



*A Summary of Legislation for the
Joint Standing and
Joint Select Committees
of the 121st Maine Legislature*

*Second Regular Session and
Second Special Session*

June 2004

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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 Second Regular Session and Second Special 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/billsumm.htm).

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:

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 Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

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Offices located in Room 215 of the Cross Office Building

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Summary of Legislative Action

121st Legislature

***Second Regular Session and
Second Special Session***

**121st LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS**

Table of Legislative Activity by Committee

COMMITTEE	Bills/Papers Considered ¹	Carried Over	Bills Rept'd. Out	Unanimous Reports			Divided Reports	Bills/Papers Enacted
				OTP	OTP-AM	ONTP		
ACF	13	4 ²	17	6	7	3	1	14
% of ACF bills	76%	31%	100%	35%	41%	18%	6%	82%
AFA	23	26	49	5	4	31	9	11
% of AFA bills	47%	53%	100%	10%	8%	63%	18%	22%
BRED	24	9	33	7	7	5	14	25
% of BRED bills	73%	27%	100%	21%	21%	15%	42%	76%
CRJ	19	6	24	2	11	6	5	17
% of CRJ bills	79%	25%	100%	8%	46%	25%	21%	68%
EDU	18	8	26	4 ³	8	10	4	12
% of EDU bills	69%	31%	100%	15%	31%	38%	15%	46%
HHS	26	19	44	4	20	10	10	30
% of HHS bills	32%	43%	100%	9%	45%	23%	23%	68%
HLT	0	1	0	0	0	0	0	0
% of HLT bills	32%	2%	100%	0%	0%	0%	0%	0%
IFS	15	10	25	1	9	7	8	11
% of IFS bills	60%	40%	100%	4%	36%	28%	32%	44%
IFW	14	7	21	1	9	9	2	10
% of IFW bills	67%	33%	100%	5%	43%	43%	10%	48%
JUD	24	8	32	3	10	14	5	16
% of JUD bills	75%	25%	100%	9%	31%	44%	16%	50%
LAB	15	13	28	0	10	8	10	15
% of LAB bills	54%	46%	100%	0%	36%	29%	36%	54%
LVA	12	13	24	0	7	5	12	14
% of LVA bills	50%	54%	100%	0%	29%	21%	50%	56%
MAR	11	3	14	2	3	3	6	7
% of MAR bills	79%	21%	100%	14%	21%	21%	43%	50%
NAT	19	2	21	1	12	1	7	20
% of NAT bills	90%	10%	100%	7%	57%	5%	33%	95%
RCC	3	0	3	0	0	1	2	1
% of RCC bills	100%	0%	100%	0%	0%	33%	67%	33%
SLG	16	11	27	5	6	7	9	15
% of SLG bills	59%	41%	100%	19%	22%	26%	33%	56%
TAX	31	9	38	3	14	5	16	16
% of TAX bills	82%	24%	100%	8%	37%	13%	42%	40%
TRA	18	5	23	3	10	10	0	13
% of TRA bills	78%	22%	100%	13%	43%	43%	0%	59%
UTE	19	8	27	2	6	5	14	18
% of UTE bills	70%	30%	100%	7%	22%	19%	52%	67%
Bills not ref.	12	0	0	0	0	0	0	9
% Unref. bills	100%	0%	0%	0%	0%	0%	0%	75%
TOTAL	332	162	476 ⁴	49	153	140	134	273
% of All bills	67%	34%	100%	10%	32%	29%	28%	55%

¹Includes bills reported out by law or by joint order and a resolution referred to TRA Committee that was referred and voted out.

²Includes one bill carried over during the 1st Regular Session by NAT Committee and re-referred to ACF during the 2nd Regular Session.

³Total includes an OTP-ND committee vote on LD 195.

⁴Total does not include 6 bills removed from committees without a committee vote.

**121ST LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee		
<i>Bills referred and voted out</i>	304	61.7%
<i><u>Bills Carried Over from previous session</u></i>	<u>162</u>	<u>32.9%</u>
Total Bills referred	466	94.5%
B. Bills reported out by law or joint order	15	3.0%
C. Bills introduced without reference	12	2.4%
Total Bills considered by Legislature	493	100.0%
Orders and Resolutions referred to Committees		
<i>Joint Study Orders referred and voted out</i>	0	0.0%
<i>Joint Resolutions referred and voted out</i>	1	100.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	1	100.0%
		% of All Committee Reports
II. BILLS AND PAPERS REPORTED OUT OF COMMITTEES	<u>Number</u>	
A. Unanimous committee reports		
<i>Ought to Pass</i>	48	10.1%
<i>Ought to Pass as Amended</i>	153	32.1%
<i>Ought to Pass as New Draft</i>	1	0.2%
<i><u>Ought Not to Pass</u></i>	<u>140</u>	<u>29.4%</u>
Total unanimous reports	342	71.8%
B. Divided committee reports		
<i>Two-way reports</i>	127	26.7%
<i>Three-way reports</i>	7	1.5%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>
Total divided reports	134	28.2%
Total Committee reports	476¹	98.8%
III. CONFIRMATION HEARINGS	69	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of All Bills/Rules</u>
A. Bills and Papers enacted or finally passed		
<i>Joint Study Orders</i>	0	0.0%
<i>Public laws</i>	204	41.4%
<i>Private and Special Laws</i>	20	4.1%
<i>Resolves</i>	49	9.9%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>
Total Enacted or Finally Passed	273	55.4%
B. Resolves to authorize major substantive rules		
<i>Rules authorized without legislative changes</i>	5	35.7%
<i>Rules authorized with legislative changes</i>	9	64.3%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>
Total number of rules reviewed	14	100.0%
C. Bills vetoed or held by Governor		
<i>Vetoed over-ridden</i>	0	0.0%
<i>Vetoed sustained</i>	0	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>
Total	0	0.0%

1. Total does not include six bills referred to committees that were removed from the committees without a committee report.

*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Agriculture, Conservation and Forestry*

May 2004

Staff:

Jill Ippoliti, Legislative Analyst

*Office of Policy and Legal Analysis
13 State House Station
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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. Eugene L. Churchill
Rep. Kenneth C. Fletcher
Rep. John Eder*

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

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	10	58.8%	2.0%
<i><u>Bills Carried Over from previous session</u></i>	<u>4</u> ¹	<u>23.5%</u>	<u>0.8%</u>
Total Bills referred	14	82.4%	2.8%
B. Bills reported out by law or joint order	3	17.6%	0.6%
Total Bills considered by Committee	17	100.0%	3.4%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i><u>Orders and Resolutions Carried Over</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	6	35.3%	1.3%
<i>Ought to Pass as Amended</i>	7	41.2%	1.5%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>3</u>	<u>17.6%</u>	<u>0.6%</u>
Total unanimous reports	16	94.1%	3.4%
B. Divided committee reports			
<i>Two-way reports</i>	1	5.9%	0.2%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	1	5.9%	0.2%
Total committee reports	17	100.0%	3.6%
III. CONFIRMATION HEARINGS	14	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	8	47.1%	1.6%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	6	35.3%	1.2%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	14	82.4%	2.8%
B. Major substantive rules			
<i>Authorized without legislative changes</i>	0	0.0%	0.0%
<i>Authorized with legislative changes</i>	1	100.0%	7.1%
<i><u>Not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	1	100.0%	7.1%
C. Bills vetoed or held by Governor			
<i>Vetoed over-riden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

¹ Total number of carryovers includes LD 1253, which was referred to ACF from the Natural Resources Committee in the 2nd Regular Session.
Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Joint Standing Committee on Agriculture, Conservation & Forestry

SUBJECT INDEX

Agriculture

Enacted

LD 1902	An Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to the Review of Agencies under the State Government Evaluation Act	PUBLIC 578	Page 10
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Not Enacted

None

Agriculture-Dairy

Enacted

LD 1852	An Act To Extend the Dairy Stabilization Subsidy Through May 31, 2004	PUBLIC 522 EMERGENCY	Page 9
LD 1945	An Act To Encourage the Future of Maine's Dairy Industry	PUBLIC 648 EMERGENCY	Page 11

Not Enacted

LD 338	An Act to Stabilize the Maine Dairy Industry	ONTP	Page 5
LD 738	An Act To Save Maine Dairy Farms	ONTP	Page 5

Animal Control/Animal Welfare

Enacted

LD 1742	An Act To Amend the Laws Regarding Humane Agents and Kennel Licenses	PUBLIC 536	Page 8
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LD 1952 **An Act to Regulate the Breeding and Sale of Small Mammals** **PUBLIC 642** **Page 12**

Not Enacted

None

Bureau of Parks and Lands

Enacted

LD 1253 **Resolve, Directing the Department of Conservation To Implement a Pilot Project To Evaluate Outdoor Playground Surface Materials** **RESOLVE 110** **Page 5**

LD 1644 **Resolve, To Clarify State Ownership of Land in the Town of Naples** **RESOLVE 102** **Page 6**

LD 1782 **An Act To Ensure Fair Payment for Timber Harvesting Jobs on Land Managed by the Department of Conservation, Bureau of Parks and Lands** **PUBLIC 549** **Page 8**

LD 1942 **Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands** **RESOLVE 137** **Page 10**

