implementing its plan for phasing in its gifted and talented program.

*Joint Standing Committee on Education and Cultural Affairs*

LD 1615

**An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 71**

**P & S 20  
EMERGENCY**

Sponsor(s)  
MURPHY

Committee Report

Amendments Adopted

LD 1615 proposes to validate a school construction referendum conducted by School Administrative District No. 71 on October 1, 2002 and proposed to authorize the district to enter into contracts and issue bonds or notes of the district for the project. The validation is necessary because copies of the warrants that were delivered to the towns and posted were not attested. Validation of the referendum would eliminate a legal technicality that could affect the marketability of the bonds or notes to be issued by the district for the project.

This bill was not referred to a joint standing committee of the Legislature prior to being enacted.

***Enacted Law Summary***

Private & Special Law, chapter 20 validates a school construction referendum conducted by Maine School Administrative District No. 71 on October 1, 2002 and authorizes the district to enter into contracts and issue bonds or notes of the district for the project. The validation is necessary because copies of the warrants that were delivered to the towns and posted were not attested. Validation of the referendum will eliminate a legal technicality that could affect the marketability of the bonds or notes to be issued by the district for the project.

Private & Special Law, chapter 20 was enacted as an emergency measure effective May 19, 2003.

LD 1623

**An Act To Implement School Funding Based on Essential Programs and Services**

**PUBLIC 504**

Sponsor(s)  
DOUGLASS  
CUMMINGS

Committee Report  
OTP-AM MAJ  
ONTP MIN

Amendments Adopted  
S-258

LD 1623 proposed to establish the Essential Programs and Services Funding Act. The bill proposed to establish targets for a transition to a new school funding approach, based on essential programs and services, in order to provide all children with an equitable opportunity to access the resources necessary to achieve the high standards of Maine's system of learning results.

Specifically, Part A of the bill proposed to accomplish the following:

1. It proposed to define the elements of essential programs and services in order to: (a) determine the resources necessary for all students in each school administrative unit; (b) establish the methodology to calculate per-pupil guarantees unique to each school administrative unit based on each unit's personnel profile for years of experience and education level; (c) address providing additional resources for specialized student populations; (d) define the major cost components; (e) provide for targeted funds; and (f) provide for an annual updating of the components;

## *Joint Standing Committee on Education and Cultural Affairs*

2. It proposed to provide for a transition adjustment to minimize the fiscal impact directly related to the phase-in of this Act;
3. It proposed to establish targets for a transition to an increased state share percentage; and proposed to clarify that the annual targets established for the essential programs and services transition percentage would exclude program cost allocation, debt service allocation and adjustments;
4. It proposed to incorporate the statutory language necessary to maintain the current distribution method for operating allocation that was established in the School Finance Act of 1995; and proposed to establish July 1, 2005 as the effective date for the repeal of the School Finance Act of 1995 to coincide with the implementation of the transition to a new school funding approach, based on essential programs and services, beginning in fiscal year 2005-06;
5. It proposed to establish that, beginning in fiscal year 2004-05, the pupil counts and the property valuation data used for determination of the state subsidy to be distributed to each school administrative unit would be based on the averages of the annual numbers for pupil count and for property valuation for the most recent 3-year period or the pupil counts and the property valuation data for the most recent year, whichever would result in a greater pupil count or a lesser property valuation compared to statewide averages for these factors;
6. It proposed to establish a timeline for reviewing the essential programs and services components by providing that the first review would begin in fiscal year 2006-07 and that subsequent review cycles would take place at least every 2 years thereafter; and
7. It proposed to provide that rules adopted to implement the provisions of the Essential Programs and Services Funding Act would be major substantive rules.

Part B of this bill proposed to make technical changes and proposed to correct cross-references necessitated by Part A.

**Committee Amendment "A" (S-258)**, which was the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to accomplish the following:

1. It proposed to establish July 1, 2005 as the effective date for the repeal of the School Finance Act of 1995 to coincide with the implementation of the transition to a new school funding approach, based on essential programs and services, beginning in fiscal year 2005-06;
2. It proposed to establish that, beginning in fiscal year 2004-05, the pupil counts and the property valuation data used for determination of the state subsidy to be distributed to each school administrative unit would be based on the averages of the annual numbers for pupil count and for property valuation for the most recent 3-year period or the pupil counts and the property valuation data for the most recent year, whichever would result in a greater pupil count or a lesser property valuation compared to statewide averages for these factors;
3. It proposed to clarify that the annual targets established for the essential programs and services transition percentage would exclude program cost allocation, debt service allocation and adjustments;

## *Joint Standing Committee on Education and Cultural Affairs*

4. It proposed to amend the annual targets established for the transition to an increased state share percentage under the essential programs and services funding approach;
5. It proposed to amend the timeline established for reviewing the essential programs and services components by establishing that the review would begin in fiscal year 2006-07 and would take place at least every 2 years thereafter; and
6. It proposed to amend the rule-making provisions of the bill to establish that rules adopted to implement the provisions of the Essential Programs and Services Funding Act would be major substantive rules.

### *Enacted Law Summary*

Public Law 2003, chapter 504 establishes the Essential Programs and Services Funding Act. The law establishes targets for a transition to a new school funding approach, based on essential programs and services, in order to provide all children with an equitable opportunity to access the resources necessary to achieve the high standards of Maine's system of learning results. Specifically, the law accomplishes the following:

7. It defines the elements of essential programs and services in order to: (a) determine the resources necessary for all students in each school administrative unit; (b) establish the methodology to calculate per-pupil guarantees unique to each school administrative unit based on each unit's personnel profile for years of experience and education level; (c) address providing additional resources for specialized student populations; (d) define the major cost components; (e) provide for targeted funds; and (f) provide for an annual updating of the components;
8. It provides for a transition adjustment to minimize the fiscal impact directly related to the phase-in of this Act;
9. It establishes targets for a transition to an increased state share percentage; and clarifies that the annual targets established for the essential programs and services transition percentage exclude program cost allocation, debt service allocation and adjustments;
10. It incorporates the statutory language necessary to maintain the current distribution method for operating allocation that was established in the School Finance Act of 1995; and establishes July 1, 2005 as the effective date for the repeal of the School Finance Act of 1995 to coincide with the implementation of the transition to a new school funding approach, based on essential programs and services, beginning in fiscal year 2005-06;
11. It establishes that, beginning in fiscal year 2004-05, the pupil counts and the property valuation data used for determination of the state subsidy to be distributed to each school administrative unit will be based on the averages of the annual numbers for pupil count and for property valuation for the most recent 3-year period or the pupil counts and the property valuation data for the most recent year, whichever results in a greater pupil count or a lesser property valuation compared to statewide averages for these factors;
12. It establishes a timeline for reviewing the essential programs and services components by providing that the first review shall begin in fiscal year 2006-07 and that subsequent review cycles shall take place at least every 2 years thereafter; and

*Joint Standing Committee on Education and Cultural Affairs*

13. It provides that rules adopted to implement the provisions of the Essential Programs and Services Funding Act are major substantive rule.

*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Health and Human Services*

*July 2003*

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**JOINT STANDING COMMITTEE ON  
HEALTH AND HUMAN SERVICES**

**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>	101	84.2%	6.2%
<i><u>Bills Carried Over</u></i>	<u>19</u>	<u>15.8%</u>	<u>1.2%</u>
<b>Total Bills referred</b>	<b>120</b>	<b>100.0%</b>	<b>7.3%</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>120</b>	<b>100.0%</b>	<b>7.3%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	1	100.0%	20.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i><u>Orders and Resolutions Carried Over</u></i>	<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>20.0%</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>	8	7.8%	0.5%
<i>Ought to Pass as Amended</i>	36	35.3%	2.5%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>44</u>	<u>43.1%</u>	<u>3.0%</u>
<b>Total unanimous reports</b>	<b>88</b>	<b>86.3%</b>	<b>6.0%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	13	12.7%	0.9%
<i>Three-way reports</i>	1	1.0%	0.1%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>14</b>	<b>13.7%</b>	<b>1.0%</b>
<b>Total committee reports</b>	<b>102</b>	<b>100.0%</b>	<b>7.0%</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>	31	25.8%	1.9%
<i>Private and Special Laws</i>	2	1.7%	0.1%
<i>Resolves</i>	23	19.2%	1.4%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>56</b>	<b>46.7%</b>	<b>3.4%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	3	75.0%	20.0%
Rules authorized with legislative changes	1	25.0%	6.7%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>4</b>	<b>100.0%</b>	<b>26.7%</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%
<i><u>Held by the Governor</u></i>	<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.

Prepared by the Office of Policy and Legal Analysis  
121st Legislature, First Regular Session

## Joint Standing Committee on Health and Human Services

### SUBJECT INDEX

#### *Aging and Long-Term Care*

##### Enacted

LD 57	An Act To Establish the Long-term Care Oversight Committee	PUBLIC 465 EMERGENCY	Page 381
LD 281	Resolve, Regarding the Operation of the Maine Registry of Certified Nursing Assistants	RESOLVE 96	Page 393
LD 780	An Act To Amend the Maine Registry of Certified Nursing Assistants	PUBLIC 376 EMERGENCY	Page 408
LD 1075	Resolve, To Ensure Appropriate Care for Older Persons with Dementia and Certain Other Diseases	RESOLVE 52	Page 412
LD 1197	An Act To Preserve the Role of Assisted Living	PUBLIC 449	Page 416
LD 1264	Resolve, Regarding Notice of Deficient Care in Long-term Care Settings	RESOLVE 68	Page 419
LD 1287	An Act To Amend the Life Safety Requirements for Residential Care Facilities	PUBLIC 398 EMERGENCY	Page 419
LD 1293	An Act To Improve the Fairness of the Health Care Provider Tax and To Ensure Fair Implementation of Health Care Reimbursement Reforms	PUBLIC 467	Page 421
LD 1364	Resolve, Regarding Opportunities To Decrease the Occurrence of Developmental Disabilities and Mental Health Challenges in Childhood	RESOLVE 69	Page 425
LD 1580	Resolve, Regarding Legislative Review of Chapter 113: Rules and Regulations Governing the Licensing and Functioning of Assisted Housing Programs, a Major Substantive Rule of the Department of Human Services, Bureau of Elder and Adult Services	RESOLVE 66 EMERGENCY	Page 430
LD 1607	An Act To Implement Regulatory Reforms and To Address Staffing Issues in Long-term Care Facilities	PUBLIC 416 EMERGENCY	Page 434

Not Enacted

LD 220	Resolve, to Expand Community-based Options for Elderly and Disabled Persons	ONTP Page 389
LD 295	An Act To Revise the Laws Regulating Boarding Homes	ONTP Page 394
LD 429	Resolve, To Increase Allowance Levels for Nursing Home Residents	ONTP Page 396
LD 622	Resolve, To Establish a Committee To Examine the Cost- effectiveness of the State Long-term Care Assessment System	ONTP Page 404
LD 1154	An Act To Establish an Appeal Process for Residential Care Facilities Denied Licensure Due to Fire Safety Issues	ONTP Page 415
LD 1260	An Act To Improve MaineCare Cost-of-care Procedures Affecting Nursing Facility Residents and to Establish Clearer Duties for Powers of Attorney	ONTP Page 418
LD 1341	Resolve, Directing the Department of Human Services To Adopt Rules To Reduce Regulatory Burdens on Home Health Agencies	CARRIED OVER Page 423
LD 1563	An Act Regarding Standard Contracts for Assisted Living Services	CARRIED OVER Page 430

*Children's Services*

Enacted

LD 55	An Act to Keep Foster Children Safe and Healthy	P & S 24 Page 380
LD 239	An Act to Elevate the Standards of Foster Parenting in the State	P & S 21 Page 390
LD 553	Resolve, To Study the Needs of Deaf and Hard-of-hearing Children and Adolescents	RESOLVE 84 Page 399
LD 558	Resolve, To Enhance Services to Children and Families	RESOLVE 24 Page 401 EMERGENCY
LD 732	Resolve, Directing the Department of Human Services To Establish an Advisory Task Force to Examine Staff-child Ratios and Maximum Group Size in Child Care Facilities	RESOLVE 97 Page 406 EMERGENCY

<b>LD 1105</b>	<b>Resolve, Regarding Fire Safety Issues in Head Start Preschool Programs Located in Public Schools</b>	<b>RESOLVE 28</b>	<b>Page 414</b>
<b>LD 1314</b>	<b>An Act To Improve Out-of-home Abuse and Neglect Investigations</b>	<b>PUBLIC 399</b>	<b>Page 422</b>
<b>LD 1477</b>	<b>An Act To Amend the Laws with Regard to Legislative Reports on Children's Mental Health Services</b>	<b>PUBLIC 367</b>	<b>Page 426</b>
<b>LD 1542</b>	<b>An Act To Effectively Separate Children's Homes from Adult Residential Care Facilities Regarding Fire Safety</b>	<b>PUBLIC 411</b>	<b>Page 429</b>
<b>LD 1597</b>	<b>An Act To Implement Federal Requirements in Child Protection Matters</b>	<b>PUBLIC 408</b>	<b>Page 433</b>

**Not Enacted**

<b>LD 43</b>	<b>An Act To Continue To Allow Young Adults To Remain in Foster Care after Turning 18 Years of Age</b>	<b>ONTP</b>	<b>Page 380</b>
<b>LD 73</b>	<b>An Act to Make the Children's Ombudsman Program an Independent Office</b>	<b>CARRIED OVER</b>	<b>Page 383</b>
<b>LD 96</b>	<b>Resolve, Regarding the Regulation of Home Day Care and Summer Camps</b>	<b>ONTP</b>	<b>Page 385</b>
<b>LD 440</b>	<b>Resolve, To Provide Equitable Treatment of Graduate Students</b>	<b>ONTP</b>	<b>Page 397</b>
<b>LD 727</b>	<b>An Act To Protect Children by Allowing Child Care Facilities To Fingerprint Employees</b>	<b>ONTP</b>	<b>Page 406</b>
<b>LD 1073</b>	<b>An Act To Extend the Duties of the Children's Ombudsman</b>	<b>ONTP</b>	<b>Page 412</b>
<b>LD 1108</b>	<b>Resolve, To Establish Equitable Rates for In-home Behavioral Health Services for Children</b>	<b>ONTP</b>	<b>Page 414</b>

***Departmental Organization and Administration***

**Enacted**

<b>LD 57</b>	<b>An Act To Establish the Long-term Care Oversight Committee</b>	<b>PUBLIC 465</b> <b>EMERGENCY</b>	<b>Page 381</b>
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LD 896	Resolve, To Establish a System for Electronic Filing of Death Certificates	RESOLVE 27 Page 410
LD 903	Resolve, Regarding Consumer Information for Medicare Beneficiaries	RESOLVE 55 Page 410
LD 1075	Resolve, To Ensure Appropriate Care for Older Persons with Dementia and Certain Other Diseases	RESOLVE 52 Page 412
LD 1099	An Act To Amend the Laws Governing the Maine Developmental Disabilities Council	PUBLIC 417 Page 413
LD 1293	An Act To Improve the Fairness of the Health Care Provider Tax and To Ensure Fair Implementation of Health Care Reimbursement Reforms	PUBLIC 467 Page 421
LD 1356	An Act To Improve Complaint Resolution and Hearing Procedures in the Department of Human Services	PUBLIC 419 Page 424
LD 1488	An Act To Extend Licensing Periods for Agencies Providing Mental Health Services	PUBLIC 369 Page 427
LD 1491	An Act To Delay the Repeal of Laws Governing the State's Response to an Extreme Public Health Emergency	PUBLIC 366 Page 428
LD 1597	An Act To Implement Federal Requirements in Child Protection Matters	PUBLIC 408 Page 433

**Not Enacted**

LD 73	An Act to Make the Children's Ombudsman Program an Independent Office	CARRIED OVER Page 383
LD 159	An Act To Refine the Criteria for Issuing a Certificate of Need	CARRIED OVER Page 388
LD 295	An Act To Revise the Laws Regulating Boarding Homes	ONTP Page 394
LD 584	An Act To Strengthen the Maine Certificate of Need Act of 2002	CARRIED OVER Page 402
LD 622	Resolve, To Establish a Committee To Examine the Cost- effectiveness of the State Long-term Care Assessment System	ONTP Page 404

LD 1341	Resolve, Directing the Department of Human Services To Adopt Rules To Reduce Regulatory Burdens on Home Health Agencies	CARRIED OVER	Page 423
LD 1516	An Act To Prevent Certain Deliveries of Tobacco Products	ONTP	Page 428
LD 1562	An Act To Change the Name of the Augusta Mental Health Institute to the "Dorothea Lynde Dix Center"	DIED BETWEEN BODIES	Page 429
LD 1621	An Act To Amend the Structure of the Office of Advocacy	CARRIED OVER	Page 435

### *Health Care*

#### Enacted

LD 201	Resolve, To Amend the Laws Governing the Health Care Workforce Leadership council	RESOLVE 11	Page 388
LD 227	An Act to Ban Smoking in Beano and Bingo Halls	PUBLIC 379	Page 389
LD 254	An Act To Require Full Disclosure of Prescription Drug Marketing Costs	PUBLIC 430	Page 391
LD 257	An Act To Honor the Intent of Organ Donors	PUBLIC 394	Page 392
LD 329	An Act to Encourage the Use of Generic Drugs	PUBLIC 384	Page 394
LD 363	An Act to Ensure Patient Access to Medical Records	PUBLIC 418	Page 395
LD 553	Resolve, To Study the Needs of Deaf and Hard-of-hearing Children and Adolescents	RESOLVE 84	Page 399
LD 554	An Act To Protect Against Unfair Prescription Drug Practices	PUBLIC 456	Page 400
LD 711	Resolve, To Lower the Costs of Prescription Drugs through the Use of the Federal Public Health Service Act	RESOLVE 29	Page 405
LD 767	Resolve, Directing the Department of Human Services To Enact Rules To Reduce the Health Risks Associated with Latex Gloves	RESOLVE 70	Page 407
LD 903	Resolve, Regarding Consumer Information for Medicare Beneficiaries	RESOLVE 55	Page 410
LD 973	An Act To Ensure Comprehensive Cancer Control in	PUBLIC 215	Page 411

**Maine**

<b>LD 1075</b>	<b>Resolve, To Ensure Appropriate Care for Older Persons with Dementia and Certain Other Diseases</b>	<b>RESOLVE 52 Page 412</b>
<b>LD 1293</b>	<b>An Act To Improve the Fairness of the Health Care Provider Tax and To Ensure Fair Implementation of Health Care Reimbursement Reforms</b>	<b>PUBLIC 467 Page 421</b>

**Not Enacted**

<b>LD 44</b>	<b>Resolve, to Change MaineCare Prior Authorization Procedures for Certain Women's Health Care Procedures</b>	<b>ONTP Page 380</b>
<b>LD 61</b>	<b>An Act to Promote Public Awareness of Parkinson's Disease</b>	<b>ONTP Page 383</b>
<b>LD 65</b>	<b>An Act Regarding the Billing for Medical Supplies by a Health Care Provider</b>	<b>ONTP Page 383</b>
<b>LD 112</b>	<b>An Act Requiring Public Disclosure of Prices Charged by Health Care Providers</b>	<b>ONTP Page 386</b>
<b>LD 132</b>	<b>An Act Requiring Disclosure of Prescription Drug Advertising and Promotional Expenses</b>	<b>ONTP Page 386</b>
<b>LD 143</b>	<b>Resolve, to Improve Access to Breast and Cervical Cancer Treatment</b>	<b>ONTP Page 387</b>
<b>LD 159</b>	<b>An Act To Refine the Criteria for Issuing a Certificate of Need</b>	<b>CARRIED OVER Page 388</b>
<b>LD 585</b>	<b>An Act to Establish a Statewide Primary and Preventive Health Care Program</b>	<b>CARRIED OVER Page 402</b>
<b>LD 616</b>	<b>An Act To Provide Safe Staffing Levels for Patients and To Retain Registered Nurses</b>	<b>CARRIED OVER Page 403</b>
<b>LD 684</b>	<b>An Act To Provide Health Coverage for Smokers Who Suffer from Smoking-related Illnesses</b>	<b>ONTP Page 405</b>
<b>LD 713</b>	<b>An Act to Support Health Care Safety Net Programs</b>	<b>CARRIED OVER Page 405</b>
<b>LD 982</b>	<b>An Act To Increase the Legal Age for the Purchase of Tobacco Products</b>	<b>ONTP Page 412</b>
<b>LD 1090</b>	<b>Resolve, To Promote Recruitment and Retention of Direct Care Workers in Long-term Care in Maine</b>	<b>CARRIED OVER Page 413</b>

LD 1156	Resolve, To Study the Impact of "Critical Access Facility" Designation of Maine Hospitals	ONTP Page 416
LD 1220	An Act To Amend the Dates for Implementation of the Maine Rx Program and the Prescription Drug Price Reduction Act	DIED ON ADJOURNMENT Page 417

### *Health Data*

Enacted

LD 421	An Act To Include a Representative of Mental Health Providers on the Board of Directors of the Maine Health Data Organization	PUBLIC 264 Page 395
LD 532	Resolve, Directing the Maine Health Data Organization To Evaluate the Current System of Annual Assessments and User Fees	RESOLVE 35 Page 398
LD 1527	Resolve, Regarding Legislative Review of Chapter 120: Release of Information to the Public, a Major Substantive Rule of the Maine Health Data Organization	RESOLVE 54 Page 428 EMERGENCY

Not Enacted

LD 432	An Act To Amend the Maine Health Data Organization Laws	ONTP Page 396
LD 535	An Act To Strengthen Health Data Information and Health Planning	CARRIED OVER Page 399
LD 602	Resolve, to Allow Persons with Disabilities to Purchase Coverage Under the Medicaid Program	ONTP Page 402
LD 1121	An Act Relating to the Reporting of Information to the Maine Health Data Organization	ONTP Page 415

### *Medicaid*

Enacted

LD 58	Resolve, to Expand the Choices of People Seeking Mental Health Therapy Under the MaineCare Program	RESOLVE 57 Page 382
LD 329	An Act to Encourage the Use of Generic Drugs	PUBLIC 384 Page 394



<b>LD 1288</b>	<b>Resolve, To Increase Public Access to the Prior Authorization Process</b>	<b>RESOLVE 64</b>	<b>Page 420</b>
<b>LD 1586</b>	<b>Resolve, Regarding Legislative Review of Portions of the MaineCare Benefits Manual, Chapter 111, Section 97: Private Non-Medical Institutions and Appendices B, C, D, E and F, a Major Substantive Rule of the Department of Human Services</b>	<b>RESOLVE 61</b> <b>EMERGENCY</b>	<b>Page 431</b>
<b>LD 1588</b>	<b>Resolve, Regarding Legislative Review of Portions of the MaineCare Benefits Manual, Chapter 11 and Chapter 111, Section 40, Home Health Services, a Major Substantive Rule of the Department of Human Services, Bureau of Medical Services</b>	<b>RESOLVE 67</b> <b>EMERGENCY</b>	<b>Page 431</b>
<b><u>Not Enacted</u></b>			
<b>LD 44</b>	<b>Resolve, to Change MaineCare Prior Authorization Procedures for Certain Women's Health Care Procedures</b>	<b>ONTP</b>	<b>Page 380</b>
<b>LD 59</b>	<b>An Act to Adjust MaineCare Reimbursement Rates</b>	<b>CARRIED OVER</b>	<b>Page 382</b>
<b>LD 65</b>	<b>An Act Regarding the Billing for Medical Supplies by a Health Care Provider</b>	<b>ONTP</b>	<b>Page 383</b>
<b>LD 88</b>	<b>An Act to Require that Pharmacy Benefit Plan Bids be Solicited from Nonprofit Pharmacy Benefit Managers</b>	<b>ONTP</b>	<b>Page 384</b>
<b>LD 175</b>	<b>An Act to Ensure Parity Among Mental Health Professionals Under Medicaid</b>	<b>CARRIED OVER</b>	<b>Page 388</b>
<b>LD 241</b>	<b>Resolve, To Require Electronic Transmission of Prior Authorization Requests in the MaineCare Program</b>	<b>ONTP</b>	<b>Page 391</b>
<b>LD 285</b>	<b>An Act Directing the Department of Human Services to Adjust Dental Reimbursement Rates under the Medicaid Program</b>	<b>ONTP</b>	<b>Page 394</b>
<b>LD 332</b>	<b>Resolve, Affecting the MaineCare Reimbursement Formula</b>	<b>ONTP</b>	<b>Page 395</b>
<b>LD 444</b>	<b>Resolve, Regarding Coverage of Durable Medical Equipment in the MaineCare Program</b>	<b>ONTP</b>	<b>Page 397</b>
<b>LD 602</b>	<b>Resolve, to Allow Persons with Disabilities to Purchase Coverage Under the Medicaid Program</b>	<b>ONTP</b>	<b>Page 402</b>

## *Mental Health*

### Enacted

LD 421	An Act To Include a Representative of Mental Health Providers on the Board of Directors of the Maine Health Data Organization	PUBLIC 264	Page 395
LD 1477	An Act To Amend the Laws with Regard to Legislative Reports on Children's Mental Health Services	PUBLIC 367	Page 426
LD 1488	An Act To Extend Licensing Periods for Agencies Providing Mental Health Services	PUBLIC 369	Page 427

### Not Enacted

LD 156	An Act to Require that Patients in Private Mental Hospitals Be Afforded the Same Rights As Patients in State Mental Institutions	CARRIED OVER	Page 387
LD 175	An Act to Ensure Parity Among Mental Health Professionals Under Medicaid	CARRIED OVER	Page 388
LD 480	Resolve, To Maintain Flexibility and Safety in Caring for People with Severe and Persistent Mental Illness	ONTP	Page 398
LD 1108	Resolve, To Establish Equitable Rates for In-home Behavioral Health Services for Children	ONTP	Page 414
LD 1562	An Act To Change the Name of the Augusta Mental Health Institute to the "Dorothea Lynde Dix Center"	DIED BETWEEN BODIES	Page 429

## *Mental Retardation and Other Developmental Disabilities*

### Enacted

LD 95	Resolve, Directing the Department of Behavioral and Developmental Services To Conduct a Study Regarding a Registry of Direct Care Workers Working with Persons with Mental Retardation	RESOLVE 17	Page 384
LD 1099	An Act To Amend the Laws Governing the Maine Developmental Disabilities Council	PUBLIC 417	Page 413

LD 1364	<b>Resolve, Regarding Opportunities To Decrease the Occurrence of Developmental Disabilities and Mental Health Challenges in Childhood</b>	<b>RESOLVE 69 Page 425</b>
LD 1478	<b>An Act To Change the Membership of the Review Team for Aversive Behavior Modifications and Safety Devices for Persons with Mental Retardation or Autism</b>	<b>PUBLIC 368 Page 426</b>
LD 1480	<b>An Act To Change the Time Requirement for Mental Retardation Evaluations</b>	<b>PUBLIC 388 Page 427</b>
LD 1593	<b>An Act To Amend Laws Relating to Development of Service Plans for Persons with Mental Retardation</b>	<b>PUBLIC 389 Page 432</b>
<b><u>Not Enacted</u></b>		
LD 439	<b>Resolve, To Provide Equitable Services to Persons with Congenital Brain Anomalies</b>	<b>ONTP Page 396</b>
LD 800	<b>Resolve, To Provide Training on Autistic Behaviors to Crisis Professionals</b>	<b>ONTP Page 408</b>
LD 1291	<b>An Act To Establish a System of Advocacy and Oversight To Benefit Persons with Mental Retardation and Autism</b>	<b>CARRIED OVER Page 421</b>

### *Prescription Drugs*

#### **Enacted**

LD 102	<b>An Act to Require Disclosure of Retail Prescription Drug Prices</b>	<b>PUBLIC 375 Page 385</b>
LD 254	<b>An Act To Require Full Disclosure of Prescription Drug Marketing Costs</b>	<b>PUBLIC 430 Page 391</b>
LD 329	<b>An Act to Encourage the Use of Generic Drugs</b>	<b>PUBLIC 384 Page 394</b>
LD 554	<b>An Act To Protect Against Unfair Prescription Drug Practices</b>	<b>PUBLIC 456 Page 400</b>
LD 711	<b>Resolve, To Lower the Costs of Prescription Drugs through the Use of the Federal Public Health Service Act</b>	<b>RESOLVE 29 Page 405</b>
LD 1634	<b>An Act To Improve the Maine Rx Program</b>	<b>PUBLIC 494 Page 436</b>

Not Enacted

LD 112	An Act Requiring Public Disclosure of Prices Charged by Health Care Providers	ONTP Page 386
LD 132	An Act Requiring Disclosure of Prescription Drug Advertising and Promotional Expenses	ONTP Page 386
LD 849	An Act To Ensure Fairness in Maine's Prescription Drug Laws	ONTP Page 409
LD 1220	An Act To Amend the Dates for Implementation of the Maine Rx Program and the Prescription Drug Price Reduction Act	DIED ON ADJOURNMENT Page 417
LD 1256	An Act To Prohibit Unethical Drug Marketing Practices	ONTP Page 418

*Public Assistance*

Enacted

LD 878	An Act To Provide Peer Support and Advocacy Services To Participants in the ASPIRE-TANF Program and the Parents as Scholars Program	PUBLIC 351 Page 409
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Not Enacted

LD 226	Resolve, to Exempt Bona Fide Education Trust Funds from Family Income for Purposes of Determining Benefits from the Department of Human Services	ONTP Page 389
LD 557	Resolve, To Increase the Amount of Emergency Assistance Available to Families	ONTP Page 401
LD 609	An Act To Offset the United States Citizenship Test Fee for Low-income Residents	ONTP Page 403
LD 619	An Act Making Substantive and Technical Changes to the General Assistance Laws	ONTP Page 404
LD 866	An Act Concerning Recovery of Expenses under the General Assistance Laws	ONTP Page 409
LD 1066	An Act to Address the Temporary Maximum Levels of Assistance for General Assistance Established in 1991	CARRIED OVER Page 412

## *Public Health*

### Enacted

LD 55	An Act to Keep Foster Children Safe and Healthy	P & S 24 Page 380
LD 147	An Act to Allow Members of the Maine Public Drinking Water Commission to Serve More than 2 Consecutive Terms	PUBLIC 191 Page 387
LD 201	Resolve, To Amend the Laws Governing the Health Care Workforce Leadership council	RESOLVE 11 Page 388
LD 227	An Act to Ban Smoking in Beano and Bingo Halls	PUBLIC 379 Page 389
LD 254	An Act To Require Full Disclosure of Prescription Drug Marketing Costs	PUBLIC 430 Page 391
LD 257	An Act To Honor the Intent of Organ Donors	PUBLIC 394 Page 392
LD 329	An Act to Encourage the Use of Generic Drugs	PUBLIC 384 Page 394
LD 471	Resolve, To Study Obesity and Methods To Decrease the Cost of Health Care and Increase the Public Health	RESOLVE 95 Page 397
LD 711	Resolve, To Lower the Costs of Prescription Drugs through the Use of the Federal Public Health Service Act	RESOLVE 29 Page 405
LD 767	Resolve, Directing the Department of Human Services To Enact Rules To Reduce the Health Risks Associated with Latex Gloves	RESOLVE 70 Page 407
LD 780	An Act To Amend the Maine Registry of Certified Nursing Assistants	PUBLIC 376 Page 408 EMERGENCY
LD 896	Resolve, To Establish a System for Electronic Filing of Death Certificates	RESOLVE 27 Page 410
LD 973	An Act To Ensure Comprehensive Cancer Control in Maine	PUBLIC 215 Page 411
LD 1236	An Act To Regulate the Delivery and Sales of Tobacco Products and To Prevent the Sale of Tobacco Products to Minors	PUBLIC 444 Page 417
LD 1346	An Act To Protect Workers from Secondhand Smoke and To Promote Worker Safety	PUBLIC 493 Page 423

<b>LD 1491</b>	<b>An Act To Delay the Repeal of Laws Governing the State's Response to an Extreme Public Health Emergency</b>	<b>PUBLIC 366 Page 428</b>
<b>LD 1596</b>	<b>Resolve, Directing the Department of Agriculture, Food and Rural Resources To Develop Guidelines for Requiring Handwashing Sinks in Certain Convenience Stores</b>	<b>RESOLVE 58 Page 432</b>
<b>LD 1602</b>	<b>An Act To Revise and Amend Certain Public Health Laws</b>	<b>PUBLIC 421 Page 433</b>
<b><u>Not Enacted</u></b>		
<b>LD 89</b>	<b>An Act to Prohibit the Use of Juveniles in the Enforcement of the Laws Governing the Sale of Tobacco</b>	<b>ONTP Page 384</b>
<b>LD 143</b>	<b>Resolve, to Improve Access to Breast and Cervical Cancer Treatment</b>	<b>ONTP Page 387</b>
<b>LD 585</b>	<b>An Act to Establish a Statewide Primary and Preventive Health Care Program</b>	<b>CARRIED OVER Page 402</b>
<b>LD 616</b>	<b>An Act To Provide Safe Staffing Levels for Patients and To Retain Registered Nurses</b>	<b>CARRIED OVER Page 403</b>
<b>LD 684</b>	<b>An Act To Provide Health Coverage for Smokers Who Suffer from Smoking-related Illnesses</b>	<b>ONTP Page 405</b>
<b>LD 713</b>	<b>An Act to Support Health Care Safety Net Programs</b>	<b>CARRIED OVER Page 405</b>
<b>LD 982</b>	<b>An Act To Increase the Legal Age for the Purchase of Tobacco Products</b>	<b>ONTP Page 412</b>
<b>LD 1090</b>	<b>Resolve, To Promote Recruitment and Retention of Direct Care Workers in Long-term Care in Maine</b>	<b>CARRIED OVER Page 413</b>
<b>LD 1127</b>	<b>An Act To Require Fire-safe Cigarettes in the State</b>	<b>CARRIED OVER Page 415</b>
<b>LD 1156</b>	<b>Resolve, To Study the Impact of "Critical Access Facility" Designation of Maine Hospitals</b>	<b>ONTP Page 416</b>
<b>LD 1301</b>	<b>Resolve, To Establish the Maine Public Health Commission</b>	<b>ONTP Page 422</b>
<b>LD 1516</b>	<b>An Act To Prevent Certain Deliveries of Tobacco Products</b>	<b>ONTP Page 428</b>

**LD 1631**                    **An Act To Prevent the Sale of Water Laced with Nicotine in Maine**                    **CARRIED OVER Page 435**

*Substance Abuse*

**Enacted**

**Not Enacted**

**LD 611**                    **An Act To Obtain Substance Abuse Services for Minors**                    **CARRIED OVER Page 403**

**SP 372**                    **JOINT STUDY ORDER To Establish the Task Force To Study Drug Overdose**                    **ONTP Page 436**

*Joint Standing Committee on Health and Human Services*

**LD 43**                            **An Act To Continue To Allow Young Adults To Remain in Foster Care after Turning 18 Years of Age**                            **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUCHER BRYANT	ONTP	

LD 43 proposed to make mandatory under certain conditions the Department of Human Services program for educational, support and supportive services for certain state wards up to 21 years of age.

**LD 44**                            **Resolve, to Change MaineCare Prior Authorization Procedures for Certain Women's Health Care Procedures**                            **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUCHER BRYANT	ONTP	

LD 44 proposed to direct the Department of Human Services to adopt rules to expand women's access to gynecological and reproductive health care services.

**LD 55**                            **An Act to Keep Foster Children Safe and Healthy**                            **P & S 24**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUCHER BRENNAN	OTP-AM    MAJ  ONTP        MIN	H-170  H-240    TRAHAN

LD 55 proposed to prohibit smoking in a family foster home where a foster child is living and prohibit foster parents from smoking in their private vehicles.

**Committee Amendment "A" (H-170)** proposed to restrict the prohibition on smoking in a foster parent's vehicle that is contained in the bill to smoking while a foster child is in the vehicle. The amendment proposed to provide for phasing in the prohibition on foster parents smoking in their homes and in their vehicles while a foster child is in the vehicle and provide for state assistance on smoking addiction. The amendment proposed to require rulemaking and designates the rules as major substantive rules. The amendment proposed to require reporting from the Department of Human Services regarding the number of foster parents who smoke and the number who are interested in assistance in overcoming their addiction to tobacco.

**House Amendment "B" to Committee Amendment "A" (H-240)** proposed to require the Department of Human Services to adopt rules on smoking in foster homes and in private vehicles of foster parents. The amendment proposed to designate the rules as major substantive rules.



## *Joint Standing Committee on Health and Human Services*

**House Amendment "A" to Committee Amendment "A" (H-238)**, which was not adopted, proposed to prohibit a foster parent from smoking in that foster parent's private residence if that residence is a family foster home when a foster child is present in that residence and may not allow any other person to smoke in that foster parent's private residence when a foster child is present in that residence.

### *Enacted Law Summary*

Private and Special Law 2003, chapter 24 requires the Department of Human Services to adopt rules on smoking in foster homes and in private vehicles of foster parents. The amendment designates the rules as major substantive rules.

**LD 57**

**An Act To Establish the Long-term Care Oversight Committee**

**PUBLIC 465  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE PENDLETON	OTP-AM	H-443 S-276 GAGNON

The law authorizing the Long-term Care Implementation Committee was repealed on January 1, 2003. LD 57 proposed to postpone that repeal until November 1, 2004. It also proposed to add 2 additional reporting dates for the committee to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

**Committee Amendment "A" (H-443)** proposed to establish a new Long-term Care Oversight Committee to replace the Long-term Care Steering Committee, which is discontinued by the amendment, and the Long-term Care Implementation Committee, which was repealed on January 1, 2003.

**Senate Amendment "A" to Committee Amendment "A" (S-276)** proposed to clarify several provisions relating to the Long-term Care Oversight Committee. It proposed to provide that members who are Legislators are entitled to the legislative per diem and expenses for service on the committee. It proposed to limit the committee to no more than 4 meetings per year. It proposed to clarify the authority of the committee to introduce a bill each year.

### *Enacted Law Summary*

Public Law 2003, chapter 465 establishes the Long-term Care Oversight Committee to oversee policies and programs in the Department of Human Services with regard to long-term care for adults with disabilities and the elderly. The Committee, composed of 3 legislators and 14 public members, may meet up to 4 times per year and is required to submit an annual report to the Health and Human Services Committee.

Public Law 2003, chapter 465 was enacted as an emergency effective June 18, 2003.

*Joint Standing Committee on Health and Human Services*

LD 58

**Resolve, to Expand the Choices of People Seeking Mental Health Therapy Under the MaineCare Program**

**RESOLVE 57**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUCHER CATHCART	OTP-AM	H-444

LD 58 proposed to provide for direct reimbursement under the MaineCare program for licensed clinical social workers, licensed clinical professional counselors and licensed marriage and family therapists providing mental health services independent of agencies to MaineCare enrollees. The resolve proposed to direct the Department of Human Services to adopt rules to increase the reimbursement rate for these professionals to \$50 per one-hour unit of professional mental health treatment.

**Committee Amendment "A" (H-444)** proposed to authorize the establishment of a demonstration project to permit a limited number of licensed clinical social workers, licensed clinical professional counselors and licensed marriage and family therapists to directly bill the Department of Human Services for mental health treatment provided to MaineCare members. The amendment proposed to require the demonstration project to be budget-neutral and prohibit it from interfering in the relationships between MaineCare members and their mental health providers. The amendment proposed to add reporting dates of January 15, 2004 and October 30, 2004.

*Enacted Law Summary*

Resolve 2003, chapter 57 authorizes the establishment of a demonstration project to permit a limited number of licensed clinical social workers, licensed clinical professional counselors and licensed marriage and family therapists to directly bill the Department of Human Services for mental health treatment provided to MaineCare members. The resolve requires the demonstration project to be budget-neutral and prohibits it from interfering in the relationships between MaineCare members and their mental health providers. The resolve requires reporting by January 15, 2004 and October 30, 2004.

LD 59

**An Act to Adjust MaineCare Reimbursement Rates**

**CARRIED OVER**

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

LD 59 proposes to direct the Department of Human Services to adopt rules to raise reimbursement rates for health care professionals in the MaineCare program by 20% the rates in effect on January 1, 2003, subject to a cap at the usual and customary rates in effect on January 1, 2003.

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**LD 61**                      **An Act to Promote Public Awareness of Parkinson's Disease**                      **ONTP**

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

LD 61 proposed to require the Department of Human Services, Bureau of Health to undertake an education initiative regarding Parkinson's disease. The initiative would provide training to a wide variety of health care, public service and law enforcement personnel.

**LD 65**                      **An Act Regarding the Billing for Medical Supplies by a Health Care Provider**                      **ONTP**

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

LD 65 proposed to prohibit health care practitioners and health care facilities from billing patients for services or supplies when the health carrier has determined that the services or supplies were not medically necessary or that the services or supplies are not actually used for patient care. The prohibition would apply as of October 15, 2003.

**LD 73**                      **An Act to Make the Children's Ombudsman Program an Independent Office**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUCHER BRYANT		

LD 73 proposes to remove from the Executive Department the ombudsman program that handles child welfare inquiries and complaints. The bill proposes to maintain the current duties of the ombudsman program.

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**LD 88**                      **An Act to Require that Pharmacy Benefit Plan Bids be Solicited from Nonprofit Pharmacy Benefit Managers**                      **ONTP**

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

LD 88 proposed, under certain circumstances, to require the Department of Administrative and Financial Services, Bureau of Human Resources, Division of State Employee Health Insurance and the Department of Human Services to seek bids on pharmacy benefits management services from a nonprofit pharmacy benefits management entity for the state employee health insurance program and for a health or pharmacy benefits program administered by the State.

**LD 89**                      **An Act to Prohibit the Use of Juveniles in the Enforcement of the Laws Governing the Sale of Tobacco**                      **ONTP**

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

LD 89 proposed to preclude the State's using juveniles in any tobacco enforcement action. It proposed to direct the Commissioner of Human Services, the Commissioner of Behavioral and Developmental Services, the Commissioner of Public Safety and the Attorney General to jointly develop and implement alternative tobacco enforcement strategies, exclusive of using juveniles for enforcement actions.

**LD 95**                      **Resolve, Directing the Department of Behavioral and Developmental Services To Conduct a Study Regarding a Registry of Direct Care Workers Working with Persons with Mental Retardation**                      **RESOLVE 17**

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

LD 95 proposed to direct the Department of Behavioral and Developmental Services to establish by January 1, 2004 a registry for direct care workers working with persons with mental retardation. Rules adopted pursuant to this resolve would be routine technical rules.

**Committee Amendment "A" (H-162)** proposed to replace the resolve. It proposed to require the Department of Behavioral and Developmental Services to conduct a study regarding the creation of a registry for direct care workers working with persons with mental retardation and to report the results of its study to the Joint Standing Committee on Health and Human Services by December 1, 2003. It also proposed to add a fiscal note to the resolve.

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### Enacted Law Summary

Resolve 2003, chapter 17 directs the Department of Behavioral and Developmental Services to conduct a study regarding the creation of a registry for direct care workers working with persons with mental retardation. The law requires the department to report the results of its study to the Joint Standing Committee on Health and Human Services by December 1, 2003.

**LD 96**                      **Resolve, Regarding the Regulation of Home Day Care and Summer Camps**                      **ONTP**

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

LD 96 proposed to direct the Department of Human Services to adopt rules regarding home day care providers and summer camps. The proposed rules were major substantive rules. The rules would change the treatment of infants in the staffing ratios, allow more flexibility in times of shift changes and other unexpected events and make summer camp rules the same as home day care rules.

**LD 102**                      **An Act to Require Disclosure of Retail Prescription Drug Prices**                      **PUBLIC 375**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE TREAT	OTP-AM    MAJ ONTP        MIN	H-463

LD 102 proposed to require the label and receipt for the purchase of a prescription drug to disclose the full retail price of the prescription and the cost of any payment required of the patient and any 3rd-party payor.

**Committee Amendment "B" (H-463)** proposed to remove the requirement that price information be provided on the label, remove the restriction to new prescriptions only and remove the requirement that price information be provided on the receipt. It proposed to require disclosure in writing of the usual and customary price and the payment required of the patient when a prescription is filled. The amendment proposed to apply these requirements January 1, 2006 or when computer software with regard to prescription drug price and patient payment is updated by a pharmacy, whichever occurs first.

**Committee Amendment "A" (H-172)**, which was not adopted, proposed to remove the requirement that price information be provided on the label, remove the restriction to new prescriptions only and remove the requirement that price information be provided on the receipt. It proposed to require disclosure in writing of the usual and customary price and the payment required of the patient when a prescription is filled. The amendment proposed to make these requirements effective January 1, 2004.

### Enacted Law Summary

Public Law 2003, chapter 375 requires disclosure in writing by the pharmacist when filling a prescription of the usual and customary price and the payment required of the patient. The law imposes these

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requirements January 1, 2006 or when computer software with regard to prescription drug price and patient payment is updated by a pharmacy, whichever occurs first.

**LD 112                      An Act Requiring Public Disclosure of Prices Charged by Health Care Providers                      ONTP**

<u>Sponsor(s)</u> WOODBURY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 112 proposed to require health care practitioners and facilities to disclose the prices charged for the health care services that they provide and prohibit them from billing for those services if they have not disclosed those services and their prices in writing to the patient prior to providing the services. The bill also proposed to require annual reporting of health care services and prices and any discounts made from those prices to the Maine Health Data Organization. The bill proposed to contain an effective date of January 1, 2004.

**LD 132                      An Act Requiring Disclosure of Prescription Drug Advertising and Promotional Expenses                      ONTP**

<u>Sponsor(s)</u> MAYO RICHARDSON J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 132 proposed to require prescription drug manufacturers and labelers whose drugs are dispensed to Maine residents to file annual reports with the Maine Health Data Organization regarding their expenses for advertising and promoting their drugs. The bill proposed to require the Maine Health Data Organization to file an annual report regarding the information filed and a biennial report that contains analysis of information and recommendations. The bill proposed to continue the confidentiality of trade information that is protected under state and federal law. The bill proposed to provide for a fine of \$1,000 for failure to report as required. The bill proposed to provide for rulemaking by the Maine Health Data Organization and contained an effective date of January 1, 2004. (See LD 254.)

**LD 135                      An Act to Allow Nursing Homes to Use Leftover Medications                      ONTP**

<u>Sponsor(s)</u> BENNETT R		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 135 proposed to require the Department of Human Services, Bureau of Medical Services to adopt rules for the MaineCare program that allow nursing facilities to use medications that were prescribed for a former resident who has not taken the medications upon discharge. The rules would be required to provide for crediting the MaineCare account of the former resident and charging the MaineCare account of the resident for whom the medications will be used. The rules would be required to be in effect by January 1, 2004.

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**LD 143**                      **Resolve, to Improve Access to Breast and Cervical Cancer Treatment**                      **ONTP**

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

LD 143 proposed to direct the Department of Human Services to adopt rules, which are designated as routine technical rules, for the MaineCare program to improve access to breast and cervical cancer treatment. The rules would broaden eligibility for treatment under the MaineCare program through accepting screening at health centers and presumptive eligibility of the person and the health centers.

**LD 147**                      **An Act to Allow Members of the Maine Public Drinking Water Commission to Serve More than 2 Consecutive Terms**                      **PUBLIC 191**

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

LD 147 proposed to allow members of the Maine Public Drinking Water Commission to serve more than 2 consecutive terms.

***Enacted Law Summary***

Public Law 2003, chapter 191 allows members of the Maine Public Drinking Water Commission to serve more than 2 consecutive terms.

**LD 156**                      **An Act to Require that Patients in Private Mental Hospitals Be Afforded the Same Rights As Patients in State Mental Institutions**                      **CARRIED OVER**

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

LD 156 proposes to require the Department of Human Services to adopt rules for the enhancement and protection of the rights of patients receiving services for the treatment of mental illness from any hospital licensed by the department. It proposes to require that the rules be consistent with those adopted by the Department of Behavioral and Developmental Services to protect the rights of clients receiving services from that department, from a state mental health institute or from a private mental health institution under a contract with the State to receive involuntary patients.

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**LD 159**                      **An Act To Refine the Criteria for Issuing a Certificate of Need**                      **CARRIED OVER**

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

LD 159 proposes to require that applications for certificates of need be judged in reference to the state health plan, data from the Maine Health Data Organization and other data available to the Commissioner of Human Services. It proposes to require that particular weight be given to information that the proposed health care services are innovations in high quality health care delivery and that the facility proposing the new health services is designed to provide excellent quality health care.

**LD 175**                      **An Act to Ensure Parity Among Mental Health Professionals Under Medicaid**                      **CARRIED OVER**

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

LD 175 proposed to allow licensed marriage and family therapists to be eligible for Medicaid reimbursement for counseling services whenever licensed professional counselors or licensed clinical professional counselors are eligible for Medicaid reimbursement for those services.

**LD 201**                      **Resolve, To Amend the Laws Governing the Health Care Workforce Leadership council**                      **RESOLVE 11**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A MARTIN	OTP-AM	H-163

LD 201 proposes to establish the Health Care Workforce Center to provide an ongoing strategy for the allocation of the State's resources to the health care workforce in this State. The center would develop a strategic plan, convene groups of interested parties to recommend systemic changes and enhance and promote recruitment, recognition and retention of the health care workforce. The center would be directed by an 8-member board.

**Committee Amendment "A" (H-163)** proposed to amend Resolve 2001, chapter 89, which established the Health Care Workforce Leadership Council. Because members of the council were appointed late, the council was unable to meet the deadline for their interim report. This amendment proposed to set a date for the interim report in November 2003, retain the final report deadline of November 3, 2004 and require that the interim and final reports also address the potential role of and need for a permanent health care workforce council or center.



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### Enacted Law Summary

Resolve 2003, chapter 11 amends Resolve 2001, chapter 89, which established the Health Care Workforce Leadership Council. Because members of the council were appointed late, the council was unable to meet the deadline for their interim report. This resolve sets a date for the interim report in November 2003, retains the final report deadline of November 3, 2004 and requires that the interim and final reports also address the potential role of and need for a permanent health care workforce council or center.

**LD 220**                      **Resolve, to Expand Community-based Options for Elderly and Disabled Persons**                      **ONTP**

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

LD 220 proposed to require the Department of Human Services to submit a waiver application by January 1, 2004 to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to expand community-based options for elderly and disabled persons.

**LD 226**                      **Resolve, to Exempt Bona Fide Education Trust Funds from Family Income for Purposes of Determining Benefits from the Department of Human Services**                      **ONTP**

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

LD 226 proposed to require the Department of Human Services to exempt bona fide education trust funds from the computation of family income when determining eligibility for governmental support for families with children.

**LD 227**                      **An Act to Ban Smoking in Beano and Bingo Halls**                      **PUBLIC 379**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER MAYO	OTP      MAJ ONTP     MIN	H-309   DUNLAP

LD 227 proposed to prohibit smoking in public places where beano or bingo games are being conducted.

**House Amendment "B" (H-309)** proposed to prohibit smoking in places where beano or bingo games are being conducted, but allow smoking in places where high-stakes beano or bingo games are being conducted by a federally recognized Indian tribe.

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**House Amendment "A" (H-241)**, which was not adopted, proposed to prohibit smoking in places where beano or bingo games are being conducted, but allow smoking in places where high-stakes beano or bingo games are being conducted by a federally recognized Indian tribe.

**House Amendment "A" to House Amendment "B" (H-348)**, which was not adopted, proposed to allow smoking in places where beano or bingo games are being conducted by nonprofit, church-based organizations.

**Senate Amendment "A" (S-112)**, which was not adopted, proposed to prohibit smoking in places where beano or bingo games are being conducted, but allow smoking in places where high-stakes beano or bingo games are being conducted by a federally recognized Indian tribe.

### *Enacted Law Summary*

Public Law 2003, chapter 379 prohibits smoking in places where beano or bingo games are being conducted, but allows smoking in places where high-stakes beano or bingo games are being conducted by a federally recognized Indian tribe.

**LD 239**

**An Act to Elevate the Standards of Foster Parenting in the State**

**P & S 21**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE- BOUCHER BRYANT	OTP-AM	H-399

LD 239, a concept draft pursuant to Joint Rule 208, proposed to create a vehicle for foster parents to have a voice in decisions made by the Department of Human Services concerning them as foster parents in the State.

**Committee Amendment "A" (H-399)** proposed to replace the bill and require Department of Human Services' Foster/Adoptive Parent Advisory Committee to report to the Joint Standing Committee on Health and Human Services every 6 months. The amendment also proposed to require the Foster/Adoptive Parent Advisory Committee to have a foster or adoptive parent as one of the cochairs of the committee. The amendment proposed to add a fiscal note to the bill.

### *Enacted Law Summary*

Private and Special Law 2003, chapter 21 specifies that the Department of Human Services must require its Foster/Adoptive Parent Advisory Committee to report to the Joint Standing Committee on Health and Human Services every 6 months. The law also requires the Foster/Adoptive Parent Advisory Committee to have a foster or adoptive parent as one of the cochairs of the committee.

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**LD 241**                      **Resolve, To Require Electronic Transmission of Prior Authorization Requests in the MaineCare Program**

**ONTP**

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

LD 241 proposed to require the Department of Human Services to adopt rules that establish a program that gives the department the capability of receiving and responding electronically to requests for services under the MaineCare program from physician offices.

**LD 254**                      **An Act To Require Full Disclosure of Prescription Drug Marketing Costs**

**PUBLIC 430**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE TREAT	OTP-AM    MAJ ONTP        MIN	H-465

LD 254 proposed to require prescription drug manufacturers and labelers whose drugs are dispensed to state residents to file annual reports with the Department of Human Services regarding their expenses for marketing their drugs. The bill proposed to require the department to file an annual report with the Legislature and the Attorney General regarding the information filed and a biennial report that contains analysis of information and recommendations. The bill proposed to continue the confidentiality of trade information that is protected under state and federal law. The bill proposed to provide for a fine of \$10,000 for failure to report as required. The bill proposed to provide for rulemaking by the department and contained an effective date of January 1, 2004.

**Committee Amendment "A" (H-465)** proposed to exempt from the reporting requirements advertising purchased for a regional or national market, change the fine from \$10,000 to \$1,000 and change the effective date to July 1, 2004. The amendment proposed to add a requirement that the Department of Human Services report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2005 and July 1, 2005 regarding assessment of fees on prescription drug manufacturers and labelers and the use of those fees to support the work of the department.

### ***Enacted Law Summary***

Public Law 2003, chapter 430 requires prescription drug manufacturers and labelers whose drugs are dispensed to state residents to file annual reports with the Department of Human Services regarding their expenses for marketing their drugs. The law requires the department to file an annual report with the Legislature and the Attorney General regarding the information filed and a biennial report that contains analysis of information and recommendations. The law continues the confidentiality of trade information that is protected under state and federal law. The law provides for a fine of \$1,000 for failure to report as required. The law provides for rulemaking by the department and contains an effective date of July 1, 2004. The law directs the Department of Human Services to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2005 and July 1,

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2005 regarding assessment of fees on prescription drug manufacturers and labelers and the use of those fees to support the work of the department.

**LD 257**

**An Act To Honor the Intent of Organ Donors**

**PUBLIC 394**

<u>Sponsor(s)</u> FAIRCLOTH PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-445
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LD 257 proposed to address organ and tissue donation and transplantation. It proposed to add a short segment on organ and tissue donation and transplantation to the driver's education curriculum and direct the Secretary of State's office to read to applicants for driver's licenses a short statement on organ and tissue donation and to provide an opportunity for the applicant to become a donor. It proposed to direct the Secretary of State to modify its existing database system to maintain the Maine Organ Donor Registry, to establish a volunteer advisory committee and to make registry information available to federally designated organ procurement organizations. The bill proposed to require persons in possession of an advance health care directive to submit the directive to the Maine Organ Donor Registry. It proposed to provide rule-making authority for the Secretary of State. The bill contained the honor-the-intent law, a provision to make clear that donor-expressed intent takes precedence, and specifies the procedures under which a next of kin may override donor intent. The bill proposed to provide that public employees who donate bone marrow are eligible for 7 days of administrative leave for that purpose and public employees who are donors of other tissues and organs are eligible for 30 days of administrative leave for that purpose. This administrative leave would be in addition to any sick leave to which the employee is entitled. The bill contained an effective date of January 1, 2004.

**Committee Amendment "A" (H-445)** proposed to do the following:

1. It proposed to delete the provision requiring submission of organ donation documents to the Maine Organ Donation Registry;
2. It proposed to delete the provision requiring driver education curricula to contain an organ donation segment and the provision by driver education programs of information on organ donation and the possibility of saving lives through organ donation;
3. It proposed to change the witnessing of organ donation override from 2 witnesses to one and requires discussion with an organ procurement organization instead of the hospital;
4. It proposed to require the Secretary of State's personnel to make available organ donation materials instead of reading them to the applicant;
5. It proposed to require the Maine Organ Donor Registry to accept information from those persons who indicate their intent to donate through the Office of the Secretary of State;
6. It proposed to require the Secretary of State to make available to driver education schools information regarding organ and tissue donation;
7. It proposed to add an allocation in fiscal year 2004-05 of \$20,000 from the Highway Fund for the Maine Organ Donor Registry; and

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8. It proposed to provide an effective date of July 1, 2004.

This law was proposed to take effect July 1, 2004.

### *Enacted Law Summary*

Public Law 2003, chapter 394 states the general rule to honor the intent of a person who has indicated the intention to be an organ donor after death. The law provides a mechanism for overriding that intention. The law requires the Secretary of State's Office to provide information on organ donation to applicants drivers licenses and driving schools and, upon completion of a new computer system, to maintain the Maine Organ Donor Registry. The law becomes effective July 1, 2004.

LD 281

**Resolve, Regarding the Operation of the Maine Registry of Certified Nursing Assistants**

RESOLVE 96

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER	OTP-AM MAJ	H-542
STANLEY	ONTP MIN	S-292 CATHCART

LD 281 proposed to require rulemaking to improve the operation of the Maine Registry of Certified Nursing Assistants and to improve access to information in the registry.

**Committee Amendment "A" (H-542)** was the majority report of the committee. The amendment proposed to replace the resolve. It proposed to delete the portions of the resolve pertaining to InforME and the portions pertaining to access to criminal history record information. It proposed to retain the provision on payment for criminal history record checks for the Maine Registry of Certified Nursing Assistants. It proposed to require the Department of Public Safety to amend the rules regarding criminal history record checks to grant free access to the Maine Registry of Certified Nursing Assistants. It proposed to require rulemaking by the Department of Education on including the cost of the first record check in a course fee. It proposed to require a series of reports to the Legislature from the Department of Human Services on information about national record checks and fingerprint-based checks. The amendment proposed to add an appropriations and allocations section for the Department of Public Safety for costs associated with processing background checks.

**Senate Amendment "A" to Committee Amendment "A" (S-292)** proposed to remove the requirement that the Department of Public Safety amend the rules regarding criminal history record checks to grant free access to the Maine Registry of Certified Nursing Assistants. The amendment also proposed to include a General Fund appropriation to reflect the lower costs that the department will incur to process background checks for new certified nursing assistants.

### *Enacted Law Summary*

Resolve 2003, chapter 96 requires the Department of Public Safety to adopt rules providing free access to criminal history record information for the Maine Registry of Certified Nursing Assistants. It requires the Department of Education to adopt rules requiring the CNA course fee to include the record check fee. It requires the Department of Human Services to report to the Health and Human Services Committee on

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the method of conducting CNA record checks by 12/31/03, 7/1/04 and 12/31/04. The resolve provides an appropriation for the Department of Public Safety for staff and operating costs.

**LD 285**                      **An Act Directing the Department of Human Services to Adjust Dental Reimbursement Rates under the Medicaid Program**                      **ONTP**

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

LD 285 proposed to direct the Department of Human Services to set the Medicaid reimbursement rates by October 1, 2003 for dental services to the 50th percentile of the fees published by a nationwide dental association.

**LD 295**                      **An Act To Revise the Laws Regulating Boarding Homes**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUCHER ROTUNDO	ONTP	

LD 295 was a concept draft pursuant to Joint Rule 208.

This bill proposed to revise regulations for boarding homes in order to encourage the availability of this type of housing. Currently, regulations for boarding homes may be so strict as to discourage the establishment of new boarding homes.

**LD 329**                      **An Act to Encourage the Use of Generic Drugs**                      **PUBLIC 384**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN	OTP-AM	S-191

LD 329 proposed to require a pharmacist to fill a prescription with a generic and therapeutic equivalent of the drug if the prescribing physician does not affirmatively specify that a particular brand-name drug be dispensed. Current law permits a pharmacist to dispense a generic drug.

**Committee Amendment "A" (S-191)** proposed to provide that the generic substitution provisions of the bill apply to MaineCare prescriptions only when the Department of Human Services has determined that a generic and therapeutically equivalent drug would be more cost effective.

### *Enacted Law Summary*

Public Law 2003, chapter 384 requires a pharmacist to fill a prescription with a generic and therapeutic equivalent of the drug if the prescribing physician does not affirmatively specify that a particular brand-name drug be dispensed. The law contains special considerations for the MaineCare Program.

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LD 332

**Resolve, Affecting the MaineCare Reimbursement Formula**

ONTP

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

LD 332 proposed to direct the Department of Human Services to amend the rules for reimbursement under the MaineCare program for the reimbursement of hospitals by November 1, 2003. It proposed to designate the rules as routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

LD 363

**An Act to Ensure Patient Access to Medical Records**

PUBLIC 418

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

LD 363 proposed to establish the amount that a patient may be charged to obtain a copy of the patient's medical records. The bill also proposed to clarify that a patient's authorized representative may receive medical records.

***Enacted Law Summary***

Public Law 2003, chapter 418 establishes the maximum amount that a patient may be charged to obtain a copy of the patient's medical records and allows patient's authorized representative to receive medical records.

LD 421

**An Act To Include a Representative of Mental Health Providers  
on the Board of Directors of the Maine Health Data Organization**

PUBLIC 264

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE- BOUCHER BRENNAN	OTP-AM	H-253

LD 421 proposed to require that a representative of mental health providers be appointed to the Board of Directors of the Maine Health Data Organization and that the number of board members be increased from 20 to 21.

**Committee Amendment "A" (H-253)** proposed to replace the bill. It proposed to require that a representative of mental health providers be appointed to the Board of Directors of the Maine Health Data Organization as one of the 9 members of the board representing providers. It would maintain the total number of board members at the current level, which is 20.

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### Enacted Law Summary

Public Law 2003, chapter 264 requires that a representative of mental health providers be appointed to the Board of Directors of the Maine Health Data Organization as one of the 9 members of the board representing providers.

**LD 429**                      **Resolve, To Increase Allowance Levels for Nursing Home Residents**                      **ONTP**

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

LD 429 proposed to require the Department of Human Services to adopt rules increasing the amount of income that may be retained by residents of nursing facilities.

**LD 432**                      **An Act To Amend the Maine Health Data Organization Laws**                      **ONTP**

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

LD 432 proposed to require the Maine Health Data Organization to expand its data collection efforts to include data on the quality and price of health care services. It proposed to require the Maine Health Data Organization to file its annual report by November 1st of each year and to include in the report information regarding the quality of health care as well as recommendations for improving access to information by consumers and the improvement of quality of care.

**LD 439**                      **Resolve, To Provide Equitable Services to Persons with Congenital Brain Anomalies**                      **ONTP**

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

LD 439 proposed to direct the Department of Human Services, Bureau of Health to provide individuals with congenital brain anomalies coverage and services to the same extent as those provided to individuals with acquired brain injuries.



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**LD 440**                      **Resolve, To Provide Equitable Treatment of Graduate Students**                      **ONTP**

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

LD 440 proposed to direct the Department of Human Services by November 1, 2003 to work with the University of Maine System to provide assistance through child care and other programs for any parent who is a resident of the State and a student at the university graduate level.

**LD 444**                      **Resolve, Regarding Coverage of Durable Medical Equipment in the MaineCare Program**                      **ONTP**

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

LD 444 proposed to require that by November 1, 2003 the Department of Human Services adopt rules for reimbursement for durable medical equipment under the MaineCare program, specifically regarding the process for determining deductible requirements for medically needy individuals. The rules would increase the protected income level to the federal poverty level and waive the deductible process for terminally ill persons. The rules were designated as routine technical rules.

**LD 471**                      **Resolve, To Study Obesity and Methods To Decrease the Cost of Health Care and Increase the Public Health**                      **RESOLVE 95**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH BRENNAN	OTP-AM	H-464 H-585 KANE

LD 471 proposed to establish the Commission to Study Public Health to study the causes of obesity and methods to decrease the cost of health care and improve public health. The commission would be charged with submitting a report, together with legislation, to the Second Regular Session of the 121st Legislature by December 1, 2003.

**Committee Amendment "A" (H-464)** proposed to make a number of changes in the resolve. The amendment proposed to add 17 members to the study commission, broadening the representation. The amendment proposed to alter the duties of the commission, removing the duty to include in its report and any suggested legislation options for the labeling of fats on all packaged food and the requirement to use in the report and legislation the food pyramid associated with the Harvard School of Public Health and providing focus for other duties. The amendment also proposed to add authority to seek outside funds and prohibit any expenditures that have an effect on the General Fund.

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**House Amendment "B" to Committee Amendment "A" (H-585)** proposed to incorporate the substance of Senate Amendment "A" to Committee Amendment "A" (S-281), except that it would remove the emergency preamble and the emergency clause.

**House Amendment "A" to Committee Amendment "A" (H-529)**, which was not adopted, proposed to require the solicitation and use of outside funding to cover all costs of the commission and provide that if sufficient funds are not received no meetings are authorized.

**Senate Amendment "A" to Committee Amendment "A" (S-281)**, which was not adopted, proposed to add an emergency preamble and emergency clause and allow the commission to seek staff assistance from the Legislative Council or from the Office of Policy and Legal Analysis assistance. The amendment proposed to change the reporting date from December 1, 2003 to December 3, 2003. The amendment also proposed to allow the commission to seek outside funding to fully fund itself, except it may not accept funds from any party having a vested interest in the outcome. All contributions would be subject to Legislative Council approval.

### *Enacted Law Summary*

Resolve 2003, chapter 95 establishes the Commission to Study Public Health to study the causes of obesity and methods to decrease the cost of health care and improve public health. The commission is composed of 31 members, of whom 4 are legislators. The Commission is required to submit a report to the Legislature by December 1, 2003 and may introduce its own legislation.

**LD 480**                      **Resolve, To Maintain Flexibility and Safety in Caring for People with Severe and Persistent Mental Illness**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT O'BRIEN J	ONTP	

LD 480 proposed to direct the Department of Behavioral and Developmental Services to maintain one unit of beds at the Augusta Mental Health Institute. The bill proposed to establish criteria for transfer to a state psychiatric facility and to require the department to report quarterly to the Joint Standing Committee on Health and Human Services on the number of transfer requests. The bill also proposed to require a plan for meeting the needs of patients denied admission when the number of denied admissions exceeded 30% of requests.

**LD 532**                      **Resolve, Directing the Maine Health Data Organization To Evaluate the Current System of Annual Assessments and User Fees**                      **RESOLVE 35**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING WESTON	OTP-AM	H-255

LD 532 proposed to repeal the Maine Health Data Organization's annual assessments against insurers and providers and to repeal the organization's rulemaking authority with regard to enforcement of assessments.

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**Committee Amendment "A" (H-255)** proposed to replace the bill with a resolve. It proposed to require the Maine Health Data Organization to evaluate its current system of annual assessments and user fees and make recommendations for improvement to the Joint Standing Committee on Health and Human Services by January 30, 2004. The amendment proposed to add a fiscal note to the resolve.

### *Enacted Law Summary*

Resolve 2003, chapter 35 requires the Maine Health Data Organization to evaluate its current system of annual assessments and user fees and make recommendations for improvement to the Joint Standing Committee on Health and Human Services by January 30, 2004.

**LD 535**                      **An Act To Strengthen Health Data Information and Health Planning**                      **CARRIED OVER**

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

LD 535 proposes to establish the State Health Planning Commission to adopt a statewide comprehensive health plan by November 1, 2003 and every 2 years thereafter and to report to the Legislature and the Department of Human Services once every 2 years. The bill proposes to require the Maine Health Data Organization to work with other organizations to evaluate health outcomes and clinical pathways. It also proposes to require the Maine Health Data Organization to collect data on total health care system utilization, costs and revenues and to release information to the public in a user-friendly manner.

**LD 553**                      **Resolve, To Study the Needs of Deaf and Hard-of-hearing Children and Adolescents**                      **RESOLVE 84**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS SMITH W	OTP-AM	H-553 RICHARDSON J H-590 DUPLESSIE S-182

LD 553 proposed to establish the Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents.

**Committee Amendment "A" (S-182)** proposed to add 6 members to the Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents. It proposed to clarify the duties of the task force regarding mental health services and educational services.

**House Amendment "A" (H-590)** proposed to remove the emergency preamble and emergency clause from the resolve.

**House Amendment "A" to Committee Amendment "A" (H-553)** proposed to change who appoints the 11 public members of the task force from the Governor to the Speaker of the House and the President

## *Joint Standing Committee on Health and Human Services*

of the Senate, who would appoint 5 and 6 members respectively. The amendment proposed to authorize the task force to hold up to 4 meetings. It also proposed to allow public members of the task force to receive a per diem upon a demonstration of financial hardship and to change the reporting date from December 10, 2003 to December 3, 2003.

### *Enacted Law Summary*

Resolve 2003, chapter 84 establishes the Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents. The task force is composed of 4 legislators, 11 members of the public, the Commissioner of Human Services, the Commissioner of Education and the Commissioner of Behavioral and Developmental Services. The task force is authorized to meet up to 4 times and is required to submit a report, including suggested legislation, to the 2<sup>nd</sup> Regular Session of the 121<sup>st</sup> Legislature no later than December 3, 2003.

**LD 554**

**An Act To Protect Against Unfair Prescription Drug Practices**

**PUBLIC 456**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM    MAJ	S-204
LEMOINE	ONTP      MIN	

LD 554 proposed to specify the fiduciary duties of pharmacy benefits managers and the obligation to serve the covered entities with whom they contract and the covered individuals provided health care benefits by the covered entities. The bill proposed to prohibit contractual terms that are inconsistent with the pharmacy benefits manager's fiduciary duties. The bill proposed to require payment to a pharmacy benefits manager based on volume of certain drugs or as a result of substitution of drugs to be passed on to the covered entity or covered individuals. The bill proposed to require disclosure of financial terms that apply between a pharmacy benefits manager and a manufacturer or labeler. The bill proposed to require consultation with and agreement of the prescribing health professional or a representative of that professional before a pharmacy benefits manager may switch a prescription drug to be dispensed to a covered individual. The bill proposed to prohibit agreements to waive provisions of the law. Violations of the law would be violations of the Maine Unfair Trade Practices Act and would be enforceable by private action or the Attorney General.

**Committee Amendment "A" (S-204)** proposed to make the following changes in the bill:

1. Remove references to the Employee Retirement Income Security Act of 1974.
2. Remove the requirement that payments to the pharmacy benefits manager based on volume of sales be passed on to the covered individual and retains the requirement that they be passed on to covered entities.
3. Clarify the procedural requirements for substituting a different drug for a prescribed drug.
4. Remove the fiduciary relationship between the pharmacy benefits manager and persons served by a covered entity.

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### Enacted Law Summary

Public Law 2003, chapter 456 specifies the fiduciary duties of pharmacy benefits managers and the obligation to serve the covered entities with whom they contract and the covered individuals provided health care benefits by the covered entities. The law requires disclosure of financial terms that apply between a pharmacy benefits manager and a manufacturer or labeler. The law requires consultation with and agreement of the prescribing health professional or a representative of that professional before a pharmacy benefits manager may switch a prescription drug to be dispensed to a covered individual. The law prohibits agreements to waive provisions of the law. Violations of the law are violations of the Maine Unfair Trade Practices Act and are enforceable by private action or the Attorney General.

**LD 557**                      **Resolve, To Increase the Amount of Emergency Assistance Available to Families**                      **ONTP**

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

LD 557 proposed to direct the Department of Human Services to adopt rules to increase the maximum level of assistance under the emergency assistance program to \$400 a year for needy families with children. The rules were designated as routine technical.

**LD 558**                      **Resolve, To Enhance Services to Children and Families**                      **RESOLVE 24 EMERGENCY**

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

LD 558 proposed to direct the Department of Human Services to retain in effect the reimbursement rates for therapeutic foster care that were in effect on January 1, 2003 until new rates proposed for adoption were reviewed by a subcommittee of the Joint Standing Committee on Health and Human Services and a set of reimbursement rates were approved by a majority of the committee.

**Committee Amendment "A" (H-293)** proposed to replace the resolve. The amendment proposed to require the Department of Human Services to adopt routine technical rules on matters relating to levels of care in the foster care system, including assessment of children and reimbursement rates. The amendment also proposed to require the department to notify the Joint Standing Committee on Health and Human Services of any such rules that are proposed. The amendment proposed to add a fiscal note to the resolve.

### Enacted Law Summary

Resolve 2003, chapter 24 requires the Department of Human Services to adopt routine technical rules on matters relating to levels of care in the foster care system, including assessment of children and

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reimbursement rates. The resolve also requires the department to notify the Joint Standing Committee on Health and Human Services of any such rules that are proposed.

Resolve 2003, chapter 24 was passed as an emergency measure effective May 16, 2003.

**LD 584                      An Act To Strengthen the Maine Certificate of Need Act of 2002      CARRIED OVER**

<u>Sponsor(s)</u> TRAHAN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 584 proposes to increase the applicability of the certificate of need law to health care facilities, regardless of ownership. It proposes to repeal provisions for subsequent review following approval of a certificate of need. The bill proposed to expand the scope of the periodic reports to the Department of Human Services by an applicant who has been granted a certificate of need. It proposes to exempt from the certificate of need process the conversion by a critical access hospital of banked hospital beds to swing beds.

**LD 585                      An Act to Establish a Statewide Primary and Preventive Health      CARRIED OVER  
Care Program**

<u>Sponsor(s)</u> TRAHAN HALL		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 585 proposes to establish a statewide primary and preventive health care program, a Medicaid waiver program to serve children and adults with family incomes up to 300% of the federal poverty level, subject to adjustment by the Commissioner of Human Services in order to maximize coverage and prevent overspending by the program. The program would include an Internet resource guide and health weeks twice per year to promote good health and encourage enrollment in the program. The proposed program includes an advisory committee to advise the Department of Human Services on consumer copayments and premiums. The bill proposed to require administration of the program to be coordinated and integrated with the MaineCare program. The bill proposes to require 4 public hearings on a statewide basis prior to the operation of the program. The bill proposed to require quarterly fiscal reports. The bill proposes to require the waiver application to be filed by January 1, 2004.

**LD 602                      Resolve, to Allow Persons with Disabilities to Purchase Coverage      ONTP  
Under the Medicaid Program**

<u>Sponsor(s)</u> DOUGLASS THOMAS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 602 proposed to require the Department of Human Services to amend the rules to allow persons with disabilities and their spouses to purchase coverage in the Medicaid program. The rules would maintain income eligibility limits while removing separate limits on earned and unearned income.

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**LD 609**

**An Act To Offset the United States Citizenship Test Fee for Low-income Residents**

**ONTP**

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

LD 609 proposed to direct the Department of Human Services to pay the United States citizenship test fee for a low-income person seeking United States citizenship who had been a resident of the State for at least one year and whose income was below the median income of the State. This bill also proposed to direct the department to adopt rules to implement this provision, including that the department assist an applicant in filing for a fee waiver from the Federal Government and that the State pay the citizenship test fee directly to the Federal Government. The rules would also develop a process that was most cost-effective for the State and as simple as possible for the applicant.

**LD 611**

**An Act To Obtain Substance Abuse Services for Minors**

**CARRIED OVER**

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

LD 611 proposes to allow the Department of Behavioral and Developmental Services to provide alcohol and drug treatment services to a minor on the request of the minor's parent. It proposes to require that services provided to a minor upon request of the parent be as intensive as services provided to a minor on a voluntary basis.

**LD 616**

**An Act To Provide Safe Staffing Levels for Patients and To Retain Registered Nurses** **CARRIED OVER**

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

LD 616 proposes to impose minimum staffing requirements for nurse-to-patient staffing on all hospitals with an increase of nurses required based on the acuity of the patients. The bill proposes to direct the Department of Human Services to adopt rules, which are classified as major substantive rules, for establishing an acuity-based patient classification system in hospitals.

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**LD 619**

**An Act Making Substantive and Technical Changes to the General Assistance Laws**

**ONTP**

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

LD 619 proposed to make changes to the municipal general assistance laws in order to facilitate administration of and access to the program. Specifically, the bill proposed to make the following changes:

1. Clarify that information could be disclosed to law enforcement officers, emergency respondents or municipal officials who were acting in an official capacity while maintaining confidentiality.
2. Clarify provisions of law regarding residency and municipal responsibility.
3. Clarify provisions of law regarding funerals, burial and cremation of general assistance recipients.
4. Remove the standard of "knowingly and willfully" from the false representation statutes.
5. Clarify forfeiture and reduction of benefits.
6. Expand the definition of legally liable spouses and parents.
7. Create a claimant's right to request rescheduling of a fair hearing if just cause for failure to appear is established.

**LD 622**

**Resolve, To Establish a Committee To Examine the Cost-effectiveness of the State Long-term Care Assessment System**

**ONTP**

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

LD 622 was a concept draft pursuant to Joint Rule 208.

This resolve proposed to create a mechanism to examine the State's long-term care assessment system. A committee formed pursuant to this resolve would include all stakeholders, such as Legislators, consumers, institutional providers and community providers. The Legislators would be appointed by the Speaker of the House and the President of the Senate, and the other members would be appointed by the Governor. The committee would be required to study the overlapping federal and state Medicaid eligibility tools, requirements regarding eligibility to perform assessments and the information provided to those who are considered ineligible for long-term care.

The bill proposed that the Commissioner report to the Second Regular Session of the 121st Legislature legislation that forces the current assessment system to be more efficient.



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**LD 684**

**An Act To Provide Health Coverage for Smokers Who Suffer from Smoking-related Illnesses**

**ONTP**

<u>Sponsor(s)</u> JOY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 684 proposed to create a smoker illness program and a smoker illness fund with the purpose of providing coverage to smokers for smoking-related illnesses. The proposed fund would consist of 40% of the revenue derived from the cigarette tax. This program and fund would be administered by the Department of Human Services.

**LD 711**

**Resolve, To Lower the Costs of Prescription Drugs through the Use of the Federal Public Health Service Act**

**RESOLVE 29**

<u>Sponsor(s)</u> TREAT KANE		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 711 proposed to require the Department of Human Services to study and report to the Joint Standing Committee on Health and Human Services by January 1, 2004 on the benefits that could be recognized by the State if it utilized Section 340B of the federal Public Health Services Act to provide prescription drugs to Maine's most vulnerable patient populations. The resolve proposed to authorize the committee to report out legislation to the Second Regular Session of the 121st Legislature.

***Enacted Law Summary***

Resolve 2003, chapter 29 requires the Department of Human Services to study and report to the Joint Standing Committee on Health and Human Services by January 1, 2004 on the benefits that could be recognized by the State if it utilized Section 340B of the federal Public Health Services Act to provide prescription drugs to Maine's most vulnerable patient populations. The resolve authorizes the committee to report out legislation to the Second Regular Session of the 121st Legislature.

**LD 713**

**An Act to Support Health Care Safety Net Programs**

**CARRIED OVER**

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 713 proposes to provide funding for the Bureau of Health, within the Department of Human Services, to make grants to federally qualified health centers, Indian Health Service - supported centers and the Maine Primary Care Association to support health care safety net programs. The additional funding would be offset by an increase in the cigarette tax from \$1 to \$1.05 per pack.

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LD 727

**An Act To Protect Children by Allowing Child Care Facilities To Fingerprint Employees**

ONTP

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

LD 727 proposed to provide licensed child care facilities the option to fingerprint employees or applicants for employment. The bill proposed to require child care facilities to pay for the fingerprinting and require employees and applicants to submit to the fingerprinting.

LD 732

**Resolve, Directing the Department of Human Services To Establish an Advisory Task Force to Examine Staff-child Ratios and Maximum Group Size in Child Care Facilities**

**RESOLVE 97  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY B SAWYER	OTP-AM	H-168 S-277 GAGNON

LD 732 proposed to establish in law minimum staff-child ratios for child care centers.

**Committee Amendment "A" (H-168)** proposed to replace the bill and make it a resolve. The amendment proposed to direct the Department of Human Services to convene an advisory task force to study staff-child ratios and maximum group size in child care facilities and to require the task force to make recommendations to the department and the department to report its conclusions to the Joint Standing Committee on Health and Human Services. The amendment proposed to require the department to retain current child care rules in effect until June 15, 2004 to allow for the task force to complete its work and the department to conduct additional rulemaking if necessary.

**Senate Amendment "A" to Committee Amendment "A" (S-277)** proposed to add an emergency preamble, clarify that up to 3 Legislators may serve on the advisory task force and authorize up to 4 meetings of the advisory task force. The amendment also proposed to change the reporting dates.

***Enacted Law Summary***

Resolve 2003, chapter 97 directs the Department of Human Services to convene an advisory task force to study staff-child ratios and maximum group size in child care facilities. The resolve requires the task force to make recommendations to the department by December 3, 2003 and requires the department to review those recommendations and report its conclusions to the Joint Standing Committee on Health and Human Services by January 5, 2004. The resolve also requires the department to retain current child care rules in effect until June 15, 2004 to allow for the task force to complete its work and the department to conduct additional rulemaking if necessary.

Resolve 2003, chapter 97 was passed as an emergency measure effective June 25, 2003.

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LD 767

**Resolve, Directing the Department of Human Services To Enact  
Rules To Reduce the Health Risks Associated with Latex Gloves**

**RESOLVE 70**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON DUPLESSIE	OTP-AM	S-177 S-225 BRENNAN

LD 767 proposed to prohibit the sale and use of nonsterile latex gloves. The bill proposed to authorize the sale of low-protein, nonpowder sterile latex gloves to licensed health facilities and medical personnel solely for use in surgical procedures and only if the benefits outweigh the risks and the patient, or person who may make medical decisions for the patient, consents.

**Committee Amendment "A" (S-177)** proposed to replace the bill with a resolve that directs the Department of Human Services, Bureau of Health to adopt rules requiring the development of protocols regarding the use of latex gloves. It proposed to direct the Bureau of Health to report back to the Joint Standing Committee on Health and Human Services regarding the rules, the development of protocols, the anticipated impact of the protocols and whether legislation is required to further address allergies to latex gloves by January 30, 2004. It proposed to designate the rules as routine technical rules.

**Senate Amendment "A" (S-225)** proposed to remove responsibility for rulemaking regarding latex gloves protocols for commercial and industrial sites and state agencies from the Department of Human Services, Bureau of Health and instead requires the Department of Labor to study such uses and recommend legislation.

**House Amendment "A" to Committee Amendment "A" (H-485)**, which was not adopted, proposed to add emergency medical services to the health care settings subject to rulemaking regarding latex gloves.

See amendment to LD 767 in errors bill LD 274, removing appropriation mistakenly not removed by Senate Amendment "A".

***Enacted Law Summary***

Resolve 2003, chapter 70 directs the Department of Human Services, Bureau of Health to adopt rules requiring the development of protocols regarding the use of latex gloves. It directs the Bureau of Health to report back to the Joint Standing Committee on Health and Human Services regarding the rules, the development of protocols, the anticipated impact of the protocols and whether legislation is required to further address allergies to latex gloves by January 30, 2004. It designates the rules as routine technical rules. The resolve directs the Department of Labor to study the use of latex gloves in commercial establishments, industrial facilities and state agencies.

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LD 780

**An Act To Amend the Maine Registry of Certified Nursing Assistants**

**PUBLIC 376  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS DAGGETT	OTP-AM	H-504

LD 780 proposed to require the Maine Registry of Certified Nursing Assistants to bar an individual from working in a health care entity as a certified nursing assistant if that individual has been convicted by a court of law of, or has had a complaint substantiated by the Department of Human Services involving, abuse, neglect or misappropriating funds in a health care entity. The bill proposed to bar individuals with serious criminal convictions from being employed in a health care entity as certified nursing assistants. The bill also proposed to require training programs for nursing assistants to notify applicants about this restriction prior to acceptance into a program.

**Committee Amendment "A" (H-504)** proposed to specify the health care settings in which employment restrictions on certified nursing assistants apply. It proposed to clarify that the entity responsible for substantiating allegations of abuse or neglect is the Department of Human Services. It proposed to clarify language regarding misappropriation of property and add an emergency preamble and emergency clause to the bill.

***Enacted Law Summary***

Public Law 2003, chapter 376 specifies the health care settings in which employment restrictions on certified nursing assistants apply. It clarifies that the entity responsible for substantiating allegations of abuse or neglect is the Department of Human Services.

Public Law 2003, chapter 376 was enacted as an emergency measure effective June 2, 2003.

LD 800

**Resolve, To Provide Training on Autistic Behaviors to Crisis Professionals**

**ONTP**

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

LD 800 proposed to direct the Department of Behavioral and Developmental Services to provide training designed to reduce the reliance on emergency rooms, crisis intervention teams and inpatient services by children with autistic disorders or mental retardation. The department could either provide the training or contract out the training. The training would begin no later than May 1, 2003. The resolve proposed to direct the department to fund the training with funds previously appropriated for the development of short-term residential services for children with mental retardation or autism.

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LD 849

**An Act To Ensure Fairness in Maine's Prescription Drug Laws**

ONTP

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

LD 849 proposed to require the Department of Human Services to receive approval from the drug committee, established pursuant to the Maine Revised Statutes, Title 22, section 3174-M, subsection 2, prior to establishing any mechanisms to monitor or restrict the manner in which physicians prescribe drugs or Medicaid program recipients have access to drugs. The bill also proposed to require that 2 members of the committee must be psychiatrists, one a child psychiatrist and one an adult psychiatrist. (See LD 1288.)

LD 866

**An Act Concerning Recovery of Expenses under the General Assistance Laws**

ONTP

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

LD 866 proposed to require that reasonable attorney's fees and litigation costs be deducted from retroactive Supplemental Security Income benefits and Worker's Compensation lump sum payments before the state and municipalities would be reimbursed for providing General Assistance while an individual's Supplemental Security Income claim or Worker's Compensation claim was pending.

LD 878

**An Act To Provide Peer Support and Advocacy Services To Participants in the ASPIRE-TANF Program and the Parents as Scholars Program**

PUBLIC 351

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE- BOUCHER MAYO	OTP-AM MAJ ONTP MIN	H-398

LD 878 proposed to direct the Department of Human Services to contract with a nonprofit entity or entities to establish a peer support advocacy demonstration project in 4 different regions of the State to provide information and advocacy services to ASPIRE-TANF program and Parents as Scholars Program participants.

**Committee Amendment "A" (H-398)** was the majority report and proposed to replace the bill. The amendment proposed to direct the Department of Human Services to establish a volunteer peer support and advocacy demonstration project in 4 of its offices to provide information, support and advocacy services to ASPIRE-TANF program and Parents as Scholars Program participants. The amendment also proposed to require the department to report on the project to the Joint Standing Committee on Health and Human Services by March 1, 2004. The

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amendment proposed to add a sunset provision that would repeal the project July 1, 2005. The amendment proposed to add a fiscal note to the bill.

### ***Enacted Law Summary***

Public Law 2003, chapter 351 directs the Department of Human Services to establish a volunteer peer support and advocacy demonstration project in 4 of its offices to provide information, support and advocacy services to ASPIRE-TANF program and Parents as Scholars Program participants. The law requires the department to report on the project to the Joint Standing Committee on Health and Human Services by March 1, 2004. The law includes a sunset provision that repeals the project July 1, 2005.

**LD 896**                      **Resolve, To Establish a System for Electronic Filing of Death Certificates**                      **RESOLVE 27**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO RICHARDSON J	OTP-AM	S-104

LD 896 proposed to direct the State Board of Funeral Services and the State Registrar of Vital Statistics jointly to establish a system for electronic filing of death certificates with municipal clerks and with the State.