LD 1947 **Resolve, To Clarify Title to Land Related to the Waldo-Hancock Bridge Replacement** **RESOLVE 141** **Page 12**

Not Enacted

None

Forest Practices/Forest Policies

Enacted

LD 1693 **An Act To Improve the Property Boundary Marking Laws for Purposes of Timber Harvesting** **PUBLIC 550** **Page 7**

LD 1962 **Resolve, Regarding Legislative Review of Chapter 23: Standards for Timber Harvesting To Substantially Eliminate Liquidation Harvesting, a Major Substantive Rule of the Department of Conservation** **RESOLVE 144** **Page 13**

LD 1965 **An Act Regarding Penalties Assessed by the Bureau of Forestry** **PUBLIC 694** **Page 14**

Not Enacted

LD 1518 **An Act To Improve Harvest Standards for Lands Purchased and Harvested within an 8-year Period** **ONTP** **Page 6**

Miscellaneous

Enacted

LD 1719 **Resolve, Authorizing the Transfer of a Parcel of Land on Peaks Island to the Peaks Island Land Preserve** **RESOLVE 129** **Page 7**

LD 1902 **An Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to the Review of Agencies under the State Government Evaluation Act** **PUBLIC 578** **Page 10**

Not Enacted

None

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 338 **An Act to Stabilize the Maine Dairy Industry** **ONTP**

<u>Sponsor(s)</u> GAGNON MCKEE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 338 proposed establishing a program of direct subsidy payments to the State's dairy farmers through the Maine Milk Pool. The program would have made payments if the base price of milk at the farm fell below the average short-term cost of milk production in the State as determined by studies performed for the Maine Milk Commission. The supplemental appropriation proposed in the bill for fiscal year 2002-03 was \$5,500,000. See the bill summary for LD 1945 for a summary of legislation enacted this session to establish 2 subsidy payment programs for Maine dairy farmers.

LD 738 **An Act To Save Maine Dairy Farms** **ONTP**

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

LD 738 proposed directing the Maine Milk Commission to establish a maximum rate of return for the retail sale of milk. It would have authorized the commission to order a retail store to lower its prices if the commission determined that the maximum rate of return had been exceeded. It proposed requiring the owner or manager of a 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 1253 **Resolve, Directing the Department of Conservation To Implement a Pilot Project To Evaluate Outdoor Playground Surface Materials** **RESOLVE 110**

<u>Sponsor(s)</u> TRAHAN HALL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-693
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LD 1253 proposed establishing a Playground Safety and Tire Recycling Fund to provide matching grants to public schools and institutions and state parks and recreation areas to purchase and install playground surfacing material made from waste tire material. The intent of this bill was to improve playground safety while promoting the reuse of tires. The bill proposed to establish the fund within the State Planning Office and direct that office to adopt rules to administer the fund. The bill proposed to impose a fee of 25¢ per tire to fund the grant program.

Committee Amendment "A" (H-693) proposed changing the bill to a resolve. It proposed directing the Director of the Bureau of Parks and Lands within the Department of Conservation to develop and implement a pilot project for evaluating the use of waste tire material as a playground surfacing material.

Joint Standing Committee on Agriculture, Conservation and Forestry

Enacted Law Summary

Resolves 2003, chapter 110 directs the Director of the Bureau of Parks and Lands within the Department of Conservation to develop and implement a pilot project for evaluating the use of waste tire material as a playground surfacing material.

LD 1518 **An Act To Improve Harvest Standards for Lands Purchased and Harvested within an 8-year Period** **ONTP**

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

LD 1518 proposed establishing harvesting standards for land harvested within 8 years of purchase or purchase of the timber rights. It proposed a definition for "heavy cut" and would have required a landowner to have a harvest plan prepared prior to conducting a heavy cut. The bill proposed 4 acceptable justifications for a heavy cut. It proposed an exemption to the standards for change in land use and provisions for granting a variance for financial hardship.

LD 1644 **Resolve, To Clarify State Ownership of Land in the Town of Naples** **RESOLVE 102**

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

LD 1644 proposed directing the Director of the Bureau of Parks and Lands within the Department of Conservation to clarify ownership of the land in the vicinity of a parcel known as "Third Beach" adjacent to Sebago Lake State Park in the Town of Naples.

Enacted Law Summary

Resolve 2003, chapter 102 directs the Director of the Bureau of Parks and Lands within the Department of Conservation to clarify ownership of the land in the vicinity of a parcel known as "Third Beach" adjacent to Sebago Lake State Park in the Town of Naples.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1693 **An Act To Improve the Property Boundary Marking Laws for Purposes of Timber Harvesting** **PUBLIC 550**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT MCKEE	OTP-AM	S-385 S-393 BRYANT

LD 1693 proposed requiring persons cutting or harvesting trees near a property boundary line to clearly mark the line. It also proposed prohibiting the harvesting of trees growing on a property boundary line without prior approval from owners of the abutting property.

Committee Amendment "A" (S-385) proposed changes to the definition of "line tree" and specifying civil penalties for failure to mark property lines prior to harvest and harvesting a line tree without the abutting landowner's permission.

Senate Amendment "A" to Committee Amendment "A" (S-393) proposed an exemption for timber harvesting performed on a parcel of land that is 5 acres or less.

Enacted Law Summary

Public Law 2003, chapter 550 requires a landowner authorizing the person conducting a harvest near a property boundary line to clearly mark any established property boundary line within 200 feet of the area to be harvested. It prohibits the harvesting of trees growing on a property boundary line unless prior approval is obtained from owners of the abutting property. Exemptions are provided for tree cutting performed by the Department of Transportation, public utilities or municipal employees or agents and for harvests on a parcel of land that is 5 acres or less.

LD 1719 **Resolve, Authorizing the Transfer of a Parcel of Land on Peaks Island to the Peaks Island Land Preserve** **RESOLVE 129**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN DUDLEY	OTP-AM	S-455

LD 1719 proposed conveying a conservation easement on land owned by the State and located on Peaks Island in Cumberland County to the Peaks Island Land Preserve. The Resolve incorrectly identified the Bureau of Parks and Lands within the Department of Conservation as the agency with authority to convey an easement on the property, which is classified as a wildlife management area.

Committee Amendment "A" (S-455) proposed replacing the original Resolve to authorize the Commissioner of Inland Fisheries and Wildlife to transfer fee ownership of land on Peaks Island designated as a state-owned wildlife management area to the Peaks Island Land Preserve.

Joint Standing Committee on Agriculture, Conservation and Forestry

Committee Amendment "A" (H-714) proposed replacing the bill. It proposed requiring a contract to harvest timber on the public reserved and nonreserved lands to specify wage or piece rates and equipment allowances that equal or exceed rates and allowances established by the Department of Labor. It proposed authorizing the Director of the Bureau of Parks and Lands to establish wages or piece rates and allowances to apply on the reserved and nonreserved lands if a prevailing wage or piece rate or equipment allowance had not been established by the Department of Labor for a specific harvesting occupation or type of equipment.

Enacted Law Summary

Public Law 2003, chapter 549 requires a contract to harvest timber on the public reserved and nonreserved lands to include a provision requiring that timber harvesters be paid a wage or piece rate not less than the prevailing wage or rate established by the Department of Labor and equipment allowances equal to or greater than the allowances established by the Department of Labor. If a prevailing wage or piece rate is not established by the Department of Labor for a specific harvesting occupation or an equipment allowance is not established by the Department of Labor for a specific type of equipment, the Director of the Bureau of Parks and Lands is authorized to establish wages or piece rates and allowances to apply on the reserved and nonreserved lands.

LD 1852

**An Act To Extend the Dairy Stabilization Subsidy Through
May 31, 2004**

**PUBLIC 522
EMERGENCY**

Sponsor(s)
COLWELL
BRYANT

Committee Report
OTP

Amendments Adopted

The budget bill enacted as Public Law 2003, chapter 513, included language extending the dairy stabilization subsidy program through June 0f 2004. LD 1852 proposed to remove the dairy stabilization subsidy from the recently enacted budget and enact it as separate, emergency legislation in order for the financial assistance to be available immediately upon enactment.

Enacted Law Summary

Public Law 2003, chapter 522 extends dairy stabilization payments for milk produced between January 1, 2004 and May 31, 2004 and caps the total amount to be distributed for this period at \$2,100,000. During the First Session of the 121st Legislature, Public Law 2003, chapter 120 established provisions for distributing payments to Maine's dairy farmers for any month from September through December of 2004 in which the base price of milk fell below \$16.94 per hundredweight. Chapter 120 provided for payments based on 55% of the difference between the target price of \$16.94 and the base price. Chapter 522 retains the target price of \$16.94 but provides for payments to be calculated based on 40% of the difference in target price and base price.

Public Law 2003, chapter 522 was enacted as an emergency measure effective February 20, 2004.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1902 **An Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to the Review of Agencies under the State Government Evaluation Act** **PUBLIC 578**

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

LD 1902 proposed legislation developed by the Joint Standing Committee on Agriculture, Conservation and Forestry during its review of the Department of Agriculture, Food and Rural Resources and the Baxter State Park Authority under the Government Evaluation Act.

Enacted Law Summary

Public Law 2003, chapter 578 is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry upon completion of review of agencies submitting Government Evaluation Reports to the 121st Legislature. Chapter 578 establishes future report dates for agencies reviewed by the committee this session and deletes a reference to the recently abolished State Soil and Water Conservation Commission. It also does the following:

1. It removes employees of the Department of Agriculture, Food and Rural Resources from the Pull Events Commission and provides for the agricultural fair coordinator within the department to serve as secretary to the commission.
2. It establishes a separate dedicated account to receive seed certification and inspection fees and other funds received in support of a state seed certification and inspection program.
3. It allows loans from the Agricultural Marketing Loan Fund to be used to improve pastureland.
4. It directs the Baxter State Park Authority to report in 2006 to the joint standing committee of the Legislature having jurisdiction over parks and public lands on the implementation of the rolling reservation system for Baxter State Park.

LD 1942 **Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands** **RESOLVE 137**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT HATCH PR	OTP-AM	S-508

LD 1942 proposed authorizing the Director of the Bureau of Parks and Lands within the Department of Conservation to convey property or interests in property at 6 locations described in the resolve.

Joint Standing Committee on Agriculture, Conservation and Forestry

Committee Amendment "A" (S-508) proposed revising language in the resolve that authorized conveyance of lots on First Roach Pond to correct the name of the association of leaseholders, better describe and identify the lots and allow the transfer to either the First Roach Pond Leaseholders Coalition or its individual members. It proposed directing the Director of the Bureau of Parks and Lands within the Department of Conservation to take action to ensure continuing public access to the campground lot retained by the State if that portion of the Frenchtown Road used to access the campground is discontinued as a county road.

The amendment also proposed removing a section from the resolve, which proposed authorizing the transfer of land in Skowhegan known as the Yankee Woodlot to the Somerset County Commissioners for the purpose of constructing a new jail.

Enacted Law Summary

Resolve 2003, chapter 137 authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to convey property at 5 locations. The transfers authorized include; 1.5 miles of road to the Town of Winterville in Aroostook County, lots on First Roach Pond in Piscataquis County to the First Roach Pond Leaseholders Coalition or individual members of the coalition, 25 acres in Lynchtown Township in Oxford County to the Bosebuck Mountain Club, Inc., a 45 acre parcel of land in Little Moose Township to the Town of Greenville, and a lot in Corinna to the Town of Corinna. Any proceeds from the sale of land must be used to purchase additional land in the same county.

LD 1945

An Act To Encourage the Future of Maine's Dairy Industry

**PUBLIC 648
EMERGENCY**

Sponsor(s)
PIOTTI
BRYANT

Committee Report
OTP-AM

Amendments Adopted
H-883

LD 1945 proposed to create 2 programs of assistance to support the prices paid to Maine dairy farmers for their milk, based on the recommendations of the Governor's Task Force on the Sustainability of the Dairy Industry in Maine.

Committee Amendment "A" (H-883) proposed replacing the bill to clarify provisions establishing 2 price support programs. It also proposed removing the repeal provisions in the bill and instead authorizing the joint standing committee of the Legislature having jurisdiction over agricultural matters to report out a bill to implement the committee's recommendations after its review of each program. The amendment proposed allowing funds previously allocated to the Maine Milk Commission for distribution to dairy farmers to be distributed under the new programs in fiscal year 2004-05.

Enacted Law Summary

Public Law 2003, chapter 648 establishes 2 programs to stabilize the prices paid to dairy farmers for their milk. Under the tiered program a target price is established for each of three levels of production to reflect short-run break-even points within each tier. Payments are distributed for each month in which the base price was less than the target price. The second payment program, the Maine Milk Income Loss Contract, provides for payments to Maine dairy farmers whose annual production exceeds the cap under the federal Milk Income Loss Contract. These farmers are eligible to receive a payment for production over the federal cap until annual production reaches 5,000,000 pounds.

Joint Standing Committee on Agriculture, Conservation and Forestry

Chapter 648 directs the Department of Agriculture, Food and Rural Resources to develop a course of action for implementing other recommendations of the Governor's Task Force on the Sustainability of the Dairy Industry in Maine presented in the task force's report dated November 18, 2003. It also requires the joint standing committee of the Legislature having jurisdiction over agricultural matters to review the price support provisions enacted by chapter 648 and authorizes the committee to report out a bill to implement the committee's recommendations regarding each program. The bills are authorized for submission to the First Regular Session of the 123rd Legislature. Public Law 2003, chapter 648 was enacted as an emergency measure effective April 16, 2004.

LD 1947 **Resolve, To Clarify Title to Land Related to the Waldo-Hancock** **RESOLVE 141**
Bridge Replacement

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

This resolve proposed authorizing the transfer of management responsibility for a small portion of Fort Knox State Historic Site by the Director of the Bureau of Parks and Lands within the Department of Conservation to the Department of Transportation.

Enacted Law Summary

Resolve 2003, chapter 141 authorizes the transfer of management responsibility for a small portion of Fort Knox State Historic Site by the Director of the Bureau of Parks and Lands within the Department of Conservation to the Department of Transportation for the purpose of constructing and maintaining a portion of the Waldo-Hancock Bridge replacement. It also confirms that portions of State Route 174 and U.S. Route 1 that cross Fort Knox State Park were constructed, and are occupied and maintained for highway purposes. The area subject to this transfer of management responsibility is approximately 5 acres, approximately 4.75 acres of which is currently occupied by State Route 174 and U.S. Route 1. No funds will be exchanged in connection with this transfer.

LD 1952 **An Act to Regulate the Breeding and Sale of Small Mammals** **PUBLIC 642**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		H-851

LD 1952 was the report of the Joint Standing Committee on Agriculture, Conservation and Forestry authorized under Public Law 2003, chapter 350. It proposed directing the Commissioner of Agriculture, Food and Rural Resources to adopt rules concerning the breeding and sale of small mammals, including guinea pigs, hamsters and rabbits.

House Amendment "A" (H-851) proposed clarifying that the rules authorized by this bill apply only to breeders and sellers of small mammals who are not currently licensed or regulated by the Department of Agriculture, Food and Rural Resources.

Joint Standing Committee on Agriculture, Conservation and Forestry

Enacted Law Summary

Public Law 2003, chapter 642 is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It directs the Commissioner of Agriculture, Food and Rural Resources to adopt rules concerning the breeding and sale of small mammals, including guinea pigs, hamsters and rabbits, to apply to breeders and sellers who are not currently required to be licensed or otherwise regulated by the department.

LD 1962 **Resolve, Regarding Legislative Review of Chapter 23: Standards for Timber Harvesting To Substantially Eliminate Liquidation Harvesting, a Major Substantive Rule of the Department of Conservation** **RESOLVE 144**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-966
	OTP-AM MIN	

LD 1962 proposed authorization for final adoption of Chapter 23: Standards for Timber Harvesting to substantially eliminate Liquidation Harvesting, a major substantive rule of the Department of Conservation.

Committee Amendment "A" (H-966) is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed authorizing final adoption of the provisionally adopted rule provided certain revisions are made. The majority report was adopted.

Committee Amendment "B" (H-967), which was not adopted, is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. This amendment proposed authorizing final adoption of a rule to regulate liquidation harvesting. It would have required extensive revisions to the provisionally adopted rule prior to final adoption.

Enacted Law Summary

Resolve 2003, chapter 144 authorizes final adoption of Chapter 23 Standards for Timber Harvesting to Substantially Eliminate Liquidation Harvesting. Final adoption of the provisionally adopted rule is authorized providing revisions proposed by the Maine Forest Service and dated April 27, 2004 are made as well as additional changes specified in the Resolve. The Resolve requires that 2 exemptions in the rule be based on timberland acreage rather than total land ownership acreage or total parcel size. The Resolve requires the Commissioner of Conservation to make available to the public a document that allows comparison of the rule provisionally adopted on April 14, 2004 and the rule authorized and finally adopted.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1965

An Act Regarding Penalties Assessed by the Bureau of Forestry

PUBLIC 694

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1965 proposed a civil penalty for a violation of rules adopted to substantially eliminate liquidation harvesting. The civil violation provisions would become effective on January 2, 2005, the effective date for the Maine Forest Service rules.

Enacted Law Summary

Public Law 2003, chapter 694 enacts a civil penalty for a violation of rules adopted to substantially eliminate liquidation harvesting. A person who violates the rule is subject to fines that may be increased for a second violation within a 5-year period. Alternatively, maximum fines may be increased to reflect the economic benefit realized from the violation.