**Committee Amendment "A" (S-104)** proposed to require the Department of Human Services, Bureau of Health to convene an advisory committee on the development of a plan and funding for an electronic death certificate filing system. It proposed to require a report back by January 15, 2004 to the Joint Standing Committee on Health and Human Services. It proposed to require the Bureau of Health to provide staffing for the work of the advisory committee.

### ***Enacted Law Summary***

Resolve 2003, chapter 27 requires the Department of Human Services, Bureau of Health to convene an advisory committee on the development of a plan and funding for an electronic death certificate filing system. It requires a report back by January 15, 2004 to the Joint Standing Committee on Health and Human Services. It requires the Bureau of Health to provide staffing for the work of the advisory committee.

**LD 903**                      **Resolve, Regarding Consumer Information for Medicare Beneficiaries**                      **RESOLVE 55**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-199

LD 903 proposed to require the Department of Professional and Financial Regulation, the Bureau of Insurance to amend its rule relating to guaranteed issue of Medicare supplement insurance policies to allow an individual who was previously enrolled in a Medicare supplement policy to obtain that same

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coverage when the individual loses eligibility under the MaineCare program. The resolve proposed to require the bureau to amend the rule by January 1, 2004.

**Committee Amendment "A" (S-199)** proposed to direct the Department of Human Services and the Department of Professional and Financial Regulation, Bureau of Insurance to work with a statewide organization providing legal services for the elderly and other consumer advocates to examine current practices for providing information to Medicare beneficiaries about Medicare supplement policies and to develop practices and procedures for providing information.

### *Enacted Law Summary*

Resolve 2003, chapter 55 directs the Department of Human Services and the Department of Professional and Financial Regulation, Bureau of Insurance to work with a statewide organization providing legal services for the elderly and other consumer advocates to examine current practices for providing information to Medicare beneficiaries about Medicare supplement policies and to develop practices and procedures for providing information.

**LD 973**

**An Act To Ensure Comprehensive Cancer Control in Maine**

**PUBLIC 215**

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

LD 973 proposed to establish a cancer prevention and control program to provide leadership for and coordination of cancer prevention, research and treatment activities within the State. The program would be authorized to receive federal grant money. The program would consult with statewide organizations concerned with the treatment and prevention of cancer.

**Committee Amendment "A" (S-105)** proposed to add an allocation section that reflects the establishment of 2 federally funded positions and the transfer of federal funding from contract use to staff position use.

### *Enacted Law Summary*

Public Law 2003, chapter 215 establishes a cancer prevention and control program to provide leadership for and coordination of cancer prevention, research and treatment activities within the State. The program is authorized to receive federal grant money. The program will consult with statewide organizations concerned with the treatment and prevention of cancer.

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**LD 982**                      **An Act To Increase the Legal Age for the Purchase of Tobacco Products**                      **ONTP**

<u>Sponsor(s)</u> HALL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 982 proposed to raise the minimum age to purchase tobacco and tobacco products from 18 years of age to 19 years of age beginning January 1, 2004, to 20 years of age beginning January 1, 2005 and to 21 years of age beginning January 1, 2006.

**LD 1066**                      **An Act to Address the Temporary Maximum Levels of Assistance CARRIED OVER for General Assistance Established in 1991**

<u>Sponsor(s)</u> DUDLEY BRENNAN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1066 propose to increase the temporary maximum levels for municipal general assistance from a level based on fair market rents to a level based on fair market rents adjusted by established maximum levels of assistance for food. The bill proposes to require the Department of Human Services to reimburse municipalities for the increased expenditures associated with the bill in 2004 and to adopt rules to equitably distribute the costs beginning in 2005.

**LD 1073**                      **An Act To Extend the Duties of the Children's Ombudsman**                      **ONTP**

<u>Sponsor(s)</u> CANAVAN BRENNAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1073 proposed to extend the duties of the ombudsman who provides services to children and families regarding child welfare services provided by the Department of Human Services to include the provision of ombudsman services to children and families regarding services provided to children by the Department of Behavioral and Developmental Services.

**LD 1075**                      **Resolve, To Ensure Appropriate Care for Older Persons with Dementia and Certain Other Diseases**                      **RESOLVE 52**

<u>Sponsor(s)</u> KANE MAYO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-446
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LD 1075 proposed to establish the Commission to Study Care for Persons with Dementia. The commission would be charged with reviewing the lack of programs and services for persons prone to



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aggressive behavior as a result of dementia or other diseases and with making recommendations by January 1, 2004.

**Committee Amendment "A" (H-446)** proposed to direct the Department of Human Services and the Department of Behavioral and Developmental Services to establish and support the Joint Advisory Committee on Select Services for Older Persons, establish the duties of the committee and set reporting dates.

### *Enacted Law Summary*

Resolve 2003, chapter 52 directs the Department of Human Services and the Department of Behavioral and Developmental Services to establish and support the Joint Advisory Committee on Select Services for Older Persons, establishes the duties of the committee and sets reporting periodic dates.

**LD 1090**                      **Resolve, To Promote Recruitment and Retention of Direct Care Workers in Long-term Care in Maine**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS LAVERRIERE- BOUCHER		

LD 1090 proposes to provide funds to increase compensation to direct care workers and creates demonstration grants for retention of direct care workers in nursing facilities, residential care facilities and home health care. The resolve also proposes to direct the Department of Human Services to study wages, benefits and reimbursement for these workers and report back to the Second Regular Session of the 121st Legislature.

**LD 1099**                      **An Act To Amend the Laws Governing the Maine Developmental Disabilities Council**                      **PUBLIC 417**

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

LD 1099 proposed to remove the Maine Developmental Disabilities Council from within the Department of Behavioral and Developmental Services and establish the council as an independent advisory agency. It also proposed to clarify that employees of the council are not considered state employees except for the purposes of the state retirement system, the state employee health program and the Maine Tort Claims Act.

**Committee Amendment "A" (S-183)** proposed to eliminate the provision in the bill that required the Governor to appoint a current Legislator to the Maine Developmental Disabilities Council and to add an effective date of September 30, 2003. The amendment proposed to add a transfer provision regarding fiscal year 2003-04, an appropriation and allocation section regarding fiscal year 2004-05 and add fiscal note to the bill.

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**Enacted Law Summary**

Public Law 2003, chapter 417 removes the Maine Developmental Disabilities Council from within the Department of Behavioral and Developmental Services and establishes the council as an independent advisory agency. The law clarifies that employees of the council are not considered state employees except for the purposes of the state retirement system, the state employee health program and the Maine Tort Claims Act.

Public Law 2003, chapter 417 takes effect September 30, 2003.

**LD 1105                      Resolve, Regarding Fire Safety Issues in Head Start Preschool Programs Located in Public Schools                      RESOLVE 28**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	H-254

LD 1105 proposed to amend the definition of "child care center" to exclude a Head Start preschool program that is located in a public school. The bill also proposed to amend the law so that the fire safety rules that apply to preschool classrooms located in public schools also apply to Head Start preschool programs located in public schools.

**Committee Amendment "A" (H-254)** proposed to replace the bill with a resolve. The amendment proposed to require that the Department of Human Services and the Department of Education convene an advisory work group to examine fire safety issues in Head Start preschool programs that are located in public schools. The amendment proposed to require the advisory task force to make recommendations to the two departments by November 14, 2003, and to report to the Joint Standing Committee on Health and Human Services by January 30, 2004. The amendment proposed to add a fiscal note to the resolve.

**Enacted Law Summary**

Resolve 2003, chapter 28 requires that the Department of Human Services and the Department of Education convene an advisory work group to examine fire safety issues in Head Start preschool programs that are located in public schools. The resolve requires the advisory task force to make recommendations to the two departments by November 14, 2003, and to report to the Joint Standing Committee on Health and Human Services by January 30, 2004.

**LD 1108                      Resolve, To Establish Equitable Rates for In-home Behavioral Health Services for Children                      ONTP**

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

LD 1108 proposed to require the Department of Human Services to amend its rules regarding MaineCare reimbursement rates for agencies that provide in-home behavioral health services for children. The

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resolve proposed to require the department to change the reimbursement rate from a fixed rate to a rate based on actual agency costs.

**LD 1121**                      **An Act Relating to the Reporting of Information to the Maine Health Data Organization**                      **ONTP**

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

LD 1121 proposed to exclude health care practitioners from the definition of provider and exclude free-standing ambulatory care facilities from the definition of health care facility under the provisions of law governing the Maine Health Data Organization. These exclusions would exempt practitioners and ambulatory care facilities from any requirements that the organization imposes on providers or facilities, including requirements to report data and pay annual assessments.

**LD 1127**                      **An Act To Require Fire-safe Cigarettes in the State**                      **CARRIED OVER**

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

LD 1127 proposes to provide that, beginning January 1, 2004, only cigarettes that meet the standards of fire-safe cigarettes as established by the State Fire Marshal may be offered for sale in this State.

**LD 1154**                      **An Act To Establish an Appeal Process for Residential Care Facilities Denied Licensure Due to Fire Safety Issues**                      **ONTP**

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

Currently, a license may not be issued by the Department of Human Services to a residential care facility unless the State Fire Marshal's Office attests that the facility has complied with applicable fire safety provisions. If the State Fire Marshal's Office declined to issue the required statement, this bill proposed to allow the residential care facility to appeal the decision, using the same appeal process established in the Maine Revised Statutes, Title 25, section 2392 to appeal code violations.

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**LD 1156**                      **Resolve, To Study the Impact of "Critical Access Facility"  
Designation of Maine Hospitals**

**ONTP**

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

LD 1156 proposed to direct the Department of Human Services to establish a study commission within the department, with consultation by an advisory committee established by the Legislature, to report to the Legislature about the impact of "critical access facility" designation on hospital costs in the State.

**LD 1197**                      **An Act To Preserve the Role of Assisted Living**

**PUBLIC 449**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO KANE	OTP-AM    MAJ ONTP        MIN	S-236

LD 1197 proposed to provide a new type of licensure for the legal entities providing all assisted housing services except for the housing component in an assisted housing program. This license would be available from the Department of Human Services. This bill proposed to rewrite the standards for rules for assisted housing programs, including those that would be available under the new category of licensure.

**Committee Amendment "A" (S-236)** proposed to clarify that a license is not required to operate an independent housing with services program. It proposed to clarify that the rules that apply to assisted living programs do not apply to independent housing with services programs. It proposed to require that rules for assisted living programs be consistent with federal tax requirements for projects financed by low-income housing tax credits. It proposed to require the Maine State Housing Authority to apply for a private letter ruling regarding tax credit financed projects and the rules of the Department of Human Services and require a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters. It proposed to require the Department of Human Services and the Maine State Housing Authority to work with interested parties on landlord-tenant responsibilities as they pertain to assisted living programs. It proposed to direct the Department of Human Services to amend the rules for independent housing with services programs to allow for copayments of 20% to 40% of the cost of services.

***Enacted Law Summary***

Public Law 2003, chapter 449 clarifies that a license is not required to operate an independent housing with services program. It clarifies that the rules that apply to assisted living programs do not apply to independent housing with services programs. It requires that rules for assisted living programs be consistent with federal tax requirements for projects financed by low-income housing tax credits. It requires the Maine State Housing Authority to apply for a private letter ruling regarding tax credit financed projects and the rules of the Department of Human Services and requires a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters. It requires the Department of Human Services and the Maine State Housing Authority to work with interested parties on landlord-tenant responsibilities as they pertain to assisted living programs. It directs

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the Department of Human Services to amend the rules for independent housing with services programs to allow for copayments of 20% to 40% of the cost of services.

**LD 1220**                      **An Act To Amend the Dates for Implementation of the Maine Rx Program and the Prescription Drug Price Reduction Act**                      **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE MAYO	OTP-AM	H-447

LD 1220 was a concept draft pursuant to Joint Rule 208. It proposed to change the dates by which certain actions must be taken under the Maine Rx Program and Prescription Drug Price Reduction Act. The implementation of the programs has been delayed pending the outcome of the appeal to the United States Supreme Court regarding the Maine Rx Program.

**Committee Amendment "A" (H-447)** proposed to begin the discounts under the Maine Rx Program April 1, 2004 and extend the other dates in that program and the Prescription Drug Access Price Reduction Act correspondingly.

See also, LD 1364, An Act To Improve the Maine RX Program.

**LD 1236**                      **An Act To Regulate the Delivery and Sales of Tobacco Products and To Prevent the Sale of Tobacco Products to Minors**                      **PUBLIC 444**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS DAGGETT	OTP-AM    MAJ ONTP        MIN	H-538

LD 1236 proposed to amend the statutes to strengthen the regulation of delivery sales of cigarettes, especially with regards to preventing sales to minors. Delivery sales of cigarettes are any sales of cigarettes to consumers in the State, with the consumers ordering the cigarettes over the phone or Internet and receiving the cigarettes via the mail or delivery service. The bill also proposed to clarify the collection of taxes with regard to the delivery sales of cigarettes.

**Committee Amendment "A" (H-538)** proposed to prohibit the delivery of tobacco products in the State from unlicensed retailers. It proposed to require the Attorney General to make available lists of licensed and known unlicensed tobacco retailers. It proposed to prohibit unlicensed sales of tobacco products using telephonic or other electronic method of voice transmission or delivery services or the Internet. It proposed to impose requirements on delivery sales and provides for enforcement by the Attorney General. It proposed to provide for seizure and forfeiture of contraband products in the same manner as and in accordance with the provisions applicable to contraband cigarettes.

See also LD 1516.

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### *Enacted Law Summary*

Public Law 2003, chapter 444 prohibits the delivery of tobacco products in the State from unlicensed retailers. It requires the Attorney General to make available lists of licensed and known unlicensed tobacco retailers. It prohibits unlicensed sales of tobacco products using telephonic or other electronic method of voice transmission or delivery services or the Internet. It imposes requirements on delivery sales and provides for enforcement by the Attorney General. It provides for seizure and forfeiture of contraband products in the same manner as and in accordance with the provisions applicable to contraband cigarettes.

**LD 1256**                      **An Act To Prohibit Unethical Drug Marketing Practices**                      **ONTP**

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

LD 1256 proposed to restrict the offer of gifts and other inducements by a drug manufacturer or drug distributor to a health care practitioner or health care provider.

**LD 1260**                      **An Act To Improve MaineCare Cost-of-care Procedures Affecting  
Nursing Facility Residents and to Establish Clearer Duties for  
Powers of Attorney**                      **ONTP**

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

LD 1260 proposed to provide that an individual who held a power of attorney, served as a guardian or conservator or otherwise served as a personal representative of a resident of a nursing facility, assisted living facility, residential care facility or related facility had a fiduciary duty with respect to that individual's actions on behalf of that resident. Such an individual would apply the available resources of the resident to make timely payment for services rendered by a licensed health care facility to the resident and work to secure available coverage, including coverage from the Medicare and MaineCare programs.

LD 1260 also proposed to require the Department of Human Services, to the extent reasonably practicable, to determine on a prospective basis the MaineCare cost of care of an individual MaineCare recipient residing in a nursing facility or other health care institution and make monthly prospective MaineCare payments to the health care institution. It proposed to provide that the department could not retroactively reduce the amount of the MaineCare payment to a nursing facility or other health care institution unless the individual MaineCare recipient or the recipient's responsible party had paid to the nursing facility or other health care institution the additional amount for which the department had determined the individual MaineCare recipient was responsible.

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LD 1264

**Resolve, Regarding Notice of Deficient Care in Long-term Care Settings**

**RESOLVE 68**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY MAYO	OTP-AM	H-466

LD 1264 proposed to require the Department of Human Services to publish notices in a newspaper of general circulation if a long-term care facility or in-home provider of adult services has failed to correct deficiencies that places a resident in imminent jeopardy in the care it is providing.

**Committee Amendment "A" (H-466)** proposed to require the Department of Human Services, Bureau of Medical Services, Division of Licensing to work together with interested parties, providers and advocates to review information that is available to the public on deficiencies in long-term care settings. It proposed to require a report with recommendations to the Joint Standing Committee on Health and Human Services no later than February 1, 2004.

***Enacted Law Summary***

Resolve 2003, chapter 68 requires the Department of Human Services, Bureau of Medical Services, Division of Licensing to work together with interested parties, providers and advocates to review information that is available to the public on deficiencies in long-term care settings. It requires a report with recommendations to the Joint Standing Committee on Health and Human Services no later than February 1, 2004.

LD 1287

**An Act To Amend the Life Safety Requirements for Residential Care Facilities**

**PUBLIC 398  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT FLETCHER	OTP-AM	S-192 S-238 MARTIN

LD 1287 proposed to clarify certain changes to the life safety requirements for residential care facilities. In 2002, the Legislature directed the Office of the State Fire Marshal to adopt various chapters of the National Fire Protection Association Life Safety Code, depending on the size of the facility and the ability of residents to evacuate. During the implementation of the new requirements, several situations were identified as being unintended and unnecessary. This bill proposed to correct those situations.

**Committee Amendment "A" (S-192)** proposed to add an emergency preamble and emergency clause to the bill and correct punctuation.

**Senate Amendment "A" (S-238)** proposed to exempt residential care facilities with 4 or fewer beds from the requirements of certification by a design specialist.

See also errors bill, LD 274, Part G for further amendment.

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### *Enacted Law Summary*

Public Law 2003, chapter 398 clarifies certain changes to the life safety requirements for residential care facilities. It exempts residential care facilities with 4 or fewer beds from the requirements of certification by a design specialist.

Public Law 2003, chapter 398 was enacted as an emergency measure effective June 3, 2003.

**LD 1288**

**Resolve, To Increase Public Access to the Prior Authorization Process**

**RESOLVE 64**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER DUGAY	OTP-AM	S-197

LD 1288 proposed to establish the Drug Utilization Review Committee to make determinations regarding which prescription and over-the-counter drugs are subject to prior authorization under the MaineCare program. The bill proposed to require public notice of committee meetings to be given, and provide that committee meetings are public proceedings and committee documents are public records for purposes of the laws governing freedom of access. It proposed to provide that members of the public must be granted a reasonable opportunity to address the committee and require the committee to issue written findings that describe the basis for its decisions. It also proposed to provide that a 2/3 vote of the committee would be required to add or delete a drug from the list of drugs that require prior authorization and that the decisions of the committee are final agency action for purposes of the Maine Administrative Procedure Act.

**Committee Amendment "A" (S-197)** proposed to replace the bill with a resolve. It proposed to remove the provisions establishing the drug utilization review committee in statutes. It proposed to direct the Department of Human Services to review MaineCare procedures applicable to the drug utilization review committee, to open those procedures to the public to the extent possible and to report to the Joint Standing Committee on Health and Human Services by October 1, 2003.

### *Enacted Law Summary*

Resolve 2003, chapter 64 directs the Department of Human Services to review MaineCare procedures applicable to the drug utilization review committee, to open those procedures to the public to the extent possible and to report to the Joint Standing Committee on Health and Human Services by October 1, 2003.



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**LD 1291**                      **An Act To Establish a System of Advocacy and Oversight To**                      **CARRIED OVER**  
**Benefit Persons with Mental Retardation and Autism**

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1291 proposes to repeal and reestablish the Consumer Advisory Board that was established by the community consent decree. It proposes to extend the responsibilities of the board to serve individuals who are clients of the department but not members of the class covered by the consent decree. It also proposes to require the Department of Behavioral and Developmental Services, Office of Advocacy and the board to work cooperatively with each other.

**LD 1293**                      **An Act To Improve the Fairness of the Health Care Provider Tax**                      **PUBLIC 467**  
**and To Ensure Fair Implementation of Health Care**  
**Reimbursement Reforms**

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-220
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LD 1293 proposed to ensure enhanced reimbursement that is essential to the long-term care industry.

This bill also proposed to allow nursing facilities to use their own fiscal years for purposes of the health care provider tax. It proposed to prescribe reimbursement reforms for nursing homes and residential care facilities. It proposed to make a technical correction in the definition of "annual net operating revenue." It proposed to introduce reasonable flexibility into the tax estimation and reconciliation processes for the provider tax. It proposed to create a special revenue account for the proceeds of the new provider tax. The bill would apply retroactively to July 1, 2002.

**Committee Amendment "A" (S-220)** proposed to remove from the bill the provisions that would have dedicated most of the health care provider tax revenues to long-term care purposes. It proposed to correct language regarding auditing and accounting procedures. The amendment proposed to authorize the Joint Standing Committee on Health and Human Services to report out a bill on long-term care financing to the Second Regular Session of the 121st Legislature.

***Enacted Law Summary***

Public Law 2003, chapter 467 makes technical corrections to the laws imposing the health care provider tax. It authorizes the Health and Human Services Committee to consider long-term care financing, including dedication of the health care provider tax and statutory requirements for enhanced reimbursement levels and to report out a bill to the Second Regular Session of the 121st Legislature.

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LD 1301

Resolve, To Establish the Maine Public Health Commission

ONTP

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

LD 1301 proposed to establish the Maine Public Health Commission to develop a proposal for the Second Regular Session of the 121st Legislature for a regional public health system to improve and protect the public health. Proposals by the commission would be integrated with the current or any proposed health care system in the State.

LD 1314

An Act To Improve Out-of-home Abuse and Neglect Investigations

PUBLIC 399

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

LD 1314 proposed to make changes to the laws governing out-of-home abuse and neglect. It proposed to allocate the provisions to a different subtitle in the Maine Revised Statutes, Title 22. It proposed to provide definitions of "institutional abuse," "institutional neglect" and "abuse or neglect by an individual" and to add to the duties of the out-of-home abuse and neglect investigations unit, formerly referred to as "the team." It proposed to require the unit to initiate an investigation within 48 hours when a report alleging jeopardy to children has been made. It proposed to require findings of abuse or neglect under this portion of law to be subject to due process requirements. It proposed to authorize increased assistance for the investigations unit in conducting out-of-home investigations and require the investigations unit to make a report of facts in all investigations within 6 months. It proposed to require representation by and participation of the Office of the Attorney General in certain licensing or investigatory actions. Finally, it proposed to require that testimony from children in actions pursuant to this law be conducted in accordance with the Child and Family Services and Child Protection Act.

**Committee Amendment "A" (H-459)** proposed to replace the bill. The amendment proposed to require the Department of Human Services' out-of-home abuse and neglect investigating team to initiate an investigation within 72 hours or request a safety plan when a report alleging jeopardy to a child in a residential care facility has been made. It proposed to require the team to complete investigations within 6 months, except in circumstances when the information needed to complete the investigation is unavailable. The amendment also proposed to require the team, in its investigative report, to specify whether the allegations have been substantiated and identify the responsible party. Finally, the amendment proposed to require findings of out-of-home abuse and neglect to be subject to the due process requirements of the Maine Administrative Procedures Act. The amendment proposed to add a fiscal note to the bill.

***Enacted Law Summary***

Public Law 2003, chapter 399 requires the Department of Human Services' out-of-home abuse and neglect investigating team to initiate an investigation within 72 hours or request a safety plan when a report alleging jeopardy to a child in a residential care facility has been made. It requires the team to

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complete investigations within 6 months, except in circumstances when the information needed to complete the investigation is unavailable. The law also requires the team, in its investigative report, to specify whether the allegations have been substantiated and identify the responsible party. Finally, the law specifies that findings of out-of-home abuse and neglect are subject to the due process requirements of the Maine Administrative Procedures Act.

**LD 1341**                      **Resolve, Directing the Department of Human Services To Adopt**      **CARRIED OVER**  
**Rules To Reduce Regulatory Burdens on Home Health Agencies**

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

LD 1341 proposes to direct the Department of Human Services to amend the rules regarding medical assessment for long-term care services reimbursed under the MaineCare program as they pertain to assessments for home health care services in order to streamline the process, eliminate unnecessary regulatory burdens and utilize appropriate assessment mechanisms being used for other purposes or programs. The rules are routine technical rules.

**LD 1346**                      **An Act To Protect Workers from Secondhand Smoke and To**                      **PUBLIC 493**  
**Promote Worker Safety**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER DUPLESSIE	OTP-AM    MAJ ONTP        MIN	S-249

LD 1346 proposed to ban smoking in taverns and lounges, including hotel lounges, off-track betting lounges and restaurants with a Class A lounge license. This bill proposed to eliminate those existing exemptions from the general prohibition against smoking in public places and to repeal the provision in the public places law that permits public places to have a designated smoking area as long as no sales, services or other commercial or public activities are conducted in that area.

**Committee Amendment "A" (S-249)** was the majority report of the committee. It proposed to allow smoking in designated smoking areas in off-track betting facilities and simulcast racing facilities at commercial tracks if no sales or services are provided there except those necessary for watching a race and placing wagers; no employees are required to pass through the area; members of the public are not required to utilize or pass through the area; and minors are not permitted in the area. The amendment proposed to transfer funds from the Fund for a Healthy Maine to the General Fund to cover potential losses from changes in liquor license categories. This amendment proposed to provide an effective date of January 1, 2004.

### *Enacted Law Summary*

Public Law 2003, chapter 493 bans smoking in taverns and lounges, except that it allows smoking in designated smoking areas in off-track betting facilities and simulcast racing facilities at commercial tracks.

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Public Law 2003, chapter 493 takes effect January 1, 2004.

**LD 1356**

**An Act To Improve Complaint Resolution and Hearing  
Procedures in the Department of Human Services**

**PUBLIC 419**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM MAJ	S-233
DUGAY	ONTP MIN	

Under current law, the Department of Human Services is required to use independent, impartial hearing officers to hear appeals of informal review decisions of MaineCare payment and cost report issues filed by providers of nursing facility services and medical and remedial private nonmedical institution services. Part A of LD 1356 proposed to extend the requirements of that appeal process, including the impartial hearing officer requirement, to any other informal review decisions that seek to impose repayment, recovery or recoupment obligations or sanctions or fines on service providers. It also proposed to require the department to pay the legal fees of providers who prevail after a hearing on alleged overpayment or fraud. It also proposed to establish an ombudsman to assist providers with compliance and hearings under the MaineCare program.

Part B of LD 1356 proposed to remove existing authority for the department to withhold funds owed to service providers in the MaineCare program as reimbursement for overpayments to the provider until after the commissioner has made a final decision on the overpayments. It also proposed to prohibit the department from withholding funds owed to service providers in the MaineCare program as reimbursement for overpayments by affiliated providers.

Part C of LD 1356 proposed to repeal the delayed effective date of Public Law 2001, chapter 464, which prohibits the department from paying auditors a commission based on funds received from a provider after an audit. The repeal of the future effective date would cause that law to have immediate effect.

Part D of LD 1356 proposed to place the burden of proof on the department for showing that a violation of the MaineCare law or rules has occurred. It also proposed to require the department to use evidence of standard industry practices when interpreting the laws and rules for the MaineCare program. This Part would apply retroactively to any proceedings pending before the Commissioner of Human Services on January 1, 2003.

**Committee Amendment "A" (S-233)** proposed to remove the emergency provisions, reimbursement of the service provider for attorney's and consultant's fees, the MaineCare provider ombudsman, retroactivity provisions and the requirement of a showing of no harm to the public before imposition of sanctions or withholding of payments. It proposed to provide limitations on the authority of the Department of Human Services to recover overpayments, amend the informal appeal process, allow arbitration and restrict the sanction of total recoupment. It proposed to require MaineCare provider relations personnel to assist MaineCare providers in addressing and resolving disagreements and correct outdated language. It proposed to require rulemaking to define the ownership and control relationships that apply in MaineCare offset situations. It proposed to require a report from the Department of Human Services and the Department of Behavioral and Developmental Services on recommendations regarding complaint resolution and the hearing process.

## *Joint Standing Committee on Health and Human Services*

### *Enacted Law Summary*

Public Law 2003, chapter 419 provides limitations on the authority of the Department of Human Services to recover overpayments, amends the informal appeal process, allows arbitration and restricts the sanction of total recoupment. It requires MaineCare provider relations personnel to assist MaineCare providers in addressing and resolving disagreements and corrects outdated language. It requires rulemaking to define the ownership and control relationships that apply in MaineCare offset situations. It requires a report from the Department of Human Services and the Department of Behavioral and Developmental Services on recommendations regarding complaint resolution and the hearing process.

**LD 1364**                      **Resolve, Regarding Opportunities To Decrease the Occurrence of**                      **RESOLVE 69**  
**Developmental Disabilities and Mental Health Challenges in**  
**Childhood**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LERMAN	OTP-AM	H-467

LD 1364 proposed to establish the Commission to Identify the Opportunities to Decrease the Occurrence of Developmental Disabilities and Childhood Mental Health Challenges. It proposed to require the commission to submit a report to the Joint Standing Committee on Health and Human Services and the Legislative Council by January 15, 2004 and to authorize the commission and to introduce legislation. It also proposed to authorize the committee to report out legislation following receipt and review of the report.

**Committee Amendment "A" (H-467)** proposed to replace the resolve. The amendment proposed to authorize the Maine Developmental Disabilities Council to submit a report and recommendations to the Joint Standing Committee on Health and Human Services based on the results of the project it is undertaking to identify opportunities to decrease the occurrence of developmental disabilities and mental health challenges in childhood. The amendment proposed to authorize the committee to report out legislation to the Second Regular Session of the 121st Legislature based on the council's recommendations. The amendment proposed to add a fiscal note to the resolve.

### *Enacted Law Summary*

Resolve 2003, chapter 69 authorizes the Maine Developmental Disabilities Council to submit a report and recommendations to the Joint Standing Committee on Health and Human Services based on the results of the project it is undertaking to identify opportunities to decrease the occurrence of developmental disabilities and mental health challenges in childhood. The resolve authorizes the committee to report out legislation to the Second Regular Session of the 121st Legislature based on the council's recommendations.

*Joint Standing Committee on Health and Human Services*

**LD 1477**                      **An Act To Amend the Laws with Regard to Legislative Reports on Children's Mental Health Services**                      **PUBLIC 367**

<u>Sponsor(s)</u> KANE		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1477 proposed to reduce the number of reports on children's mental health services that the Department of Behavioral and Developmental Services is required to make to the Joint Standing Committee on Health and Human Services and the Children's Mental Health Oversight Committee from 2 per year to 1 per year.

***Enacted Law Summary***

Public Law 2003, chapter 367 reduces the number of reports on children's mental health services that the Department of Behavioral and Developmental Services is required to make to the Joint Standing Committee on Health and Human Services and the Children's Mental Health Oversight Committee from 2 per year to 1 per year.

**LD 1478**                      **An Act To Change the Membership of the Review Team for Aversive Behavior Modifications and Safety Devices for Persons with Mental Retardation or Autism**                      **PUBLIC 368**

<u>Sponsor(s)</u> CRAVEN BRENNAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-411
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LD 1478 proposed to change the membership of the team required to review aversive behavior modification techniques proposed as treatment for an individual with mental retardation or autism by removing the chief administrator and the representative of the program or facility proposing to use the technique.

**Committee Amendment "A" (H-411)** proposed to add a provision to the bill to change the membership of the team required to review the use of devices that reduce or inhibit the movement of an individual with mental retardation or autism. The amendment proposed to remove the chief administrator and the representative of the program or facility from the review team. This would make the review team for safety devices the same as the review team for aversive behavior modifications as provided in the bill.

***Enacted Law Summary***

Public Law 2003, chapter 368, changes the membership of the team required to review aversive behavior modification techniques proposed as treatment for an individual with mental retardation or autism by removing from the team the chief administrator and the representative of the program or facility proposing to use the technique. The law makes the same change to the membership of the team required to review the use of devices that reduce or inhibit the movement of an individual with mental retardation or autism.

*Joint Standing Committee on Health and Human Services*

LD 1480

**An Act To Change the Time Requirement for Mental Retardation Evaluations**

PUBLIC 388

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WALCOTT	OTP-AM MAJ ONTP MIN	H-471

LD 1480 proposed to change the amount of time that the Department of Behavioral and Developmental Services has to obtain a comprehensive evaluation of an applicant for mental retardation services from 30 days to 60 days.

**Committee Amendment "A" (H-471)** proposed to replace the bill. The amendment proposed to change the amount of time that the Department of Behavioral and Developmental Services has to obtain a comprehensive evaluation of an applicant for mental retardation services from 30 days to 90 days. The amendment proposed to require the department to report to the Joint Standing Committee on Health and Human Services by January 30, 2004, on the length of time from application to completion of the comprehensive evaluation report for applicants for mental retardation services during calendar year 2003. The amendment proposed to add a fiscal note to the bill.

*Enacted Law Summary*

Public Law 2003, chapter 388 changes the amount of time that the Department of Behavioral and Developmental Services has to obtain a comprehensive evaluation of an applicant for mental retardation services from 30 days to 90 days. The law requires the department to report to the Joint Standing Committee on Health and Human Services by January 30, 2004, on the length of time from application to completion of the comprehensive evaluation report for applicants for mental retardation services during calendar year 2003.

LD 1488

**An Act To Extend Licensing Periods for Agencies Providing Mental Health Services**

PUBLIC 369

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN CRAVEN	OTP-AM	S-198

LD 1488 proposed to extend from 2 to 3 years the maximum time period for a full license to operate an agency or facility to provide mental health services.

**Committee Amendment "A" (S-198)** proposed to add a provision to the bill to specify an effective date of October 1, 2003, except that for any agency or facility that currently holds this type of license, the law would take effect after completion of the current license period. The amendment proposed to add a fiscal note to the bill.

*Joint Standing Committee on Health and Human Services*

**Enacted Law Summary**

Public Law 2003, chapter 369 extends from 2 to 3 years the maximum time period for a full license to operate an agency or facility to provide mental health services. Public Law, chapter 369 takes effect on October 1, 2003, except that for any agency or facility that currently holds this type of license, the law takes effect after completion of the current license period.

**LD 1491                      An Act To Delay the Repeal of Laws Governing the State's                      PUBLIC 366**  
**Response to an Extreme Public Health Emergency**

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

LD 1491  
Currently, the State's laws regarding extreme public health emergencies and bioterrorism are scheduled to be repealed on October 31, 2003. LD 1491 proposed to extend that date to October 31, 2005.

**Enacted Law Summary**

Public Law 2003, chapter 366 extends the laws on extreme public health emergencies and bioterrorism to October 31, 2005.

**LD 1516                      An Act To Prevent Certain Deliveries of Tobacco Products                      ONTP**

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

LD 1516 proposed to prohibit delivery of any tobacco products that were not purchased from a tobacco retailer licensed by the State and proposed to require any person, partnership, organization or corporation to obtain a Maine retail tobacco license in order to ship tobacco products into Maine. The bill proposed to authorize the Attorney General to initiate a civil action seeking injunctive relief to restrain a person from violating the prohibition. See also LD 1236.

**LD 1527                      Resolve, Regarding Legislative Review of Chapter 120: Release of                      RESOLVE 54**  
**Information to the Public, a Major Substantive Rule of the Maine                      EMERGENCY**  
**Health Data Organization**

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

LD 1527 proposed to authorize final adoption of Chapter 120: Release of Information to the Public, a major substantive rule of the Maine Health Data Organization.



## Joint Standing Committee on Health and Human Services

### Enacted Law Summary

Resolve 2003, chapter 54 authorizes final adoption of Chapter 120: Release of Information to the Public, a major substantive rule of the Maine Health Data Organization.

Resolve 2003, chapter 54 was passed as an emergency measure effective May 30, 2003.

**LD 1542**                      **An Act To Effectively Separate Children's Homes from Adult Residential Care Facilities Regarding Fire Safety**                      **PUBLIC 411**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE WESTON	OTP-AM	H-487

LD 1542 proposed to delineate the Life Safety Code of the National Fire Protection Association requirements under which children's homes are inspected. Currently, children's homes' life safety code requirements are linked to code requirements for assisted living programs, so statute changes enacted in 2002 that changed code requirements for assisted living programs also affected children's homes. This bill proposed to assign fire safety code requirements that are more suitable for children's homes.

**Committee Amendment "A" (H-487)** proposed to apply the bill's requirements for children's homes with 7 to 16 beds to homes with 4 to 16 beds. It proposed to clarify the requirement for facilities with 6 or fewer beds. It proposed to correct wording regarding board and care facilities.

### Enacted Law Summary

Public Law 2003, chapter 411 applies the bill's requirements for children's homes with 7 to 16 beds to homes with 4 to 16 beds. It clarifies the requirement for facilities with 6 or fewer beds.

**LD 1562**                      **An Act To Change the Name of the Augusta Mental Health Institute to the "Dorothea Lynde Dix Center"**                      **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT O'BRIEN J	OTP-AM    A OTP-AM    B OTP-AM    C	

LD 1562 proposed to change the name of the Augusta Mental Health Institute to "Riverview Psychiatric Center."

**Committee Amendment "A" (S-208)**, which was not adopted, proposed to add a provision to the bill to direct the Department of Behavioral and Developmental Services to install a plaque in the Riverview Psychiatric Center in memory of Dorothea Lynde Dix. It also proposed to add a fiscal note to the bill. The amendment was adopted by the House.

## *Joint Standing Committee on Health and Human Services*

**Committee Amendment "B" (S-209)**, which was not adopted, proposed to change the name of the Augusta Mental Health Institute to "Riverview Center." The amendment proposed to direct the Department of Behavioral and Developmental Services to dedicate a space in the Riverview Center to Dorothea Lynde Dix. It also proposed to add a fiscal note to the bill.

**Committee Amendment "C" (S-210)**, which was not adopted, proposed to change the name of the Augusta Mental Health Institute to "Dorothea Lynde Dix Center." It also proposed to add a fiscal note to the bill. The amendment was adopted by the Senate.

**LD 1563**                      **An Act Regarding Standard Contracts for Assisted Living Services**                      **CARRIED OVER**

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

LD 1563 proposes to provide that a contract or agreement for assisted living services must contain the provisions designated as required in the standardized contract adopted by the Department of Human Services by rule pursuant to Public Law 1999, chapter 731, Part BBBB, section 5 and may contain other provisions that do not violate a state law or rule or federal law or regulation.

**LD 1580**                      **Resolve, Regarding Legislative Review of Chapter 113: Rules and Regulations Governing the Licensing and Functioning of Assisted Housing Programs, a Major Substantive Rule of the Department of Human Services, Bureau of Elder and Adult Services**                      **RESOLVE 66 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-514

LD 1580 proposed to provide for legislative review of Chapter 113: Rules and Regulations Governing the Licensing and Functioning of Assisted House Programs, a major substantive rule of the Department of Human Services, Bureau of Elder and Adult Services.

**Committee Amendment "A" (H-514)** proposed changes in the provisionally adopted major substantive rules for assisted housing programs and residential care. The changes would be required for the rules to be approved by the Legislature.

### *Enacted Law Summary*

Resolve 2003, chapter 66 approves a major substantive rule Chapter 113: Rules and Regulations Governing the Licensing and Functioning of Assisted House Programs, a rule of the Department of Human Services, Bureau of Elder and Adult Services, provided certain changes are made.

Resolve 2003, chapter 66 was passed as an emergency measure effective June 4, 2003.

*Joint Standing Committee on Health and Human Services*

LD 1586

**Resolve, Regarding Legislative Review of Portions of the MaineCare Benefits Manual, Chapter 111, Section 97: Private Non-Medical Institutions and Appendices B, C, D, E and F, a Major Substantive Rule of the Department of Human Services**

**RESOLVE 61  
EMERGENCY**

Sponsor(s)

Committee Report  
OTP

Amendments Adopted

LD 1586 proposed to provide for legislative review of Portions of the MaineCare Benefits Manual, Chapter 111, Section 97: Private Non-Medical Institutions and Appendices B, C, D, E and F, a major substantive rule of the Department of Human Services.

***Enacted Law Summary***

Resolve 2003, chapter 61 approves major substantive rules of the Department of Human Services in the MaineCare Benefits Manual, Chapter 111, Section 97: Private Non-Medical Institutions and Appendices B, C, D, E and F.

Resolve 2003, chapter 61 was passed as an emergency measure effective June 3, 2003.

LD 1588

**Resolve, Regarding Legislative Review of Portions of the MaineCare Benefits Manual, Chapter 11 and Chapter 111, Section 40, Home Health Services, a Major Substantive Rule of the Department of Human Services, Bureau of Medical Services**

**RESOLVE 67  
EMERGENCY**

Sponsor(s)

Committee Report  
OTP

Amendments Adopted

LD 1588 proposed to provide for legislative review of Portions of the MaineCare Benefits Manual, Chapter 11 and Chapter 111, Section 40: Home Health Services, a major substantive rule of the Department of Human Services, Bureau of Medical Services.

***Enacted Law Summary***

Resolve 2003, chapter 67 approves major substantive rules for the Department of Human Services for Portions of the MaineCare Benefits Manual, Chapter 11 and Chapter 111, Section 40: Home Health Services, major substantive rules of the Department of Human Services, Bureau of Medical Services.

Resolve 2003, chapter 67 was passed as an emergency measure effective June 4, 2003.

*Joint Standing Committee on Health and Human Services*

**LD 1593**

**An Act To Amend Laws Relating to Development of Service Plans  
for Persons with Mental Retardation**

**PUBLIC 389**

Sponsor(s)  
WALCOTT

Committee Report  
OTP

Amendments Adopted

LD 1593 proposed to amend the laws relating to services for persons with mental retardation to reflect the person centered planning process that is the current practice of the Department of Behavioral and Developmental Services.

*Enacted Law Summary*

Public Law 2003, chapter 389 amends the laws relating to services for persons with mental retardation to reflect the person centered planning process that is the current practice of the Department of Behavioral and Developmental Services.

**LD 1596**

**Resolve, Directing the Department of Agriculture, Food and Rural  
Resources To Develop Guidelines for Requiring Handwashing  
Sinks in Certain Convenience Stores**

**RESOLVE 58**

Sponsor(s)  
MCGOWAN

Committee Report  
OTP-AM

Amendments Adopted  
H-484

Under LD 1596, proposed changes in the hand washing requirements for employees in eating establishments. The bill also proposed to limit the number of drainboards required by law to one.

**Committee Amendment "A" (H-484)** proposed to order the Department of Agriculture, Food and Rural Resources, which has jurisdiction over most convenience stores, to establish guidelines to ensure that convenience stores that prepare only a minor amount of food and are assigned a low-risk code would not be required to install a sink used exclusively for handwashing.

*Enacted Law Summary*

Resolve 2003, chapter 58 directs the Department of Agriculture, Food and Rural Resources, which has jurisdiction over most convenience stores, to establish guidelines to ensure that convenience stores that prepare only a minor amount of food and are assigned a low-risk code are not required to install a sink used exclusively for handwashing.

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LD 1597

**An Act To Implement Federal Requirements in Child Protection Matters**

**PUBLIC 408**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN KANE	OTP-AM	S-221

LD 1597 proposed to amend the laws governing cases in which a court orders the removal of a child from a home. It also proposed to amend the laws governing court review of cases in which a court has made a jeopardy order and the laws governing when the Department of Human Services must file a termination petition.

**Committee Amendment "A" (S-221)** proposed to correct 2 errors in the bill regarding aggravating factors. It proposed to provide for written findings when an order is entered by agreement of the parties. It proposed to correct an error regarding a court determination of the safe return of a child. It proposed to add a statement of intent regarding youth services and the intention of the Legislature that children and their families be served in their homes and communities.

*Enacted Law Summary*

Public Law 2003, chapter 408 amends the laws governing cases in which a court orders the removal of a child from a home. It also amends the laws governing court review of cases in which a court has made a jeopardy order and the laws governing when the Department of Human Services must file a termination petition. It states the policy of the State that children and their families be served in their homes and communities.

LD 1602

**An Act To Revise and Amend Certain Public Health Laws**

**PUBLIC 421**

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

LD 1602 proposed to define columbarium and community mausoleum. It also proposed to insert the word "community" to distinguish between the burial of dead human remains in a community mausoleum or other structure and the burial of dead human remains in a privately owned or family mausoleum. It proposed to amend the cancer registry laws to call for reporting certain benign tumors and to extend certain reporting deadlines. It proposed to amend the childhood lead poisoning laws to achieve consistency with the day care statutes and to achieve internal consistency of the law.

**Committee Amendment "A" (H-505)** proposed to limit family mausoleums to no more than 6 crypts. It also proposed to clarify that the Lead Poisoning Control Act applies to home day care providers.

*Enacted Law Summary*

Public Law 2003, chapter 421 defines columbarium and community mausoleum. It also inserts the word "community" to distinguish between the burial of dead human remains in a community mausoleum or

*Joint Standing Committee on Health and Human Services*

other structure and the burial of dead human remains in a privately owned or family mausoleum, which is limited to six or fewer crypts.

This law amends the cancer registry laws to call for reporting certain benign tumors and to extend certain reporting deadlines and amends the childhood lead poisoning laws.

**LD 1607**

**An Act To Implement Regulatory Reforms and To Address Staffing Issues in Long-term Care Facilities**

**PUBLIC 416  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL MARTIN	OTP-AM	H-525

LD 1607 proposed to do the following.

1. Clarify shared staffing in multilevel facilities.
2. Direct the State Board of Nursing to adopt rules establishing 2 levels of certified nursing assistants, Certified Nursing Assistant Level I and Certified Nursing Assistant Level II, for employment in long-term care and residential care facilities.
3. Modify the needs assessment processes for long-term care services. It proposed to allow reassessments to be performed by hospital social workers and discharge planners, the Department of Human Services or its designee and long-term care facilities. It proposed to modify requirements governing periodic reassessments and require the Department of Human Services to make further adjustments to the minimum data set forms and to its assessment mechanism.
4. Require the Department of Human Services, in consultation with the Maine Health Care Association, the State Board of Nursing and the long-term care ombudsman program, to carry out a study of various reforms to licensing and inspection processes and to make recommendations for improvements.
5. Modify the rules governing certificates of need for nursing facilities regarding square footage and replacement costs for equipment.
6. Direct the Nursing Home Administrators Licensing Board to adopt rules to allow an applicant for licensure as a nursing home administrator to substitute nursing experience for postsecondary education.
7. Require amendment of Department of Human Services rules regarding assessments as they pertain to long-term care home health services.
8. Require the Department of Human Services to form a working group including the Maine Health Care Association, the long-term care ombudsman program and Maine Alzheimer's Association to study criteria and procedures for assessing cognitive abilities and needs of persons potentially requiring long-term health care services.

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**Committee Amendment "A" (H-525)** proposed to amend the shared staffing provision of law, direct the long-term care ombudsman program to study long-term care eligibility assessments and reassessments, direct the State Board of Nursing to study the educational requirements for certified nursing assistants and direct the Nursing Home Administrators Licensing Board to study the requirements for nursing home administrators. The amendment proposed to add members to the group of interested parties who will review improvements to nursing facility inspection activities, delete the amendment of rules on long-term care assessments pertaining to home health care services proposed in the bill and retain the study of assessments for cognitive needs.

### *Enacted Law Summary*

Public Law 2003, chapter 416 amends the shared staffing provision of law, directs the long-term care ombudsman program to study long-term care eligibility assessments and reassessments, directs the State Board of Nursing to study the educational requirements for certified nursing assistants and directs the Nursing Home Administrators Licensing Board to study the requirements for nursing home administrators. The law adds members to the group of interested parties who will review improvements to nursing facility inspection activities and includes a study of assessments for cognitive needs.

Public Law 2003, chapter 416 was enacted as an emergency measure effective June 4, 2003.

**LD 1621                      An Act To Amend the Structure of the Office of Advocacy                      CARRIED OVER**

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

LD 1621 proposes to change the structure and administration of the Department of Behavioral and Developmental Services, Office of Advocacy. The bill proposes to require the office to provide adult protective services and to change its name to the Office of Advocacy and Adult Protective Services, accordingly. The bill also proposes to create the position of Director of the Office of Advocacy and Adult Protective Services and to eliminate the position of Chief Advocate. The bill also proposes to require the Department of Behavioral and Developmental Services to study the effectiveness of the organizational changes established by the bill and to report its finding to the Joint Standing Committee on Health and Human Services by July 1, 2004.

**LD 1631                      An Act To Prevent the Sale of Water Laced with Nicotine in                      CARRIED OVER**  
**Maine**

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

LD 1631 proposes to prohibit the sale or possession of water laced with nicotine in this State and establish a fine of \$500 for a first offense, \$1,000 for a 2nd offense and \$5,000 for a 3rd or subsequent offense.

*Joint Standing Committee on Health and Human Services*

LD 1634

**An Act To Improve the Maine Rx Program**

**PUBLIC 494**

<u>Sponsor(s)</u> TREAT KANE	<u>Committee Report</u>	<u>Amendments Adopted</u> H-570 BRANNIGAN
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LD 1634 proposed to enact the Maine Rx Plus program, amending the Maine Rx Program that was upheld in the U.S. Supreme Court in the spring of 2003. It proposed to impose an income eligibility limit for the Maine Rx Plus program of 350% of the federal poverty level. It proposed to direct the Department of Human Services to conduct ongoing quality assurance activities similar to those used in the MaineCare program. It proposed to change dates for certain activities to be undertaken in connection with the Maine Rx Plus Program. It proposed to appropriate funds for positions and for necessary operating costs in connection with the Maine Rx Plus program and to appropriate funds for the costs associated with the adoption of rules associated with the program by the Maine Board of Pharmacy.

**House Amendment "A" (H-570)** proposed to remove the appropriation and allocation section of the bill and instead transfer funds from the General Fund to the existing Maine Rx, Other Special Revenue Funds account within the Department of Human Services to fund the implementation and operation of Maine Rx Plus.

*Enacted Law Summary*

Public Law 2003, chapter 494 enacts the Maine Rx Plus Program, amending the Maine Rx program that was upheld in the U.S. Supreme Court in the spring of 2003. The law imposes an income eligibility limit for the Maine Rx Plus program of 350% of the federal poverty level. The law corrects dates for the program and adds a quality assurance component. The law transfers funds from the General Fund to the Department of Human Services to implement and operate Maine Rx Plus.

SP 372

**JOINT STUDY ORDER To Establish the Task Force To Study Drug Overdose**

**ONTP**

<u>Sponsor(s)</u> BRENNAN	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Senate Paper 372 proposed to establish the Task Force to Study Drug Overdose to conduct a study of the problem of drug overdose in the state and determine recommended remedy and treatment plans. It proposed to require the task force to hold 4 meetings at various locations in the State and to submit a report, including suggested legislation, to the Legislature no later than December 31, 2003.



*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Select Committee  
on  
Health Care Reform*

*July 2003*

**Members:**

*Sen. Michael F. Brennan, Chair  
Sen. Lloyd P. LaFountain III  
Sen. Arthur F. Mayo III  
Sen. Karl W. Turner*

*Rep. Christopher P. O'Neil, Chair  
Rep. Thomas J. Kane  
Rep. Richard H. Mailhot  
Rep. Benjamin F. Dudley  
Rep. Marilyn E. Canavan  
Rep. William M. Earle  
Rep. Anne C. Perry  
Rep. Sawin H. Millett, Jr.  
Rep. Kevin J. Glynn  
Rep. Thomas F. Shields  
Rep. Florence T. Young*

**Staff:**

*Colleen McCarthy Reid, Legislative Analyst  
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**JOINT SELECT COMMITTEE ON  
HEALTH CARE REFORM**

**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>	1	50.0%	0.1%
<u><i>Bills Carried Over</i></u>	<u>1</u>	<u>50.0%</u>	<u>0.1%</u>
<b>Total Bills referred</b>	<b>2</b>	<b>100.0%</b>	<b>0.1%</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>2</b>	<b>100.0%</b>	<b>0.1%</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>
		<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>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	1	100.0%	0.1%
<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>1</b>	<b>100.0%</b>	<b>0.1%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	0	0.0%	0.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total committee reports</b>	<b>1</b>	<b>100.0%</b>	<b>0.1%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
		<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>	1	50.0%	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>50.0%</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.

Prepared by the Office of Policy and Legal Analysis  
121st Legislature, First Regular Session

**Joint Select Committee on Health Care Reform**

**SUBJECT INDEX**

*Health Insurance*

**Enacted**

<b>LD 1611</b>	<b>An Act To Provide Affordable Health Insurance to Small Businesses and Individuals and To Control Health Care Costs</b>	<b>PUBLIC 469 Page 439</b>
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**Not Enacted**

**None**

*Fund for Healthy Maine*

**Enacted**

**None**

**Not Enacted**

<b>LD 1612</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Preserve the Fund for a Healthy Maine</b>	<b>CARRIED OVER Page 445</b>
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## *Joint Select Committee on Health Care Reform*

LD 1611

**An Act To Provide Affordable Health Insurance to Small  
Businesses and Individuals and To Control Health Care Costs**

PUBLIC 469

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM	H-565
TREAT		S-288 TREAT

LD 1611 proposed to do the following:

Part A of the bill establishes Dirigo Health as an independent agency of State Government. It seeks to make affordable health insurance available to small businesses and individuals, provide additional assistance to employees and individuals with earnings below 300% of the federal poverty guidelines and establishes the Maine Quality Forum to improve the quality of care in this State.

Part B requires the Governor to issue a biennial State Health Plan and establishes an advisory council to assist in the development of the plan.

Part C ties the administration of the certificate of need process to the State Health Plan and the capital investment fund. It further seeks to strengthen the public database administered by the Maine Health Data Organization.

Part D requires insurers in the small group market to submit to the Superintendent of Insurance the same rate information that insurers in other markets are required to provide.

Part E requires certain health care providers to provide consumer information.

Part F establishes voluntary constraints on health care cost increases.

Part G requires the Governor to work to improve access to care for veterans and to improve Medicare reimbursements for Maine providers.

**Committee Amendment "A" (H-565)** proposed to replace the bill. In Part A, the amendment proposed to establish Dirigo Health as an independent executive agency to arrange for the provision of health coverage to small employers and their employees and dependents and to individuals on a voluntary basis. Dirigo Health is also required to monitor and improve the quality of health care in this State. Dirigo Health is governed by a board of directors. Five voting members must be appointed by the Governor and confirmed by the Legislature.

Under Part A, Dirigo Health must contract with health insurance carriers to offer health insurance to eligible small businesses and individuals through Dirigo Health Insurance. The health insurance benefits must be determined by the board and must comply with all statutory requirements of the Maine Insurance Code, including mandated benefits. The amendment also provides additional assistance through subsidies, based on a sliding scale, to employees and individuals with earnings below 300% of the federal poverty level who are enrolled in Dirigo Health. Employers who participate in Dirigo Health Insurance may be required to contribute up to 60% toward the cost of coverage for employees who work at least 20 hours per week and their dependents. The employer contribution rate for employees who work less than full time must be prorated.

In the first year of operation, funding for Dirigo Health is provided through the General Fund. After July 1, 2005, funding for subsidies and the Maine Quality Forum must be provided through savings offset payments paid by health insurance carriers, employee benefit excess insurance carriers and third-party administrators. The

## *Joint Select Committee on Health Care Reform*

board of directors is required to establish the savings offset amount, not to exceed 4% of annual premium revenue or its equivalent, on an annual basis and those savings offset payments may not exceed the aggregate cost savings attributable to reductions in bad debt and charity care costs as a result of the operation of Dirigo Health and the expansion in MaineCare.

Part A proposed to expand MaineCare coverage for children and adults and provides coverage for expansion enrollees who enroll individually and who enroll through Dirigo Health as part of an employer group. The expansion of MaineCare eligibility may not become effective until Dirigo Health becomes operational. The amendment also requires monthly reporting of the noncategorical adult MaineCare expansion.

Within Dirigo Health, the amendment proposed to establish a high-risk pool for persons whose care costs are over \$100,000 per year and for those with certain named diagnoses. It requires Dirigo Health to develop disease management protocols for persons in the high-risk pool. If after 3 years Dirigo Health underperforms relative to the trends in average premium rates and average rates of uninsured individuals compared to those trends in states with high-risk pools, Dirigo Health is charged with submitting legislation to create a high-risk pool on January 1, 2008.

Part A proposed to establish the Maine Quality Forum within Dirigo Health to collect and disseminate research, adopt quality and performance measures, coordinate quality data, issue quality reports in conjunction with the Maine Health Data Organization, conduct consumer education and technology assessment reviews, encourage the adoption of electronic technology, make recommendations for the biennial State Health Plan and issue an annual report. To assist the board and the forum, the amendment establishes the Maine Quality Forum Advisory Council.

Part B proposed to require the Governor to issue a biennial State Health Plan and establishes an advisory council to assist in the development of the plan. Part B also proposed to establish the capital investment fund, an annual limit for resources allocated under the certificate of need program. Within the capital investment fund, 12.5% of the total is required to be designated for nonhospital projects for a period of 3 years. The amendment specifies that a certificate of need or public financing that affects health care costs may not be provided unless it meets the goals and budgets in the State Health Plan.

Part C proposed to apply certificate of need (CON) requirements to the portions of an ambulatory surgical facility used by patients or to support ambulatory surgical care and to new technology that costs over \$1,200,000 in the office of a private practitioner. It proposed to establish an automatic adjustment to the CON thresholds based on the Consumer Price Index, medical index. It would expand the bases on which the Commissioner of Human Services makes CON decisions, adding consistency with the State Health Plan, reference to quality outcomes, reference to inappropriate increases in service utilization and the limits of the capital investment fund. It would allow the Commissioner of Human Services to receive reports from a panel of experts on CON applications and requires evaluations from the Department of Human Services, Bureau of Health and the Superintendent of Insurance. It proposed to require hospitals and health care practitioners to make information on the charges for commonly offered health care services available to the public.

Part C proposed to require the Maine Health Data Organization to adopt rules to collect data on health care quality based on the quality measures adopted by the Maine Quality Forum. It also would require the Maine Health Data Organization to issue reports on health care services, costs and quality.

Part D proposed to require health care practitioners to submit claims to health insurance carriers in electronic format beginning October 16, 2003. Until October 16, 2005, health care practitioners with fewer than 10 full-time equivalent employees are not required to submit claims electronically. After that date, those practitioners may apply to the Superintendent of Insurance for an exemption from the electronic claims filing requirement.

## *Joint Select Committee on Health Care Reform*

Part E proposed to require the Superintendent of Insurance to adopt rules for the filing of annual report supplements by health insurers and health maintenance organizations. It would require small group health plans to submit rate filings to the Superintendent of Insurance and imposes rate hearings and rate reviews on those filings unless a carrier opts to guarantee a 78% loss ratio or refund excess premiums. It would require individual and small group health insurance rates to reflect savings offset payments and any recovery of those offsets in premium rates. It would require large group health carriers to file annually certification that rating practices and methods meet actuarial principles and that savings offset payments and recovery offsets have been properly included in the filing. It proposed to allow managed care health plans to apply to the Superintendent of Insurance for permission to offer health plans with financial incentive provisions to encourage the use of designated providers of specialty and hospital care if the plan does not exceed the Bureau of Insurance Rule Chapter 850 travel standards by 100% and meets quality criteria. The Superintendent of Insurance is required to adopt rules relating to quality criteria by January 1, 2004 and submit those rules for legislative review before final adoption. The provision regarding managed care plans offering health plans with financial incentive provisions is repealed on July 1, 2007 unless continued by the Legislature. It would require the Superintendent of Insurance to conduct a study of the impact of a cap of \$250,000 on noneconomic damages in medical malpractice lawsuits on the cost of medical malpractice insurance.

Part F proposed to set voluntary constraints on financial growth for a period of one year by health care practitioners, hospitals and health insurance carriers. It also requires the Governor's Office of Health Policy and Finance and the Maine Hospital Association to agree on a timetable, format and methodology for reporting on hospital charges, cost efficiency and consolidated operating margins. It requires the Department of Human Services to conduct a comprehensive study of MaineCare reimbursement rates and to report by January 15, 2005. It establishes the Commission to Study Maine's Hospitals and requires that commission to report by November 1, 2004.

Part G proposed to require the Governor to work to improve access to care for veterans and to improve Medicare reimbursements for Maine providers and establishes a task force to study health care services provided to Maine veterans.

Part H proposed to restore \$500,000 in General Fund money to restore the physician incentive payment program within the MaineCare program.

Part H proposed to authorize the State Controller to transfer \$53,000,000 from the General Fund to Dirigo Health to support its operation in the first year.

Part H also proposed to add appropriations and allocations sections to the bill, as amended, as well as an emergency preamble and emergency clause.

**Senate Amendment "B" to Committee Amendment "A" (S-288)** proposed to remove the emergency preamble and emergency clause from Committee Amendment "A."

**House Amendment "A" to Committee Amendment "A" (H-572)** proposed to provide that if the average premium rates in the State and the rate of uninsured individuals exceed the relevant average, the board shall submit proposed legislation to include in the Dirigo Health product offerings a high-deductible medical savings account package. House Amendment "A" was not adopted.

**House Amendment "B" to Committee Amendment "A" (H-573)** proposed to replace the bill and Committee Amendment. Part A proposed to create the Comprehensive Health Insurance Risk Pool Association to spread the cost of high-risk individuals among all health insurers. The high-risk pool is funded through an assessment on

## *Joint Select Committee on Health Care Reform*

insurers. This Part requires the State to submit an application to the Federal Government for federal assistance to create a high-risk pool.

Part A also removed the guaranteed issuance requirement for individual health plans effective February 1, 2005.

Part B proposed to broaden the community rating bands in individual health insurance to allow increased variation of premium rates based on age and health status.

Part C proposed to direct the Department of Human Services to provide Medicaid-eligible individuals with premium subsidies so that the value of MaineCare benefits may be applied to the purchase of private health insurance through employers or a plan offered in the individual market. The department is further directed to seek any waivers needed from the Federal Government.

Part D proposed to provide that a health maintenance organization may furnish health care services through providers that exceed the standard geographic accessibility limits imposed by the Department of Professional and Financial Regulation, Bureau of Insurance by rule for specialty care and hospital services with the exception of hospital services for emergencies and maternity care.

Part E proposed to set a limit of \$250,000 on noneconomic damages in medical liability actions. Under this Part, a plaintiff is still entitled to the full economic loss, including all medical expenses, rehabilitation services, custodial care, loss of earnings and earning capacity, loss of income and any other verifiable monetary losses. House Amendment "B" was not adopted.

**House Amendment "C" to Committee Amendment "A" (H-574)** proposed to limit the amount of savings offset payments to 75% of the savings resulting from decreasing rates of growth in the State's health care spending and bad debt and charity care costs. This amendment also proposed to require health insurance carriers and providers to use best efforts to ensure that health insurance premiums reflect the recovery of all the cost savings offset payments. House Amendment "C" was not adopted.

**House Amendment "D" to Committee Amendment "A" (H-575)** proposed to require that the Dirigo Health Insurance program will exist in only one county for its first year of operation. In order for the program to expand to a statewide program, the Board of Directors of Dirigo Health must report to the Legislature and receive its approval for expansion. The amendment replaces the fiscal information of the committee amendment. House Amendment "D" was not adopted.

**House Amendment "E" to Committee Amendment "A" (H-577)** proposed to place the Governor and State Legislators under the Dirigo Health Insurance plan. House Amendment "E" was not adopted.

**House Amendment "F" to Committee Amendment "A" (H-578)** proposed to require that the Board of Directors of Dirigo Health offer an optional plan for public school teachers. Under the optional plan, a teacher could elect coverage under Dirigo Health and that teacher's contribution to the Dirigo Health Fund would be 4% of the annual salary earned from teaching and the State's contribution would be 40% of the cost of health insurance coverage. House Amendment "F" was not adopted.

**House Amendment "G" to Committee Amendment "A" (H-583)** proposed to create the Comprehensive Health Insurance Risk Pool Association to spread the cost of high-risk individuals among all health insurers. The high-risk pool is funded through an assessment on insurers. This amendment proposed to require the State to submit an application to the Federal Government for federal assistance to create a high-risk pool.

## *Joint Select Committee on Health Care Reform*

This amendment also proposed to remove the guaranteed issuance requirement for individual health plans effective July 1, 2005. House Amendment "G" was not adopted.

**House Amendment "H" to Committee Amendment "A" (H-584)** proposed to remove the emergency preamble and the emergency clause from Committee Amendment "A". House Amendment "H" was not adopted.

**House Amendment "I" to Committee Amendment "A" (H-586)** proposed to remove the emergency preamble and emergency clause from Committee Amendment "A." House Amendment "I" was not adopted.

**Senate Amendment "A" to Committee Amendment "A" (S-278)** proposed to replace the bill and Committee amendment. Part A proposed to create the Comprehensive Health Insurance Risk Pool Association to spread the cost of high-risk individuals among all health insurers. The high-risk pool is funded through an assessment on insurers. This Part proposed to require the State to submit an application to the Federal Government for federal assistance to create a high-risk pool.

Part A also proposed to remove the guaranteed issuance requirement for individual health plans effective February 1, 2005.

Part B proposed to broaden the community rating bands in individual health insurance to allow increased variation of premium rates based on age and health status.

Part C proposed to direct the Department of Human Services to provide Medicaid-eligible individuals with premium subsidies so that the value of MaineCare benefits may be applied to the purchase of private health insurance through employers or a plan offered in the individual market. The department is further directed to seek any waivers needed from the Federal Government.

Part D proposed to provide that a health maintenance organization may furnish health care services through providers that exceed the standard geographic accessibility limits imposed by the Department of Professional and Financial Regulation, Bureau of Insurance by rule for specialty care and hospital services with the exception of hospital services for emergencies and maternity care.

Part E proposed to set a limit of \$250,000 on noneconomic damages in medical liability actions. Under this Part, a plaintiff is still entitled to the full economic loss, including all medical expenses, rehabilitation services, custodial care, loss of earnings and earning capacity, loss of income and any other verifiable monetary losses. Senate Amendment "A" was not adopted.

### *Enacted Law Summary*

Public Law 2003, chapter 469 establishes Dirigo Health as an independent executive agency to arrange for the provision of health coverage to small employers and their employees and dependents and to individuals on a voluntary basis. Dirigo Health is also required to monitor and improve the quality of health care in this State. Dirigo Health is governed by a board of directors. Five voting members must be appointed by the Governor and confirmed by the Legislature.

Dirigo Health must contract with health insurance carriers to offer health insurance to eligible small businesses and individuals through Dirigo Health Insurance. The health insurance benefits must be determined by the board and must comply with all statutory requirements of the Maine Insurance Code, including mandated benefits. The law also provides additional assistance through subsidies, based on a sliding scale, to employees and individuals with earnings below 300% of the federal poverty level who are enrolled in Dirigo Health. Employers who



## *Joint Select Committee on Health Care Reform*

participate in Dirigo Health Insurance may be required to contribute up to 60% toward the cost of coverage for employees who work at least 20 hours per week and their dependents. The employer contribution rate for employees who work less than full time must be prorated. Coverage through Dirigo Health Insurance must begin no later than October 1, 2004.

In the first year of operation, funding for Dirigo Health is provided through the General Fund. After July 1, 2005, funding for subsidies and the Maine Quality Forum must be provided through savings offset payments paid by health insurance carriers, employee benefit excess insurance carriers and third-party administrators. The board of directors is required to establish the savings offset amount, not to exceed 4% of annual premium revenue or its equivalent, on an annual basis and those savings offset payments may not exceed the aggregate cost savings attributable to reductions in bad debt and charity care costs as a result of the operation of Dirigo Health and the expansion in MaineCare.

The law expands MaineCare coverage for children and adults and provides coverage for expansion enrollees who enroll individually and who enroll through Dirigo Health as part of an employer group. The expansion of MaineCare eligibility may not become effective until Dirigo Health becomes operational. Monthly reporting on the noncategorical adult MaineCare expansion will be required to monitor enrollment.

Within Dirigo Health, the law establishes a high-risk pool for persons whose care costs are over \$100,000 per year and for those with certain named diagnoses. It requires Dirigo Health to develop disease management protocols for persons in the high-risk pool. If after 3 years Dirigo Health underperforms relative to the trends in average premium rates and average rates of uninsured individuals compared to those trends in states with high-risk pools, Dirigo Health is charged with submitting legislation to create a high-risk pool on January 1, 2008.

The law establishes the Maine Quality Forum within Dirigo Health to collect and disseminate research, adopt quality and performance measures, coordinate quality data, issue quality reports in conjunction with the Maine Health Data Organization, conduct consumer education and technology assessment reviews, encourage the adoption of electronic technology, make recommendations for the biennial State Health Plan and issue an annual report. The Maine Quality Forum Advisory Council is established to assist the board and the forum. The Maine Health Data Organization will adopt rules to collect data on health care quality based on the quality measures adopted by the Maine Quality Forum and issue reports on health care services, costs and quality.

The law requires the Governor to issue a biennial State Health Plan and establishes an advisory council to assist in the development of the plan. It also establishes the capital investment fund, an annual limit for resources allocated under the certificate of need program. Within the capital investment fund, 12.5% of the total is required to be designated for nonhospital projects for a period of 3 years. The law specifies that a certificate of need or public financing that affects health care costs may not be provided unless it meets the goals and budgets in the State Health Plan.

The law applies certificate of need (CON) requirements to the portions of an ambulatory surgical facility used by patients or to support ambulatory surgical care and to new technology that costs over \$1,200,000 in the office of a private practitioner. It establishes an automatic adjustment to the CON thresholds based on the Consumer Price Index, medical index. It expands the bases on which the Commissioner of Human Services makes CON decisions, adding consistency with the State Health Plan, reference to quality outcomes, reference to inappropriate increases in service utilization and the limits of the capital investment fund. It allows the Commissioner of Human Services to receive reports from a panel of experts on CON applications and requires evaluations from the Department of Human Services, Bureau of Health and the Superintendent of Insurance. It requires hospitals and health care practitioners to make information on the charges for commonly offered health care services available to the public.

## *Joint Select Committee on Health Care Reform*

The law requires health care practitioners to submit claims to health insurance carriers in electronic format beginning October 16, 2003. Until October 16, 2005, health care practitioners with fewer than 10 full-time equivalent employees are not required to submit claims electronically. After that date, those practitioners may apply to the Superintendent of Insurance for an exemption from the electronic claims filing requirement.

The law requires the Superintendent of Insurance to adopt rules for the filing of annual report supplements by health insurers and health maintenance organizations. It requires small group health plans to submit rate filings to the Superintendent of Insurance and imposes rate hearings and rate reviews on those filings unless a carrier opts to guarantee a 78% loss ratio or refund excess premiums. It requires individual and small group health insurance rates to reflect savings offset payments and any recovery of those offsets in premium rates. It requires large group health carriers to file annually certification that rating practices and methods meet actuarial principles and that savings offset payments and recovery offsets have been properly included in the filing. It allows managed care health plans to apply to the Superintendent of Insurance for permission to offer health plans with financial incentive provisions to encourage the use of designated providers of specialty and hospital care if the plan does not exceed the Bureau of Insurance Rule Chapter 850 travel standards by 100% and meets quality criteria. The Superintendent of Insurance is required to adopt rules relating to quality criteria by January 1, 2004 and submit those rules for legislative review before final adoption. The provision regarding managed care plans offering health plans with financial incentive provisions is repealed on July 1, 2007 unless continued by the Legislature. It requires the Superintendent of Insurance to conduct a study of the impact of a cap of \$250,000 on noneconomic damages in medical malpractice lawsuits on the cost of medical malpractice insurance.

The law sets voluntary constraints on financial growth for a period of one year by health care practitioners, hospitals and health insurance carriers. It also requires the Governor's Office of Health Policy and Finance and the Maine Hospital Association to agree on a timetable, format and methodology for reporting on hospital charges, cost efficiency and consolidated operating margins. It requires the Department of Human Services to conduct a comprehensive study of MaineCare reimbursement rates and to report by January 15, 2005. It establishes the Commission to Study Maine's Hospitals and requires that commission to report by November 1, 2004.

The law requires the Governor to work to improve access to care for veterans and to improve Medicare reimbursements for Maine providers and establishes a task force to study health care services provided to Maine veterans.

The law restores \$500,000 in General Fund money to restore the physician incentive payment program within the MaineCare program.

### **LD 1612                      RESOLUTION, Proposing an Amendment to the Constitution of      CARRIED OVER Maine to Preserve the Fund for a Healthy Maine**

<u>Sponsor(s)</u> COLWELL YOUNGBLOOD	<u>Committee Report</u>	<u>Amendments Adopted</u> H-568
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LD 1612 proposes to amend the Constitution of Maine to ensure that the Fund for a Healthy Maine is used for health-related purposes only. The resolution prevents the tobacco settlement money from being used to replace existing funds outside of the Fund for a Healthy Maine.

## *Joint Select Committee on Health Care Reform*

**Committee Amendment "A" (H-568)** is the majority report of the committee. It proposed to clarify language on income to the Fund for a Healthy Maine and language on the intent not to supplant appropriations from the General Fund or allocations from other sources.

**Committee Amendment "B" (H-569)** is a minority report of the committee. It proposed to incorporate the language of the majority report and add language to allow the Legislature to override the amendment with a 2/3 vote of the elected membership in both Houses. Committee Amendment "B" was not adopted.

**House Amendment "A" (H-576)** proposed to add to the constitutional resolution the requirement that the balance of revenue raised from the Maine State Lottery, after payment of winnings, payment of expenses of operating the lottery and payment to the Maine Outdoor Heritage Fund, be used exclusively to fund primary and secondary education costs. House Amendment "A" was not adopted.

**House Amendment "B" (H-580)** proposed to add to the constitutional resolution the protection of all dedicated revenue funds and to prohibit the use of those dedicated funds for any purpose other than that for which the revenue is dedicated unless the Legislature, by a 2/3 vote, allocates or reserves the money in the dedicated revenue fund for another purpose. House Amendment "B" was not adopted.

LD 1612 was recommitted to the Joint Select Committee on Health Care Reform and has been carried over to the Second Regular Session.

*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Insurance and Financial Services*

*July 2003*

**Members:**

*Sen. Lloyd P. LaFountain III, Chair  
Sen. Neria R. Douglass  
Sen. Arthur F. Mayo III*

*Rep. Christopher P. O'Neil, Chair  
Rep. Marilyn E. Canavan  
Rep. Joseph C. Perry  
Rep. Bonita J. Breault  
Rep. Anne C. Perry  
Rep. Kevin J. Glynn  
Rep. Florence T. Young  
Rep. Lois A. Snowe-Mello  
Rep. Michael A. Vaughan  
Rep. Richard G. Woodbury*

**Staff:**

*Colleen McCarthy Reid, Legislative Analyst*

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**JOINT STANDING COMMITTEE ON  
INSURANCE AND FINANCIAL SERVICES**

**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>	79	88.8%	4.8%
<u><i>Bills Carried Over</i></u>	<u>10</u>	<u>11.2%</u>	<u>0.6%</u>
<b>Total Bills referred</b>	<b>89</b>	<b>100.0%</b>	<b>5.4%</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>89</b>	<b>100.0%</b>	<b>5.4%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	1	100.0%	20.0%
<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>20.0%</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>	9	11.3%	0.6%
<i>Ought to Pass as Amended</i>	27	33.8%	1.8%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>35</u>	<u>43.8%</u>	<u>2.4%</u>
<b>Total unanimous reports</b>	<b>71</b>	<b>88.8%</b>	<b>4.8%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	9	11.3%	0.6%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>9</b>	<b>11.3%</b>	<b>0.6%</b>
<b>Total committee reports</b>	<b>80</b>	<b>100.0%</b>	<b>5.5%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>2</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>	38	42.7%	2.3%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	1.1%	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>39</b>	<b>43.8%</b>	<b>2.4%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	1	100.0%	6.7%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<u><i>Rules not authorized by the Legislature</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>1</b>	<b>100.0%</b>	<b>6.7%</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.

Prepared by the Office of Policy and Legal Analysis  
121st Legislature, First Regular Session

## Joint Standing Committee on Insurance and Financial Services

### SUBJECT INDEX

#### *Banking and Credit Unions*

##### Enacted

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LD 291	An Act To Provide Parity in Lending by State-chartered Lenders	PUBLIC 100 Page 460
LD 614	An Act To Provide Parity in Lending by State-chartered Financial Institutions	PUBLIC 263 Page 470
LD 1534	An Act To Amend the Maine Banking Laws	PUBLIC 322 Page 495

##### Not Enacted

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LD 661	An Act To Amend the Laws Governing Privacy of Consumer Financial Information	ONTP Page 472
LD 930	An Act To Prohibit Arbitrary Interest Rate Hikes	ONTP Page 481

#### *Consumer Credit*

##### Enacted

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LD 494	An Act To Enhance Consumer Protections in Relation to Certain Mortgages	PUBLIC 49 Page 467
LD 556	An Act To Establish New Standards for Credit Reporting	PUBLIC 118 Page 468
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**Not Enacted**

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LD 615	An Act To Protect Citizen Privacy	ONTP Page 471
LD 661	An Act To Amend the Laws Governing Privacy of Consumer Financial Information	ONTP Page 472
LD 930	An Act To Prohibit Arbitrary Interest Rate Hikes	ONTP Page 481
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***Insurance, Health***

**Enacted**

LD 20	An Act to Extend the Authority of the Health Care System and Health Security Board	PUBLIC 492 Page 457
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LD 423	An Act To Improve the Process of Credentialing Health Care Providers	PUBLIC 108 Page 462
LD 492	An Act To Encourage Agricultural Cooperative Associations To Provide Group Health Plans	PUBLIC 309 Page 466 EMERGENCY
LD 563	An Act To Require That Mental Health Workers with LCPC Licenses Are Recognized as Licensed Professionals for Purposes of Insurance Reimbursement	PUBLIC 65 Page 469
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LD 902	An Act To Create Equality in Medicare Supplement Insurance Policies	PUBLIC 157 Page 479
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<b>LD 1058</b>	<b>An Act To Extend Public Record Requirements of Nongroup Health Insurance Rate Filings to All Health Insurance Rate Filings</b>	<b>PUBLIC 313</b>	<b>Page 482</b>
<b>LD 1386</b>	<b>Resolve, Regarding Legislative Review of Portions of Chapter 840, Private Purchasing Alliances, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance</b>	<b>RESOLVE 21 EMERGENCY</b>	<b>Page 488</b>
<b>LD 1490</b>	<b>An Act To Update and Clarify the Law Regarding the Conversion of a Nonprofit Hospital and Medical Service Organization to a Domestic Stock Insurer</b>	<b>PUBLIC 171</b>	<b>Page 492</b>
<b>LD 1507</b>	<b>An Act To Clarify and Update the Laws and Rules Related to Health Care</b>	<b>PUBLIC 428 EMERGENCY</b>	<b>Page 493</b>
<b>LD 1605</b>	<b>An Act To Amend the Law Relating to Multiple-employer Welfare Arrangements</b>	<b>PUBLIC 374 EMERGENCY</b>	<b>Page 499</b>
<b>LD 1611</b>	<b>An Act To Provide Affordable Health Insurance to Small Businesses and Individuals and To Control Health Care Costs</b>	<b>PUBLIC 469</b>	<b>Page 499</b>

**Not Enacted**

<b>LD 161</b>	<b>An Act to Allow Certain Discounts on Health Insurance</b>	<b>ONTP</b>	<b>Page 459</b>
<b>LD 213</b>	<b>An Act To Assist Maine's Infertile Citizens</b>	<b>CARRIED OVER</b>	<b>Page 459</b>
<b>LD 366</b>	<b>An Act To Prevent Discrimination Against Group Health Plans Sponsored by Agricultural Cooperatives</b>	<b>ONTP</b>	<b>Page 462</b>
<b>LD 428</b>	<b>An Act To Eliminate the Department of Professional and Financial Regulation, Bureau of Insurance Travel Restrictions for Obtaining Health Care</b>	<b>CARRIED OVER</b>	<b>Page 463</b>
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<b>LD 497</b>	<b>Resolve, To Study the Feasibility and Effectiveness of Providing Consumers with Consumer Reports on Health Care Services</b>	<b>CARRIED OVER</b>	<b>Page 468</b>



<b>LD 566</b>	<b>An Act to Ensure Equality in Mental Health Coverage</b>	<b>ONTP Page 470</b>
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<b>LD 666</b>	<b>Resolve, To Implement a Process That Provides for Sunsetting Health Insurance Mandates</b>	<b>ONTP Page 472</b>
<b>LD 686</b>	<b>Resolve, Directing the Bureau of Insurance To Determine the Costs of All Existing Health Insurance Mandates</b>	<b>ONTP Page 474</b>
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<b>LD 857</b>	<b>An Act To Provide Maine Consumers Information about the Cost and Quality of Health Care Services in Maine</b>	<b>ONTP Page 477</b>
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### *Insurance, Motor Vehicle*

#### Enacted

LD 5	An Act to Amend the Law Pertaining to Notice of Nonrenewal of an Automobile Insurance Policy	PUBLIC 26	Page 456
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#### Not Enacted

None

## *Insurance, Regulation and Practices*

### Enacted

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LD 409	An Act To Allow a Court To Order the Cancellation of a Life Insurance Policy as Part of a Protection from Abuse Proceeding	PUBLIC 106 Page 462
LD 470	An Act To Ensure Fairness Regarding Use of Consumer Credit Reports in Insurance Underwriting	PUBLIC 223 Page 464
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LD 796	An Act Relating to Existing Life-care Communities Licensed by the Superintendent of Insurance	PUBLIC 155 Page 475
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Not Enacted

LD 294	An Act to Ensure that Property or Casualty Insurance Companies Can Not Deny Policy Owners Who have Foster Children in Their Care	ONTP Page 460
LD 487	An Act To Amend the Maine Insurance Guaranty Association Act	ONTP Page 466
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LD 667	An Act To Amend the Maine Insurance Code	CARRIED OVER Page 473
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LD 772	An Act To Require Insurance Companies To Return 1% of Net Profits	ONTP Page 475
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LD 1096	An Act To Create a Timetable for Insurers To Make Restitution to Consumers	ONTP Page 483
LD 1119	An Act To Require Insurers To Offer a Discount for Operators of Commercial Vehicles Equipped with Safety Devices	ONTP Page 483
LD 1181	An Act To Provide Fair Hearings in Health Insurance Rate Proceedings	CARRIED OVER Page 485
LD 1200	An Act To Allow an Appeal for Cancellation of Commercial Insurance	ONTP Page 486
LD 1521	An Act Concerning Liability Insurance Covering Debt Cancellation Contracts	ONTP Page 495
LD 1601	An Act To Authorize the Superintendent of Insurance To Establish a Fair Access to Insurance Requirements Plan	CARRIED OVER Page 498

*Insurance, Workers' Compensation*

Enacted

LD 64	An Act to Reduce Workers' Compensation Costs for Self-insured Public Utilities	PUBLIC 38 Page 457
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*Joint Standing Committee on Insurance and Financial Services*

LD 2

**An Act to Extend the Time to Pay a Premium to the Insured**

**PUBLIC 35**

<u>Sponsor(s)</u> O'NEIL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-29
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LD 2 proposed to extend the time for a licensee to pay premiums to the insured from 10 days to 45 days.

**Committee Amendment "A" (H-29)** proposed to replace the bill. This amendment proposed to extend the time for a licensed insurance producer to pay return premiums from 10 to 30 days. The amendment also proposed to clarify that the payment of premiums by an insurance producer to an insurance company must be done in accordance with the contract between the producer and the insurance company.

***Enacted Law Summary***

Public Law 2003, chapter 35 extends the time for a licensed insurance producer or broker to pay premium refunds to an insured from 10 days to 30 days.

LD 5

**An Act to Amend the Law Pertaining to Notice of Nonrenewal of an Automobile Insurance Policy**

**PUBLIC 26**

<u>Sponsor(s)</u> O'NEIL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-14
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LD 5 proposed to clarify that the number of accidents that would permit nonrenewal of an insurance policy insuring each additional motor vehicle is increased by one, no matter how many policies are issued for the motor vehicles.

**Committee Amendment "A" (H-14)** proposed to replace the bill. The amendment proposed to clarify that the aggregate number of accidents that would permit nonrenewal of an insurance policy insuring that motor vehicle or other vehicles in that household is increased by one regardless of the number of policies that are issued for the motor vehicles.

***Enacted Law Summary***

Public Law 2003, chapter 26 clarifies that the aggregate number of accidents that would permit an insurer to non-renew a policy insuring that motor vehicle or other motor vehicles in that household is increased by one regardless of the number of policies that are issued for the motor vehicles.

*Joint Standing Committee on Insurance and Financial Services*

**LD 20**

**An Act to Extend the Authority of the Health Care System and Health Security Board**

**PUBLIC 492**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-113
	ONTP MIN	H-143 O'NEIL
		S-279 GAGNON

LD 20 proposed to extend the authority of the Health Care System and Health Security Board to continue its work and submit a final report by January 1, 2004. The bill requires that the board submit an interim report by January 15, 2003. The bill also would allow members appointed when they were Legislators to continue to serve until successors are appointed. The bill is retroactive to the date when the legislation creating the Health Care System and Health Security Board was first enacted.

**Committee Amendment "A" (H-113)** is the majority report of the committee. It proposed to allow the Health Care System and Health Security Board to continue its work and submit a final report on November 1, 2004. The amendment also proposed to add a 20th member to the board who represents the public and is appointed by the Speaker of the House of Representatives. The amendment also clarified that legislative members and members who are not otherwise compensated are entitled to the legislative per diem or reimbursement of expenses if funds are available. The amendment also proposed to prohibit the board from receiving funding from the General Fund for any purpose.

The amendment also added an allocation section to the bill.

**House Amendment "A" (H-143)** removes the emergency preamble and clause from the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-279)** proposed to limit the board to 4 meetings after June 30, 2003, all of which must be held in the Augusta area. The bill also clarified the funding and compensation provisions and adjusted the allocation from Other Special Revenue Funds.

***Enacted Law Summary***

Public Law 2003, chapter 492 extends the authority of the Health Care System and Health Security Board to continue its work and submit a final report by November 1, 2004. The law also adds a 20th member to the board who represents the public and is appointed by the Speaker of the House of Representatives.

**LD 64**

**An Act to Reduce Workers' Compensation Costs for Self-insured Public Utilities**

**PUBLIC 38**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM	H-30

LD 64 proposed to allow a public utility to reduce its security for self-insuring its workers' compensation obligations in a manner similar to that used by other companies with working capital offsets.

## Joint Standing Committee on Insurance and Financial Services

**Committee Amendment "A" (H-30)** replaced the bill. The amendment proposed to clarify that only a transmission and distribution utility may reduce its security for self-insuring its workers' compensation obligations by up to \$10,000,000 in a manner similar to that used by other self-insured companies. In order to qualify for the working capital offset, the transmission and distribution utility must have a tangible net worth of \$200,000,000 and an investment grade credit rating with available credit equal to twice its outstanding workers' compensation liabilities.

### *Enacted Law Summary*

Public Law 2003, chapter 38 allows a transmission and distribution utility to reduce its security for self-insuring its workers' compensation obligations by up to \$10 million dollars, but not lower than \$100,000, in a manner similar to that used by other employers.

**LD 125**

**An Act to Promote Fairness and Opportunity for Working Amputees**

**PUBLIC 459**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO O'NEIL	OTP-AM	S-259

LD 125 proposed to require carriers to provide coverage for prosthetic devices in all health plans, except those providing supplemental coverage for a specific disease or other limited benefits. Benefits for coverage of prosthetic devices must be equal to those benefits provided under federal Medicare law. Currently, Medicare provides coverage for 80% of the actual charge or the amount recognized as the purchase price for the device, whichever is less. The requirements apply to all health plan policies issued or renewed on or after January 1, 2004.

**Committee Amendment "A" (S-259)** proposed to clarify that health coverage may not be provided for prosthetic devices that include microprocessing technology or that are designed exclusively for athletic purposes. The amendment also clarified that the enrollee's provider must determine whether the prosthetic device is medically necessary.

### *Enacted Law Summary*

Public Law 2003, chapter 459 requires carriers to provide coverage for prosthetic devices in all health plans. Benefits for coverage of prosthetic devices must be equal to those benefits provided under federal Medicare law. Currently, Medicare provides coverage for 80% of the actual charge or the amount recognized as the purchase price for the device, whichever is less. Coverage is not required for prosthetic devices that include microprocessor technology or that are designed exclusively for athletic purposes.

The law applies to all health plan policies issued or renewed on or after January 1, 2004.