*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Appropriations and Financial Affairs*

May 2004

Staff:

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Sen. Margaret R. Rotundo
Sen. Karl W. Turner*

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

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

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	23	46.9%	4.7%
<i>Bills Carried Over from previous session</i>	<u>26</u>	<u>53.1%</u>	<u>5.3%</u>
Total Bills referred	49	100.0%	9.9%
B. Bills reported out by law or joint order	0	0.0%	0.0%
Total Bills considered by Committee	49	100.0%	9.9%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	5	10.2%	1.1%
<i>Ought to Pass as Amended</i>	4	8.2%	0.8%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	<u>31</u>	<u>63.3%</u>	<u>6.5%</u>
Total unanimous reports	40	81.6%	8.4%
B. Divided committee reports			
<i>Two-way reports</i>	9	18.4%	1.9%
<i>Three-way reports</i>	0	0.0%	0.0%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	9	18.4%	1.9%
Total committee reports	49	100.0%	10.3%
III. CONFIRMATION HEARINGS	0	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	4	8.2%	0.8%
<i>Private and Special Laws</i>	5	10.2%	1.0%
<i>Resolves</i>	2	4.1%	0.4%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	11	22.4%	2.2%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<i>Rules not authorized by the Legislature</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i>Held by the Governor</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

Prepared by the Office of Policy and Legal Analysis
121st Legislature, Second Regular and Second Special Sessions

Joint Standing Committee on Appropriations and Financial Affairs

SUBJECT INDEX

Budget Bills

Enacted

LD 1636	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, 2004 and June 30, 2005	PUBLIC 507 EMERGENCY	Page 38
LD 1828	An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary for the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005	PUBLIC 513	Page 43
LD 1919	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 673	Page 59

Not Enacted

None

General Fiscal Policy

Enacted

None

Not Enacted

LD 3 **An Act to Amend the Membership of the Revenue Forecasting Committee** ONTP Page 23

LD 1798 **An Act Requiring Long-range Budget Planning** ONTP Page 42

General Obligation Bond Issues

Enacted

LD 1572 **An Act To Authorize Bond Issues for Ratification by the Voters at the November 2003 Election** P & S 33 Page 34

Not Enacted

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** ONTP Page 23

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** ONTP Page 25

LD 394 **An Act To Authorize a General Fund Bond Issue in the Amount of \$2,700,000 for Maine Maritime Academy** ONTP Page 27

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** ONTP Page 28

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** ONTP Page 29

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** ONTP Page 31

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	ONTP Page 32
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	ONTP Page 33
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	ONTP Page 37
LD 1647	An Act To Authorize a General Fund Bond Issue in the Amount of \$3,000,000 To Build a Warehouse To Stimulate and Support Maine's Manufacturing, Transportation and Harbor Industries	ONTP Page 39
LD 1707	An Act To Authorize a General Fund Bond Issue in the Amount of \$1,000,000 To Fund Downtown Revitalization To Preserve the Heritage of Municipalities	ONTP Page 40
LD 1776	An Act To Authorize a General Fund Bond Issue in the Amount of \$150,000,000 To Finance the Acquisition of Land and Interest in Land for Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitat and Farmland Preservation and To Access \$50,000,000 in Matching Contributions from Public and Private Sources	ONTP Page 41
LD 1812	An Act To Authorize a General Fund Bond Issue in the Amount of \$1,000,000 for the Renovation of Millinocket Municipal Airport	ONTP Page 43

LD 1875	An Act To Authorize Department of Transportation Bond Issues in the Amount of \$18,250,000 To Match Available Federal Funds for Improvements to and Development of Highways and Bridges; Airports; Ferry Vessels, Port Facilities and Marine Infrastructure; Rail Corridors and Structures; Intermodal Facilities; and Trail and Pedestrian Facilities	FAILED ENACTMENT	Page 54
LD 1876	An Act To Authorize a General Fund Bond Issue in the Amount of \$16,600,000 To Construct and Upgrade Water Pollution Control Facilities, To Remediate Solid Waste Landfills, To Clean Up Uncontrolled Hazardous Substance Sites, To Provide Municipal Stormwater Management Assistance, To Investigate and Remediate Municipal Brownfields, To Construct and Upgrade Public Water Systems and To Remediate Lead Paint in Low-income Households	ONTP	Page 56
LD 1877	An Act To Authorize a General Fund Bond Issue in the Amount of \$20,000,000 To Sustain and Improve Maine's Economy	ONTP	Page 57
LD 1878	An Act To Authorize a General Fund Bond Issue in the Amount of \$65,000,000 To Finance the Acquisition of Land and Interest in Land for Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitat and Farmland Preservation: To Fund Capital Improvements to State Parks and Other Historic Public Areas: and To Access \$30,250,000 in Matching Contributions from Public and Private Sources	ONTP	Page 58
LD 1888	An Act To Authorize a General Fund Bond Issue in the Amount of \$1,200,000 for the Downeast Institute for Applied Marine Research and Education	ONTP	Page 58
LD 1894	An Act To Authorize a General Fund Bond Issue in the Amount of \$2,000,000 for Disaster Relief and To Provide Further Relief Measures	ONTP	Page 59
LD 1928	An Act To Authorize a General Fund Bond Issue in the Amount of \$4,822,368 To Provide Funds To Repair and Upgrade Maine Army National Guard Armories and Facilities and for the Challenger Learning Center of Maine	ONTP	Page 100

Maine Governmental Facilities Authority/Other Debt Authorization

Enacted

None

Not Enacted

LD 356 An Act to Build a Prison in Washington County ONTP Page 26

Miscellaneous Funding and Other Requests

Enacted

LD 47 Resolve, to Fund Scholarships to the Seeds of Peace RESOLVE 147 Page 23
Camp

LD 279 An Act To Support the Regional Library System P & S 53 Page 25

LD 634 An Act To Provide Funding for the Maine-Canada PUBLIC 701 Page 27
Trade Ombudsman

LD 993 An Act To Promote Economic Growth by Retaining PUBLIC 710 Page 29
Engineers in Maine

LD 1021 Resolve, To Renew the Veterans' Emergency RESOLVE 145 Page 30
Assistance Program

LD 1149 An Act To Support the Kennebec-Chaudiere P & S 49 Page 31
International Corridor

LD 1787 An Act To Support the New Century Community P & S 50 Page 41
Program

LD 1841 An Act To Appropriate Funds for World War II P & S 51 Page 54
and Korean War Memorial Plaques in the Hall of
Flags

LD 1937 An Act To Appropriate Funds to the Maine Potato PUBLIC 52 Page 100
Board for the Purchase of Potatoes n Need of EMERGENCY
Disposal Due to Weather Conditions during the
Harvest in 2003

Not Enacted

LD 167	An Act To Fund the Matching Requirement for Maine's Successful NASA EPSCoR Award	ONTP	Page 24
LD 190	An Act to Expand Funding and Services to Students of Limited Proficiency in English	INDEF PP	Page 24
LD 194	An Act to Increase the Adult Education State Subsidy by a Specific Percentage	INDEF PP	Page 25
LD 336	An Act to Fund the Endowment Incentive Fund	ONTP	Page 26
LD 337	An Act to Strengthen State Investment in the University of Maine System for Applied Research and Development	ONTP	Page 26
LD 595	Resolve, To Create the Commission To Study the Recruitment, Training and Retention of Physicians for Rural and Medically Underserved Areas of Maine	DIED IN CONCURRENCE	Page 27
LD 716	An Act To Continue Necessary State Funding of Freestanding, Nonprofit Psychiatric Hospitals for Services Provided to Indigent Patients and for Other Purposes	ONTP	Page 28
LD 791	An Act To Fully Fund Retirement Benefits for Game Wardens and Marine Patrol Officers	ONTP	Page 29
LD 1249	An Act To Amend the Laws Governing the Quality Child Care Tax Credit	ONTP	Page 32
LD 1536	An Act To Authorize the State To Establish a Multijurisdictional Lottery or Lottery Games	ONTP	Page 32
LD 1673	An Act To Provide Funding for the Commission on Governmental Ethics and Election Practices	ONTP	Page 39
LD 1682	An Act To Ensure the State's Commitment to Former Students Who Were Physically or Sexually Abused at the Governor Baxter School for the Deaf or the Maine School for the Deaf	INDEF PP	Page 40
LD 1791	An Act To Restore Funding for Certain Nursing Facilities and Residential Care Facilities	ONTP	Page 42
LD 1805	An Act To Restore Funding for the Violence Intervention and Prevention Program	ONTP	Page 42

**An Act To Ensure Adequate Home-based Care
Services and Provide the Most Cost-effective Long-
term Care for Maine Seniors**

Joint Standing Committee on Appropriations and Financial Affairs

This bill also proposed 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.

LD 167 **An Act To Fund the Matching Requirement for Maine's Successful NASA EPSCoR Award** **ONTP**

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

LD 167 was carried over from the First Regular Session and proposed to appropriate \$307,653 for fiscal year 2003-04 to match federal and institutional match requirements for the third 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.

LD 1919, Public Law 2003, chapter 673, Part HHH-2 moves \$315,000 from the Maine Microenterprise Initiative Fund to the Administration - Economic and Community Development program in fiscal year 2004-05 to provide one-time funding to match the National Aeronautics and Space Administration's EPSCoR award to the Maine Space Grant Consortium.

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

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS	OTP-AM MAJ ONTP MIN	H-701

LD 190 was carried over from the First Regular Session and proposed to provide funds for a 10% increase in funding for the English as a second language program in the General Purpose Aid for Local Schools program within the Department of Education for students with limited English proficiency for fiscal years 2003-04 and 2004-05.

Committee Amendment "A" (H-701) proposed to provide a 10% increase in funding from fiscal year 2003-04 for fiscal year 2004-05 for the English as a second language program in the General Purpose Aid for Local Schools program within the Department of Education for students with limited English proficiency.

Joint Standing Committee on Appropriations and Financial Affairs

LD 194 **An Act to Increase the Adult Education State Subsidy** **INDEF PP**

<u>Sponsor(s)</u> CUMMINGS	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-702
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LD 194 was carried over from the First Regular Session and proposed to increase the state adult education subsidy by 6% for each year of the 2004-2005 biennium.

Committee Amendment “A” (H-702) proposed to increase the state adult education subsidy in fiscal year 2004-05 to reflect level funding from fiscal year 2003-04.

LD 1919, Public Law 2003, chapter 673, Part CCCC-2 appropriates \$87,000 in fiscal year 2004-05 to Adult Education.

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** **ONTP**

<u>Sponsor(s)</u> COLWELL DAGGETT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 228 was carried over from the First Regular Session and proposed 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 279 **An Act To Support the Regional Library System** **P & S 53**

<u>Sponsor(s)</u> BLANCHETTE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-703 S-590 CATHCART
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LD 279 was carried over from the First Regular Session and proposed 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.

Committee Amendment “A” (H-703) proposed to appropriate \$200,000 in fiscal year 2004-05 to offset increasing costs at the area reference and resource centers for the provision of Regional Library System activities.

Senate Amendment “A” to Committee Amendment “A” (S-590) proposed to appropriate \$100,000 in fiscal year 2004-05 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

Enacted Law Summary

Private and Special 2003, chapter 53 appropriates \$100,000 in fiscal year 2004-05 to offset increasing costs at the area reference and resource centers for the provision of Regional Library System activities.

LD 336 An Act to Fund the Endowment Incentive Fund ONTP

<u>Sponsor(s)</u> CATHCART		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 336 was carried over from the First Regular Session and proposed to provide funds in fiscal year 2003-04 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.

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

<u>Sponsor(s)</u> CATHCART THOMAS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 337 was carried over from the First Regular Session and proposed to provide additional funds for the Maine Economic Improvement Fund for applied research and development in the University of Maine System.

LD 1828, Public Law 2003, chapter 513, Part P, provides up to \$2,000,000 in fiscal year 2004-05 for the Maine Economic Improvement Fund, if the unappropriated surplus of the General Fund is sufficient at the close of fiscal year 2003-04.

LD 356 An Act To Build a Prison in Washington County ONTP

<u>Sponsor(s)</u> PELLON HATCH, PH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 356 was carried over from the First Regular Session and proposed 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.

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

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

LD 394 was carried over from the First Regular Session and proposed 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 1572, Private and Special 2003, c. 33 (approved by the voters in November 2003) provides \$1,000,000 to make repairs and replace classroom and other facilities at Maine Maritime Academy.

LD 595 **An Act To Appropriate Funds for a Study To Determine the Feasibility of a Medical School in Maine** **DIED IN CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN SMITH, W	OTP-AM	S-549

LD 595 was carried over from the First Regular Session and proposed 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.

Committee Amendment "A" (S-549) proposed to change the bill into a resolve creating the Commission to Study the Recruitment, Training and Retention of Physicians for Rural and Medically Underserved Areas of Maine.

LD 634 **An Act To Provide Funding for the Maine-Canada Trade Ombudsman** **PUBLIC 701**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN STANLEY	OTP-AM	H-722 H-980 BRANNIGAN

LD 634 was carried over from the First Regular Session and proposed to provide funding in both years of the biennium 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.

Committee Amendment "A" (H-722) proposed to provide funding beginning in fiscal year 2004-05 for the Office of the Maine-Canada Trade Ombudsman and clarify the term of appointment for that position.

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House Amendment "A" (H-980) proposed to correct the appropriation to reflect the fact that the position already exists. The amendment simply proposed to increase the amount of the Personal Services line category for the existing position.

Enacted Law Summary

Public Law 2003, chapter 701 provides funding for the Office of the Maine-Canada Trade Ombudsman, an office created in Public Law 2001, chapter 643. The duties of the ombudsman are 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 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** **ONTP**

<u>Sponsor(s)</u> DAGGETT MAILHOT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 677 was carried over from the First Regular Session and proposed 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.

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

<u>Sponsor(s)</u> MARTIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 716 was carried over from the First Regular Session and proposed 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 proposed 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

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

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

LD 791 was carried over from the First Regular Session and proposed 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 value 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 amount 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.

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** **ONTP**

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

LD 908 was carried over from the First Regular Session and proposed to authorize a General Fund bond issue in the amount of \$1,000,000 to be used to provide funds to riverfront municipalities that were suffering hardships due to loss of jobs to develop riverfront cultural heritage centers.

LD 993 **An Act To Promote Economic Growth by Retaining Engineers in Maine** **PUBLIC 710**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART	OTP-AM MAJ ONTP MIN	S-553

LD 993 was carried over from the First Regular Session and proposed 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

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received by their employees. The Finance Authority of Maine would administer the program with assistance in determining recipients provided by an advisory committee.

Committee Amendment "B" (S-553) proposed to provide a mechanism for repayment of student loans for persons who receive an engineering degree from the University of Maine System and who are employed full-time in an engineering position in this State.

The amendment proposed to expand the eligibility for those loan repayments to allow up to 40% of the loan repayment awards to go to persons who received a high school diploma, or its equivalent, in this State and who held a bachelor's degree from a college of engineering in a state other than this State but who returned to work in this State full-time in an engineering position.

The amendment also proposed to clarify that loan repayments would not begin until July 1, 2007 and that the matching funds paid by the employer would need to be paid to the Finance Authority of Maine for payment by the authority to the financial institution holding the employee's student loan.

Enacted Law Summary

Public Law 2003, chapter 710 establishes 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 who is employed in an engineering position in the State. The program provides loan repayment to up to 10 eligible engineers working in Maine businesses. The employers who apply for the loan repayment funds must match all funds received by their employees. The program is administered by the Finance Authority of Maine with assistance in determining recipients from an advisory committee.

LD 1021

Resolve, To Renew the Veterans' Emergency Assistance Program

RESOLVE 145

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS	OTP	S-600 CATHCART

LD 1021 was carried over from the First Regular Session and proposed to appropriate money from the General Fund in fiscal year 2003-04 for the administration of the veterans' emergency assistance program under the Maine Revised Statutes, Title 37-B, section 505, subsection 1-A, paragraph B.

Senate Amendment "A" (S-600) proposed to reduce the General Fund appropriation from \$250,000 to \$50,000 and to provide the funds in fiscal year 2004-05.

Enacted Law Summary

Resolve 2003, chapter 145 appropriates \$50,000 from the General Fund in fiscal year 2004-05 for the administration of the veterans' emergency assistance.

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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** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HALL BLISS	ONTP	

LD 1089 was carried over from the First Regular Session and proposed 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 the Kennebec-Chaudiere International Corridor** **P & S 49**

Sponsor(s)	Committee Report	Amendments Adopted
DAGGETT COLWELL	OTP-AM	S-391 S-591 CATHCART

LD 1149 was carried over from the First Regular Session and proposed ongoing funds in fiscal years 2003-04 and 2004-05 for publicity, signs, kiosks, brochures and other materials and services associated with promoting Franco-American heritage and the Kennebec-Chaudiere International Corridor.

Committee Amendment “A” (S-391) proposed to provide ongoing funds for publicity, signs, kiosks, brochures and other materials and services associated with promoting Franco-American heritage and the Kennebec-Chaudiere International Corridor in fiscal year 2004-05 only.

Senate Amendment “A” to Committee Amendment “A” (S-591) proposed to provide ongoing funds for publicity, signs, kiosks, brochures and other materials and services associated with promoting the Kennebec-Chaudiere International Corridor.

Enacted Law Summary

Private and Special 2003, chapter 49 provides on-going funds beginning in fiscal year 2004-05 for publicity, signs, kiosks, brochures and other materials and services associated with promoting the Kennebec-Chaudiere International Corridor.

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

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON DOUGLASS	ONTP	

LD 1249 was referred to the Joint Standing Committee on Taxation, recommitted to the Joint Standing Committee on Appropriations and Financial Affairs and carried over from the First Regular Session. The bill proposed 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.

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** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DAGGETT COLWELL	ONTP	

LD 1292 was carried over from the First Regular Session and proposed to provide funds 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 1536 **An Act To Authorize the State To Establish a Multijurisdictional Lottery or Lottery Games** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
GAGNON	ONTP	

LD 1536 was originally referred to the Joint Standing Committee on Legal and Veterans Affairs, rereferred to the Joint Standing Committee on Appropriations and Financial Affairs and carried over from the First Regular Session. The bill proposed to authorize the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services to enter into an agreement with a multijurisdictional lottery association to operate, market and promote a joint lottery or lottery games.

LD 1919, Public Law 2003, chapter 673, Part MM authorizes the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services to enter into an

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agreement with a multijurisdictional lottery association to operate, market and promote a joint lottery or lottery games and provides related allocations.

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 ONTP

Sponsor(s)	Committee Report	Amendments Adopted
TREAT COWGER	ONTP	

LD 1569 was carried over from the First Regular Session and proposed 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, Public Law 2003, chapter 33, Part B which was approved by the voters in November 2003, authorized the amount of \$6,950,000 as follows:

- A. The sum of \$2,000,000 to construct and upgrade water pollution control facilities, providing the state match for \$10,000,000 in federal funds;
- B. The sum of \$1,500,000 to provide grants to construct water pollution control facilities;
- C. The sum of \$500,000 to clean up uncontrolled hazardous substance sites;
- D. The sum of \$500,000 to provide grants to rural communities to solve local pollution problems;
- E. The sum of \$500,000 to provide grants to municipalities and individuals to eliminate licensed overboard discharges to shellfish areas, great ponds and drainage areas of less than 10 square miles;
- F. The sum of \$1,200,000 to support drinking water system improvements that address public health threats, providing the state match for \$4,140,000 in federal funds; and
- G. The sum of \$750,000 to provide grants for the construction of environmentally sound water sources that help avoid drought damage to crops.