*Joint Standing Committee on Insurance and Financial Services*

LD 161

**An Act to Allow Certain Discounts on Health Insurance**

ONTP

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

LD 161 proposed to allow health insurance carriers to offer additional discounts up to 20% based on an individual's weight or adherence to a recommended schedule for regular physicals for individual and small group health insurance policies.

LD 171

**An Act To Clarify the Authority of the Superintendent of Financial Institutions Regarding a Credit Union's Conversion of Its Field of Membership**

PUBLIC 36

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM	H-31

LD 171 proposed to require the Superintendent of Financial Institutions to establish criteria by rule under which a credit union that converts its field of membership to become a community-chartered credit union may retain in its field of membership one or more groups or portions of groups that were included in the credit union's field of membership prior to the conversion.

**Committee Amendment "A" (H-31)** proposed to clarify the authority of the Superintendent of Financial Institutions to permit a credit union with an employer-based field of membership to convert its field of membership to a community-based field of membership and to retain one or more employer groups or portions of groups that were included in its field of membership prior to the conversion.

***Enacted Law Summary***

Public Law 2003, chapter 36 clarifies the authority of the Superintendent of Financial Institutions to permit a credit union with an employer-based field of membership to convert its field of membership to a community-based field of membership and to retain one or more employer groups or portions of groups that were included in its field of membership prior to the conversion.

LD 213

**An Act To Assist Maine's Infertile Citizens**

CARRIED OVER

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

LD 213 proposes to require group health insurance policies, contracts and certificates to include coverage for infertility treatment if pregnancy-related benefits are provided. It would apply to all group policies issued or renewed on or after January 1, 2004.

## Joint Standing Committee on Insurance and Financial Services

As required by Title 24-A Maine Revised Statutes Section 2752, the Joint Standing Committee on Insurance and Financial Services has requested that a review and evaluation of the proposed mandated health insurance benefit for infertility treatment included in the bill be completed by the Bureau of Insurance over the interim. LD 213 has been carried over to the Second Regular Session.

**LD 291**                      **An Act To Provide Parity in Lending by State-chartered Lenders**                      **PUBLIC 100**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL MAYO	OTP-AM	H-32

Under current law, state-chartered lenders can assess fees on delinquent accounts only if the delinquent account is precomputed with respect to interest, is a consumer lease or credit card account or is a fixed rate, closed-end mortgage. LD 291 proposed to permit Maine lenders to assess late fees for all consumer credit transactions, subject to the restrictions as set forth in the Maine Revised Statutes, Title 9-A, section 2-502, to place them on a more equal footing with out-of-state lenders.

**Committee Amendment "A" (H-32)** proposed to remove a section of the bill related to statutorily-permitted finance charges and to retain the provision of law allowing a late or delinquency charge to be assessed on a consumer credit transaction.

### *Enacted Law Summary*

Public Law 2003, chapter 100 permits Maine lenders to assess late fees on delinquent accounts for all consumer credit transactions. Pursuant to Maine Revised Statutes, Title 9-A, section 2-502, the late fees may not be assessed until after a 15-day grace period has expired and may not exceed the greater of \$10 or the deferral charge permitted to defer the unpaid amount of any installment during the delinquency period.

**LD 294**                      **An Act to Ensure that Property or Casualty Insurance Companies Can Not Deny Policy Owners Who have Foster Children in Their Care**                      **ONTP**

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

LD 294 proposed to prohibit property and casualty insurers from refusing to insure, restricting the amount of coverage available or charging different premiums solely because the insured is a foster parent.

*Joint Standing Committee on Insurance and Financial Services*

LD 316

**An Act To Prohibit Absolute Discretion Clauses in Health Carrier Contracts**

**PUBLIC 110**

Sponsor(s)  
CANAVAN  
DOUGLASS

Committee Report  
OTP-AM

Amendments Adopted  
H-118

LD 316 proposed to prohibit carriers from using absolute discretion clauses in health plan contracts.

**Committee Amendment "A" (H-118)** replaced the bill. The amendment proposed to prohibit carriers from using or enforcing absolute discretion clauses in health plan contracts and to remove language in the bill relating to contracts with plan sponsors of self-insured health plans.

*Enacted Law Summary*

Public Law 2003, chapter 110 prohibits carriers from using or enforcing absolute discretion clauses in health plan contracts.

LD 342

**An Act to Amend the Law Relating to Annuities**

**PUBLIC 307  
EMERGENCY**

Sponsor(s)  
LAFOUNTAIN  
O'NEIL

Committee Report  
OTP-AM

Amendments Adopted  
S-114

LD 342 proposed to decrease the annuity rate-of-return requirements from 3% to 1.0%.

**Committee Amendment "A" (S-114)** proposed to replace the bill. The amendment proposed to decrease the rate-of-return requirements for annuity considerations from 3.0% to the lesser of 3% or an interest rate indexed to the 5-year Constant Maturity Treasury Rate of the Federal Reserve. The amendment also proposed to permit an insurer to apply the interest rate provision annuity contracts on a contract form basis until 2 years after the effective date of the provision. The amendment proposed to add an emergency preamble and emergency clause.

*Enacted Law Summary*

Public Law 2003, chapter 307 decreases the annuity rate-of-return requirements for annuity considerations from 3.0% to the lesser of 3% or an interest rate indexed to the 5-year Constant Maturity Treasury Rate of the Federal Reserve. The law permits an insurer to apply the interest rate provision to annuity contracts on a contract form basis until 2 years after the effective date.

Public Law 2003, chapter 307 was enacted as an emergency measure effective May 27, 2003.

## Joint Standing Committee on Insurance and Financial Services

LD 366

### An Act To Prevent Discrimination Against Group Health Plans Sponsored by Agricultural Cooperatives

ONTP

Sponsor(s)  
O'NEIL

Committee Report  
ONTP

Amendments Adopted

LD 366 proposed to require a carrier located in this State to make its provider network available to members receiving health coverage in this State under a group health plan sponsored by an agricultural cooperative if the carrier belongs to the same association as the out-of-state carrier underwriting the group health plan of the agricultural cooperative.

LD 409

### An Act To Allow a Court To Order the Cancellation of a Life Insurance Policy as Part of a Protection from Abuse Proceeding

PUBLIC 106

Sponsor(s)  
JACKSON  
EDMONDS

Committee Report  
OTP-AM

Amendments Adopted  
H-112

LD 409 proposed to allow a formerly married person or former domestic partner to cancel a life insurance policy in that person's name that was purchased by the person's former spouse or domestic partner during the marriage or domestic relationship.

**Committee Amendment "A" (H-112)** replaced the bill. The amendment proposed to allow a District Court to order the termination of a life insurance policy or rider owned by the defendant on the life of a plaintiff in a protection from abuse proceeding. The amendment also requires that a copy of the court order be sent to the insurance company that issued the policy.

#### *Enacted Law Summary*

Public Law 2003, chapter 106 allows the District Court to order the termination of a life insurance policy or rider owned by a defendant on the life of a plaintiff in a protection from abuse proceeding. The law also requires that a copy of the court order be sent to the insurance company that issued the policy.

LD 423

### An Act To Improve the Process of Credentialing Health Care Providers

PUBLIC 108

Sponsor(s)  
MARRACHE  
GAGNON

Committee Report  
OTP-AM

Amendments Adopted  
H-116

LD 423 proposed to set a time line for provider credentialing by health insurance carriers and requires carriers to make credentialing decisions within 60 days of receiving a completed application from a provider.

## *Joint Standing Committee on Insurance and Financial Services*

**Committee Amendment "A" (H-116)** proposed to replace the bill. The amendment proposed to retain the general requirement that carriers make credentialing decisions within 60 days of receiving a completed application from a provider, but allows a carrier to extend the period for up to another 120 days upon written notice to the provider if information within the application needs verification. It requires carriers to review the application and return it once for all corrections and clarifies that the application is not complete until all corrections are made. The amendment also removes the provision making credentialing decisions retroactive to the date the carrier received the completed application. The amendment gives authority to the Department of Professional and Financial Regulation, Bureau of Insurance to amend its rules to conform to these requirements.

### *Enacted Law Summary*

Public Law 2003, chapter 108 requires health insurance carriers to make credentialing decisions within 60 days of receiving a completed application from a provider, but allows a carrier to extend the period for up to another 120 days upon written notice to the provider if information within the application needs verification.

**LD 428**                      **An Act To Eliminate the Department of Professional and Financial Regulation, Bureau of Insurance Travel Restrictions for Obtaining Health Care**                      **CARRIED OVER**

<u>Sponsor(s)</u> LAFOUNTAIN O'NEIL	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 428 proposes to provide that a health maintenance organization may furnish health care services through providers that exceed the standard geographic accessibility limits imposed by the Department of Professional and Financial Regulation, Bureau of Insurance by rule for specialty care and hospital services with the exception of hospital services for emergencies and maternity care.

LD 428 has been carried over to the Second Regular Session, although a related provision was incorporated into Public Law 2003, chapter 469. See summary of LD 1611.

**LD 434**                      **An Act To Amend the Patient's Bill of Rights Laws**                      **ONTP**

<u>Sponsor(s)</u> LAFOUNTAIN O'NEIL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 434 proposed to require that health care providers publish detailed information about the prices charged for health care services.

A related provision was incorporated into Public Law 2003, chapter 469. See summary of LD 1611.

## Joint Standing Committee on Insurance and Financial Services

LD 435

### An Act To Restrict the Cancellation of Health Insurance Coverage During an Enrollee's Period of Incarceration

ONTP

Sponsor(s)  
KNEELAND

Committee Report  
ONTP

Amendments Adopted

LD 435 proposed to prohibit health insurance carriers from canceling coverage for enrollees who are incarcerated in county jail facilities solely on the basis of the enrollees' incarceration.

LD 470

### An Act To Ensure Fairness Regarding Use of Consumer Credit Reports in Insurance Underwriting

PUBLIC 223

Sponsor(s)  
CANAVAN  
DAGGETT

Committee Report  
OTP-AM

Amendments Adopted  
H-220

LD 470 proposed to prohibit an insurance company authorized to transact automobile or homeowners' insurance in this State from making underwriting and rating decisions based solely on information contained in consumer credit reports. The bill also prohibits an insurer from using an insurance score that is calculated using income, gender, address, zip code, ethnic group, religion, marital status or nationality as a factor and from considering an absence of credit history or an inability to determine a credit history as a negative indicator on an insurance score. An insurer may continue to use consumer credit reports in underwriting and rating decisions in conjunction with other relevant underwriting criteria to the extent allowed under state and federal fair credit reporting laws.

The bill also proposed to require insurers to provide written notice to a consumer who is adversely affected by a credit report. The notice must include the specific credit-based reasons for the adverse decision and contact information necessary to assist the consumer in appealing the insurer's decision.

**Committee Amendment "A" (H-220)** proposed to replace the bill. The language in the amendment is more closely based on a model act from the National Conference of Insurance Legislators. Like the bill, the amendment proposed to prohibit an insurance company authorized to transact personal insurance in this State from making underwriting and rating decisions based solely on credit information. The amendment also proposed to prohibit an insurer from using an insurance score that is calculated using income, gender, address, zip code, ethnic group, religion, marital status or nationality as a factor. An insurer may continue to use consumer credit reports in underwriting and rating decisions in conjunction with other relevant underwriting criteria to the extent allowed under state and federal fair credit reporting laws. The amendment also proposed to require insurers to provide notice to a consumer who is adversely affected by a credit report, but allows that notice to be provided in writing or in the same medium as the application for insurance was made to the insurer. The amendment adds a requirement that insurers file their insurance scoring models with the Superintendent of Insurance. The amendment also adds an indemnification provision for the protection of insurance producers who obtain or use credit information on behalf of an insurer.

## Joint Standing Committee on Insurance and Financial Services

### *Enacted Law Summary*

Public Law 2003, chapter 223 prohibits an insurance company authorized to transact automobile or homeowners' insurance in this State from making underwriting and rating decisions based solely on information contained in consumer credit reports. An insurer may continue to use consumer credit reports in underwriting and rating decisions in conjunction with other relevant underwriting criteria to the extent allowed under state and federal fair credit reporting laws. The law also requires insurers to provide notice to a consumer who is adversely affected by a credit report. The law adds a requirement that insurers file their insurance scoring models with the Superintendent of Insurance.

**LD 473**                      **An Act To Limit the Interest Rate on Consumer Credit Transactions**

**ONTP**

<u>Sponsor(s)</u> TWOMEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 473 proposed to limit the rate of interest that may be charged on consumer credit loans, such as credit cards and automobile loans, to 12% per year.

**LD 485**                      **An Act Clarifying the Maine Consumer Credit Code**

**PUBLIC 135**

<u>Sponsor(s)</u> O'NEIL		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 485 proposed to make the Maine Revised Statutes, Title 9-A, section 2-502, subsection 3 consistent with the Federal Reserve Board's Regulation AA, 12 Code of Federal Regulations, Part 227.15 and the Federal Trade Commission's Trade Regulation Rule on credit practices involving the collection of delinquency charges, 16 Code of Federal Regulations, Part 444.4.

### *Enacted Law Summary*

Public Law 2003, chapter 135 makes the Maine Consumer Credit Code consistent with federal law and regulation on credit practices involving the collection of delinquency charges. The law clarifies that a delinquency charge may not be collected in connection with a consumer credit transaction if the only delinquency is attributable to unpaid late fees or delinquency charges assessed in connection with earlier unpaid installments.

*Joint Standing Committee on Insurance and Financial Services*

LD 487

**An Act To Amend the Maine Insurance Guaranty Association Act**

ONTP

<u>Sponsor(s)</u> O'NEIL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 487 proposed to clarify that the Maine Insurance Guaranty Association must pay covered claims for medical malpractice if those claims are brought within the statute of limitations for medical malpractice.

LD 488

**An Act To Reduce Administrative Expenses in Health Insurance**

ONTP

<u>Sponsor(s)</u> O'NEIL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 488 proposed to reduce administrative expenses for health care by requiring providers to submit forms electronically. Effective January 1, 2005, the bill prevents providers from collecting interest on late payments from insurers if the claim is not submitted electronically. The bill also would permit health maintenance organizations to refuse a claim not submitted on a form that the health maintenance organizations are required to accept.

A related provision was incorporated into Public Law 2003, chapter 469. See summary of LD 1611.

LD 492

**An Act To Encourage Agricultural Cooperative Associations To Provide Group Health Plans**

**PUBLIC 309  
EMERGENCY**

<u>Sponsor(s)</u> O'NEIL		<u>Committee Report</u> OTP-AM MAJ OTP-AM MIN		<u>Amendments Adopted</u> H-336
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LD 492 proposed to allow a group health plan sponsored by an agricultural cooperative association located outside of Maine that provides coverage to members of agricultural cooperative associations located within this State to employ an internal grievance procedure that meets the requirements of the state in which the plan's insurer is located as long as enrollees living in this State are provided with an independent external review of any adverse health care decision in accordance with the State's requirements.

**Committee Amendment "A" (H-336)** is the majority report of the committee. The amendment proposed to clarify that any differences in the grievance procedure requirements between this State and the state in which the group health plan is located must be limited to deadlines for notification of prior authorization of nonemergency services and decisions on appeals of adverse health care treatment decisions.

**Committee Amendment "B" (H-337)** is the minority report of the committee. Like the majority report, the amendment proposed to clarify that any differences in the grievance procedure requirements between this State and the state in which the group health plan is located must be limited to deadlines for notification of prior authorization of nonemergency services and decisions on appeals of adverse health



## Joint Standing Committee on Insurance and Financial Services

care treatment decisions. However, this amendment establishes the maximum number of days for notification of prior authorization at 3 days and the maximum number of days for decisions on appeals of adverse decisions at 60 days. Committee Amendment "B" was not adopted.

### *Enacted Law Summary*

Public Law 2003, chapter 309 allows a group health plan sponsored by an agricultural cooperative association located outside of Maine that provides coverage to members of agricultural cooperative associations located within this State to employ an internal grievance procedure that meets the requirements of the state in which the plan's insurer is located as long as enrollees living in this State are provided with an independent external review of any adverse health care decision in accordance with the State's requirements.

Public Law 2003, chapter 309 was enacted as an emergency measure effective May 27, 2003.

LD 494

### **An Act To Enhance Consumer Protections in Relation to Certain Mortgages**

PUBLIC 49

Sponsor(s)  
ONEIL

Committee Report  
OTP-AM

Amendments Adopted  
H-53

LD 494 proposed to amend the law related to the provision of high-rate, high-fee mortgages. This bill enhances consumer protection and regulatory oversight and preserves the availability of such mortgages in the marketplace.

**Committee Amendment "A" (H-53)** proposed to do the following.

1. It makes technical changes in the bill to reflect the appropriate terms used in the Maine Consumer Credit Code.
2. It clarifies the concurrent jurisdiction of the Department of Professional and Financial Regulation, Bureau of Financial Institutions with regard to high-rate, high-fee mortgages sold by banks, credit unions and other financial institutions.
3. It extends the provision related to fees charged in association with refinancing loans made within an 18-month period.
4. It limits the provision preempting actions by municipalities to actions related to high-rate, high-fee mortgages.

### *Enacted Law Summary*

Public Law 2003, chapter 49 amends the law related to the provision of high-rate, high-fee mortgages. The law prohibits high-rate, high-fee mortgages from charging default charges in excess of 5% of the default amount and limits the fees that may be charged during multiple refinancings, deferrals and extensions of these mortgages. The law also clarifies the concurrent jurisdiction of the Bureau of Financial Institutions and the Office of Consumer Credit Regulation over high-rate, high-fee mortgages depending on the type of entity responsible for selling the mortgage.

## Joint Standing Committee on Insurance and Financial Services

**LD 497**                      **Resolve, To Study the Feasibility and Effectiveness of Providing Consumers with Consumer Reports on Health Care Services**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN O'NEIL		

LD 497, a resolve, proposes to establish a commission to study providing consumers with information on the cost and quality of health care services in order to reduce the cost of health insurance by encouraging consumers to be better purchasers of health care services.

LD 497 has been carried over to the Second Regular Session, although related provisions were incorporated into Public Law 2003, chapter 469. See summary of LD 1611.

**LD 556**                      **An Act To Establish New Standards for Credit Reporting**                      **PUBLIC 118**

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

LD 556 proposed to prohibit consumer reporting agencies from using more than one social security number for a consumer on a credit report. The bill also requires that consumer reporting agencies clearly disclose to consumers their procedures to enable a consumer to correct inaccurate information contained in a credit report.

**Committee Amendment "A" (H-117)** proposed to replace the bill. Like the bill, the amendment proposed to require that consumer reporting agencies clearly disclose to consumers their procedures to enable a consumer to correct inaccurate information contained in a credit report. The amendment also proposed to give consumers the right to request a free copy of their credit report once during a 12-month period. The cost of additional copies may not exceed \$5 per copy.

### ***Enacted Law Summary***

Public Law 2003, chapter 118 gives consumers the right to request a free copy of their credit report once during a 12-month period and specifies that the cost of additional copies may not exceed \$5 per copy. The law also requires that consumer reporting agencies clearly disclose to consumers their procedures to enable a consumer to correct inaccurate information contained in a credit report.

*Joint Standing Committee on Insurance and Financial Services*

LD 560

**An Act To Allow a Mortgagor To Select a Land Title Company To Perform a Title Search**

ONTP

Sponsor(s)  
SHERMAN  
NASS

Committee Report  
ONTP

Amendments Adopted

LD 560 proposed to require that a financial institution or credit union that accepts an application for a residential mortgage for 1 to 4 residential units and requires a title search on the property subject to the mortgage must permit the prospective mortgagor to select a land title company to perform the title search.

LD 563

**An Act To Require That Mental Health Workers with LCPC Licenses Are Recognized as Licensed Professionals for Purposes of Insurance Reimbursement**

PUBLIC 65

Sponsor(s)  
GLYNN

Committee Report  
OTP-AM

Amendments Adopted  
H-72  
H-84 RINES

LD 563 proposed to mandate that all health care plans reimburse licensed clinical professional counselors for mental health services. The bill applies to all policies and contracts issued or renewed on or after January 1, 2004.

**Committee Amendment "A" (H-72)** proposed to retain the mandated offer provision in current law, which the bill would remove, that requires health insurers to make available coverage for mental health services provided by professional counselors, marriage and family therapists and pastoral counselors licensed in this State.

The amendment also adds language exempting the bill from a review and evaluation by the Bureau of Insurance before its enactment because the proposal contained in the bill was previously studied.

**House Amendment "A" (H-84)** was presented on behalf of the Committee on Bills in the Second Reading to prevent a conflict by incorporating changes made to the Maine Revised Statutes, Title 24-A, section 4234-A, subsection 8 in Public Law 2003, chapter 20.

***Enacted Law Summary***

Public Law 2003, chapter 65 mandates that all health care plans reimburse licensed clinical professional counselors for mental health services. The law retains the provision in current law that requires health plans to offer coverage for mental health services provided by licensed professional counselors, marriage and family therapists and pastoral counselors. The law applies to all policies and contracts issued or renewed on or after January 1, 2004.

## Joint Standing Committee on Insurance and Financial Services

LD 566

### An Act to Ensure Equality in Mental Health Coverage

ONTP

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

LD 566 proposed to require parity coverage for mental illnesses for all health benefit plans covering groups of 21 or more. The bill expands the coverage of mental illness to include 11 categories of mental illness as defined in the Diagnostic and Statistical Manual of Mental Disorders, as periodically revised, and allows that coverage to be delivered as a carve out under a managed care system. The bill would require coverage for residential treatment services and home support services. The provisions apply to all policies and contracts issued or renewed on or after the effective date of this bill. The bill makes no change to the mandated offer of parity requirement for individual plans and group plans covering fewer than 20 persons under current law.

The substantive provisions contained in LD 566 were incorporated into the Part I budget bill and enacted as Part VV of Public Law 2003, chapter 20. The requirements apply to all policies and contracts covering groups of 21 or more issued or renewed on or after October 1, 2003.

LD 612

### An Act To Prevent Health Insurance Fraud

ONTP

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

LD 612 proposed to require written receipts for prosthetic equipment for reimbursement by health carriers beginning January 1, 2004. It provides for rulemaking by the Superintendent of Insurance.

LD 614

### An Act To Provide Parity in Lending by State-chartered Financial Institutions

PUBLIC 263

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO O'NEIL	OTP-AM	S-82 H-246 O'NEIL

LD 614 is intended to update Maine's lending laws in order to make Maine chartered institutions more competitive with nationally chartered institutions.

The bill proposed to give Maine lenders the same ability as out-of-state or national bank lenders to assess reasonable prepayment charges on adjustable-rate mortgages. The bill allows state-chartered banks and credit unions to adjust interest rates on escrow accounts as they are permitted to do on savings or share accounts, while maintaining a fair rate for consumers. The bill expands the authority of the Superintendent of Financial Institutions to waive an aspect of the loans-to-one-borrower rules for well-capitalized institutions.

## *Joint Standing Committee on Insurance and Financial Services*

**Committee Amendment "A" (S-82)** proposed to replace the bill. The amendment proposed to permit state-chartered financial institutions and mortgage companies to assess prepayment charges on mortgage loans except for high-rate, high-fee mortgages. The amendment also requires the Office of Consumer Credit Regulation and Bureau of Financial Institutions to jointly adopt rules related to the ability of supervised financial organizations to assess prepayment charges.

The amendment proposed to permit state-chartered financial institutions to adjust interest rates on escrow accounts required by law. The rate may not be less than 50% of the one-year Treasury Bill interest rate. Under current law, the interest rate may not be less than 3%.

The amendment removes section 3 of the bill related to the waiver of the loans-to-one borrower rules for well-capitalized institutions.

**House Amendment "B" to Committee Amendment "A" (H-246)** proposed to correct a reference to a federal interest rate. This change, which allows interest rates on escrow accounts to be adjusted, applies to both state-chartered financial institutions and mortgage companies, unlike the other changes made by Committee Amendment A relating to prepayment charges on mortgage loans, which, contrary to the summary on the committee amendment, apply only to state-chartered financial institutions and not to mortgage companies.

**House Amendment "A" to Committee Amendment "A" (H-231)** proposed to correct a reference to a federal interest rate. House Amendment "A" was not adopted.

### ***Enacted Law Summary***

Public Law 2003, chapter 263 permits state-chartered financial institutions and mortgage companies to assess prepayment charges on mortgage loans, except for high-rate, high-fee mortgages, and requires the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation and Bureau of Financial Institutions to jointly adopt rules related to the ability of supervised financial organizations to assess prepayment charges.

The law also permits state-chartered financial institutions to adjust interest rates on escrow accounts. The rate may not be less than 50% of the one-year Treasury Bill interest rate.

**LD 615**

**An Act To Protect Citizen Privacy**

**ONTP**

Sponsor(s)  
DOUGLASS  
THOMAS

Committee Report  
ONTP

Amendments Adopted

LD 615 proposed to prohibit consumer reporting agencies from releasing information about a consumer in connection with any credit or insurance transaction without the consent of the consumer.

**Joint Standing Committee on Insurance and Financial Services**

**LD 630**                      **An Act To Prohibit Mandatory Arbitration in Health Carrier Contracts**                      **ONTP**

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

LD 630 proposed to prohibit a carrier offering a health plan in this State from requiring mandatory, binding arbitration as the sole mechanism for formal dispute resolution under its health plans.

**LD 661**                      **An Act To Amend the Laws Governing Privacy of Consumer Financial Information**                      **ONTP**

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

Currently, state law conforms to the opt-out provisions of the federal Gramm-Leach-Bliley Act regarding the disclosure of nonpublic personal information. LD 661 proposed to put in place an opt-in requirement so that financial services providers, including banks, credit unions, securities firms and mortgage companies, must have permission from individuals before disclosing nonpublic personal information to nonaffiliated 3rd parties, but only upon approval by voters at a statewide referendum.

**Committee Amendment "A" (H-199)** is the minority report of the committee. The amendment proposed to add a nonseverability provision to the bill. The amended language expresses the intent of the Legislature that the entire Act is invalidated if any provision is held invalid or ruled unenforceable against out-of-state or federally chartered financial services providers. Committee Amendment "A" was not adopted.

**LD 666**                      **Resolve, To Implement a Process That Provides for Sunsetting Health Insurance Mandates**                      **ONTP**

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

LD 666, a resolve, proposed to require the Bureau of Insurance to review existing mandated health insurance benefits in the same manner as it is currently required to review new proposals for mandated coverage. The bureau must report to the Joint Standing Committee on Insurance and Financial Services by January 15, 2004 on the social and financial impacts, the medical efficacy of mandating the benefit and the effects of balancing the social, economic and medical efficacy considerations and determine which of the existing mandates are to be repealed, amended or continued. The resolve requires the committee to submit legislation to repeal those mandates recommended for repeal in the bureau's report.

*Joint Standing Committee on Insurance and Financial Services*

**Committee Amendment "A" (S-89)** is the minority report of the committee. The amendment proposed to remove those provisions of the resolve that require the Bureau of Insurance to make recommendations as to whether existing health insurance mandates should be continued, amended or repealed. The amendment adds an allocation section to the resolve. Committee Amendment "A" was not adopted.

**LD 667**

**An Act To Amend the Maine Insurance Code**

**CARRIED OVER**

<u>Sponsor(s)</u> LAFOUNTAIN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 667 proposes to require the Superintendent of Insurance to expedite the review and approval of rate filings. It also amends the property cancellation and nonrenewal laws. It proposed to expand the grounds for which a contract of property insurance may be cancelled prior to the expiration of the policy to include the following:

1. The commission of a fraudulent insurance act;
2. The failure by the applicant or the insured to disclose a negligent act or material facts that would alter the terms of the policy;
3. The discovery that the insured's property is unoccupied and custodial care is not being maintained;
4. The presence of a trampoline on the premises if the insured is notified that the policy will be cancelled if the trampoline is not removed;
5. The presence of a swimming pool on the insured property that is not fenced in if, after notification, the noncompliance continues;
6. A claims history that includes 4 losses within 5 years, unless those losses include a catastrophic loss event;
7. A loss occasioned by a dog bite, unless, after notice of cancellation, the insured removes the dog; or
8. Failure to correct in 90 days conditions that pose imminent hazards.

LD 667 has been carried over to the Second Regular Session.

**LD 676**

**An Act Regarding Mortuary Trusts**

**PUBLIC 109**

<u>Sponsor(s)</u> MAYO SULLIVAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-39
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LD 676 proposed to allow prearranged funeral plans to be funded with the proceeds of a life insurance policy.

## *Joint Standing Committee on Insurance and Financial Services*

**Committee Amendment "A" (S-39)** proposed to clarify that an insurer has satisfied the requirement to notify an assignee of a life insurance policy of a revocation of the assignment or distribution of the policy's cash value when the insurer has mailed notice by first class mail to the last known mailing address of the assignee. The amendment also clarifies that the right to fund a prearranged funeral plan with the proceeds of a life insurance policy is subject to the terms of the policy and the laws regulating insurance.

### *Enacted Law Summary*

Public Law 2003, chapter 109 allows prearranged funeral plans to be funded with the proceeds of a life insurance policy.

**LD 686**                      **Resolve, Directing the Bureau of Insurance To Determine the Costs of All Existing Health Insurance Mandates**                      **ONTP**

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

LD 686, a resolve, proposed to require the Bureau of Insurance to determine the cumulative cost impact of existing mandated health insurance benefits on the premiums paid for health insurance coverage by individuals, businesses and the State. This resolve requires the bureau to submit a report to the Joint Standing Committee on Insurance and Financial Services by January 15, 2004. The resolve also requires the committee to report out legislation based on the bureau's report.

**Committee Amendment "A" (H-219)** proposed to add an appropriation to the bill. Committee Amendment "A" was not adopted.

**LD 712**                      **An Act To Extend Participation in the State's Group Health Plan**                      **ONTP**

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

LD 712 proposed to extend eligibility to the employees of federally qualified health centers and the Maine Primary Care Association to participate in the State's group health plan.

**LD 769**                      **An Act To Allow Homeowners to Set the Amount of Insurance Coverage on Property**                      **ONTP**

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

LD 769 proposed to allow the insured to determine the amount of insurance coverage for real property without regard to the value of the property or the amount of coverage recommended by an insurer.



*Joint Standing Committee on Insurance and Financial Services*

LD 772

**An Act To Require Insurance Companies To Return 1% of Net Profits**

ONTP

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 772 proposed to require insurers doing business in this State to return 1% of their net profits to the State. The bill also requires that those funds be distributed equally among municipalities that have established a municipal fire department for fire protection services.

LD 796

**An Act Relating to Existing Life-care Communities Licensed by the Superintendent of Insurance**

PUBLIC 155

<u>Sponsor(s)</u> BROMLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-55
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LD 796 proposed to provide that a life-care community that holds a final certificate of authority from the Superintendent of Insurance and that was operational on November 18, 2002 and that is prohibited by the Maine continuing care retirement community laws from seeking reimbursement or financial assistance under the Medicaid program from a state or federal agency as part of its commitment to provide life care to its residents may continue to admit nonresidents to its nursing facility after its first 3 years of operation.

**Committee Amendment "A" (S-55)** replaced the bill. It proposed to clarify that a life-care community that holds a final certificate of authority from the Superintendent of Insurance and that was operational on November 18, 2002 and that is prohibited by the Maine continuing care retirement community laws from seeking reimbursement or financial assistance under the MaineCare program from a state or federal agency as part of its commitment to provide life care to its residents may continue to admit nonresidents to its nursing facility after its first 3 years of operation only for such period as approved by the Superintendent of Insurance.

***Enacted Law Summary***

Public Law 2003, chapter 155 provides that a life-care community that holds a final certificate of authority from the Superintendent of Insurance and that was operational on November 18, 2002 and that is prohibited by the Maine continuing care retirement community laws from seeking reimbursement or financial assistance under the Medicaid program from a state or federal agency as part of its commitment to provide life care to its residents may continue to admit nonresidents to its nursing facility after its first 3 years of operation only for such periods as approved by the Superintendent of Insurance.

*Joint Standing Committee on Insurance and Financial Services*

**LD 814**                      **An Act To Help Businesses with a Clean Workers' Compensation Claims History**                      **ONTP**

<u>Sponsor(s)</u> HUTTON EDMONDS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 814 proposed to require that employers with no claims history for the prior year be given credit for the lack of claims experience in determining the premium for workers' compensation insurance.

**LD 821**                      **An Act To Clarify the Assignment of Provider Identification Numbers to Nurse Practitioners**                      **ONTP**

<u>Sponsor(s)</u> SHIELDS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 821 proposed to clarify that the law directing health insurance carriers to issue provider identification numbers to certified nurse practitioners and certified nurse midwives does not mandate specific methods of submitting a claim or prohibit any methods of submitting a claim that may be negotiated among carriers and providers.

**LD 852**                      **An Act To Promote Alternatives in Group Self-insurance**                      **PUBLIC 315**

<u>Sponsor(s)</u> O'NEIL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-338
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LD 852 proposed to allow the Superintendent of Insurance to establish the Workers' Compensation Group Self-insurance Specific Reinsurance Alternative Account, an alternative method for group self-insurers to secure payment on specific claims that exceed \$500,000. The superintendent is required to establish the account if 3 or more group self-insurers request the creation of the account. Participation in the account is required for a minimum of 3 years. Payments by the group self-insurers into the account are based on the rates of reinsurance and adjusted by the superintendent. Claims may be made for an injury occurring on or after the date of first deposit into the account but must be repaid in full through annualized payments by the group self-insurer.

**Committee Amendment "A" (H-338)** proposed to replace the bill. This amendment proposed to establish an alternative method for a workers' compensation group self-insurer to secure payment of catastrophic losses arising out of a single occurrence. The amendment allows 4 or more group self-insurers to seek approval from the Superintendent of Insurance of an account to hold contributions from participating members and make claims payments on specific claims that are in excess of \$500,000.

## Joint Standing Committee on Insurance and Financial Services

### *Enacted Law Summary*

Public Law 2003, chapter 315 establishes an alternative method for a workers' compensation group self-insurer to secure payment of catastrophic losses arising out of a single occurrence in excess of \$500,000. The law allows 4 or more group self-insurers to seek approval from the Superintendent of Insurance of a group self-insurance reinsurance account to hold contributions from participating members in lieu of reinsurance.

**LD 857**                      **An Act To Provide Maine Consumers Information about the Cost and Quality of Health Care Services in Maine**                      **ONTP**

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

LD 857 proposed to direct the Maine Health Data Organization to collect quality data and produce periodic quality and cost of medical care reports for consumers' use in determining their medical care needs. The bill also requires the Maine Health Data Organization to produce similar reports for medical care rendered in the State compared to medical care rendered in other states in the region. It also requires hospitals and certain other health care institutions licensed under the Maine Revised Statutes, Title 22, chapter 405 to develop, maintain and release a price list of the 15 most common services involving inpatient stays and outpatient procedures rendered for use by consumers for their medical care needs. This bill also requires medical doctors and osteopaths to develop, maintain and release a price list of at least the 15 most common procedures rendered by that professional for use by consumers for their medical care needs.

A related provision was incorporated into Public Law 2003, chapter 469. See summary of LD 1611.

**LD 873**                      **An Act To Provide Better Access to Information Related to Health Care Reimbursement Rates**                      **ONTP**

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

LD 873 proposed to require carriers to provide information related to the reimbursement rates for providers participating in its health plans upon request by the Superintendent of Insurance, by an enrollee or by an enrollee's representative.

*Joint Standing Committee on Insurance and Financial Services*

**LD 879**                      **An Act To Require Insurance Companies To Pay up to \$200 for Wigs for Individuals Who Have Lost Hair Due to Medical Reasons**                      **ONTP**

<u>Sponsor(s)</u> O'BRIEN J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 879 proposed to require individual and group health insurance policies and health maintenance organization contracts to cover up to \$200 of the purchase of a wig or hairpiece when the purchase is made to cover baldness or thin hair resulting from a disease attested to by a physician or treatment for such a disease. The bill requires similar Medicaid reimbursement to the extent allowed by federal law.

**LD 889**                      **An Act To Establish a State Single-payor Health Insurance Plan**                      **ONTP**

<u>Sponsor(s)</u> EDER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 889 proposed to establish the Maine Single-payor Health Care Plan. It establishes the Agency of Health Security as an independent agency to administer the plan. Under the plan, enrollees choose their own health care providers and the plan pays their bills. Coverage under the plan is supplemental to other coverage. The bill requires a report from the Health Security Board to the joint standing committee of the Legislature having jurisdiction over human services matters on the options for coordination of the plan with other health care plans and for the plan to take over coverage of some persons covered by those health care plans. The bill requires an annual report from the board to the Governor and the Legislature on the operation and activities of the plan.

See related bill LD 20.

**LD 897**                      **An Act Concerning Health Insurance Reimbursement and Contracting Practices**                      **PUBLIC 218**

<u>Sponsor(s)</u> MAYO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-90
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LD 897 proposed to require health insurers to give providers 90 days' written notice of any amendments to provider contracts. It requires health insurers to seek refunds or partial refunds of previously paid claims within 90 days of submission. Finally, it prohibits health insurers from changing the procedural coding decisions made by providers.

**Committee Amendment "A" (S-90)** proposed to replace the bill. The amendment proposed to require health carriers to give providers 60 days' notice of substantive amendments to provider agreements with certain exceptions. The parties may waive the notice requirement by mutual agreement. The amendment further requires limits on health insurers' retrospective denials of previously paid claims to 18 months from the date of payment with certain exceptions. The amendment permits carriers to refuse to accept claims not submitted on standardized claim forms approved by the Federal Government. The amendment

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requires that providers with 10 or more full-time-equivalent employees file claims electronically in order to claim interest, pursuant to the statute requiring health insurers to pay interest if an undisputed claim is not paid within 30 days of submission, beginning in 2005. Finally, it permits the Superintendent of Insurance to adopt rules that set a minimum amount of interest payable to health care providers, pursuant to the statute requiring health insurers to pay interest if an undisputed claim is not paid within 30 days of submission, before a payment must be issued.

### ***Enacted Law Summary***

Public Law 2003, chapter 218 requires health carriers to give providers 60 days' notice of substantive amendments to provider agreements unless the parties waive the notice requirement by mutual agreement. The law limits the ability of health insurers to retrospectively deny previously paid claims to those denials made within 18 months from the date of payment with certain exceptions. Beginning in 2005, the law requires that providers with 10 or more full-time-equivalent employees file claims electronically in order to claim interest, pursuant to the statute requiring health insurers to pay interest if an undisputed claim is not paid within 30 days of submission. Finally, it permits the Superintendent of Insurance to adopt rules that set a minimum amount of interest payable to health care providers before a payment must be issued.

**LD 902**

### **An Act To Create Equality in Medicare Supplement Insurance Policies**

**PUBLIC 157**

Sponsor(s)  
DAMON

Committee Report  
OTP-AM

Amendments Adopted  
S-56

LD 902 proposed to provide guaranteed issuance for Medicare supplement insurance policies to persons entitled to Medicare benefits due to disability.

**Committee Amendment "A" (S-56)** replaced the bill. The amendment proposed to clarify that guaranteed issuance of Medicare supplement policies extends to persons who have maintained coverage supplementing benefits under Medicare beginning with their open enrollment period. It also provides that the coverage supplementing benefits under Medicare includes coverage under a Medicare supplement policy as well as coverage under an individual policy or group health plan. The amendment retains the provision in the original bill providing guaranteed issuance for Medicare supplement insurance policies to persons entitled to Medicare benefits due to disability.

### ***Enacted Law Summary***

Public Law 2003, chapter 157 provides guaranteed issuance for Medicare supplement insurance policies to persons entitled to Medicare benefits due to disability. The law also clarifies that guaranteed issuance extends to persons who have maintained coverage supplementing benefits under Medicare beginning with their open enrollment period, whether the coverage is under a Medicare supplement policy or an individual or group health plan.

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**LD 903**                      **Resolve, To Amend the 2-year Qualified Medicare Beneficiary Eligibility Rule Relative to Medicare Supplement Insurance Access**                      **RE-REFERRED TO HHS**

<u>Sponsor(s)</u> DAMON		<u>Committee Report</u> RE-REFER		<u>Amendments Adopted</u>
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LD 903 proposed to require the Department of Professional and Financial Regulation, the Bureau of Insurance to amend its rule relating to guaranteed issue of Medicare supplement insurance policies to allow an individual who was previously enrolled in a Medicare supplement policy to obtain that same coverage when the individual loses eligibility under the MaineCare program. The resolve proposed to require the bureau to amend the rule by January 1, 2004.

LD 903 was re-referred to the Joint Standing Committee on Health and Human Services. See summary for LD 903 from that committee.

**LD 905**                      **An Act To Protect Employees if Their Employer Fails To Pay Premiums for Employer-sponsored Health Insurance**                      **PUBLIC 156**

<u>Sponsor(s)</u> STANLEY CLARK		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-57
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LD 905 proposed to require insurers to notify employees who are certificate holders under a group health insurance policy directly prior to cancellation of their group coverage. Under current law, insurers have the option of notifying either the certificate holders or the office of the group policyholder. The bill also requires that the notice include information on the availability of individual coverage after the group policy is cancelled.

**Committee Amendment "A" (S-57)** proposed to replace the bill. The amendment proposed to make the provisions applicable to nonprofit hospital and medical service organizations, nonprofit health plans and health maintenance organizations as well as insurers. The amendment retains the requirement that employees who are certificate holders under a group health insurance policy be notified directly at least 10 days prior to cancellation of their group coverage but clarifies that the notice is only required if the insurer has the employee's address on file.

### ***Enacted Law Summary***

Public Law 2003, chapter 156 requires insurers to notify employees who are certificate holders under a group health insurance policy directly at least 10 days prior to cancellation of their group coverage unless the insurer does not have the employee's address on file.



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months and applies to group policies covering fewer than 20 employees. The amendment proposed to clarify that the conversion privilege is not available if the employee's employment is terminated for gross misconduct. Committee Amendment "A" was not adopted.

**LD 1051**

**An Act To Expand the Mission of the Public Advocate**

**ONTP**

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

LD 1051 proposed to expand the duties of the Public Advocate to include oversight of the insurance industry by allowing the Public Advocate to review and make recommendations to the Superintendent of Insurance regarding insurance rates, policies and availability of products to Maine consumers. The Public Advocate also may intervene on behalf of a consumer or group of consumers of insurance products in any action before the Bureau of Insurance, other state or federal agencies or courts. It also imposes a filing fee of \$50,000 on an insurer who files for a rate change to workers' compensation insurance or employers' liability insurance written in connection with workers' compensation insurance. The fee is dedicated to the Public Advocate to fund the expanded duties as proposed in this bill.

**Committee Amendment "A" (H-176)** is the minority report of the committee. It proposed to add an allocation section to the bill. Committee Amendment "A" was not adopted.

**LD 1058**

**An Act To Extend Public Record Requirements of Nongroup Health Insurance Rate Filings to All Health Insurance Rate Filings**

**PUBLIC 313**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL	OTP-AM     MAJ	H-334
EDMONDS	OTP-AM     MIN	

Under current law, rate filings for nongroup health insurance are public records without exception. LD 1058 proposed to extend that requirement to small group health plans and establishes that the rate filings are public records without exception in order to better inform policyholders and the public about the health insurance rates.

**Committee Amendment "A" (H-334)** is the majority report of the committee. The amendment proposed to clarify that small group health plan rate filings are public records except as provided by the freedom of access laws. This language explicitly preserves the exception under the current definition of a public record for trade secrets. The amendment also removes references in the bill to public hearings. Under current law and consistent with the bill's intent, small group health insurance rate filings are not subject to a public hearing or approval of the Superintendent of Insurance before becoming effective. The amendment also makes changes to clarify this requirement with the current community rating law for small group carriers.

**Committee Amendment "B" (H-335)** is the minority report of the committee. The amendment proposed to remove references in the bill to public hearings and make changes to clarify the filing of



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small group rates with the current community rating law for small group carriers. Committee Amendment "B" was not adopted.

### ***Enacted Law Summary***

Public Law 2003, chapter 313 establishes that small group health plan rate filings are public records except as provided by the freedom of access laws.

**LD 1087                      An Act To Require All Health Insurers To Cover the Costs of                      CARRIED OVER**  
**Hearing Aids**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS LAVERRIERE- BOUCHER		

LD 1087 proposes to require health insurance policies and contracts to provide coverage for the purchase of a hearing aid from a licensed audiologist or hearing aid dealer for a person whose hearing loss has been documented by a physician or licensed audiologist.

As required by Title 24-A Maine Revised Statutes Section 2752, the Joint Standing Committee on Insurance and Financial Services has requested that a review and evaluation of the proposed mandated health insurance benefit for coverage of hearing aids be completed by the Bureau of Insurance during the interim.

**LD 1096                      An Act To Create a Timetable for Insurers To Make Restitution                      ONTP**  
**to Consumers**

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

LD 1096 proposed to require an insurer who agrees to reimburse funds to a client concerning a dispute over the terms of an insurance contract to issue the funds within 10 business days of the agreement or be subject to a fine of \$100 a day from the Superintendent of Insurance.

**LD 1119                      An Act To Require Insurers To Offer a Discount for Operators of                      ONTP**  
**Commercial Vehicles Equipped with Safety Devices**

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

LD 1119 proposed to require insurers to offer an appropriate discount on commercial motor vehicle insurance coverage for commercial vehicles equipped with safety devices approved by the Bureau of Insurance.

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**LD 1168**                      **An Act To Establish a Cap on Credit Card Rates and To Require Notice of a Change in Credit Card Rates**                      **ONTP**

<u>Sponsor(s)</u> SAMPSON DOUGLASS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1168 proposed to establish a cap on the percentage of interest rates on credit card balances at 18% per year. This bill also requires creditors to notify consumers before raising the percentage of interest rates on credit card balances, even if the increase is described in the credit agreement between the creditor and consumer.

**LD 1174**                      **An Act Relating to Options for Health Insurance Coverage**                      **ONTP**

<u>Sponsor(s)</u> O'NEIL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1174 proposed to establish the Maine Catastrophic Health Protection Plan as a nonprofit insurance company. The plan provides catastrophic health insurance coverage to all state residents. The plan is governed by a 9-member board of directors. The bill requires that the plan begin offering coverage on July 1, 2005. The bill also appropriates \$400,000 for planning activities and requires the board of directors to submit a comprehensive plan to the Governor and the Legislature by December 31, 2004.

**LD 1175**                      **An Act To Improve the Affordability of Individual and Small Group Health Insurance**                      **ONTP**

<u>Sponsor(s)</u> O'NEIL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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Current law allows small group carriers to form a reinsurance pool for the purpose of reinsuring small group risks. To date, no small group carriers have not taken advantage of this authorization. LD 1175 proposed to require both individual and small group health plan carriers to participate in a reinsurance pool for their respective type of insurance. The Department of Human Services, Bureau of Medical Services and the Governor's Office of Health Policy and Finance, an office created by Executive Order on January 9, 2003, are required to work together to develop a plan creating the reinsurance pools. The requirement to participate in the reinsurance pools is contingent upon the approval of the plan by the Superintendent of Insurance.

LD 1175 also proposed to require so-called "pure community rating" for both individual and small group health plan carriers, requires higher amounts of premium dollars to be used for direct medical care and removes statutory authority permitting high-deductible plans.

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**LD 1176**                      **An Act To Provide Affordable Health Care Insurance to All of the State's Citizens**                      **ONTP**

<u>Sponsor(s)</u> JOY STANLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1176 proposed to allow health insurance carriers to offer a simple package of basic health care insurance that is affordable for more of the citizens of the State. The bill would repeal existing state-mandated benefits, mandated health insurance coverage and mandated offerings of health benefits. LD 1176 also corrects cross-references necessitated by the repeal of the various provisions of law.

**LD 1181**                      **An Act To Provide Fair Hearings in Health Insurance Rate Proceedings**                      **CARRIED OVER**

<u>Sponsor(s)</u> TREAT KANE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1181 proposes to require that a hearing be held before proposed changes in health insurance rates that exceed the Consumer Price Index by 100% or more are approved. It also proposed to change the standard of review from whether the rates are excessive to whether the rates are unreasonable relative to the benefits and coverage offered. The bill would require that the hearing be held before an impartial administrative hearing officer who is not employed by the Bureau of Insurance. The bill also proposed to require that actuarial staff at the Bureau of Insurance prepare a report for use in the hearing. The bill would apply to both individual and group health insurance policies and to all carriers, including health maintenance organizations.

LD 1181 has been carried over to the Second Regular Session, although related provisions that would require approval of premium rates for small group health insurance plans and that a hearing be held before proposed changes are approved were incorporated into Public Law 2003, chapter 469. See summary of LD 1611.

**LD 1190**                      **An Act To Create the Comprehensive Health Insurance Risk Pool Association**                      **CARRIED OVER**

<u>Sponsor(s)</u> LAFOUNTAIN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1190 proposes to create the Comprehensive Health Insurance Risk Pool Association. The purpose of the association is to spread the cost of high-risk individuals among all health insurers. The bill funds the high-risk pool through an assessment on insurers. The bill would require the State to submit an application to the Federal Government for federal assistance to create a high-risk pool.

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The bill also proposes to remove the guaranteed issuance requirement for individual health plans effective October 1, 2004.

LD 1190 has been carried over to the Second Regular Session, although a related provision regarding the establishment of a high-risk pool was incorporated into Public Law 2003, chapter 469. See summary of LD 1611.

**LD 1200**                      **An Act To Allow an Appeal for Cancellation of Commercial Insurance**                      **ONTP**

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

LD 1200 proposed to bring commercial insurance contracts under the property insurance cancellation control laws.

**LD 1239**                      **An Act Concerning Universal Health Insurance**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL LAFOUNTAIN		

In Part A, LD 1239 proposes to establish the Maine Universal Health Care Plan. It establishes the Maine Universal Health Care Agency as an independent agency to administer the plan. Under the plan, enrollees are provided health care coverage after the policy limits of their primary health care policy have been reached. Coverage under the plan is contingent upon the enrollee's having secured coverage for primary and preventive care either individually or through the enrollee's employer. The primary health care policy must be approved by the Bureau of Insurance.

In Part B, the bill proposes to establish a new nonprofit hospital and medical service organization to compete with other carriers in Maine's health insurance market. The bill requires that the organization be organized in accordance with the Maine Revised Statutes, Title 24.

In Part C, the bill proposes to establish a 5% payroll tax on wages and earnings, including self-employed earnings, and dedicates that tax revenue to the Maine Universal Health Care Fund.

**LD 1347**                      **An Act To Clarify the Authority of the Attorney General To Seek Restitution and To Require the Superintendent of Insurance To Investigate Certain Insurance Practices**                      **PUBLIC 310**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT O'NEIL	OTP-AM	S-155

LD 1347 proposed to clarify that, in those instances when the Superintendent of Insurance has notified the Attorney General of a violation of the insurance laws, the Attorney General is required to institute

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actions against the violator, including actions requiring restitution. It also proposed to require the superintendent to investigate and report on certain insurance practices, including changes made in underwriting standards, product design and benefit structure of health, life, personal and commercial insurance products. The superintendent is required to submit the report and any recommendations to the Attorney General and the Joint Standing Committee on Insurance and Financial Services.

**Committee Amendment "A" (S-155)** proposed to clarify that, in those instances when the Superintendent of Insurance has notified the Attorney General of a violation of the insurance laws, the Attorney General is required to institute actions against the violator, including actions seeking restitution.

This amendment also proposed to require the superintendent to prepare a report on market conditions and trends for property and casualty insurance in this State, particularly homeowners' insurance and commercial coverage for small businesses. The superintendent is required to hold 4 public hearings throughout the State. The amendment requires the superintendent to submit the report to the Joint Standing Committee on Insurance and Financial Services no later than January 5, 2004.

### *Enacted Law Summary*

Public Law 2003, chapter 310 clarifies that, in those instances when the Superintendent of Insurance has notified the Attorney General of a violation of the insurance laws, the Attorney General is required to institute actions against the violator, including actions seeking restitution.

Public Law 2003, chapter 310 also requires the Superintendent of Insurance to prepare a report on market conditions and trends for property and casualty insurance in this State, particularly homeowners' insurance and commercial coverage for small businesses. The Superintendent is required to submit the report to the Joint Standing Committee on Insurance and Financial Services no later than January 5, 2004.

### **LD 1353                      An Act To Ensure Women's Health Care Coverage for All Maine    CARRIED OVER Women**

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

LD 1353 proposes to ensure that Maine's women's health care coverage insurance mandates protect women living in Maine who are covered by an insurance certificate of coverage issued by an insurance carrier located in another state. Part A makes these changes in the section of the insurance code regulating nonprofit hospital and medical service organizations. Part B makes these changes in the section of the insurance code regulating individual health insurance policies. Part C makes these changes in the section of the insurance code regulating group health insurance policies. Part D makes these changes in the section of the insurance code regulating health maintenance organizations in Maine.

As required by Title 24-A Maine Revised Statutes Section 2752, the Joint Standing Committee on Insurance and Financial Services has requested that a review and evaluation of the proposed expansion of mandated health insurance benefits to those covered by an insurance certificate issued by an out-of-state carrier be completed by the Bureau of Insurance over the interim. LD 1353 has been carried over to the Second Regular Session.

*Joint Standing Committee on Insurance and Financial Services*

LD 1363

**An Act To Create Lower-cost Health Insurance Options**

ONTP

Sponsor(s)  
WOODBURY  
MAYO

Committee Report  
ONTP

Amendments Adopted

LD 1363 proposed to require health insurance carriers to create an alternate version of each individual and group health coverage plan. The alternate version of each plan would have the identical coverages of the primary plan except that additional deductibles and patient cost-sharing would be required. The bill also requires that employers providing health insurance coverage to their employees offer their employees the option of choosing either the primary plan or the alternate plan. To the extent allowed by federal and state law, the bill allows employers to establish medical savings accounts in conjunction with the alternate plan for the purposes of supporting the deductible and coinsurance costs to employees.

LD 1386

**Resolve, Regarding Legislative Review of Portions of Chapter 840, Private Purchasing Alliances, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance**

**RESOLVE 21  
EMERGENCY**

Sponsor(s)

Committee Report  
OTP

Amendments Adopted

LD 1386, a resolve, proposed to give legislative approval of portions of Chapter 840, Private Purchasing Alliances, a major substantive rule of the Department of Professional and Financial Regulation, Bureau of Insurance.

***Enacted Law Summary***

Resolve 2003, chapter 21 provides for legislative approval of portions of Chapter 840, Private Purchasing Alliances, a major substantive rule of the Department of Professional and Financial Regulation, Bureau of Insurance.

Resolve 2003, chapter 21 was passed as an emergency measure effective May 15, 2003.

LD 1413

**An Act To Clarify Maine Law Relating to Viatical Settlements**

**PUBLIC 320**

Sponsor(s)  
WOODBURY

Committee Report  
OTP-AM

Amendments Adopted  
H-347

LD 1413 proposed to replace a reference to the state-chartered and federally chartered financial institutions that are members of the federal reserve system with a reference to institutions whose deposits are insured by the Federal Deposit Insurance Corporation. This change makes state law consistent with the National Association of Insurance Commissioners' model law and allows a greater number of state-

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chartered financial institutions to manage escrow or trust accounts containing viatical settlement proceeds.

**Committee Amendment "A" (H-347)** proposed to require the Superintendent of Insurance to convene a working group to develop recommended legislation relating to life settlement contracts and to submit that legislation to the Second Regular Session of the 121st Legislature.

### *Enacted Law Summary*

Public Law 2003, chapter 320 clarifies that any state or federally chartered financial institution whose deposits are insured by the Federal Deposit Insurance Corporation may act as an escrow agent on accounts containing viatical settlement proceeds.

**LD 1438**

### **An Act To Require Disclosure of Benefit Offsets under Disability Insurance Policies**

**PUBLIC 321**

Sponsor(s)  
MAYO

Committee Report  
OTP-AM

Amendments Adopted  
S-154

Disability income insurance policies routinely provide that benefits payable under a policy will be reduced by amounts received from other sources, including claims under other insurance policies such as workers' compensation or social security disability and retirement benefits. These offsets are not always clearly understood by a prospective insured at the time coverage is purchased or selected. LD 1438 proposed to require a clear, written disclosure of any such offsets at or before the time of application or enrollment to ensure that the prospective insured understands the limitation of any benefits under the policy before deciding whether to purchase coverage.

**Committee Amendment "A" (S-154)** proposed to replace the bill. With regard to individual policies, the amendment proposed to require that insurers provide a clear, written disclosure of any benefit offsets on the application form or in a separate document. With regard to group policies and contract, the amendment proposed to require insurers to include the notice in any written enrollment material and certificate of coverage intended for distribution to persons eligible for coverage under the policy or contract.

### *Enacted Law Summary*

With regard to individual disability income insurance policies, Public Law 2003, chapter 321 requires that insurers provide a clear, written disclosure of any benefit offsets on the application form or in a separate document. With regard to group policies and contracts, the law requires insurers to include the notice in any written enrollment material and certificate of coverage intended for distribution to persons eligible for coverage under the policy or contract.

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LD 1458

An Act To Amend the Debt Management Services Laws

PUBLIC 172

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

LD 1458 proposed to amend the Nonprofit Debt Management Services Act to clarify that it protects a consumer who pays a fee to have a company negotiate with and arrange installment or reduced payments to creditors, even if the funds are sent directly from the consumer's accounts to the creditors rather than being sent first to the debt management company.

### *Enacted Law Summary*

Public Law 2003, chapter 172 amends the Nonprofit Debt Management Services Act to clarify that the Act protects a consumer who pays a fee to have a company negotiate with and arrange installment or reduced payments to creditors, even if the funds are sent directly from the consumer's accounts to the creditors rather than being sent first to the debt management company.

LD 1481

An Act To Clarify Provisions Governing Corporate-owned Life Insurance Policies

PUBLIC 173

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL LAFOUNTAIN	OTP	

LD 1481 proposed to add 3 technical amendments to provisions governing a corporation's insurable interest in the lives of its employees, the Maine Revised Statutes, Title 24-A, section 2404, subsection 3.

1. It clarifies that a corporation may have an insurable interest in individuals, such as certain key officers and directors.
2. It clarifies that the proceeds created by a life insurance funded employee benefit program must benefit at least a broad class of employees.
3. It would expressly permit a trust to act as policyholder for corporate-owned life insurance plans.

### *Enacted Law Summary*

Public Law 2003, chapter 173 clarifies that a corporation may have an insurable interest in the life of individual employees, such as certain key officers and directors, and that the proceeds created by a life insurance funded employee benefit program must benefit at least a broad class of employees. The law also expressly permits a trust to act as policyholder for corporate-owned life insurance plans.



# Joint Standing Committee on Insurance and Financial Services

LD 1489

An Act To Update and Amend the Revised Maine Securities Act

PUBLIC 201

<u>Sponsor(s)</u> LAFOUNTAIN O'NEIL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-91
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LD 1489 proposed to do the following:

1. It clarifies that sales representatives acting for an issuer in effecting any securities transactions are only exempt from licensing requirements if they are bona fide employees of the issuer;
2. It clarifies existing broker-dealer and investment adviser branch office fees and specifies that a branch location
3. that is the office of both an affiliated broker-dealer and investment adviser will not be assessed duplicative fees;
4. It clarifies that, with respect to successor firms, neither sales representatives nor investment adviser representatives will be required to be relicensed;
5. It adds abandonment provisions with fee retention for applications, filings, exemptions and federal covered securities;
6. It adds business plans to the list of sales and advertising materials that may be required to be filed with the Securities Administrator;
7. It repeals expired transitional language;
8. It adds a provision for the public disclosure of confidential information for public protection purposes; and
9. It eliminates the hearing requirement prior to the issuance of a federal or another states' subpoena when the alleged violation would also be a violation of Maine law.

**Committee Amendment "A" (S-91)** proposed to clarify that the exemption from sales representative licensing applies to bona fide employees of the securities issuer and to bona fide directors, officers, partners or members of the securities issuer.

## ***Enacted Law Summary***

Public Law 2003, chapter 201 makes several changes to update the Revised Maine Securities Act, including clarifying that sales representatives acting for an issuer in effecting any securities transactions are only exempt from licensing requirements if they are bona fide employees of the issuer; clarifying that a branch location that is the office of both an affiliated broker-dealer and investment adviser will not be assessed duplicative fees; allowing the Office of Securities to retain fees when applications, filings, exemptions and federal covered securities are abandoned; adding business plans to the list of sales and advertising materials that may be required to be filed with the Securities Administrator; and eliminating the requirement that a hearing be held prior to the issuance of a federal or another states' subpoena when the alleged violation would also be a violation of Maine law.

*Joint Standing Committee on Insurance and Financial Services*

**LD 1490**

**An Act To Update and Clarify the Law Regarding the Conversion  
of a Nonprofit Hospital and Medical Service Organization to a  
Domestic Stock Insurer**

**PUBLIC 171**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS O'NEIL	OTP	

LD 1490 proposed to implement the requirements of Public Law 2001, chapter 550, which directed the Superintendent of Insurance to submit legislation to the 121st Legislature not later than January 1, 2003, to clarify that 100% of the net proceeds of a charitable organization covered by the nonprofit health and medical services organization conversion law are deemed public assets and to make any other changes the superintendent considers appropriate. The proposed amendments include technical corrections to ensure consistency with Public Law 2001, chapter 550 as well as provide clarification that 100% of the net proceeds of any such conversion are public assets.

***Enacted Law Summary***

Public Law 2003, chapter 171 clarifies that 100% of the net proceeds of a charitable organization covered by the nonprofit health and medical services organization conversion law in Maine Revised Statutes, Title 24, are deemed public assets and makes other technical changes needed to implement the requirements of Public Law 2001, chapter 550.

**LD 1502**

**An Act To Clarify the Exclusion of Assumed Reinsurance from  
Policy Claims Priority**

**PUBLIC 202**

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

LD 1502 proposed to clarify the original intent of the law, which was to exclude assumed reinsurance from policy claims priority. The language proposed appears in the National Association of Insurance Commissioners' Insurers Rehabilitation and Liquidation Model Act.

***Enacted Law Summary***

Public Law 2003, chapter 202 clarifies that assumed reinsurance is excluded from policy claims priority in the context of an insurer insolvency proceeding.

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LD 1507

**An Act To Clarify and Update the Laws and Rules Related to Health Care**

**PUBLIC 428  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN MAYO	OTP-AM	H-515

LD 1507 proposed to do the following.

Part A facilitates the updating of small group and individual health insurance policies by permitting limited minor changes at renewal with 60 days' notice to policyholders and insureds.

Part B strengthens and clarifies the law requiring notice of termination of a group health plan. It expands the requirement to apply to terminations other than for nonpayment of premium and to apply to dental insurance. It also requires the notice to be sent to each insured's last known home address and repeals the requirement to send copies of termination notices to the Department of Professional and Financial Regulation, Bureau of Insurance and to the Department of Labor, Bureau of Labor Standards.

Part C expands the scope of the law governing 3rd-party administrators to include entities that administer employee benefit excess insurance.

Part D clarifies that the requirement for health carriers to provide experience data to large groups applies with respect to former policyholders as well as current policyholders.

Part E clarifies the rate information that must be filed with the Bureau of Insurance with respect to group health insurance.

Part F repeals the provision making long-term care insurance rates effective for only 3 years and clarifies the rate filing requirements for individual health insurance to specify that they apply to association group coverage that falls within the definition of individual health plan.

Part G corrects several references to the long-term care insurance laws.

Part H makes several housekeeping corrections. It clarifies the definition of "private purchasing alliance" by removing a reference to licensure. It removes reference to "2 or more carriers" in the purchasing alliance law, consistent with recent amendments that permit purchasing alliances to use a single carrier. It clarifies that a provision of the individual health plan law applies to certificates as well as policies. It exempts policies from the statute concerning arbitration if they are subject to the newer statute concerning external review. It corrects a reference to a tax form. It clarifies the definition of "downstream risk arrangement." Lastly, it corrects a reference in the provision concerning discounts on Medicare supplement insurance.

**Committee Amendment "A" (H-515)** proposed to make the changes to the notification provisions in Part B of the bill consistent with Public Law 2003, chapter 156. The amendment also clarified that the requirement that loss information be provided to a former group policyholder upon request does not apply to policyholders whose

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coverage terminated more than 18 months prior to the request. The amendment also would make the rule-making process related to the community health program routine technical rules rather than major substantive rules.

The amendment also added an emergency preamble and emergency clause to the bill.

### *Enacted Law Summary*

Public Law 2003, chapter 428 does the following:

Part A facilitates the updating of small group and individual health insurance policies by permitting limited minor changes at renewal with 60 days' notice to policyholders and insureds.

Part B strengthens and clarifies the law requiring notice of termination of a group health plan. It expands the requirement to apply to terminations other than for nonpayment of premium and to apply to dental insurance. It also requires the notice to be sent to each insured's last known home address and repeals the requirement to send copies of termination notices to the Department of Professional and Financial Regulation, Bureau of Insurance and to the Department of Labor, Bureau of Labor Standards.

Part C expands the scope of the law governing 3rd-party administrators to include entities that administer employee benefit excess insurance.

Part D clarifies that the requirement for health carriers to provide experience data to large groups applies with respect to former policyholders whose coverage terminated within 18 months of the request.

Part E clarifies the rate information that must be filed with the Bureau of Insurance with respect to group health insurance.

Part F repeals the provision making long-term care insurance rates effective for only 3 years and clarifies the rate filing requirements for individual health insurance to specify that they apply to association group coverage that falls within the definition of individual health plan.

Part G corrects several references to the long-term care insurance laws.

Part H makes several housekeeping corrections. It clarifies the definition of "private purchasing alliance" by removing a reference to licensure. It removes reference to "2 or more carriers" in the purchasing alliance law, consistent with recent amendments that permit purchasing alliances to use a single carrier. It clarifies that a provision of the individual health plan law applies to certificates as well as policies. It exempts policies from the statute concerning arbitration if they are subject to the newer statute concerning external review. It corrects a reference to a tax form. It clarifies the definition of "downstream risk arrangement." Lastly, it corrects a reference in the provision concerning discounts on Medicare supplement insurance.

Part I makes the rule-making process related to the community health program routine technical rules rather than major substantive rules.

Part I of Public Law 2003, chapter 428 was enacted as an emergency measure effective June 5, 2003; Parts A to H of Public Law 2003, chapter 428 become effective September 4, 2003.

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**LD 1521**

**An Act Concerning Liability Insurance Covering Debt  
Cancellation Contracts**

**ONTP**

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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Recently, some financial institutions have offered debt cancellation contracts to their borrowers. These contracts operate similarly to credit insurance, but the risk is taken by the bank rather than by an insurer. The State's laws relating to credit insurance do not apply to these contracts. Some insurers market programs to financial institutions under which the bank issues debt cancellation contracts, but the insurer assumes the risk through a liability policy. LD 1521 proposed to prohibit insurers from issuing such policies unless the underlying debt cancellation contracts meet the standards applicable to credit insurance.

**LD 1522**

**An Act To Establish Fee Caps under the Maine Insurance Code**

**PUBLIC 203**

<u>Sponsor(s)</u> TURNER BREAULT		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1522 proposed to authorize the Superintendent of Insurance to adopt rules establishing fees and miscellaneous charges under the Maine Insurance Code within a range that does not exceed the otherwise applicable current amounts in the law.

***Enacted Law Summary***

Public Law 2003, chapter 203 authorizes the Superintendent of Insurance to adopt rules establishing fees and miscellaneous charges under the Maine Insurance Code within a range that does not exceed the otherwise applicable current amounts in the law.

**LD 1534**

**An Act To Amend the Maine Banking Laws**

**PUBLIC 322**

<u>Sponsor(s)</u> LAFOUNTAIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-141
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LD 1534 proposed to make technical changes to several definitions in the Maine banking laws.

The bill synchronizes the payment of assessments by all financial institutions to the Department of Professional and Financial Regulation, Bureau of Financial Institutions; provides consistency with frequency of reports filed; removes outdated references; and provides for an increase in the penalty for nonpayment of assessments. The current penalty of \$100 was created in 1975. All penalties paid would flow to the General Fund.

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The bill clarifies that state law governing requirements for retention of records applies to banks and credit unions authorized to do business in this State to the extent that those requirements do not contravene existing federal law.

The bill clarifies the Superintendent of Financial Institutions' authority to report violations of the Maine banking laws to the Attorney General's office for prosecution on behalf of the State.

The bill makes a technical change to the law restricting the use of names of Maine financial institutions on credit cards to make it applicable to credit cards underwritten by state and federally chartered credit unions in the same fashion that the law is applicable to state and federally chartered banks.

The bill clarifies that those provisions in the banking laws governing the conservation, liquidation and insolvency of a financial institution supersede any other state statute.

The bill removes outdated language governing participation in electronic funds transfer systems and the opening, relocating, closing or operation of a branch by a state chartered credit union.

The bill clarifies that a credit union that has been designated a community development credit union under state law may impress and enforce a lien on shares and dividends of a nonmember to the same extent that the credit union may impress and enforce a lien on shares and dividends of a member.

The bill amends state law to apply general protections to accounts held by credit unions.

The bill gives the superintendent the authority to waive all or part of the guaranty fund requirements for individual credit unions. It adds rule-making authority with which to further implement that provision and maintain parity with federal credit union law.

The bill amends outdated laws governing credit union payment of dividends and interest on accounts and synchronizes state law with federal law in this area.

The bill removes an outdated reporting requirement for credit unions and repeals an outdated provision for the transition of credit unions into the state requirement for insurance of accounts.

The bill adds a specific requirement that a credit union board of directors establish a written loan policy and written investment policy and modifies several outdated provisions relating to the establishment of a supervisory committee or a credit committee. It also repeals an outdated law that prohibits a credit union director from acting as a surety or comaker on any loan.

The bill clarifies the duties and responsibility of a credit union supervisory committee or independent public accountant. The bill also requires a credit union over \$50,000,000 in assets to employ an independent public accountant and provides the superintendent with rule-making authority to further define the duties of the supervisory committee or independent public accountant.

The bill repeals outdated provisions in state law governing powers and duties of credit committees or loan officers of a credit union.

The bill amends outdated provisions for credit union members to call a special meeting of the board of directors and brings it into alignment with federal law in that area.

The bill clarifies the lending powers of a credit union, repeals the outdated provisions relating to mortgage loan application, inserts statutory provisions that require a credit union to establish a written

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loan policy, and gives the superintendent rule-making authority to further regulate lending activities by credit unions.

The bill requires a credit union to have a written investment policy and removes an outdated reference to the now defunct Federal Savings and Loan Insurance Corporation found in credit union law.

The bill repeals outdated language governing voluntary or involuntary dissolution of a credit union and replaces it with the more modern approach that is consistent with the process followed by the National Credit Union Administration, the federal agency that insures all accounts of each credit union doing business in Maine.

The bill corrects an outdated reference in the credit union conversion statutes.

**Committee Amendment "A" (S-141)** proposed to do the following.

1. It makes technical changes in the bill to reflect the appropriate terms used in the Maine banking laws and deletes unnecessary references to the recording of documents with the Secretary of State.
2. It increases the threshold asset size for a credit union from \$50,000,000 to \$100,000,000 for the requirement that a credit union employ an independent public accountant to conduct an annual audit of the credit union.

### *Enacted Law Summary*

Public Law 2003, chapter 322 amends outdated laws governing state-chartered credit unions and synchronizes the provisions with federal laws governing federally chartered credit unions. The law also makes technical changes to various provisions in the Maine banking laws.

**LD 1540**

### **An Act To Implement the Recommendations of the Health Care System and Health Security Board**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1540 implements the recommendations of the Health Care System and Health Security Board to establish a single-payor health plan for the State. The bill proposed to establish the Maine Single-payor Health Care Plan and requires that the plan begin offering coverage on January 1, 2005. The bill also would establish the Health Security Board to develop recommendations for the implementation and administration of the single-payor plan. Under the bill, the implementation plan and any necessary legislation must be approved by the Legislature before the single-payor plan begins offering coverage.

See related bill LD 20.

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LD 1553

**An Act To Permit Special Purpose Reinsurance Vehicles**

**PUBLIC 249**

Sponsor(s)  
LAFOUNTAIN  
YOUNG

Committee Report  
OTP

Amendments Adopted

LD 1553 proposed to permit the establishment of special purpose reinsurance vehicles and to establish a regulatory framework for the oversight of activities related to special purpose reinsurance vehicles. Special purpose reinsurance vehicles provide insurers an option other than standard reinsurance as a possible method of transferring risk at a time when insurers are facing significant increases in reinsurance costs. The bill is substantially similar to the National Association of Insurance Commissioners' Special Purpose Reinsurance Vehicle Model Act and would permit insurers access to special purpose reinsurance vehicles in a marketplace other than those offshore insurance markets where special purpose reinsurance vehicles are already permitted.

A special purpose reinsurance vehicle is an entity established for the exclusive purpose of facilitating the securitization of the risk of one or more ceding insurers as a means of accessing alternative sources of capital and achieving the benefits of securitization. Investors in fully funded insurance securitization transactions provide funds that are available to the special purpose reinsurance vehicle to secure the aggregate limit under a special purpose reinsurance vehicle contract that provides coverage against the occurrence of a triggering event. The creation of special purpose reinsurance vehicles is intended to achieve greater efficiencies in conducting insurance securitizations, to diversify and broaden insurers' access to sources of risk-bearing capital and to make insurance securitization generally available on reasonable terms to as many insurers as possible.

***Enacted Law Summary***

Public Law 2003, chapter 249 permits establishment of special purpose reinsurance vehicles and establishes a regulatory framework for the oversight of activities related to special purpose reinsurance vehicles. Special purpose reinsurance vehicles provide insurers an option other than standard reinsurance as a possible method of transferring risk.

LD 1601

**An Act To Authorize the Superintendent of Insurance To  
Establish a Fair Access to Insurance Requirements Plan**

**CARRIED OVER**

Sponsor(s)  
MAYO  
O'NEIL

Committee Report

Amendments Adopted

LD 1601 proposes to authorize the Superintendent of Insurance to establish a Fair Access to Insurance Requirements Plan, or FAIR Plan, under certain circumstances, if the superintendent determines, after a public hearing, that in all or any part of the State residential property insurance is not reasonably available in the voluntary market to a substantial number of insurable risks. The FAIR Plan would be developed and administered by the FAIR Plan Association, a nonprofit association appointed by the superintendent that includes members from the insurance industry and the public. The FAIR Plan Association would develop and administer a program for participation by all licensed insurers writing



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residential property insurance in this State that would make residential property insurance available to applicants in underserved areas whose property is insurable in accordance with reasonable underwriting standards but who, after diligent efforts, are unable to procure such insurance through the voluntary market, as evidenced by 2 declinations from insurers actually writing residential property insurance in this State.

**LD 1605**                      **An Act To Amend the Law Relating to Multiple-employer  
Welfare Arrangements**

**PUBLIC 374  
EMERGENCY**

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

LD 1605 proposed to require that trust funds of a multiple-employer welfare arrangement be held in this State until disbursed by the trust. It also proposed to remove the requirement that a 3rd-party administrator of a multiple-employer welfare arrangement be domiciled in this State.

### ***Enacted Law Summary***

Public Law 2003, chapter 374 provides that trust funds of a multiple-employer welfare arrangement must be held in this State until disbursed by the trust and removes the requirement that a licensed 3rd-party administrator of a multiple-employer welfare arrangement be domiciled in this State.

Public Law 2003, chapter 374 was enacted as an emergency measure effective May 30, 2003.

**LD 1611**                      **An Act To Provide Affordable Health Insurance to Small  
Businesses and Individuals and To Control Health Care Costs**

**PUBLIC 469**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL TREAT	OTP-AM	H-565 S-228

LD 1611 proposed to do the following:

Part A of the bill establishes Dirigo Health as an independent agency of State Government. It seeks to make affordable health insurance available to small businesses and individuals, provide additional assistance to employees and individuals with earnings below 300% of the federal poverty guidelines and establishes the Maine Quality Forum to improve the quality of care in this State.

Part B requires the Governor to issue a biennial State Health Plan and establishes an advisory council to assist in the development of the plan.

Part C ties the administration of the certificate of need process to the State Health Plan and the capital investment fund. It further seeks to strengthen the public database administered by the Maine Health Data Organization.

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Part D requires insurers in the small group market to submit to the Superintendent of Insurance the same rate information that insurers in other markets are required to provide.

Part E requires certain health care providers to provide consumer information.

Part F establishes voluntary constraints on health care cost increases.

Part G requires the Governor to work to improve access to care for veterans and to improve Medicare reimbursements for Maine providers.

**Committee Amendment "A" (H-565)** proposed to replace the bill. In Part A, the amendment proposed to establish Dirigo Health as an independent executive agency to arrange for the provision of health coverage to small employers and their employees and dependents and to individuals on a voluntary basis. Dirigo Health is also required to monitor and improve the quality of health care in this State. Dirigo Health is governed by a board of directors. Five voting members must be appointed by the Governor and confirmed by the Legislature.

Under Part A, Dirigo Health must contract with health insurance carriers to offer health insurance to eligible small businesses and individuals through Dirigo Health Insurance. The health insurance benefits must be determined by the board and must comply with all statutory requirements of the Maine Insurance Code, including mandated benefits. The amendment also provides additional assistance through subsidies, based on a sliding scale, to employees and individuals with earnings below 300% of the federal poverty level who are enrolled in Dirigo Health. Employers who participate in Dirigo Health Insurance may be required to contribute up to 60% toward the cost of coverage for employees who work at least 20 hours per week and their dependents. The employer contribution rate for employees who work less than full time must be prorated.

In the first year of operation, funding for Dirigo Health is provided through the General Fund. After July 1, 2005, funding for subsidies and the Maine Quality Forum must be provided through savings offset payments paid by health insurance carriers, employee benefit excess insurance carriers and third-party administrators. The board of directors is required to establish the savings offset amount, not to exceed 4% of annual premium revenue or its equivalent, on an annual basis and those savings offset payments may not exceed the aggregate cost savings attributable to reductions in bad debt and charity care costs as a result of the operation of Dirigo Health and the expansion in MaineCare.

Part A proposed to expand MaineCare coverage for children and adults and provides coverage for expansion enrollees who enroll individually and who enroll through Dirigo Health as part of an employer group. The expansion of MaineCare eligibility may not become effective until Dirigo Health becomes operational. The amendment also requires monthly reporting of the noncategorical adult MaineCare expansion.

Within Dirigo Health, the amendment proposed to establish a high-risk pool for persons whose care costs are over \$100,000 per year and for those with certain named diagnoses. It requires Dirigo Health to develop disease management protocols for persons in the high-risk pool. If after 3 years Dirigo Health underperforms relative to the trends in average premium rates and average rates of uninsured individuals compared to those trends in states with high-risk pools, Dirigo Health is charged with submitting legislation to create a high-risk pool on January 1, 2008.

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Part A proposed to establish the Maine Quality Forum within Dirigo Health to collect and disseminate research, adopt quality and performance measures, coordinate quality data, issue quality reports in conjunction with the Maine Health Data Organization, conduct consumer education and technology assessment reviews, encourage the adoption of electronic technology, make recommendations for the biennial State Health Plan and issue an annual report. To assist the board and the forum, the amendment establishes the Maine Quality Forum Advisory Council.

Part B proposed to require the Governor to issue a biennial State Health Plan and establishes an advisory council to assist in the development of the plan. Part B also proposed to establish the capital investment fund, an annual limit for resources allocated under the certificate of need program. Within the capital investment fund, 12.5% of the total is required to be designated for nonhospital projects for a period of 3 years. The amendment specifies that a certificate of need or public financing that affects health care costs may not be provided unless it meets the goals and budgets in the State Health Plan.

Part C proposed to apply certificate of need (CON) requirements to the portions of an ambulatory surgical facility used by patients or to support ambulatory surgical care and to new technology that costs over \$1,200,000 in the office of a private practitioner. It proposed to establish an automatic adjustment to the CON thresholds based on the Consumer Price Index, medical index. It would expand the bases on which the Commissioner of Human Services makes CON decisions, adding consistency with the State Health Plan, reference to quality outcomes, reference to inappropriate increases in service utilization and the limits of the capital investment fund. It would allow the Commissioner of Human Services to receive reports from a panel of experts on CON applications and requires evaluations from the Department of Human Services, Bureau of Health and the Superintendent of Insurance. It proposed to require hospitals and health care practitioners to make information on the charges for commonly offered health care services available to the public.

Part C proposed to require the Maine Health Data Organization to adopt rules to collect data on health care quality based on the quality measures adopted by the Maine Quality Forum. It also would require the Maine Health Data Organization to issue reports on health care services, costs and quality.

Part D proposed to require health care practitioners to submit claims to health insurance carriers in electronic format beginning October 16, 2003. Until October 16, 2005, health care practitioners with fewer than 10 full-time equivalent employees are not required to submit claims electronically. After that date, those practitioners may apply to the Superintendent of Insurance for an exemption from the electronic claims filing requirement.

Part E proposed to require the Superintendent of Insurance to adopt rules for the filing of annual report supplements by health insurers and health maintenance organizations. It would require small group health plans to submit rate filings to the Superintendent of Insurance and imposes rate hearings and rate reviews on those filings unless a carrier opts to guarantee a 78% loss ratio or refund excess premiums. It would require individual and small group health insurance rates to reflect savings offset payments and any recovery of those offsets in premium rates. It would require large group health carriers to file annually certification that rating practices and methods meet actuarial principles and that savings offset payments and recovery offsets have been properly included in the filing. It proposed to allow managed care health plans to apply to the Superintendent of Insurance for permission to offer health plans with financial incentive provisions to encourage the use of designated providers of specialty and hospital care if the plan does not exceed the Bureau of Insurance Rule Chapter 850 travel standards by 100% and meets quality criteria. The Superintendent of Insurance is required to adopt rules relating to quality criteria by January 1, 2004 and submit those rules for legislative review before final adoption. The provision regarding managed care plans offering health plans with financial incentive provisions is

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repealed on July 1, 2007 unless continued by the Legislature. It would require the Superintendent of Insurance to conduct a study of the impact of a cap of \$250,000 on noneconomic damages in medical malpractice lawsuits on the cost of medical malpractice insurance.

Part F proposed to set voluntary constraints on financial growth for a period of one year by health care practitioners, hospitals and health insurance carriers. It also requires the Governor's Office of Health Policy and Finance and the Maine Hospital Association to agree on a timetable, format and methodology for reporting on hospital charges, cost efficiency and consolidated operating margins. It requires the Department of Human Services to conduct a comprehensive study of MaineCare reimbursement rates and to report by January 15, 2005. It establishes the Commission to Study Maine's Hospitals and requires that commission to report by November 1, 2004.

Part G proposed to require the Governor to work to improve access to care for veterans and to improve Medicare reimbursements for Maine providers and establishes a task force to study health care services provided to Maine veterans.

Part H proposed to restore \$500,000 in General Fund money to restore the physician incentive payment program within the MaineCare program.

Part H proposed to authorize the State Controller to transfer \$53,000,000 from the General Fund to Dirigo Health to support its operation in the first year.

Part H also proposed to add appropriations and allocations sections to the bill, as amended, as well as an emergency preamble and emergency clause.

**Senate Amendment "B" to Committee Amendment "A" (S-288)** proposed to remove the emergency preamble and emergency clause from Committee Amendment "A."

**House Amendment "A" to Committee Amendment "A" (H-572)** proposed to provide that if the average premium rates in the State and the rate of uninsured individuals exceed the relevant average, the board shall submit proposed legislation to include in the Dirigo Health product offerings a high-deductible medical savings account package. House Amendment "A" was not adopted.

**House Amendment "B" to Committee Amendment "A" (H-573)** replaced the bill and Committee Amendment. Part A proposed to create the Comprehensive Health Insurance Risk Pool Association to spread the cost of high-risk individuals among all health insurers. The high-risk pool is funded through an assessment on insurers. This Part requires the State to submit an application to the Federal Government for federal assistance to create a high-risk pool.

Part A also removed the guaranteed issuance requirement for individual health plans effective February 1, 2005.

Part B proposed to broaden the community rating bands in individual health insurance to allow increased variation of premium rates based on age and health status.

Part C proposed to direct the Department of Human Services to provide Medicaid-eligible individuals with premium subsidies so that the value of MaineCare benefits may be applied to the purchase of private health insurance through employers or a plan offered in the individual market. The department is further directed to seek any waivers needed from the Federal Government.

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Part D proposed to provide that a health maintenance organization may furnish health care services through providers that exceed the standard geographic accessibility limits imposed by the Department of Professional and Financial Regulation, Bureau of Insurance by rule for specialty care and hospital services with the exception of hospital services for emergencies and maternity care.

Part E proposed to set a limit of \$250,000 on noneconomic damages in medical liability actions. Under this Part, a plaintiff is still entitled to the full economic loss, including all medical expenses, rehabilitation services, custodial care, loss of earnings and earning capacity, loss of income and any other verifiable monetary losses. House Amendment "B" was not adopted.

**House Amendment "C" to Committee Amendment "A" (H-574)** proposed to limit the amount of savings offset payments to 75% of the savings resulting from decreasing rates of growth in the State's health care spending and bad debt and charity care costs. This amendment also proposed to require health insurance carriers and providers to use best efforts to ensure that health insurance premiums reflect the recovery of all the cost savings offset payments. House Amendment "C" was not adopted.

**House Amendment "D" to Committee Amendment "A" (H-575)** proposed to require that the Dirigo Health Insurance program will exist in only one county for its first year of operation. In order for the program to expand to a statewide program, the Board of Directors of Dirigo Health must report to the Legislature and receive its approval for expansion. The amendment replaces the fiscal information of the committee amendment. House Amendment "D" was not adopted.

**House Amendment "E" to Committee Amendment "A" (H-577)** proposed to place the Governor and State Legislators under the Dirigo Health Insurance plan. House Amendment "E" was not adopted.

**House Amendment "F" to Committee Amendment "A" (H-578)** proposed to require that the Board of Directors of Dirigo Health offer an optional plan for public school teachers. Under the optional plan, a teacher could elect coverage under Dirigo Health and that teacher's contribution to the Dirigo Health Fund would be 4% of the annual salary earned from teaching and the State's contribution would be 40% of the cost of health insurance coverage. House Amendment "F" was not adopted.

**House Amendment "G" to Committee Amendment "A" (H-583)** proposed to create the Comprehensive Health Insurance Risk Pool Association to spread the cost of high-risk individuals among all health insurers. The high-risk pool is funded through an assessment on insurers. This amendment proposed to require the State to submit an application to the Federal Government for federal assistance to create a high-risk pool.

This amendment also proposed to remove the guaranteed issuance requirement for individual health plans effective July 1, 2005. House Amendment "G" was not adopted.

**House Amendment "H" to Committee Amendment "A" (H-584)** proposed to remove the emergency preamble and the emergency clause from Committee Amendment "A". House Amendment "H" was not adopted.

**House Amendment "I" to Committee Amendment "A" (H-586)** proposed to remove the emergency preamble and emergency clause from Committee Amendment "A." House Amendment "I" was not adopted.

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**Senate Amendment "A" to Committee Amendment "A" (S-278)** proposed to replace the bill and Committee amendment. Part A proposed to create the Comprehensive Health Insurance Risk Pool Association to spread the cost of high-risk individuals among all health insurers. The high-risk pool is funded through an assessment on insurers. This Part proposed to require the State to submit an application to the Federal Government for federal assistance to create a high-risk pool.

Part A also proposed to remove the guaranteed issuance requirement for individual health plans effective February 1, 2005.

Part B proposed to broaden the community rating bands in individual health insurance to allow increased variation of premium rates based on age and health status.

Part C proposed to direct the Department of Human Services to provide Medicaid-eligible individuals with premium subsidies so that the value of MaineCare benefits may be applied to the purchase of private health insurance through employers or a plan offered in the individual market. The department is further directed to seek any waivers needed from the Federal Government.

Part D proposed to provide that a health maintenance organization may furnish health care services through providers that exceed the standard geographic accessibility limits imposed by the Department of Professional and Financial Regulation, Bureau of Insurance by rule for specialty care and hospital services with the exception of hospital services for emergencies and maternity care.