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LD 1572

**An Act To Authorize Bond Issues for Ratification by the
Voters at the November 2003 Election**

P & S 33

Sponsor(s)	Committee Report	Amendments Adopted
HATCH, PH	OTP-AM MAJ	S-317
USHER	OTP-AM MIN	H-622 BRANNIGAN

LD 1572 was carried over from the First Regular Session and proposed 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.

Committee Amendment "A" (S-317) was the majority report of the committee. It proposed to replace the bill and authorize a total transportation and General Fund bond issue in the amount of \$93,800,000 for the following purposes:

1. Part A proposed to authorize the amount of \$60,800,000 to be used for highways and bridges, airports, state-owned ferry vessels and ferry and port facilities and 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; statewide trail and pedestrian improvements; and statewide expansion of the air-medical response system;
2. Part B proposed to authorize the amount of \$7,500,000 as follows:
 - A. 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;
 - B. The sum of \$1,500,000 to provide grants to construct water pollution control facilities;
 - C. The sum of \$800,000 to clean up uncontrolled hazardous substance sites;
 - D. The sum of \$500,000 to provide grants to rural communities to solve local pollution problems;
 - E. The sum of \$500,000 to provide grants to municipalities and individuals to eliminate licensed overboard discharges to shellfish areas, great ponds and drainage areas of less than 10 square miles; and
 - F. The sum of \$1,700,000 to support drinking water system improvements that address public health threats, providing the state match for \$5,865,000 in federal funds; and
3. Part C proposed to authorize the amount of \$25,500,000 as follows:
 - A. The sum of \$6,000,000 to address health, safety and compliance deficiencies in the University of Maine System;
 - B. The sum of \$2,000,000 to improve and expand the facilities and classrooms at the University of Maine Lewiston-Auburn campus;

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- C. The sum of \$12,500,000 to make repairs, upgrades and other facility improvements, enhance access to facilities for students with disabilities and update classroom equipment at all community college campuses;
- D. The sum of \$1,000,000 to make repairs and replace classroom and other facilities at the Maine Maritime Academy;
- E. The sum of \$1,500,000 to provide grants to construct and renovate public libraries and to improve community access to electronic resources;
- F. The sum of \$2,500,000 to provide grants for renovations and capital repairs and improvements of public school facilities.

House Amendment “P” to Committee Amendment “A” (H-622) proposed to replace the bill and authorize a total general obligation bond issue in the amount of \$89,400,000 for the following purposes:

- 1. Part A proposed to authorize the amount of \$63,450,000 to be used for highways and bridges, airports, state-owned ferry vessels and ferry and port facilities and 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; statewide trail and pedestrian improvements; and statewide expansion of the air-medical response system;
- 2. Part B proposed to authorize the amount of \$6,950,000 as follows:
 - A. The sum of \$2,000,000 to construct and upgrade water pollution control facilities, providing the state match for \$10,000,000 in federal funds;
 - B. The sum of \$1,500,000 to provide grants to construct water pollution control facilities;
 - C. The sum of \$500,000 to clean up uncontrolled hazardous substance sites;
 - D. The sum of \$500,000 to provide grants to rural communities to solve local pollution problems;
 - E. The sum of \$500,000 to provide grants to municipalities and individuals to eliminate licensed overboard discharges to shellfish areas, great ponds and drainage areas of less than 10 square miles;
 - F. The sum of \$1,200,000 to support drinking water system improvements that address public health threats, providing the state match for \$4,140,000 in federal funds; and
 - G. The sum of \$750,000 to provide grants for the construction of environmentally sound water sources that help avoid drought damage to crops.
- 3. Part C proposed to authorize the amount of \$19,000,000 as follows:
 - A. The sum of \$2,500,000 to address health, safety and compliance deficiencies in the University of Maine System;
 - B. The sum of \$2,000,000 to improve and expand the facilities and classrooms at the University of Maine Lewiston-Auburn campus;

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- C. The sum of \$12,000,000 to make repairs, upgrades and other facility improvements, enhance access to facilities for students with disabilities and update equipment at all community college campuses;
- D. The sum of \$1,000,000 to make repairs and replace classroom and other facilities at the Maine Maritime Academy; and
- E. The sum of \$1,500,000 to provide grants to construct and renovate public libraries and to improve community access to electronic resources.

Enacted Law Summary

Private and Special Law 2003, chapter 33 authorizes a total transportation and General Fund bond issue in the amount of \$89,400,000 for the following purposes:

Part A authorizes the amount of \$63,450,000 to be used for highways and bridges, airports, state-owned ferry vessels and ferry and port facilities and 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; statewide trail and pedestrian improvements; and statewide expansion of the air-medical response system through construction of hospital helipads, building additional refueling facilities, upgrading nonfunctional systems and delivering training equipment to improve access to health care;

Part B authorized the amount of \$6,950,000 as follows:

- A. The sum of \$2,000,000 to construct and upgrade water pollution control facilities, providing the state match for \$10,000,000 in federal funds;
- B. The sum of \$1,500,000 to provide grants to construct water pollution control facilities;
- C. The sum of \$500,000 to clean up uncontrolled hazardous substance sites;
- D. The sum of \$500,000 to provide grants to rural communities to solve local pollution problems;
- E. The sum of \$500,000 to provide grants to municipalities and individuals to eliminate licensed overboard discharges to shellfish areas, great ponds and drainage areas of less than 10 square miles; and
- F. The sum of \$1,200,000 to support drinking water system improvements that address public health threats, providing the state match for \$4,140,000 in federal funds; and
- G. The sum of \$750,000 to provide grants for the construction of environmentally sound water sources that help avoid drought damage to crops.

Part C authorizes the amount of \$19,000,000 as follows:

- A. The sum of \$2,500,000 to address health, safety and compliance deficiencies in the University of Maine System;
- B. The sum of \$2,000,000 to improve and expand the facilities and classrooms at the University of Maine Lewiston-Auburn campus;

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- C. The sum of \$12,000,000 to make repairs, upgrades and other facility improvements, enhance access to facilities for students with disabilities and update equipment at all community college campuses;
- D. The sum of \$1,000,000 to make repairs and replace classroom and other facilities at the Maine Maritime Academy; and
- E. The sum of \$1,500,000 to provide grants to construct and renovate public libraries and to improve community access to electronic resources.

Public and Special 2003, chapter 33 was approved by the voters in November 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	ONTP
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<u>Sponsor(s)</u> BRENNAN BRANNIGAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1591 was carried over from the First Regular Session and proposed 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 1572, Public and Special 2003, chapter 33, which was approved by the voters in November 2003, authorizes a General Fund issue in the amount of \$2,500,000 to address health, safety and compliance deficiencies in the University of Maine System.

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LD 1636

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, 2004 and June 30, 2005

**PUBLIC 507
EMERGENCY**

<u>Sponsor(s)</u> BRANNIGAN	<u>Committee Report</u> OTP	<u>Amendments Adopted</u> S-344 CATHCART S-353 MARTIN
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LD 1636 was considered during the First Special Session of the 121st Legislature in August 2003.

Part A proposed to correct errors in the original language of the budget bills dealing with the hospital payment equity project. The original language failed to specifically segregate the deappropriations in the state employees health insurance and university employees insurance programs from appropriations made to the MaineCare program. The appropriations were for the purpose of funding improvements in Medicaid reimbursement for hospital services and achieving greater parity with payments to providers of public employee health services.

Part B proposed to make appropriations and allocations of funds to the Department of Human Services for elder and adult services, congregate housing and long-term care.

Part C proposed to lower the license fees to operate a hospital from \$100 to \$40 for each bed and to operate a nursing or convalescent home from \$45 to \$26 for each bed to be consistent with assumed revenue associated with enactment of Public Law 2003, chapter 20, Part K. Part C also proposed to provide for a carry-over of federal funds from fiscal year 2002-03 to September 30, 2005 for use by the Area Agencies on Aging. Part C also proposed to recognize undedicated General Fund revenue returned from providers as an offset to the General Fund appropriations in Part B.

Senate Amendment "A" (S-344) proposed to make a technical change to the bill to clarify that the aggregate share of contributions by employees and retirees might increase as a proportion of the total cost.

Senate Amendment "B" (S-353) proposed to repeal the section of chapter 333 that repealed Title 12, section 7467, subsection 8, thus leaving subsection 8 in force. Further, it proposed to make the change effective September 13, 2003, which was the date chapter 333 was to take effect.

Public Law 2003, chapter 333 repealed the Maine Revised Statutes, Title 12, section 7464, subsection 7, which prohibited the illegal possession of a gift moose, and Title 12, section 7464, subsection 8, which prohibited the buying and selling of moose. Although the repeal of Title 12, section 7467, subsection 7 was intentional, Title 12, section 7467, subsection 8 was repealed in error.

Enacted Law Summary

Public Law 2003, chapter 507 was considered during the First Special Session of the 121st Legislature.

Part A corrects errors in the original language of the budget bills dealing with the hospital payment equity project. The original language failed to specifically segregate the deappropriations in the state employees health insurance and university employees insurance programs from appropriations made to the MaineCare program. The appropriations are for the purpose of funding improvements in Medicaid reimbursement for hospital services and achieving greater parity with payments to providers of public employee health services.

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Part B makes appropriations and allocations of funds to the Department of Human Services for elder and adult services, congregate housing and long-term care.

Part C lowers the license fees to operate a hospital from \$100 to \$40 for each bed and to operate a nursing or convalescent home from \$45 to \$26 for each bed to be consistent with assumed revenue associated with enactment of Public Law 2003, chapter 20, Part K. Part C also provides for a carry-over of federal funds from fiscal year 2002-03 to September 30, 2005 for use by the Area Agencies on Aging. Part C also recognizes undedicated General Fund revenue returned from providers as an offset to the General Fund appropriations in Part B.

This law also repeals the section of chapter 333 that repealed Title 12, section 7467, subsection 8, thus leaving subsection 8 in force. Further, it proposed to make the change effective September 13, 2003, which was the date chapter 333 was to take effect. Public Law 2003, chapter 333 repealed the Maine Revised Statutes, Title 12, section 7464, subsection 7, which prohibited the illegal possession of a gift moose, and Title 12, section 7464, subsection 8, which prohibited the buying and selling of moose. Although the repeal of Title 12, section 7467, subsection 7 was intentional, Title 12, section 7467, subsection 8 was repealed in error.

Public Law 2003, chapter 507 was enacted as an emergency measure and took effect August 26, 2003.

LD 1647 **An Act To Authorize a General Fund Bond Issue in the Amount of \$3,000,000 To Build a Warehouse To Stimulate and Support Maine's Manufacturing, Transportation and Harbor Industries** **ONTP**

<u>Sponsor(s)</u> USHER HATCH, PH	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1647 proposed to authorize a General Fund bond issue in the amount of \$3,000,000, to be used to construct a warehouse facility at Merrill's Marine Terminal in the Port of Portland.

LD 1673 **An Act To Provide Funding for the Commission on Governmental Ethics and Election Practices** **ONTP**

<u>Sponsor(s)</u> COLWELL GAGNON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1673 proposed the following.

Part A of this bill proposed to appropriate funds to the Commission on Governmental Ethics and Election Practices for the following purposes:

1. To provide additional funding for the Maine Clean Election Fund;
2. To provide additional funds for temporary workers needed for election-related data entry and clerical tasks;

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- 3. To provide additional funds for certain technology costs; and
- 4. To provide additional funds for per diem payments for commission members.

Part B of this bill proposed to authorize the commission to request transfers to the Maine Clean Election Fund if it was determined that the likely demand from the fund in the coming year would exceed revenues in the fund. The bill specifically proposed to authorize the commission to request a transfer of up to \$2,000,000 no later than February 28, 2004, reflecting an advance of the transfer of amounts that would be received on or before January 1, 2005.

LD 1919, Public Law chapter 673, Part EE amends the law to allow for a partial transfer of funds from the General Fund to the Maine Clean Election Fund to occur on September 1, 2004.

LD 1682 An Act To Ensure the State's Commitment to Former Students INDEF PP
Who Were Physically or Sexually Abused at the Governor
Baxter School for the Deaf or the Maine School for the Deaf

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

LD 1682 proposed to appropriate \$6,000,000 to the Baxter Compensation Authority to disperse cash awards to those former students who were found to have suffered physical or sexual abuse while they were students at and under the care of the Governor Baxter School for the Deaf or the Maine School for the Deaf.

In LD 1919, Public Law 2003, chapter 673, Part HHHH-2 appropriated \$6,000,000 in fiscal year 2004-05 to the Baxter Compensation Authority to fund cash awards to former students of the Governor Baxter School for the Deaf.

LD 1707 An Act To Authorize a General Fund Bond Issue in the Amount ONTP
of \$1,000,000 To Fund Downtown Revitalization To Preserve the
Heritage of Municipalities

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

LD 1707 proposed to provide a General Fund bond issue in the amount \$1,000,000, to be used for downtown revitalization to preserve the heritage of municipalities.

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LD 1776 **An Act To Authorize a General Fund Bond Issue in the Amount of \$150,000,000 To Finance the Acquisition of Land and Interest in Land for Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitat and Farmland Preservation and To Access \$50,000,000 in Matching Contributions from Public and Private Sources** **ONTP**

<u>Sponsor(s)</u> RICHARDSON, J TREAT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1776 proposed to provide a General Fund bond issue in the amount of \$150,000,000 to be used by the Land for Maine's Future Board to acquire lands and interests in lands for conservation, water access, outdoor recreation, wildlife and fish habitat and farmland preservation. Up to 10% of the principal would be used to preserve farmland. To maximize the effectiveness of this investment in Maine's future, the board would secure matching contributions greater than or equal to \$50,000,000.

LD 1787 **An Act To Support the New Century Community Program** **P & S 50**

<u>Sponsor(s)</u> BRUNO ROTUNDO	<u>Committee Report</u> OTP	<u>Amendments Adopted</u> S-594 CATHCART
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LD 1787 proposed to provide funding to the New Century Community Program. The goals of the program are to strengthen local cultural resources, including community arts activities, humanities programs and historic preservation activities; provide educational services beyond the reach of the standard educational system; and preserve both the State's material culture system and its built environment through grants for preservation and restoration.

Senate Amendment "A" (S-594) proposed to provide reduced funding for the New Century Community Program in 2004-05.

Enacted Law Summary

Private and Special 2003, chapter 50 provides \$100,000 to the New Century Community Program. The goals of the program are to strengthen local cultural resources, including community arts activities, humanities programs and historic preservation activities; provide educational services beyond the reach of the standard educational system; and preserve both the State's material culture and its built environment through grants for preservation and restoration.

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LD 1791 **An Act To Restore Funding for Certain Nursing Facilities and Residential Care Facilities** **ONTP**

<u>Sponsor(s)</u> RICHARDSON, J MARTIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1791 proposed to require the Department of Human Services to include in its calculation of reimbursement for services provided by residential care facilities an allowance for a reasonable return on equity capital invested in those facilities and an annual adjustment for the cost of living. This bill also proposed to allow an intermediate care facility for persons with mental retardation to retain an incentive payment for savings equal to 75% of the Department of Human Services' estimate of the facility's allowable expenses and the amount actually paid by the department for those expenses.

This bill also proposed to repeal language suspending the inflation and return on equity payments to nursing facilities for fiscal year 2004-05. This bill also proposed to repeal the increase in licensing fees for nursing and convalescent homes.

Finally, this bill proposed to restore for fiscal year 2004-05 various appropriations to nursing facilities and residential care facilities that were cut by Public Law 2003, chapter 20, including the restoration of reimbursement for bed-hold days for residential care facilities; the cost-of-living adjustment to nursing facilities; the return on equity for nursing facilities; the return on equity adjustment to certain residential care facilities; and the cost-of-living increase for certain residential care facilities.

LD 1798 **An Act Requiring Long-range Budget Planning** **ONTP**

<u>Sponsor(s)</u> WOODBURY TURNER	<u>Committee Report</u> ONTP MAJ OTP MIN	<u>Amendments Adopted</u>
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LD 1798 proposed to amend current law which requires the State Budget Officer to prepare a forecast of revenues and expenditures for the biennium immediately following the biennium in which the forecast is prepared. This bill proposed to extend the forecast to encompass the 6 years following the current biennium and require the Governor to use the forecast to develop a long-range budget plan for the following 3 biennium. The plan would be submitted by the Governor to the Legislature along with the regular biennial budget.

LD 1805 **An Act To Restore Funding for the Violence Intervention and Prevention Program** **ONTP**

<u>Sponsor(s)</u> COLWELL HALL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1805 proposed to restore funding to the violence intervention and prevention program within the Department of Human Services.

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LD 1808 **An Act To Ensure Adequate Home-based Care Services and Provide the Most Cost-effective Long-term Care for Maine Seniors** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON, J ROTUNDO	ONTP	

LD 1808 proposed to provide funding in the amount of \$1,500,000 for fiscal year 2004-05 for approximately 300 persons who are on waiting lists for home-based care for persons who are elderly or disabled.

LD 1812 **An Act To Authorize a General Fund Bond Issue in the Amount of \$1,000,000 for the Renovation of Millinocket Municipal Airport** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY, G STANLEY	ONTP	

LD 1812 proposed to provide a General Fund bond issue in the amount of \$1,000,000 to be used to renovate the Millinocket Municipal Airport in order to bring the airport into compliance with Federal Aviation Administration requirements, to study the potential advantages of expanding the service area of the airport through regionalization, to conduct a study on improving access to the airport and to study any infrastructure improvements necessary to accommodate the construction of an airport industrial park.

LD 1828 **An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary for the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005** **PL 513**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN CATHCART	OTP-AM MAJ OTP-AM MIN	H-642 H-658 BRANNIGAN H-661 BRANNIGAN S-371 CATHCART

LD 1828 proposed the following:

Part A proposed to make appropriations and allocations of funds.