Part E proposed to set a limit of \$250,000 on noneconomic damages in medical liability actions. Under this Part, a plaintiff is still entitled to the full economic loss, including all medical expenses, rehabilitation services, custodial care, loss of earnings and earning capacity, loss of income and any other verifiable monetary losses. Senate Amendment "A" was not adopted.

### ***Enacted Law Summary***

Public Law 2003, chapter 469 establishes Dirigo Health as an independent executive agency to arrange for the provision of health coverage to small employers and their employees and dependents and to individuals on a voluntary basis. Dirigo Health is also required to monitor and improve the quality of health care in this State. Dirigo Health is governed by a board of directors. Five voting members must be appointed by the Governor and confirmed by the Legislature.

Dirigo Health must contract with health insurance carriers to offer health insurance to eligible small businesses and individuals through Dirigo Health Insurance. The health insurance benefits must be determined by the board and must comply with all statutory requirements of the Maine Insurance Code, including mandated benefits. The law also provides additional assistance through subsidies, based on a sliding scale, to employees and individuals with earnings below 300% of the federal poverty level who are enrolled in Dirigo Health. Employers who participate in Dirigo Health Insurance may be required to contribute up to 60% toward the cost of coverage for employees who work at least 20 hours per week and their dependents. The employer contribution rate for employees who work less than full time must be prorated. Coverage through Dirigo Health Insurance must begin no later than October 1, 2004.

In the first year of operation, funding for Dirigo Health is provided through the General Fund. After July 1, 2005, funding for subsidies and the Maine Quality Forum must be provided through savings offset payments paid by health insurance carriers, employee benefit excess insurance carriers and third-party administrators. The board of directors is required to establish the savings offset amount, not to exceed

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4% of annual premium revenue or its equivalent, on an annual basis and those savings offset payments may not exceed the aggregate cost savings attributable to reductions in bad debt and charity care costs as a result of the operation of Dirigo Health and the expansion in MaineCare.

The law expands MaineCare coverage for children and adults and provides coverage for expansion enrollees who enroll individually and who enroll through Dirigo Health as part of an employer group. The expansion of MaineCare eligibility may not become effective until Dirigo Health becomes operational. Monthly reporting on the noncategorical adult MaineCare expansion will be required to monitor enrollment.

Within Dirigo Health, the law establishes a high-risk pool for persons whose care costs are over \$100,000 per year and for those with certain named diagnoses. It requires Dirigo Health to develop disease management protocols for persons in the high-risk pool. If after 3 years Dirigo Health underperforms relative to the trends in average premium rates and average rates of uninsured individuals compared to those trends in states with high-risk pools, Dirigo Health is charged with submitting legislation to create a high-risk pool on January 1, 2008.

The law establishes the Maine Quality Forum within Dirigo Health to collect and disseminate research, adopt quality and performance measures, coordinate quality data, issue quality reports in conjunction with the Maine Health Data Organization, conduct consumer education and technology assessment reviews, encourage the adoption of electronic technology, make recommendations for the biennial State Health Plan and issue an annual report. The Maine Quality Forum Advisory Council is established to assist the board and the forum. The Maine Health Data Organization will adopt rules to collect data on health care quality based on the quality measures adopted by the Maine Quality Forum and issue reports on health care services, costs and quality.

The law requires the Governor to issue a biennial State Health Plan and establishes an advisory council to assist in the development of the plan. It also establishes the capital investment fund, an annual limit for resources allocated under the certificate of need program. Within the capital investment fund, 12.5% of the total is required to be designated for nonhospital projects for a period of 3 years. The law specifies that a certificate of need or public financing that affects health care costs may not be provided unless it meets the goals and budgets in the State Health Plan.

The law applies certificate of need (CON) requirements to the portions of an ambulatory surgical facility used by patients or to support ambulatory surgical care and to new technology that costs over \$1,200,000 in the office of a private practitioner. It establishes an automatic adjustment to the CON thresholds based on the Consumer Price Index, medical index. It expands the bases on which the Commissioner of Human Services makes CON decisions, adding consistency with the State Health Plan, reference to quality outcomes, reference to inappropriate increases in service utilization and the limits of the capital investment fund. It allows the Commissioner of Human Services to receive reports from a panel of experts on CON applications and requires evaluations from the Department of Human Services, Bureau of Health and the Superintendent of Insurance. It requires hospitals and health care practitioners to make information on the charges for commonly offered health care services available to the public.

The law requires health care practitioners to submit claims to health insurance carriers in electronic format beginning October 16, 2003. Until October 16, 2005, health care practitioners with fewer than 10 full-time equivalent employees are not required to submit claims electronically. After that date, those practitioners may apply to the Superintendent of Insurance for an exemption from the electronic claims filing requirement.

*Joint Standing Committee on Insurance and Financial Services*

The law requires the Superintendent of Insurance to adopt rules for the filing of annual report supplements by health insurers and health maintenance organizations. It requires small group health plans to submit rate filings to the Superintendent of Insurance and imposes rate hearings and rate reviews on those filings unless a carrier opts to guarantee a 78% loss ratio or refund excess premiums. It requires individual and small group health insurance rates to reflect savings offset payments and any recovery of those offsets in premium rates. It requires large group health carriers to file annually certification that rating practices and methods meet actuarial principles and that savings offset payments and recovery offsets have been properly included in the filing. It allows managed care health plans to apply to the Superintendent of Insurance for permission to offer health plans with financial incentive provisions to encourage the use of designated providers of specialty and hospital care if the plan does not exceed the Bureau of Insurance Rule Chapter 850 travel standards by 100% and meets quality criteria. The Superintendent of Insurance is required to adopt rules relating to quality criteria by January 1, 2004 and submit those rules for legislative review before final adoption. The provision regarding managed care plans offering health plans with financial incentive provisions is repealed on July 1, 2007 unless continued by the Legislature. It requires the Superintendent of Insurance to conduct a study of the impact of a cap of \$250,000 on noneconomic damages in medical malpractice lawsuits on the cost of medical malpractice insurance.

The law sets voluntary constraints on financial growth for a period of one year by health care practitioners, hospitals and health insurance carriers. It also requires the Governor's Office of Health Policy and Finance and the Maine Hospital Association to agree on a timetable, format and methodology for reporting on hospital charges, cost efficiency and consolidated operating margins. It requires the Department of Human Services to conduct a comprehensive study of MaineCare reimbursement rates and to report by January 15, 2005. It establishes the Commission to Study Maine's Hospitals and requires that commission to report by November 1, 2004.

The law requires the Governor to work to improve access to care for veterans and to improve Medicare reimbursements for Maine providers and establishes a task force to study health care services provided to Maine veterans.

The law restores \$500,000 in General Fund money to restore the physician incentive payment program within the MaineCare program.

HP 725

**JOINT STUDY ORDER – Relative to a Study to Examine Mandated Health Insurance Benefits and the Cost of Those Benefits to the Individual Insurance Consumer**

ONTP

Sponsor(s)  
VAUGHAN

Committee Report  
ONTP

Amendments Adopted

This joint study order proposed to require that the Joint Standing Committee on Insurance and Financial Services conduct a study to examine mandated health insurance benefits and the cost of those benefits to the individual insurance consumer. The joint order proposed that the committee report back to the Second Regular Session.



*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Inland Fisheries and Wildlife*

*July 2003*

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Sen. Richard Kneeland*

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**JOINT STANDING COMMITTEE ON  
INLAND FISHERIES AND WILDLIFE**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	83	92.2%	5.1%
<u><i>Bills Carried Over</i></u>	<u>7</u>	<u>7.8%</u>	<u>0.4%</u>
<b>Total Bills referred</b>	<b>90</b>	<b>100.0%</b>	<b>5.5%</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>90</b>	<b>100.0%</b>	<b>5.5%</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. 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>	4	4.8%	0.3%
<i>Ought to Pass as Amended</i>	19	22.9%	1.3%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>53</u>	<u>63.9%</u>	<u>3.6%</u>
<b>Total unanimous reports</b>	<b>76</b>	<b>91.6%</b>	<b>5.2%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	7	8.4%	0.5%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>7</b>	<b>8.4%</b>	<b>0.5%</b>
<b>Total committee reports</b>	<b>83</b>	<b>100.0%</b>	<b>5.7%</b>
III. CONFIRMATION HEARINGS	1	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	23	25.6%	1.4%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	3	3.3%	0.2%
<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>26</b>	<b>28.9%</b>	<b>1.6%</b>
<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%
<u><i>Rules not authorized by the Legislature</i></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.

Prepared by the Office of Policy and Legal Analysis  
121st Legislature, First Regular Session

## Joint Standing Committee on Inland Fisheries and Wildlife

### SUBJECT INDEX

#### *Bear*

##### Enacted

None

##### Not Enacted

LD 446	An Act Regarding Bear Hunting	CARRIED OVER	Page 531
LD 932	An Act To Amend the Season for Laying Bait for Bear	ONTP	Page 539

#### *Boats*

##### Enacted

LD 25	An Act Imposing a Horsepower Restriction for Boat Motors on Pickerel Pond	PUBLIC 258	Page 516
LD 647	An Act To Prohibit Personal Watercraft on Lake St. George in the Town of Liberty	PUBLIC 484 EMERGENCY	Page 533
LD 1280	An Act To Improve Boating in Maine	PUBLIC 277	Page 549

##### Not Enacted

LD 4	An Act to Protect the Waters of the Saco River	ONTP	Page 516
LD 98	An Act to Prohibit Personal Watercraft on Rocky Pond in Orland	ONTP	Page 519
LD 128	An Act to Provide Funding for a Full-time Warden to Monitor Brandy Pond in the Town of Naples and to Allow the Town to Enact a Noise Level Ordinance	ONTP	Page 521
LD 448	An Act To Exempt a Watercraft That Is Equipped with an Electric Outboard Motor from Paying a Fee for the Certificate of Number	ONTP	Page 531

LD 1161	An Act To Exempt Saltwater-only Boats from the Lake and River Protection Sticker Requirements	ONTP Page 544
LD 1255	An Act To Permit Sebago Lake Mooring Extensions	ONTP Page 548
LD 1366	An Act To Ensure Boating Safety	ONTP Page 550
LD 1474	An Act Concerning Public Boat Launch Sites	ONTP Page 551
LD 1503	An Act To Limit the Size of Motorboat Engines Used on Paradise Pond	ONTP Page 555

### *Deer*

#### Enacted

LD 786	An Act To Provide "Any-deer" Permits to Permanently Disabled Nonambulatory Persons	PUBLIC 330 Page 535
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#### Not Enacted

LD 185	An Act to Allow Residents 70 Years of Age or Older to Hunt Any Deer	ONTP Page 524
LD 270	An Act To Give Priority in the Antlerless Deer Permit System to a Person Who Owns 100 Acres or More of Land and Permits Hunting on the Land	ONTP Page 526
LD 626	An Act To Allow the Use of All Deer Parts	ONTP Page 533
LD 888	An Act To Establish a Season for Hunting Deer with Primitive Muzzle-loading Firearms	ONTP Page 539
LD 964	An Act To Help Disabled, Elderly and Junior Hunters	ONTP Page 540
LD 1166	Resolve, To Allow Selected Northern Maine Deer Hunters To Take 2 Deer	ONTP Page 545
LD 1227	An Act To Extend the Firearm Deer Hunting Season	ONTP Page 546

## *Department*

### Enacted

LD 26	An Act to Create the Maine Youth Conservation Wildlife Management Area	PUBLIC 21	Page 516
LD 49	Resolve, Requiring the Department of Inland Fisheries and Wildlife To Implement the Recommendations of the Maine Inland Fisheries Management Program 2002 Review	RESOLVE 42	Page 517
LD 129	Resolve, Directing the Department of Inland Fisheries and Wildlife To Conduct a Programmatic Review within Certain Areas of the Department	RESOLVE 71 EMERGENCY	Page 521
LD 346	Resolve, Authorizing the Commissioner of Inland Fisheries and Wildlife To Allow a Well and Waterline Easement	RESOLVE 44 EMERGENCY	Page 527
LD 1456	An Act To Establish the Landowners and Sportsmen Relations Advisory Board	PUBLIC 280	Page 551

### Not Enacted

LD 52	An Act to Strengthen the Governor's Council on Landowner Relations	ONTP	Page 517
LD 130	Resolve, Directing the Department of Inland Fisheries and Wildlife to Conduct a Programmatic Review of the Bureau of Warden Service	ONTP	Page 522
LD 131	Resolve, Directing the Department of Inland Fisheries and Wildlife to Conduct a Programmatic Review of the State's Wildlife Management Program	ONTP	Page 522
LD 173	An Act To Provide for the Passage of Anadromous Fish Species into the Little River	CARRIED OVER	Page 523
LD 217	An Act Concerning Public Access to Fish, Game and Wildlife Resources	ONTP	Page 524
LD 236	An Act To Clarify the Animal Nuisance Statutes	ONTP	Page 525
LD 827	An Act Regarding Wildlife Habitat Conservation	CARRIED OVER	Page 537

## *Endangered Species*

### Enacted

LD 303	An Act To Increase Protection for Endangered and Threatened Species	PUBLIC 113 Page 526
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### Not Enacted

None

## *Fishing*

### Enacted

LD 106	An Act Regarding Alewife Harvesting	PUBLIC 276 Page 519
LD 860	An Act To Allow Smelt Fishing in Long Lake in Aroostook County	PUBLIC 336 Page 537
LD 1635	An Act Concerning Illegal Introduction of Fish into Maine Waters	PUBLIC 491 Page 556 EMERGENCY

### Not Enacted

LD 468	An Act To Amend the Ice Fishing and Fishing Derby Laws	ONTP Page 532
LD 867	An Act To Waive the Fee for Fishing Licenses for Disabled Persons	ONTP Page 538
LD 953	An Act To Exempt Children under 17 Years of Age from Certain Fishing Restrictions	ONTP Page 539
LD 1000	An Act To Establish a Policy for Inland Fishing Rules	ONTP Page 540
LD 1040	An Act To Ensure an Equitable Allocation of Federal Sport Fish Restoration Funding between Saltwater and Freshwater Fisheries Projects	ONTP Page 541
LD 1179	An Act To Encourage Youth Participation in Fishing	ONTP Page 545

## *Fish Stocking*

### Enacted

LD 82	An Act Regarding Fish Stocking Decisions	PUBLIC 27 Page 518
LD 1358	Resolve, To Reestablish the Commission To Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine	RESOLVE 89 Page 549 EMERGENCY

### Not Enacted

LD 565	An Act To Increase Fish Stocking in Aroostook County	ONTP Page 532
LD 963	Resolve, To Establish the Commission To Study the Department of Inland Fisheries and Wildlife's Fish Stocking Procedures and Management and the Enforcement of Fishing Laws in Northwestern Aroostook County	ONTP Page 540

## *Hunting*

### Enacted

LD 123	An Act to Allow Hunters to Exchange Assigned Hunting Areas or Zones with Other Hunters	PUBLIC 480 Page 520
LD 460	An Act To Encourage Dog Tracking of Wounded Big Game Animals	PUBLIC 54 Page 531
LD 806	An Act To Simplify the Requirements for Tagging, Registering and Transporting Harvested Animals	PUBLIC 331 Page 536
LD 875	An Act To Promote and Advance Wild Ring-necked Pheasant Propagation	PUBLIC 139 Page 538 EMERGENCY
LD 1170	An Act To Redefine "Muzzle-loading Firearm"	PUBLIC 440 Page 545

### Not Enacted

LD 136	An Act to Limit the Articles of Hunter Orange Clothing Required to a Hunter Orange Hat	ONTP Page 522
LD 137	An Act to Make Hunting Hours Consistent	ONTP Page 523

LD 157	An Act to Allow Electronic Calling Devices for Hunting	DIED BETWEEN BODIES	Page 523
LD 180	An Act To Encourage Youth Hunters	ONTP	Page 524
LD 388	An Act To Permit Small Game Hunting on Private Property on Sunday in Unorganized Territory	CARRIED OVER	Page 530
LD 408	An Act Regarding the Presumption of Violations of the Hunting-on-Sunday Prohibition	CARRIED OVER	Page 530
LD 679	An Act to Permit Sunday Hunting in Maine	ONTP	Page 534
LD 755	An Act To Permit Sunday Hunting for Residents of the State	ONTP	Page 534
LD 790	An Act To Allow a Person To Assist in a Hunt	ONTP	Page 535
LD 1122	An Act To Allow A Junior Hunter To Apply for an Antlerless Deer Permit	ONTP	Page 544
LD 1191	An Act To Require a Resident To Purchase a Hunting License Before Entering Any Hunting Lottery	ONTP	Page 546
LD 1195	An Act To Allow the Transfer of Certain Permits	ONTP	Page 546
LD 1238	An Act To Encourage Hunting by Improving Hunting Laws	ONTP	Page 546
LD 1259	An Act Regarding Hunting Hours, Permits and Seasons	ONTP	Page 548

*Miscellaneous*

Enacted

LD 1061	An Act To Amend the Filing Requirements for Special Hide Dealers	PUBLIC 269	Page 541
LD 1083	An Act To Encourage Hunting by Simplifying Hunting Laws	PUBLIC 333	Page 541
LD 1482	An Act To Revise Certain Provisions of Maine's Fish and Wildlife Laws	PUBLIC 403 EMERGENCY	Page 551



**LD 1600**                    **An Act To Recodify the Laws Governing Inland Fisheries and Wildlife**                    **PUBLIC 414 Page 555**

**Not Enacted**

**LD 158**                    **An Act to Limit Agent Fees to the Number of Transactions**                    **CARRIED OVER Page 523**

**LD 253**                    **An Act Regarding the Use of Hunter Orange Clothing, Assisted Hunting, Baiting and the Possession of Gift Animals**                    **ONTP Page 525**

**LD 794**                    **An Act To Remove Home Possession Limits**                    **ONTP Page 536**

***Moose***

**Enacted**

None

**Not Enacted**

**LD 789**                    **An Act To Allow a Moose Lottery Winner To Designate a Subpermittee after the Lottery Drawing**                    **ONTP Page 535**

**LD 960**                    **An Act To Allow the Alternate Use of Moose Permits when an Emergency Prevents Permittee Use**                    **ONTP Page 539**

**LD 1426**                    **An Act To Give Moose Permits to Members of the Wesget-Sipu Organization**                    **ONTP Page 550**

***Snowmobiles & ATVs***

**Enacted**

**LD 354**                    **An Act Relating to the Operation of Snowmobiles**                    **PUBLIC 122 Page 527**

**LD 359**                    **An Act Relating to ATV Registration**                    **PUBLIC 189 Page 528  
EMERGENCY**

**LD 778**                    **An Act To Create the Snowmobile Trail Fund Advisory Council**                    **PUBLIC 260 Page 534**

**Not Enacted**

LD 77	An Act to Require Permission for an ATV to Cross Private Land	ONTP Page 518
LD 114	An Act to Enhance Trail Revenue	ONTP Page 520
LD 196	An Act Requiring Reflective Registration Numbers on Snowmobiles	ONTP Page 524
LD 304	An Act to Raise the Minimum Age for Operation of an ATV from 10 Years of Age to 16 Years of Age	ONTP Page 526
LD 368	An Act To Increase the Registration Fee for ATVs	ONTP Page 529
LD 369	An Act To Create a Closed Season for ATV Use	ONTP Page 529
LD 370	An Act To Change the Display of ATV Registration Numbers	ONTP Page 530
LD 474	An Act To Strengthen the ATV Laws of the State	ONTP Page 532
LD 854	An Act To Amend the Laws Governing the Operation of All-terrain Vehicles	CARRIED OVER Page 537

***Trapping & Snaring***

**Enacted**

LD 237	An Act To Improve the Coyote Control Program	PUBLIC 73 Page 525
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**Not Enacted**

LD 127	An Act Regarding the Publication of Trapping Rules	ONTP Page 521
LD 455	An Act To Ban the Use of Snares	ONTP Page 531

*Joint Standing Committee on Inland Fisheries and Wildlife*

LD 4

**An Act to Protect the Waters of the Saco River**

ONTP

<u>Sponsor(s)</u> O'NEIL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 4 proposed to prohibit the use of personal watercraft on the Saco River below the Skelton Dam.

LD 25

**An Act Imposing a Horsepower Restriction for Boat Motors on Pickerel Pond**

PUBLIC 258

<u>Sponsor(s)</u> DUNLAP		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 25 proposed to prohibit the operation of a motorboat equipped with a motor greater than 10 horsepower on Pickerel Pond in the territory of T32 MD in Hancock County.

***Enacted Law Summary***

Public Law 2003, chapter 258 prohibits the operation of a motorboat equipped with a motor greater than 10 horsepower on Pickerel Pond in the territory of T32 MD in Hancock County.

LD 26

**An Act to Create the Maine Youth Conservation Wildlife Management Area**

PUBLIC 21

<u>Sponsor(s)</u> DUNLAP		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 26 proposed to create the Maine Youth Conservation Wildlife Management Area on lands in T32 MD owned or leased by the Department of Inland Fisheries and Wildlife.

***Enacted Law Summary***

Public Law 2003, chapter 21 creates the Maine Youth Conservation Wildlife Management Area on lands in T32 MD owned or leased by the Department of Inland Fisheries and Wildlife.

*Joint Standing Committee on Inland Fisheries and Wildlife*

LD 49

**Resolve, Requiring the Department of Inland Fisheries and Wildlife To Implement the Recommendations of the Maine Inland Fisheries Management Program 2002 Review**

RESOLVE 42

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL BRYANT	OTP-AM	H-304

LD 49 is a concept draft pursuant to Joint Rule 208.

Resolve 2001, chapter 33 proposed to directed the Commissioner of Inland Fisheries and Wildlife to conduct a programmatic review of the State's inland fisheries management program and report findings and recommendations to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by January 2, 2003. This bill proposes to implement the recommendations contained in that report.

**Committee Amendment "A" (H-304)** proposed to strike and replace the original bill with a resolve that would require the Commissioner of Inland Fisheries and Wildlife to report to the Joint Standing Committee on Inland Fisheries and Wildlife no later than 7 days after the effective date of this resolve, the commissioner's plans to implement the recommendations of the Maine Inland Fisheries Management Program 2002 Review. The amendment would also require the Department of Inland Fisheries and Wildlife to provide semiannual reports updating the department's progress toward implementing those recommendations until November 1, 2008.

***Enacted Law Summary***

Resolve 2003, chapter 42 requires the Commissioner of Inland Fisheries and Wildlife to report to the Joint Standing Committee on Inland Fisheries and Wildlife no later than 7 days after the effective date of this resolve the commissioner's plans to implement the recommendations of the Maine Inland Fisheries Management Program 2002 Review and to provide semiannual reports updating the Department of Inland Fisheries and Wildlife's progress toward implementing those recommendations until November 1, 2008.

LD 52

**An Act to Strengthen the Governor's Council on Landowner Relations**

ONTP

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

LD 52, a concept draft pursuant to Joint Rule 208, proposed to strengthen the authority and expand the role of the Governor's Council on Landowner Relations.

*Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 77**

**An Act to Require Permission for an ATV to Cross Private Land**

**ONTP**

<u>Sponsor(s)</u> KNEELAND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 77 proposed to prohibit the operation of an ATV on private land without the written permission of the landowner or landowner's agent unless the landowner specifically permitted ATVs without written permission. Current law includes a variety of provisions regarding the operation of an ATV on the land of another. The bill proposed to repeal or modify these provisions to make the law consistent with the written-permission requirement. The bill also proposed to move appropriate penalties into appropriate sections and proposed to repeal the penalties that applied to the provisions of law that were repealed by the bill.

1. Current law prohibits operation of any motor vehicle, including an ATV, on snowmobile trails financed with funds from the Snowmobile Trail Fund unless operation has been authorized by the landowner or the landowner's agent or unless the use is necessitated by an emergency involving safety of persons or property. The bill proposed to amend the language to cross reference the written-permission requirement for ATVs and proposed to move the amended provision to a more appropriate section of the law.
2. Current law prohibits a person from operating an ATV on a private road after having been forbidden to do so by the owner thereof, the owner's agent or a municipal official, either personally or by appropriate notices posted conspicuously on that road. The bill proposed to add to this section a cross-reference to the written-permission requirement to clarify that a person who had not been forbidden to operate an ATV on the road still would have to obtain permission to operate on that road.
3. Current law prohibits operation of an ATV on any cropland or pastureland without the permission of the owner or lessee. The bill proposed to repeal this provision as it was superseded by the broader written-permission requirement.

**LD 82**

**An Act Regarding Fish Stocking Decisions**

**PUBLIC 27**

<u>Sponsor(s)</u> HONEY BRYANT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-15
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LD 82 proposed to allow anglers to have more input when the Department of Inland Fisheries and Wildlife is making management and stocking changes on a body of water.

**Committee Amendment "A" (H-15)** proposed to replaces the bill. It proposed to repeal the requirement that the Department of Inland Fisheries and Wildlife conduct public meetings whenever the department changes management or fish stocking objectives on a body of water.

## Joint Standing Committee on Inland Fisheries and Wildlife

### *Enacted Law Summary*

Public Law 2003, chapter 27 repeals the requirement that the Department of Inland Fisheries and Wildlife conduct public meetings whenever the department changes management or fish stocking objectives on a body of water.

**LD 98**                      **An Act to Prohibit Personal Watercraft on Rocky Pond in Orland**                      **ONTP**

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

LD 98 proposed to prohibit the use of personal watercraft on Rocky Pond in Orland.

**Committee Amendment "A" (H-340)**, the minority report of the Committee on Inland Fisheries and Wildlife, proposed to replace the bill and prohibit the operation of a motorboat having more than 10 horsepower on Rocky Pond in the Town of Orland. (Not adopted)

**LD 106**                      **An Act Regarding Alewife Harvesting**                      **PUBLIC 276**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TARDY MITCHELL	OTP-AM	H-302

LD 106 proposed to authorize the Department of Inland Fisheries and Wildlife and the Department of Marine Resources to issue permits for the harvesting of alewives with fish pumps.

**Committee Amendment "A" (H-302)** proposed to remove language from the bill regarding the Department of Marine Resources and to authorize the Department of Inland Fisheries and Wildlife to regulate the type of gear used to harvest alewives, suckers, yellow perch, eels and lampreys. It also proposed to authorize the use of fish pumps to harvest alewives.

### *Enacted Law Summary*

Public Law 2003, chapter 276 authorizes the Department of Inland Fisheries and Wildlife to regulate the type of gear used to harvest or concentrate for harvest alewives, eels, suckers, lampreys and yellow perch and authorizes the use of fish pumps to harvest alewives.

*Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 114**

**An Act to Enhance Trail Revenue**

**ONTP**

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

LD 114 proposed to do the following:

1. Increase the registration fees for snowmobiles and for ATVs, including off-road motorcycles, by \$35;
2. Allow persons who were members of snowmobile clubs to receive \$25 rebates on the payment of these increased fees; and
3. Apply the revenues from these additional fees to the Snowmobile Trail Fund.

(See LD 359.)

**LD 123**

**An Act to Allow Hunters to Exchange Assigned Hunting Areas or Zones with Other Hunters**

**PUBLIC 480**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT MCGLOCKLIN	OTP-AM	S-143

LD 123 proposed to allow a hunter assigned a hunting zone or area to exchange that zone or area with another hunter.

**Committee Amendment "A" (S-143)** proposed to authorize the Commissioner of Inland Fisheries and Wildlife to assess a \$5 transaction fee for the transfer of licenses, permits or zone or area designations. For purposes of clarity, the amendment proposed to move a provision of law to a new subsection created in the amendment.

***Enacted Law Summary***

Public Law 2003, chapter 480 allows a hunter assigned a hunting zone or area to exchange that zone or area with another hunter. It also authorizes the Commissioner of Inland Fisheries and Wildlife to assess a \$5 transaction fee for the transfer of licenses, permits or zone or area designations.

*Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 127**

**An Act Regarding the Publication of Trapping Rules**

**ONTP**

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

LD 127 proposed to require the Department of Inland Fisheries and Wildlife to publish trapping rules separately from hunting rules and that the department published rules on paper that was uniform in size and weight.

**LD 128**

**An Act to Provide Funding for a Full-time Warden to Monitor Brandy Pond in the Town of Naples and to Allow the Town to Enact a Noise Level Ordinance**

**ONTP**

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

LD 128 proposed to do the following:

1. Provide funding for one Game Warden position to monitor Brandy Pond in the Town of Naples; and
2. Authorize the Town of Naples to adopt a watercraft noise level ordinance for Brandy Pond.

**LD 129**

**Resolve, Directing the Department of Inland Fisheries and Wildlife To Conduct a Programmatic Review within Certain Areas of the Department**

**RESOLVE 71  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT DUNLAP	OTP-AM	S-125

LD 129 proposed to require the Commissioner of Inland Fisheries and Wildlife to conduct a programmatic review of the Bureau of Administrative Services. It proposed to require the commissioner to contract with an experienced firm to assess and evaluate the department's Bureau of Administrative Services.

**Committee Amendment "A" (S-125)** proposed to replace the resolve. It proposed to require the Commissioner of Inland Fisheries and Wildlife to conduct a programmatic review of the Division of Public Information and Education, Bureau of Warden Service, Bureau of Administrative Services and the State's wildlife management program. It also proposed to require the commissioner to contract with an experienced firm to assess and evaluate these areas of the Department of Inland Fisheries and Wildlife. Additionally, it proposed to require the department to fund the review with funding outside the General Fund and would require a report to the Joint Standing Committee on Inland Fisheries and Wildlife by January 4, 2005. Finally, it proposed to add an emergency preamble and emergency clause.



## *Joint Standing Committee on Inland Fisheries and Wildlife*

### *Enacted Law Summary*

Resolve 2003, chapter 71 requires the Commissioner of Inland Fisheries and Wildlife to contract with an experienced firm to conduct a programmatic review of the Division of Public Information and Education, Bureau of Warden Service, Bureau of Administrative Services and the State's wildlife management program. The department must fund the review with funding outside the General Fund. The department shall submit a single report to the Joint Standing Committee on Inland Fisheries and Wildlife by January 4, 2005, regarding work conducted and the findings and recommendations determined pursuant to this resolve.

Resolve 2003, chapter 71 was passed as an emergency measure effective June 9, 2003.

**LD 130**                      **Resolve, Directing the Department of Inland Fisheries and Wildlife to Conduct a Programmatic Review of the Bureau of Warden Service**                      **ONTP**

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

LD 130 proposed to require the Commissioner of Inland Fisheries and Wildlife to conduct a programmatic review of the Bureau of Warden Service. The commissioner would contract with an experienced firm to assess and evaluate the department's warden service.

**LD 131**                      **Resolve, Directing the Department of Inland Fisheries and Wildlife to Conduct a Programmatic Review of the State's Wildlife Management Program**                      **ONTP**

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

LD 131 proposed to require the Commissioner of Inland Fisheries and Wildlife to conduct a programmatic review of the department's wildlife management program. The commissioner would contract with an experienced firm to assess and evaluate the wildlife management program.

**LD 136**                      **An Act to Limit the Articles of Hunter Orange Clothing Required to a Hunter Orange Hat**                      **ONTP**

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

LD 136 proposed to change the requirement for wearing 2 articles of hunter orange clothing, one of which must be a hat, to only needing to wear a hunter orange hat.

*Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 137**

**An Act to Make Hunting Hours Consistent**

**ONTP**

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

LD 137 proposed to define twilight hunting as occurring between sunset and 15 minutes afterward and night hunting as occurring 15 minutes after sunset to 30 minutes before sunrise. The bill proposed to clarify that twilight hunting was a Class E crime.

**LD 157**

**An Act to Allow Electronic Calling Devices for Hunting**

**DIED BETWEEN  
BODIES**

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

LD 157 proposed to allow the use of electronic calling devices to hunt any game animal except migratory game birds. In removing a provision of law that this bill would have made obsolete, the bill also proposed to correct a conflict created by 2 public laws that amended the same section of statute in 2001, by incorporating the changes made by both public laws.

**LD 158**

**An Act to Limit Agent Fees to the Number of Transactions**

**CARRIED OVER**

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

LD 158 proposes to limit the transaction fee that can be charged for the issuance of certain licenses or permits to \$2 per transaction, regardless of the number of licenses or permits being issued during that transaction.

**LD 173**

**An Act To Provide for the Passage of Anadromous Fish Species  
into the Little River**

**CARRIED OVER**

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

LD 173 proposes to require the Department of Inland Fisheries and Wildlife to construct a fishway on Little River Dam located near the Town of Scarborough and to manage that dam in a manner that does not contribute to flooding in the Town of Old Orchard Beach.

*Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 180**                      **An Act To Encourage Youth Hunters**                      **ONTP**

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

LD 180 proposed to repeal the fees charged for junior hunting licenses.

**LD 185**                      **An Act to Allow Residents 70 Years of Age or Older to Hunt Any Deer**                      **ONTP**

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

LD 185 proposed to allow residents 70 years of age or older to hunt any deer.

**LD 196**                      **An Act Requiring Reflective Registration Numbers on Snowmobiles**                      **ONTP**

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

LD 196 proposed to require that snowmobile registration numbers be reflective for newly registered snowmobiles and when any registration numbers on a previously registered snowmobile are replaced.

**LD 217**                      **An Act Concerning Public Access to Fish, Game and Wildlife Resources**                      **ONTP**

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

LD 217 proposed to authorize the Commissioner of Inland Fisheries and Wildlife to purchase land or interests in land or to grant conservation easements over land in order to establish public access corridors to lands or waters for the purpose of fishing, hunting or trapping. The bill proposed to require the commissioner to consult with the Land for Maine's Future Board and the Director of the Bureau of Parks and Lands within the Department of Conservation on any actions taken to establish such corridors.

The bill also proposed to require the Commissioner of Inland Fisheries and Wildlife to survey and describe the corridor and to file a plan of that corridor with the registry of deeds in the county or counties in which the corridor was located in the same way required by law when the commissioner acquired land to establish wildlife management areas under the Maine Revised Statutes, Title 12, section 7652, subsection 1.

*Joint Standing Committee on Inland Fisheries and Wildlife*

LD 236

**An Act To Clarify the Animal Nuisance Statutes**

ONTP

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

LD 236 proposed to require a game warden to seek the agreement of a biologist before the warden gave permission to a landowner to employ an agent to take or kill nuisance animals on the landowner's land or to issue a certificate allowing a landowner to own and consume a nuisance animal taken or killed on the landowner's land.

LD 237

**An Act To Improve the Coyote Control Program**

PUBLIC 73

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	OTP-AM MAJ	H-75
HALL	OTP-AM MIN	

LD 237 proposed to repeal the statutory authorization for the coyote snaring program and deappropriate funding associated with the direct costs of the program. It proposed to leave in tact the law that allows the hunting of coyotes with firearms and dogs or trapping coyotes without the use of snares.

**Committee Amendment "A" (H-75)** the majority report of the Joint Standing Committee on Inland Fisheries and Wildlife and proposed to replace the original bill. The amendment proposed to set conditions and requirements for agents of the Department of Inland Fisheries and Wildlife who use snares for the control of coyotes during the winter months.

*Enacted Law Summary*

Public Law 2003, chapter 73 sets conditions and requirements for agents of the Department of Inland Fisheries and Wildlife who use snares for the control of coyotes during winter months.

LD 253

**An Act Regarding the Use of Hunter Orange Clothing, Assisted Hunting, Baiting and the Possession of Gift Animals**

ONTP

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

LD 253 proposed to require moose hunters to wear 2 articles of hunter orange clothing and exempt hunters from the hunter orange clothing requirement when hunting from a tree stand. The bill also proposed to allow a person to keep a gift bear, deer, moose or fish if it was labeled with just the name of the person who harvested the animal and the date when the animal was harvested. Additionally, the bill proposed to remove the prohibition on baiting deer and allowed a person to keep more than one legally harvested game animal in that person's home. Finally, the bill proposed to allow a person to assist in a hunt without a license or permit if that person did not carry a weapon during that hunt.

*Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 270**                      **An Act To Give Priority in the Antlerless Deer Permit System to a Person Who Owns 100 Acres or More of Land and Permits Hunting on the Land**                      **ONTP**

<u>Sponsor(s)</u> WOODCOCK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 270 proposed to give priority in the antlerless deer permit system to landowners who owned at least 100 acres and kept that land open to hunting by the general public.

**LD 303**                      **An Act To Increase Protection for Endangered and Threatened Species**                      **PUBLIC 113**

<u>Sponsor(s)</u> MCKEE GAGNON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-105
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LD 303 proposed to make a violation of the laws protecting endangered and threatened species a Class D crime. It proposed to amend the law regarding endangered and threatened species to facilitate enforcement of those laws. It also proposed to require landowners to include on the map provided to the Department of Conservation prior to commencing harvesting activities, the location of any site in the harvesting area known to the landowner or the Department of Inland Fisheries and Wildlife to serve or historically serve as habitat for a species listed in the Maine Revised Statutes as endangered or threatened.

**Committee Amendment "A" (H-105)** proposed to replace the bill and make an intentional violation of the Maine Revised Statutes, Title 12, section 7756, subsection 1-A a Class D crime and a negligent violation of Title 12, section 7756, subsection 1 a Class E crime. These sections concern prohibited acts regarding endangered or threatened species.

***Enacted Law Summary***

Public Law 2003, chapter 113 makes a negligent violation of the laws protecting endangered and threatened species a Class E crime and the intentional violation of those laws a Class D crime.

**LD 304**                      **An Act to Raise the Minimum Age for Operation of an ATV from 10 Years of Age to 16 Years of Age**                      **ONTP**

<u>Sponsor(s)</u> MCKEE BRENNAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 304 proposed to raise the minimum age for operating an ATV from 10 years to 16 years of age. It also proposed to change other sections of law affected by the age restriction.

*Joint Standing Committee on Inland Fisheries and Wildlife*

LD 346

**Resolve, Authorizing the Commissioner of Inland Fisheries and Wildlife To Allow a Well and Waterline Easement**

**RESOLVE 44  
EMERGENCY**

<u>Sponsor(s)</u> WOODCOCK		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-124
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LD 346 proposed to authorize the Commissioner of Inland Fisheries and Wildlife to enter into an amendment of the conservation easement in the Rangeley River conservation corridor. The purpose of the amendment was to allow the Oquossoc Standard Water District to develop a potable water supply for the Village of Oquossoc in the Town of Rangeley.

**Committee Amendment "A" (S-124)** proposed to authorize the Commissioner of Inland Fisheries and Wildlife to enter into an amendment of the conservation easement in the Rangeley River conservation corridor. This committee amendment proposed would permit the commissioner to enter into an amendment of the conservation easement to allow the Oquossoc Standard Water District to drill wells near the existing waterline and connect the wells to it, if the commissioner finds that the conservation values of the conservation corridor will not be adversely affected.

***Enacted Law Summary***

Resolve 2003, chapter 44 authorizes the Commissioner of the Department of Inland Fisheries and Wildlife to enter into an amendment of the conservation easement in the Rangeley River conservation corridor. The commissioner may enter into an amendment of the conservation easement to allow the Oquossoc Standard Water District to drill wells near the existing waterline and connect the wells to it, if the commissioner finds that the conservation values of the conservation corridor will not be adversely affected.

Resolve 2003, chapter 44 was passed as an emergency measure effective May 23, 2003.

LD 354

**An Act Relating to the Operation of Snowmobiles**

**PUBLIC 122**

<u>Sponsor(s)</u> CARPENTER DUNLAP		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-50
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LD 354 proposed the following:

1. Beginning on July 1, 2004, require owners of ATVs or snowmobiles to have liability insurance coverage for damages or injuries caused by operation of the ATV or snowmobile and require proof of such coverage prior to registration of an ATV or snowmobile after that date;
2. Prohibit persons under 16 years of age from operating an ATV or snowmobile;
3. Require persons 16 years of age or older to obtain an operator's license to operate an ATV or snowmobile from the Department of Inland Fisheries and Wildlife;

## *Joint Standing Committee on Inland Fisheries and Wildlife*

4. Exempt persons already 16 years of age or older on the date the law becomes effective from the requirements to take an instructional course and to pass a written test prior to obtaining an ATV or snowmobile operator's license;
5. Repeal the current provisions of law relating to operation of ATVs or snowmobiles by persons under 16 years of age; and
6. Require all persons riding ATVs or snowmobiles to wear helmets.

**Committee Amendment "A" (S-50)** proposed to replace the bill and amend the title to reflect the content of the amendment. This amendment proposed to require any person under 18 years of age to wear a helmet while operating or riding a snowmobile on a snowmobile trail identified by the Department of Conservation, Bureau of Parks and Lands as having been funded by the Snowmobile Trail Fund.

### *Enacted Law Summary*

Public Law 2003, chapter 122 requires any person under 18 years of age to wear a helmet while operating or riding a snowmobile on a snowmobile trail identified by the Department of Conservation, Bureau of Parks and Lands as having been funded by the Snowmobile Trail Fund.

**LD 359**

**An Act Relating to ATV Registration**

**PUBLIC 189  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FINCH	OTP-AM    MAJ ONTP      MIN	H-130

LD 359 proposed to restrict reciprocity in the registration of all-terrain vehicles to citizens of the State of New Hampshire and the Province of New Brunswick.

**Committee Amendment "A" (H-130)**, which was the majority report of the Joint Standing Committee on Inland Fisheries and Wildlife, proposed to replace the bill and change the title to reflect the content of the amendment. This amendment proposed to:

1. Repeal the reciprocity provision relating to ATV registration;
2. Impose a temporary \$3 fee on all ATV registrations for the registration periods beginning July 1, 2003 and July 1, 2004. The temporary fee would be credited to the ATV Recreational Management Fund of the Department of Conservation;
3. Modify language relating to the ATV law enforcement grant-in-aid program to remove reference to funding for the program coming from the ATV Recreational Management Fund;
4. Add an appropriation section to the bill relating to the increased revenues created by the amendment and appropriate \$50,000 to the Department of Inland Fisheries and Wildlife to restore funding for operational costs; and

## Joint Standing Committee on Inland Fisheries and Wildlife

5. Add an emergency preamble and emergency clause to the bill.

### *Enacted Law Summary*

Public Law 2003, chapter 189:

1. Repeals the reciprocity provision relating to ATV registration;
2. Imposes a temporary \$3 fee on all ATV registrations for the registration periods beginning July 1, 2003 and July 1, 2004. The temporary fee is credited to the ATV Recreational Management Fund of the Department of Conservation. (This fee is in addition to the temporary fee increase imposed by the Part I budget bill; the net result is a resident ATV registration fee of \$33 and a nonresident ATV registration fee of \$68 for the registration periods beginning in July 1, 2003 and July 1, 2004);
3. Modifies language relating to the ATV law enforcement grant-in-aid program to remove reference to funding for the program coming from the ATV Recreational Management Fund; and
4. Appropriates \$50,000 to the Department of Inland Fisheries and Wildlife from increased revenues generated by this law to restore funding for operational costs.

Public Law 2003, chapter 189 was enacted as an emergency measure effective May 16, 2003.

**LD 368**

**An Act To Increase the Registration Fee for ATVs**

**ONTP**

<u>Sponsor(s)</u> FINCH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 368 proposed to increase the annual registration fee for an ATV from \$17 to \$25 for a resident and from \$35 to \$45 for a nonresident. (See LD 359.)

**LD 369**

**An Act To Create a Closed Season for ATV Use**

**ONTP**

<u>Sponsor(s)</u> FINCH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 369 proposed to prohibit a person from operating an ATV during the period from April 1st to May 15th.



*Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 370**                      **An Act To Change the Display of ATV Registration Numbers**

**ONTP**

<u>Sponsor(s)</u> FINCH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 370 proposed to require the Department of Inland Fisheries and Wildlife to issue ATV registration decals and provide applicants for ATV registration with certain information regarding ATV registration, use and laws.

**LD 388**                      **An Act To Permit Small Game Hunting on Private Property on  
Sunday in Unorganized Territory**

**CARRIED OVER**

<u>Sponsor(s)</u> MCGLOCKLIN BRYANT		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 388 proposed to allow the Department of Inland Fisheries and Wildlife to authorize a private landowner owning a continuous piece of property that is greater than 500 acres and located entirely within unorganized territory to open that property on Sunday to hunters who have permits to hunt on Sunday. It would not allow the Commissioner of Inland Fisheries and Wildlife to authorize private property for Sunday hunting if the property owner did not keep that property open to hunting by the public. It would allow the commissioner to issue Sunday hunting permits to hunt rabbit and grouse on authorized private property during the regular open season. It would not allow the commissioner to authorize private property for Sunday hunting if that property adjoins certain public property. The bill proposed to make the fee for a Sunday hunting permit \$15.

The bill proposed to set an effective date of January 1, 2004 and a repeal date of January 1, 2006.

**LD 408**                      **An Act Regarding the Presumption of Violations of the Hunting-  
on-Sunday Prohibition**

**CARRIED OVER**

<u>Sponsor(s)</u> JACKSON KNEELAND		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 408 proposes to remove from the law language that makes possessing hunting equipment in a motor vehicle on an unpaved highway or road located in an unorganized township on Sunday prima facie evidence of a violation of the hunting laws. The bill also proposes to allow a person to carry hunting equipment for protection while engaged in activities such as bearbaiting on Sunday.

*Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 446**                      **An Act Regarding Bear Hunting**                      **CARRIED OVER**

<u>Sponsor(s)</u> DUNLAP		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 446 is a concept draft pursuant to Joint Rule 208 and proposes to make changes to the bear hunting seasons.

**LD 448**                      **An Act To Exempt a Watercraft That Is Equipped with an Electric Outboard Motor from Paying a Fee for the Certificate of Number**                      **ONTP**

<u>Sponsor(s)</u> CLARK STANLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 448 proposed to exempt a watercraft that was equipped with an electric outboard motor from paying a fee for the certificate of number.

**LD 455**                      **An Act To Ban the Use of Snares**                      **ONTP**

<u>Sponsor(s)</u> BULL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 455 proposed to prohibit the use of snares to capture any wild bird or animal.

**LD 460**                      **An Act To Encourage Dog Tracking of Wounded Big Game Animals**                      **PUBLIC 54**

<u>Sponsor(s)</u> TRAHAN HALL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-39
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LD 460 proposed to direct the Department of Inland Fisheries and Wildlife to allow a person licensed to track wounded animals with a leashed dog to charge a fee for the tracking service. It also proposed to add moose and bear to the list of game animals that a tracker may track and would require the department to list all licensed leashed-dog trackers in any hunting rule publication the department makes available to the general public.

**Committee Amendment "A" (H-39)** proposed to make unallocated language of the bill allocated language and to clarify that a person who charges a fee only for dog tracking services would not be not considered a guide.

## Joint Standing Committee on Inland Fisheries and Wildlife

### Enacted Law Summary

Public Law 2003, chapter 54 allows a person licensed to track wounded animals with leashed dogs to charge a fee for the tracking service and adds moose and bear to the list of game animals that a tracker may track with leashed dogs.

**LD 468**                      **An Act To Amend the Ice Fishing and Fishing Derby Laws**                      **ONTP**

<u>Sponsor(s)</u> DUNLAP		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 468 proposed to limit a person licensed to fish through the ice to 2 lines set or otherwise. The bill also proposed to move the open season for ice fishing from January 1st to February 1st. The bill also proposed to restrict fishing derbies to one every other year per body of water.

**LD 474**                      **An Act To Strengthen the ATV Laws of the State**                      **ONTP**

<u>Sponsor(s)</u> TRAHAN HALL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 474 proposed to raise ATV registration fees to \$50 and dedicate the increase to ATV enforcement and safety education. The bill proposed to require the Department of Inland Fisheries and Wildlife to ensure that registration plates were displayed in a manner that would allow for easy identification of registration numbers and to repeal the ATV registration reciprocity law. The bill also proposed to require ATV operators to get prior written permission to operate an ATV on the land of another and to provide treble damages to a land or property owner whose property was damaged by use of an ATV.

(See LD 359.)

**LD 565**                      **An Act To Increase Fish Stocking in Aroostook County**                      **ONTP**

<u>Sponsor(s)</u> JACKSON MARTIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 565 proposed to require the Department of Inland Fisheries and Wildlife to stock lakes in Aroostook County at the same level as in other regions of the State.

*Joint Standing Committee on Inland Fisheries and Wildlife*

LD 626

An Act To Allow the Use of All Deer Parts

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT-DESCHENE BLAIS	ONTP	

LD 626 proposed to allow all parts of a deer carcass to be sold or bartered.

LD 647

An Act To Prohibit Personal Watercraft on Lake St. George in the  
Town of Liberty

**PUBLIC 484  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIOTTI WESTON	OTP-AM MAJ OTP-AM MIN	S-286 BRYANT

LD 647 proposed to authorize the Town of Liberty to ban the use of personal watercraft on Lake St. George.

**Committee Amendment "A" (H-389)**, which was the majority report of the Joint Standing Committee on Inland Fisheries and Wildlife, proposed to replace the bill and establish a process for the review of recommendations submitted by a municipality or the Maine Land Use Regulation Commission to restrict the use of watercraft on great ponds within the jurisdiction of that municipality or the Maine Land Use Regulation Commission. It also proposed to prohibit the use of personal watercraft on Lake St. George in the Town of Liberty. (Not adopted)

**Committee Amendment "B" (H-390)**, which is the minority report of the Joint Standing Committee on Inland Fisheries and Wildlife, proposed to replace the bill and prohibit the operation of personal watercraft on Lake St. George in the Town of Liberty. (Not adopted)

**House Amendment "A" to Committee Amendment "A" (H-461)** proposed to add an emergency preamble and emergency clause to the bill. It also proposed to specifically authorize a municipality or the Maine Land Use Regulation Commission to submit recommendations to the Commissioner of the Department of Inland Fisheries and Wildlife regulating the permissible motor size of watercraft on great ponds. (Not adopted)

**Senate Amendment "A" (S-286)** proposed to replace the bill and prohibit the operation of personal watercraft on Lake St. George in the Town of Liberty. It also proposed to add an emergency preamble and emergency clause to the bill.

***Enacted Law Summary***

Public Law 2003, chapter 484 prohibits the operation of personal watercraft on Lake St. George in the Town of Liberty.

Public Law 2003, chapter 484 was enacted as an emergency measure effective June 23, 2003.

*Joint Standing Committee on Inland Fisheries and Wildlife*

LD 679

**An Act to Permit Sunday Hunting in Maine**

ONTP

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

LD 679 proposed to repeal the law that prohibited hunting wild animals and wild birds on Sunday.

LD 755

**An Act To Permit Sunday Hunting for Residents of the State**

ONTP

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

LD 755 proposed to specify that the Sunday hunting prohibition applied only to nonresidents, thus allowing residents of the State to hunt on Sundays. Under current law, hunting is prohibited on Sundays.

LD 778

**An Act To Create the Snowmobile Trail Fund Advisory Council**

**PUBLIC 260**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK KNEELAND	OTP-AM	H-306

LD 778 proposed to establish the Snowmobile Trail Fund Advisory Council.

**Committee Amendment "A" (H-306)** proposed to expand the membership of the Snowmobile Trail Fund Advisory Council established by the bill. It also proposed to make certain changes to the terms of members, provide that members are entitled only to expenses, modify the council's duties, provide for its meetings to be held in August and February and require notice of the council's meetings to be in accordance with the Maine Revised Statutes, Title 1, section 406.

***Enacted Law Summary***

Public Law 2003, chapter 260 establishes the Snowmobile Trail Fund Advisory Council to provide advice and information on the management of the Snowmobile Trail Fund.

*Joint Standing Committee on Inland Fisheries and Wildlife*

LD 786

**An Act To Provide "Any-deer" Permits to Permanently Disabled  
Nonambulatory Persons**

**PUBLIC 330**

<u>Sponsor(s)</u> DAVIS P CARR	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-144
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LD 786 proposed to allow a person with a permanent disability causing that person to be unable to walk to receive a complimentary antlerless deer permit, otherwise known as an any-deer permit.

**Committee Amendment "A" (S-144)** proposed to replace the bill and allow a person who holds a valid antlerless deer permit to transfer that permit to someone who suffers ambulatory disabilities.

**House Amendment "A" to Committee Amendment "A" (H-384)** proposed to allow a person who suffers an ambulatory disability and resides in a zone in which antlerless deer permits are not issued to take an antlerless deer on youth deer hunting day. (Not adopted)

***Enacted Law Summary***

Public Law 2003, chapter 330 allows a person who holds a valid antlerless deer permit to transfer that permit to someone who suffers ambulatory disabilities. It also permits a person who suffers an ambulatory disability and resides in a zone in which antlerless deer permits are not issued to take an antlerless deer on youth deer hunting day.

LD 789

**An Act To Allow a Moose Lottery Winner To Designate a  
Subpermittee after the Lottery Drawing**

**ONTP**

<u>Sponsor(s)</u> BRYANT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 789 proposed to allow a winner of a moose permit to designate a subpermittee after the drawing for moose permits and proposed to forbid a moose permit holder from selling the right to be named a subpermittee.

LD 790

**An Act To Allow a Person To Assist in a Hunt**

**ONTP**

<u>Sponsor(s)</u> BRYANT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 790 proposed to allow a person to assist a hunter in the hunting of deer, moose and wild turkeys. The bill proposed to require that the person assisting could not possess a firearm, archery equipment, a weapon or other device to kill, capture or ensnare the deer, moose or wild turkeys during the hunt.

*Joint Standing Committee on Inland Fisheries and Wildlife*

LD 794

**An Act To Remove Home Possession Limits**

ONTP

<u>Sponsor(s)</u> BRYANT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 794 proposed to exempt from the possession limits in the hunting and fishing statutes of certain animals and fish any of those species that a person could possess in that person's home.

LD 806

**An Act To Simplify the Requirements for Tagging, Registering  
and Transporting Harvested Animals**

PUBLIC 331

<u>Sponsor(s)</u> BRYANT PINEAU		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-142
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LD 806 proposed to simplify the tagging and registration requirements for harvested animals by providing the same tagging and registering requirements for bear, deer, moose and wild turkey. The bill also proposed to allow a person to transport a harvested animal if that animal was lawfully harvested and possessed by that person.

**Committee Amendment "A" (S-142)** proposed to:

1. Remove provisions of the bill regarding gift animals;
2. Remove the requirement that the department advertise registration stations in daily newspapers;
3. Remove the requirement that tags be a part of the hunting license or permit;
4. Change the penalty language for various registration violations to make those violations Class E crimes; and
5. Clarify that once a wild animal is legally harvested, tagged and registered there are no other requirements for the transportation of that animal.

***Enacted Law Summary***

Public Law 2003, chapter 331 simplifies the tagging and registration requirements for harvested animals by providing the same tagging and registering requirements for bear, deer, moose and wild turkey. It allows a person to transport a harvested animal if that animal is lawfully harvested and possessed by that person. Additionally, it removes the requirement that tags be issued as part of the hunting license and makes a violation of registration requirements a Class E crime.

*Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 827**

**An Act Regarding Wildlife Habitat Conservation**

**CARRIED OVER**

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

LD 827 proposes to allow the Commissioner of Inland Fisheries and Wildlife to enter into an agreement with a landowner to manage a parcel of land in the unorganized territory as wildlife habitat. An agreement may include a provision that exempts the parcel of land that is the subject of the agreement from the property tax. For a landowner who owns more than 1,000 acres in the unorganized territory, it proposes that no more than 15% of that landowner's holdings in the unorganized territory may be the subject of an agreement to manage the land as wildlife habitat.

**LD 854**

**An Act To Amend the Laws Governing the Operation of All-terrain Vehicles**

**CARRIED OVER**

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

LD 854 proposes to:

1. Make certain civil violations involving ATVs Class E crimes;
2. Allow the impoundment of an ATV for certain violations based solely on those violations;
3. Increase the resident registration fee for ATVs to \$25, unless the person belongs to an ATV club or organization, in which case the fee is \$20; and
4. Require the Commissioner of Inland Fisheries and Wildlife to appoint an additional game warden for each warden division of the State.

**LD 860**

**An Act To Allow Smelt Fishing in Long Lake in Aroostook County**

**PUBLIC 336**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH W MARTIN	OTP-AM MAJ ONTP MIN	H-341

LD 860 proposed to allow smelt fishing by use of a dip net on that part of Long Lake and its tributaries in Township 17, Range 3, Aroostook County. The bill also proposed to set the bag limit at 2 quarts per person.

**Committee Amendment "A" (H-341)** is the majority report of the Joint Standing Committee on Inland Fisheries and Wildlife and proposed to replace the bill. It would allow the recreational harvest of smelt on certain portions of Long Lake and proposed to make a violation of the daily bag limit a Class E crime.



## Joint Standing Committee on Inland Fisheries and Wildlife

It also proposed to make the commercial harvest of smelt in those portions of Long Lake a Class D crime with a minimum fine of \$1,000. The authority to harvest smelt under this amendment would be repealed December 31, 2005.

### *Enacted Law Summary*

Public Law 2003, chapter 336 allows for the recreational harvest of smelt on portions of Long Lake until December 31, 2005. It makes exceeding the daily bag limit a Class E crime and the commercial harvests of smelt in those portions of Long Lake a Class D crime with a minimum fine of \$1,000.

**LD 867**                      **An Act To Waive the Fee for Fishing Licenses for Disabled Persons**                      **ONTP**

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

LD 867 proposed to amend the law allowing blind residents free fishing licenses by allowing any blind or disabled person a free fishing license.

**LD 875**                      **An Act To Promote and Advance Wild Ring-necked Pheasant Propagation**                      **PUBLIC 139  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
USHER CARPENTER	OTP-AM	H-129

LD 875 proposed to establish a hunting season for male pheasants only and would direct the Commissioner of Inland Fisheries and Wildlife to immediately create 2 hunting seasons, one in the spring and one in the fall, to hunt male pheasants in the coastal area from Kittery to Bath.

**Committee Amendment "A" (H-129)** proposed to remove language from the original bill that authorizes a spring pheasant hunt and would clarify that a person who takes a female pheasant commits a Class E crime.

### *Enacted Law Summary*

Public Law 2003, chapter 139 prohibits the taking a female pheasant in certain areas of the State and directs the Commissioner of Inland Fisheries and Wildlife to create a fall hunting season for male pheasants in the coastal area from Kittery to Bath.

Public Law 2003, chapter 139 was enacted as an emergency measure effective May 14, 2003.

*Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 888**                      **An Act To Establish a Season for Hunting Deer with Primitive Muzzle-loading Firearms**                      **ONTP**

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

LD 888 proposed to define "primitive muzzle-loading firearm" and proposed to create a special primitive muzzle-loading hunting season for deer from the 10th Monday preceding Thanksgiving Day to the 9th Monday preceding Thanksgiving.

**LD 932**                      **An Act To Amend the Season for Laying Bait for Bear**                      **ONTP**

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

LD 932 proposed to separate the season for placing bait for bear from the season for hunting bear with dogs.

**LD 953**                      **An Act To Exempt Children under 17 Years of Age from Certain Fishing Restrictions**                      **ONTP**

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

LD 953 proposed to allow children under 17 years of age to fish using any legal fishing technique in any state waters open to fishing.

**LD 960**                      **An Act To Allow the Alternate Use of Moose Permits when an Emergency Prevents Permittee Use**                      **ONTP**

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

LD 960 proposed to give the Commissioner of Inland Fisheries and Wildlife authority to allow a subpermittee or alternate subpermittee on a moose permit to hunt as if the subpermittee or alternate subpermittee were the permittee when emergency circumstances prevented hunting by the permittee.

*Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 963**                      **Resolve, To Establish the Commission To Study the Department of Inland Fisheries and Wildlife's Fish Stocking Procedures and Management and the Enforcement of Fishing Laws in Northwestern Aroostook County**                      **ONTP**

<u>Sponsor(s)</u> JACKSON MARTIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 963 proposed to establish the Commission to Study the Department of Inland Fisheries and Wildlife's Fish Stocking Procedures and Management and the Enforcement of Fishing Laws in Northwestern Aroostook County.

**LD 964**                      **An Act To Help Disabled, Elderly and Junior Hunters**                      **ONTP**

<u>Sponsor(s)</u> JACKSON KNEELAND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 964 proposed to allow a disabled person, a person 70 years of age or older or a junior hunter to take an antlerless deer during the first week of the regular season for deer.

**LD 1000**                      **An Act To Establish a Policy for Inland Fishing Rules**                      **ONTP**

<u>Sponsor(s)</u> CARPENTER DUNLAP		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1000 proposed to establish guidelines for the Commissioner of Inland Fisheries and Wildlife when enacting new fishing rules to set up the preferred order of restrictions. Under the bill, bag limits or length restrictions would be the first method employed to protect fish, and such restrictions would apply equally to open water and ice fishing. When the desired object could not be achieved through bag limits and length restrictions, then the next method would be gear restrictions. The method of last resort would be restrictions of opportunity by shortening seasons.

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**LD 1040**                      **An Act To Ensure an Equitable Allocation of Federal Sport Fish Restoration Funding between Saltwater and Freshwater Fisheries Projects**                      **ONTP**

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

LD 1040 proposed to require the Department of Inland Fisheries and Wildlife, in cooperation with the Department of Marine Resources, to conduct an annual survey of people fishing in the inland and coastal waters of the State and to use the survey results to equitably distribute federal funds between saltwater and freshwater fisheries projects. The bill also proposed to require that a report on the results of the survey and the distribution of the federal grant funds was presented annually to the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Marine Resources.

**LD 1061**                      **An Act To Amend the Filing Requirements for Special Hide Dealers**                      **PUBLIC 269**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT-DESCHENE BLAIS	OTP-AM	H-303

LD 1061 proposed to reduce the paperwork requirement under a special hide dealer's license by requiring only that the dealer ensure that a deer hide is properly tagged.

**Committee Amendment "A" (H-303)** proposed to replace the original bill and would remove the requirement that special hide dealers make certain annual filings with the Department of Inland Fisheries and Wildlife. It also proposed to require that dealers maintain hide records for at least 3 years.

***Enacted Law Summary***

Public Law 2003, chapter 269 removes the requirement that special hide dealers make annual filings with the Department of Inland Fisheries and Wildlife and requires dealers to retain certain records for at least three years.

**LD 1083**                      **An Act To Encourage Hunting by Simplifying Hunting Laws**                      **PUBLIC 333**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP BRYANT	OTP-AM	H-391

LD 1083 proposed to:

1. Include "mechanical broadheads when open" in the width requirement for arrowheads used to hunt deer;

## *Joint Standing Committee on Inland Fisheries and Wildlife*

2. Remove the requirement that the department advertise bear and deer registration stations in newspapers;
3. Repeal the ban on hunting waterfowl on Haley Pond;
4. Repeal the ban on deer hunting in 8 localities and the open season on deer in the Town of Vinalhaven and the Town of Southport;
5. Allow the commissioner to provide resident landowners with unallocated nonresident antlerless deer permits and authorizes the transfer of any-deer permits to any hunter;
6. Repeal the requirement that a person must accompany a deer while it is being moved or transported;
7. Repeal the ban on firearms in the Town of Southport;
8. Limit agent fees to \$2 per transaction;
9. Extend the prohibition on twilight hunting to beyond firearm season on deer;
10. Amend the prohibition on placing bear bait within 500 yards of a dump by clarifying the word "dump" to mean a site permitted or licensed for the disposal of solid waste and extends the demarcation line around disposal sites to 500 yards;
11. Extend the period of time a person may keep an unregistered wild turkey from 12 to 18 hours, making it consistent with other game animals; and
12. Provide the Commissioner of Inland Fisheries and Wildlife with the authority to extend the open season on deer as well as terminate it if the commissioner considers it necessary to manage the deer population.

### **Committee Amendment "A" (H-391)** proposed to replace the bill and to:

1. Change the location used for determining sunrise and sunset times from Augusta to Bangor and defines night hunting as hunting between 30 minutes after sunset and 30 minutes before sunrise;
2. Repeal the twilight hunting prohibition;
3. Cap the amount of agent fees that can be charged for a single transaction at \$6 and defines a "transaction" to mean a single event in which one or more licenses or permits are issued to a given person in that person's name;
4. Include "mechanical broadheads when open" in the width requirement for arrowheads used to hunt deer;
5. Repeal the requirement that the Department of Inland Fisheries and Wildlife advertise bear and deer registration stations in one or more of the State's daily newspapers;

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6. Amend the prohibition on placing bear bait within 500 yards of a dump by clarifying the word "dump" to mean a site permitted or licensed for the disposal of solid waste, and it extends to 500 yards the area around a solid waste disposal site that is off limits to bear hunting and trapping activities;
7. Clarify the prohibition against discharging a weapon near a dwelling;
8. Allow a person to shoot from a boat as long as the boat is not being propelled by its motor;
9. Amend the law to remove the requirement that the Department of Inland Fisheries and Wildlife provide bear tags as part of the big game license;
10. Repeal the law that would allow a person to leave an unregistered bear in the woods if, within 18 hours, that person notifies a game warden about the location of the bear and the reasons for leaving it in the woods;
11. Amend the law to allow a person to possess a gift bear, deer, moose or wild turkey if it is labeled with the name of the person who registered the animal and the year that person registered the animal;
12. Clarify that a person may not shoot more than one moose per year;
13. Clarify existing law that a person may assist in a hunt as long as that person does not possess hunting equipment or conduct illegal game driving activities; and
14. Allow a person to keep more than one lawfully possessed bear, deer or moose in that person's home.

### *Enacted Law Summary*

Public Law 2003, chapter 333 does the following:

1. It changes the location used for determining sunrise and sunset times from Augusta to Bangor and defines night hunting as hunting between 30 minutes after sunset and 30 minutes before sunrise;
2. It repeals the twilight hunting prohibition;
3. It caps the amount of agent fees that can be charged for a single transaction at \$6 and defines a "transaction" to mean a single event in which one or more licenses or permits are issued to a given person in that person's name;
4. It includes "mechanical broadheads when open" in the width requirement for arrowheads used to hunt deer;
5. It repeals the requirement that the Department of Inland Fisheries and Wildlife advertise bear and deer registration stations in one or more of the State's daily newspapers;
6. It amends the prohibition on placing bear bait within 500 yards of a dump by clarifying the word "dump" to mean a site permitted or licensed for the disposal of solid waste, and it extends from 200 yards to 500 yards the area around a solid waste disposal site that is off limits to bear hunting and trapping activities;

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7. It allows a person to shoot from a boat as long as the boat is not being propelled by its motor;
8. It removes the requirement that the Department of Inland Fisheries and Wildlife provide bear tags as part of the big game license;
9. It repeals the law that allows a person to leave an unregistered bear in the woods if, within 18 hours, that person notifies a game warden about the location of the bear and the reasons for leaving it in the woods;
10. It allows a person to possess a gift bear, deer, moose or wild turkey if it is labeled with the name of the person who registered the animal and the year that person registered the animal;
11. It clarifies that a person may not shoot more than one moose per year;
12. It clarifies existing law that a person may assist in a hunt as long as that person does not possess hunting equipment and does not conduct illegal game driving activities; and
13. It allows a person to keep more than one lawfully possessed bear, deer or moose in that person's home.

**LD 1122**

**An Act To Allow A Junior Hunter To Apply for an Antlerless Deer Permit**

**ONTP**

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

LD 1122 proposed to allow a junior hunter to apply for a junior hunting license before the junior hunter's 10th birthday, if the junior hunter would be 10 years of age by the first day of hunting season. It also proposed to allow a junior hunter to apply for an antlerless deer permit.

**LD 1161**

**An Act To Exempt Saltwater-only Boats from the Lake and River Protection Sticker Requirements**

**ONTP**

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

LD 1161 proposed to exempt a motorboat or personal watercraft used only in salt water from the requirement for a lake and river protection sticker. (This is existing law.)

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**LD 1166**                      **Resolve, To Allow Selected Northern Maine Deer Hunters To Take 2 Deer**                      **ONTP**

<u>Sponsor(s)</u> JACKSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1166 proposed to direct the Commissioner of Inland Fisheries and Wildlife to amend the deer hunting rules to allow hunters in the northern wildlife management districts to get a 2-deer permit.

**LD 1170**                      **An Act To Redefine "Muzzle-loading Firearm"**                      **PUBLIC 440**

<u>Sponsor(s)</u> TRAHAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-537
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LD 1170 proposed to redefine "muzzle-loading firearm" by providing clear definitions of a basic muzzleloader, a primitive muzzleloader and a traditional muzzleloader. It proposed to remove language that limits the authority of the Commissioner of Inland Fisheries and Wildlife to extend the muzzle-loading open season on deer for more than 12 days in any part of the State. It also proposed to authorize the commissioner to establish different seasons for the 3 types of muzzleloaders.

**Committee Amendment "A" (H-537)** proposed to replaces the bill. It proposed to redefine "muzzle-loading firearm" by providing definitions for a muzzleloader, a traditional muzzleloader and a muzzle-loading shotgun.

***Enacted Law Summary***

Public Law 2003, chapter 440 redefines "muzzle-loading firearm" by providing definitions for a muzzleloader, a traditional muzzleloader and a muzzle-loading shotgun.

**LD 1179**                      **An Act To Encourage Youth Participation in Fishing**                      **ONTP**

<u>Sponsor(s)</u> KNEELAND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1179 proposed to allow a person 12 years of age or younger to fish with worms in all areas of the State, except in the rivers that have salmon listed as endangered.



*Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 1191**                    **An Act To Require a Resident To Purchase a Hunting License Before Entering Any Hunting Lottery**                    **ONTP**

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

LD 1191 proposed to require a resident to hold the appropriate hunting license in order to be eligible to participate in a hunting lottery.

**LD 1195**                    **An Act To Allow the Transfer of Certain Permits**                    **ONTP**

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

LD 1195 proposed to allow the transfer of valid moose, wild turkey and antlerless deer permits. The bill also proposed to prohibit the sale of valid moose, wild turkey or antlerless deer permits.

**LD 1227**                    **An Act To Extend the Firearm Deer Hunting Season**                    **ONTP**

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

LD 1227 proposed to extend the regular firearm deer hunting season statewide by 2 weeks, one week before the current season began and one week after the current season ended.

**LD 1238**                    **An Act To Encourage Hunting by Improving Hunting Laws**                    **ONTP**

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

LD 1238 proposed to do the following:

1. Amend the definition of "hunt" to exclude the word "pursue";
2. Exclude the expanded archery deer season from the prohibition on hunting another deer after having harvested one with a bow and arrow during the special archery season;

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3. Allow a landowner to stock pheasants on that person's property without a permit and allow the free hunting of those pheasants without a hunting license or permit;
4. Repeal the unconventional weapon deer hunting license;
5. Clarify that the prohibition against discharging a weapon near a dwelling applied to residential dwellings;
6. Remove the requirement that a person would get a landowner's permission before using a portable tree stand on that landowner's property;
7. Repeal the prohibitions against leaving duck decoys and stationary blinds on the waters of Merrymeeting Bay overnight;
8. Amend the prohibition on the use of artificial lights to hunt deer or moose to allow such use except during the firearm or muzzle-loading season;
9. Allow a person to shoot from a boat as long as the boat was not being propelled by its motor;
10. Amend the law to remove the requirement that the Department of Inland Fisheries and Wildlife provide bear tags as part of the big game license;
11. Repeal the prohibition against a person killing a bear and failing to take the bear with that person;
12. Repeal provisions of law limiting the transportation of bear and deer out of the State;
13. Repeal the prohibition on baiting deer;
14. Clarify that a person could shoot only one moose per year and require that the name of a person who was awarded a moose permit through the auction program was removed from the chance drawing;
15. Repeal the provisions of law prohibiting possession of a gift bear, deer, moose or wild turkey unless certain conditions were met;
16. Allow the Commissioner of Inland Fisheries and Wildlife to suspend the game laws regarding game animals that became nuisance animals and to allow those animals to be hunted with dogs;
17. Amend the prohibition on placing bear bait within 500 yards of a dump by clarifying the word "dump" to mean a site permitted or licensed for the disposal of solid waste and extend the demarcation line around disposal sites to 500 yards;
18. Extend the period of time a person could keep an unregistered wild turkey from 12 to 18 hours, which was an amount of time consistent with that allowed for keeping other game animals; and
19. Amend the law to remove provisions pertaining to the transportation of harvested wild animals and wild birds.

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LD 1255

**An Act To Permit Sebago Lake Mooring Extensions**

ONTP

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

LD 1255 proposed to limit the placement of a mooring on Sebago Lake to within 200 feet from shore but to allow the placement of a mooring up to 600 feet from shore in a cove or mouth of a cove. A mooring placed beyond the 200-foot limit could require an extra fee that would be used for harbor master expenses, and would be required to be illuminated from dusk to dawn during boating season. Moorings could not be placed in front of the property of an adjoining property owner and would be required to be removed by the same date that the harbor master required the removal of boats from the lake. This bill would not apply to those portions of Sebago Lake under the jurisdiction of the Portland Water District.

LD 1259

**An Act Regarding Hunting Hours, Permits and Seasons**

ONTP

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

LD 1259 proposed to do the following:

1. Set the hunting hours except for coyote, raccoon and wild turkey to 30 minutes prior to sunrise and 15 minutes after sunset. Wild turkey hunting hours were extended from 11:00 a.m. to 12:00 noon. Twilight hunting was defined as that period of time between sunset and 15 minutes after sunset and for the purposes of this provision sunset was the time the sun set in Bangor, Maine;
2. Require the Commissioner of Inland Fisheries and Wildlife to establish a system by rule that allowed a person to transfer a valid hunting permit to another person and prohibit the transferee from selling or charging a fee for that permit;
3. Require residents to obtain a valid hunting license prior to applying for certain permits;
4. Repeal all hunting seasons set in statute and provide the Commissioner of Inland Fisheries and Wildlife with the authority to set, expand or shorten hunting seasons by rule. This change had an effective date of July 1, 2004;
5. Repeal the requirement that a license holder would exhibit that license holder's license, upon request, to a registered Maine guide or an employee of the department who was not a game warden; and
6. Repeal the provision that made possession of hunting equipment in a vehicle on Sunday prima facie evidence of Sunday hunting.

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LD 1280

An Act To Improve Boating in Maine

PUBLIC 277

<u>Sponsor(s)</u> BENNETT R		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1280 proposed to require airmobiles and motorboats to pass noise limit tests with cutouts engaged and disengaged and to set a minimum of a \$300 fine for exceeding noise limits. It proposed to exempt those vessels from the noise limits while the vessels were engaged in an organized racing event that was sanctioned by a recognized racing organization and registered with the Commissioner of Inland Fisheries and Wildlife. The bill also proposed to prohibit the discharge of septic fluids into the inland waters of the State.

***Enacted Law Summary***

Public Law 2003, chapter 277 requires airmobiles and motorboats to pass noise limit tests with cutouts engaged and disengaged and sets a minimum of a \$300 fine for exceeding noise limits. It also exempts those vessels from the noise limits while the vessels are engaged in an organized racing event that is sanctioned by a recognized racing organization and registered with the Commissioner of Inland Fisheries and Wildlife. The bill also clarifies that the discharge of septic fluids into the inland waters of the State is illegal.

LD 1358

**Resolve, To Reestablish the Commission To Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine**

**RESOLVE 89  
EMERGENCY**

<u>Sponsor(s)</u> BRYANT CLARK		<u>Committee Report</u>		<u>Amendments Adopted</u> H-97 DUNLAP S-271 BRYANT
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LD 1358 proposed to reestablish the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine.

**House Amendment "A" (H-97)** proposed to alter the membership of the commission reestablished in the resolve and limits the commission's duties to providing assistance in the expenditure of the funds authorized under Private and Special Law 2001, chapter 71 for the renovations and enhancement of wastewater treatment at the Department of Inland Fisheries and Wildlife's fish-rearing facilities. This amendment also proposed to remove the requirement that the commission report back to the Legislature and to add an appropriation and allocation section.

**Senate Amendment "A" to House Amendment "A" (S-262)** proposed to authorize the commission to hold up to 2 meetings and to direct the Department of Inland Fisheries and Wildlife, rather than the Office of Policy and Legal Analysis, to staff the commission. It proposed to remove language that directed the Commissioner of Inland Fisheries and Wildlife to use funds in the fish hatchery maintenance fund to reimburse costs associated with the per diem and expenses of commission members. Additionally, the amendment proposed to reduce the appropriation. (Not adopted)

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**Senate Amendment "B" to House Amendment "A" (S-271)** proposed to authorize the commission to hold up to 2 meetings and to remove language that directed the Commissioner of Inland Fisheries and Wildlife to use funds in the fish hatchery maintenance fund to reimburse costs associated with the per diem and expenses of commission members. The amendment also proposed to reduce the appropriation.

### ***Enacted Law Summary***

Resolve 2003, chapter 89 reestablishes the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine. It authorizes the commission to hold up to 2 meetings and limits the commission's duties to providing assistance in the expenditure of the funds authorized under Private and Special Law 2001, chapter 71 for the renovations and enhancement of wastewater treatment at the Department of Inland Fisheries and Wildlife's fish-rearing facilities.

Resolve 2003, chapter 89 was passed as an emergency measure effective June 23, 2003.

### **LD 1366                      An Act To Ensure Boating Safety**

**ONTP**

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

LD 1366 proposed to require a boating safety course approved by the Commissioner of Inland Fisheries and Wildlife for any children's summer camp or recreation program personnel who would be operating a motorboat carrying a child or children. The bill proposed to require the commissioner to adopt rules requiring motorboats to be equipped with horns or other sound-making devices, establishing reduced speed zones near children's summer camps and establishing a training program for volunteer boating safety instructors. The bill also proposed to establish a 7-member Boating Safety Study Group to review issues surrounding boating safety on the State's inland waters.

### **LD 1426                      An Act To Give Moose Permits to Members of the Wesget-Sipu Organization**

**ONTP**

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

LD 1426 proposed to require the Commissioner of Inland Fisheries and Wildlife to issue a moose permit to every member of the Wesget-Sipu organization.

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**LD 1456**                      **An Act To Establish the Landowners and Sportsmen Relations Advisory Board**                      **PUBLIC 280**

<u>Sponsor(s)</u> DUNLAP BRYANT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-305
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LD 1456 proposed to establish the Landowners and Sportsmen Relations Advisory Board.

**Committee Amendment "A" (H-305)** proposed to add one member to the advisory board who would represent a utility corridor ownership interest and to remove compensation for board members.

***Enacted Law Summary***

Public Law 2003, chapter 280 establishes the Landowners and Sportsmen Relation Advisory Board.

**LD 1474**                      **An Act Concerning Public Boat Launch Sites**                      **ONTP**

<u>Sponsor(s)</u> MCKEE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1474 proposed to impose new requirements for the creation or alteration of public boat launch sites.

The bill proposed to require local involvement in the process and to require the Department of Inland Fisheries and Wildlife to establish buffer zones around launch sites and to install and maintain navigational aids at the launch sites.

**LD 1482**                      **An Act To Revise Certain Provisions of Maine's Fish and Wildlife Laws**                      **PUBLIC 403 EMERGENCY**

<u>Sponsor(s)</u> DUNLAP BRYANT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-422 H-524 DUNLAP
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LD 1482 proposed to:

1. Amend the laws governing accident reports by whitewater trip outfitters, to change the amount of property damage requiring a report from \$100 to \$1,000, which would be consistent with other reporting requirements for boating, and to clarify that the reporting requirement for medical attention is for professional medical attention;
2. Repeal laws requiring the department to publish lists of bear and deer registration stations in a daily newspaper;

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3. Repeal the requirement that if rulemaking is necessary to shorten the open season on deer, regulate the taking of antlerless deer or create special hunting seasons, the determination would have to be made and published by a certain date;
4. Repeal the requirement that the disabled hunter, trapper and angler advisory committee have a licensed physician as a member;
5. Establish the Becoming an Outdoors Woman program as a program within the department;
6. Authorize the department to issue complimentary fishing licenses to persons with acquired brain injury;
7. Amend the law regarding deer tags so that the department has flexibility in how the tag is issued;
8. Authorize the department to sell extra copies of the Maine Revised Statutes, Title 12, chapters 701 to 721, as prepared and printed by the department to help offset the cost of printing;
9. Repeal the requirement that a trespass reminder and convicted felon statement be printed on licenses;
10. Establish a reinstatement fee for licenses that are suspended for failure to comply with court-ordered support under the Maine Revised Statutes, Title 19-A, section 2201;
11. Require that bait and baitfish be sold in containers that are composed in whole of biodegradable paper or cardboard;
12. Make the amount of time for registering wild turkeys the same as that for registering bear, deer and moose, 18 hours. It is currently 12 hours;
13. Amend the law prohibiting fishing from a dam in which a fishway is located to make it unlawful to fish from any operational fishway rather than from the dam;
14. Amend the snowmobile laws by making a parent or guardian of a minor under 18 years of age responsible if that minor operates a snowmobile in violation of the snowmobile laws. This would be consistent with ATV law;
15. Remove the current language in the law that applies the law of operating to endanger only to the statewide snowmobile trail system or a public right-of-way that is open to snowmobiling;
16. Establish a grace period for migratory waterfowl permits and changes the permit to a calendar year permit. Currently, permits expire on June 30th following the season for which they were issued. These permits are now issued in the form of a license rather than a stamp and will coincide with the licensing year;
17. Require that snowmobile operators stop before entering a public way or private way maintained for travel and that snowmobile operators yield the right-of-way to all vehicular traffic while operating on a public way or private way maintained for travel;
18. Amend the law regarding dogs chasing, wounding or killing moose and deer, by adding wild turkeys to the list; and

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19. Allow the Commissioner of Inland Fisheries and Wildlife to establish rules regarding permittees that are selected to receive a moose hunting permit but are unable to use the permit.

**Committee Amendment "A" (H-422)** proposed to prohibit the use of personal watercraft on Indian Pond and defines "aquarium" for the purposes of importing and possessing nonnative and exotic species. The amendment proposed to exempt a person who holds a smelt wholesale license and fishes with a hook and line from certain restrictions regarding the taking and selling of live smelt. It would also strike the language from the bill that would allow a deer tag to be issued separately from a big game license. The amendment also proposed to clarify that the State has exclusive jurisdiction over the regulation of all-terrain vehicles. Finally, the amendment proposed to establish a lifetime trapping license and adjusts the cost of combination lifetime licenses to better reflect other fee structures.

**House Amendment "A" to Committee Amendment "A" (H-524)** proposed to specify that, notwithstanding the State's exclusive jurisdiction over the regulation of all-terrain vehicles, a municipality may regulate the operation of all-terrain vehicles on municipal property and on rights-of-way and easements held by the municipality.

### *Enacted Law Summary*

Public Law 2003, chapter 403 makes the following changes to fish and wildlife laws:

1. In the law governing accident reports by whitewater trip outfitters, it changes the amount of property damage requiring a report from \$100 to \$1,000, which is consistent with other reporting requirements for boating, and clarifies that the reporting requirement for medical attention is for professional medical attention;
2. It removes the requirement that the department publish lists of bear and deer registration stations in a daily newspaper;
3. It removes the requirement that if rulemaking is necessary to shorten the open season on deer, regulate the taking of antlerless deer or create special hunting seasons, the determination must be made and published by a certain date;
4. It removes the requirement that the disabled hunter, trapper and angler advisory committee have a licensed physician as a member;
5. It establishes the Becoming an Outdoors Woman program as a program within the department;
6. It authorizes the department to issue complimentary fishing licenses to persons with acquired brain injury;
7. It authorizes the department to sell extra copies of the Maine Revised Statutes, Title 12, chapters 701 to 721, as prepared and printed by the department to help offset the cost of printing;
8. It prohibits the use of personal watercraft on Indian Pond;
9. It removes the requirement that a trespass reminder and convicted felon statement be printed on licenses;



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10. It establishes a reinstatement fee for licenses that are suspended for failure to comply with court-ordered support under the Maine Revised Statutes, Title 19-A, section 2201;
11. It requires that bait and baitfish be sold in containers that are composed in whole of biodegradable paper or cardboard;
12. It makes the amount of time for registering wild turkeys the same as that for registering bear, deer and moose, 18 hours. It is currently 12 hours;
13. It amends the law prohibiting fishing from a dam in which a fishway is located to make it unlawful to fish from any operational fishway rather than from the dam;
14. It provides that a parent or guardian of a minor under 18 years of age is guilty of unlawfully permitting the operation of a snowmobile if that minor operates a snowmobile in violation of the snowmobile laws;
15. It amends the law to extend the applicability of the prohibition on operating a snowmobile to endanger from only applying to statewide snowmobile trail systems or public right-of-ways open to snowmobiling to all areas of the State;
16. It changes the expiration date for migratory waterfowl permits from June 30<sup>th</sup> to December 31<sup>st</sup> of the year issued;
17. It requires that snowmobile operators stop before entering a public way or private way maintained for travel and that snowmobile operators yield the right-of-way to all vehicular traffic while operating on a public way or private way maintained for travel;
18. It adds wild turkeys to and removes elk and caribou from the list of wild animals that an owner must prevent a nuisance dog from cashing or killing;
19. It allows the Commissioner of Inland Fisheries and Wildlife to establish rules regarding permittees that are selected to receive a moose hunting permit but are unable to use the permit;
20. It defines "aquarium" for the purposes of importing and possessing nonnative and exotic species;
21. It exempts a person who holds a smelt wholesale license and fishes with a hook and line from certain restrictions regarding the taking and selling of live smelt;
22. It clarifies that the State has exclusive jurisdiction over the regulation of all-terrain vehicles except that a municipality may regulate the operation of all-terrain vehicles on municipal property and on rights-of-way and easements held by the municipality; and
23. It establishes a lifetime trapping license and adjusts the cost of combination lifetime licenses to better reflect other fee structures.

Public Law 2003, chapter 403 was enacted as an emergency measure effective June 3, 2003.

*Joint Standing Committee on Inland Fisheries and Wildlife*

LD 1503

**An Act To Limit the Size of Motorboat Engines Used on Paradise Pond**

ONTP

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

LD 1503 proposed to prohibit the operation of a motorboat equipped with a motor greater than 10 horsepower on Paradise Pond in the Town of Damariscotta in Lincoln County.

LD 1600

**An Act To Recodify the Laws Governing Inland Fisheries and Wildlife**

PUBLIC 414

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-171

LD 1600 proposed to recodify the Maine Revised Statutes, Title 12, Part 10 pursuant to Joint Order 2003, Senate Paper 440.

**Committee Amendment "A" (S-171)** proposed to direct the Department of Inland Fisheries and Wildlife to develop recommendations to address legal ambiguities and other issues identified by the Office of Policy and Legal Analysis in the course of its work on the recodification. The department would be directed to seek drafting assistance from the Office of Policy and Legal Analysis in preparing recommended legislation. The amendment also proposed to clarify that the authorization for the Joint Standing Committee on Fisheries and Wildlife to report out legislation and the directive to the department to develop recommendations would be exempt from the delayed effective date of the rest of the bill.

***Enacted Law Summary***

Public Law 2003, chapter 414 recodifies the Maine Revised Statutes, Title 12, Part 10 pursuant to Joint Order 2003, Senate Paper 440 and takes effect 90 days after the adjournment of the Second Regular Session of the 121<sup>st</sup> Legislature. It also directs the Department of Inland Fisheries and Wildlife to develop recommendations to address legal ambiguities and other issues identified by the Office of Policy and Legal Analysis in the course of its work on the recodification and submit legislation to implement its recommendations to the Second Regular Session of the 121<sup>st</sup> Legislature.

*Joint Standing Committee on Inland Fisheries and Wildlife*

LD 1635

An Act Concerning Illegal Introduction of Fish into Maine Waters

**PUBLIC 491  
EMERGENCY**

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

LD 1635 proposed to require that any fish legally taken from inland waters must either be released alive into the waters from which it was taken or immediately killed. It also proposed to make possession of live fish in violation of this requirement a Class E crime and to require the suspension of a violator's fishing license for at least one year.

***Enacted Law Summary***

Public Law 2003, chapter 491 requires that any fish legally taken from inland waters must either be released alive into the waters from which it was taken or immediately killed. It also makes possession of live fish in violation of this requirement a Class E crime and requires the suspension of a violator's fishing license for at least one year.

Public Law 2003, chapter 491 was enacted as an emergency measure effective June 23, 2003.