Part B proposed to transfer \$28,952,956 in fiscal year 2003-04 from the Federal Fiscal Relief Funds Reserve account to the unappropriated surplus of the General Fund no later than June 30, 2004.

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Part C proposed to:

1. Lapse \$290,064 in the Pollution Control Structures - Carrying Account to the General Fund no later than June 30, 2004.
2. Transfer \$103,566 from the Maine Milk Pool, Other Special Revenue Funds account to the unappropriated surplus of the General Fund no later than June 30, 2004.

Part D proposed to lapse \$207,187 in the Division of Forest Fire Control, General Fund account to the unappropriated surplus of the General Fund no later than June 30, 2004.

Part E proposed to:

1. Amend the law as it relates to the limitation on the reimbursement rate to providers of medical services outside of a county jail.
2. Extend the existing limitation on the medical service costs available to the county jails to the Department of Corrections effective on July 1, 2004.
3. Require that the Department of Corrections' formulary also be consistent with the MaineCare program and authorize the department to create and implement a preferred drug list.

Part F proposed to lapse \$1,365,855 in the General Purpose Aid for Local Schools, General Fund account to the unappropriated surplus of the General Fund in fiscal year 2003-04.

Part G proposed to:

1. Amend the program providing low-cost drugs for the elderly and disabled by removing the copayment amount of 20% plus \$2 of the total cost of the covered prescription as set in statute. It also proposed to provide the Commissioner of Human Services the authority through departmental rulemaking to set a copayment amount as necessary to conform to the program budget.
2. Amend the law authorizing MaineCare to impose copayments on MaineCare members for certain services provided under the program. It proposed to authorize a copayment for transportation, other than by ambulance, if permitted by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid. The copayment would not be imposed when the member received transportation from an associate or relative and the associate or relative received a mileage reimbursement pursuant to the Friends and Family Program.
3. Amend the law that required the Department of Human Services to seek authorization from the Legislature in order to implement changes regarding the elimination of services being provided to MaineCare members as of August 1, 1996. It proposed to exempt from this requirement any changes regarding the elimination of elective medical procedures, which are surgeries that can be scheduled in advance, are not emergencies and if delayed would not result in death or permanent impairment of health.

Part H proposed to cap reimbursements to municipalities at 50% for the general assistance program.

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Part I proposed to:

1. Amend the current sales tax law by removing the 10% tax on rental or lease of automobiles for less than a year. The sales tax would continue at the existing rate of 5% for rental or lease of automobiles for one year or more.
2. Create a new gross receipts tax on private nonmedical institutions as contemplated by Public Law 2003, chapter 20, Part ZZ to be administered by the State Tax Assessor.
3. Define the 2 entities subject to the new tax: persons that rent or lease automobiles to others for periods of less than a year, and persons who provide private, nonmedical institution services for periods of less than one year.
4. Define "private nonmedical institution" as a person that is licensed by the Department of Human Services or the Department of Behavioral and Developmental Services and provides food, shelter and treatment services to 4 or more residents in single or multiple facilities under a written agreement with the Department of Human Services or the Department of Behavioral and Developmental Services. "Private nonmedical institution" would not include a health insuring organization, hospital, nursing home or a community health care center.
5. Establish the gross receipts tax rate at 10%.
6. Establish July 1, 2004 as the effective date for the gross receipts tax.

Part J proposed to:

1. Authorize the State Controller to accept fiscal year 2002-03 balances returned by providers as General Fund unappropriated surplus in fiscal year 2003-04.
2. Authorize the State Controller to accept as General Fund unappropriated surplus balances representing the reimbursement of disproportionate share hospital payments in federal fiscal year 2001-02 from institutes for mental disease.
3. Transfer \$3,691,639 from the Child Support Collections, Other Special Revenue Funds account in the Department of Human Services to the unappropriated surplus of the General Fund no later than June 30, 2004.
4. Direct the Department of Human Services to implement a MaineCare rule change to limit the HIV waiver to 130 enrollees.

Part K proposed to:

1. Authorize the State Controller to transfer up to \$26,202,734 from the Profit and Loss Account of the General Fund to the General Fund TANF Reserve Account no later than June 30, 2004.
2. Authorize the State Controller to transfer \$6,929,748 from the General Fund TANF Reserve Account to the unappropriated surplus of the General Fund no later than June 30, 2004.
3. Authorize the State Controller to transfer \$19,272,986 from the General Fund TANF Reserve Account to the TANF Federal Block Grant Account no later than June 30, 2004.

Part L proposed to transfer \$161,137 in fiscal year 2003-04 and \$121,118 in fiscal year 2004-05 from the State Fire Marshal's Office, Other Special Revenue Funds account to the unappropriated surplus of the General Fund no later than June 30, 2004 and June 30, 2005, respectively.

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Part M proposed to lapse \$11,053 in the Bureau of Public Transportation, General Fund account to the unappropriated surplus of the General Fund in fiscal year 2003-04.

Committee Amendment "A" (H-642) was the majority report and proposed the following:

PART SECTION DESCRIPTION

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| A | A-1 | To make appropriations and allocations of funds. |
| B | B-1 | To transfer \$28,885,017 in fiscal year 2003-04 from the Federal Fiscal Relief Funds Reserve account to the unappropriated surplus of the General Fund no later than June 30, 2004. |
| C | C-1 | To extend the Dairy Stabilization Subsidy Program. |
| | C-2 | To lapse \$290,064 in the Pollution Control Structures - Carrying Account to the General Fund no later than June 30, 2004. |
| | C-3 | To transfer \$103,566 from the Maine Milk Pool, Other Special Revenue Funds account to the unappropriated surplus of the General Fund no later than June 30, 2004. |

PART SECTION DESCRIPTION

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| D | D-1 | To lapse \$207,187 in the Division of Forest Protection, General Fund account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2004. |
| E | E-1 | To establish a limitation on reimbursement rates to medical service providers for services outside a Department of Corrections facility. |
| F | F-1 | To lapse \$1,365,855 in the General Purpose Aid for Local Schools, General Fund account to the unappropriated surplus of the General Fund in fiscal year 2003-04. |
| G | G-1 | To authorize the Department of Human Services to adopt routine technical rules for the elderly low-cost drug program to maximize state savings from coordinating benefits with those provided under the federal Medicare Prescription Drug Improvement and Modernization Act of 2003. |
| H | H-1 | To amend language regarding the principles of reimbursement established for intermediate care facilities for the mentally retarded. It also proposed to repeal provisions concerning rate setting requirements for fee-for-service or grant-in-aid programs that serve individuals with mental retardation. |
| I | I-1 | To establish a .74% tax on the net operating revenue of each hospital in the state. |
| | I-2 | To provide appropriation and allocation adjustments related to implementation of the hospital tax in fiscal year 2003-04 and restore funding for hospital rate reductions, pharmacy dispensing fees and revisions to the low-cost drugs for the elderly program that were to be reduced by rulemaking. |

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- J J-1 To increase the amount of intergovernmental transfer funds that must be transferred from the City of Portland to the General Fund as undedicated revenues for fiscal year 2003-04.
- J-2 To authorize the State Controller to accept fiscal year 2002-03 balances returned by health care providers as General Fund unappropriated surplus in fiscal year 2003-04.
- J-3 To authorize the State Controller to accept \$5,800,488 as General Fund unappropriated surplus balances in fiscal year 2003-04 representing the repayment of disproportionate share hospital payments in federal fiscal year 2001-02 from institutes for mental disease.
- J-4 To transfer \$3,691,639 from the Child Support Collections, Other Special Revenue Funds account in the Department of Human Services to the unappropriated surplus of the General Fund no later than June 30, 2004.
- K K-1 To authorize the State Controller to transfer up to \$26,202,734 from the Profit and Loss Account of the General Fund to the General Fund TANF Reserve Account no later than June 30, 2004.

PART SECTION DESCRIPTION

- K-2 To authorize the State Controller to transfer \$6,929,748 from the General Fund TANF Reserve Account to the unappropriated surplus of the General Fund no later than June 30, 2004.
- K-3 To authorize the State Controller to transfer \$19,272,986 from the General Fund TANF Reserve Account to the TANF Federal Block Grant Account no later than June 30, 2004.
- K-4 To authorize the State Controller to transfer \$7,203,139 from the General Fund TANF Account to the General Fund TANF Reserve Account no later than June 30, 2004.
- L L-1 To transfer \$161,137 in fiscal year 2003-04 and \$121,118 in fiscal year 2004-05 from the State Fire Marshal's Office, Other Special Revenue Funds account to the unappropriated surplus of the General Fund no later than June 30, 2004 and June 30, 2005, respectively.
- M M-1 To lapse \$11,053 in the Bureau of Public Transportation, General Fund account to the unappropriated surplus of the General Fund in fiscal year 2003-04.
- N N-1 To direct the State Budget Officer to identify the General Fund savings related to the Department of Human Services/Department of Behavioral and Developmental Services merger and transfer those amounts by Financial Order.
- N-2 To authorize available balances of appropriations in MaineCare General Fund accounts in fiscal years 2003-04 and 2004-05 be transferred between accounts by financial order upon the recommendation of the State Budget Officer and approval of the Governor.

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- O O-1 To increase the filing fee for a special marine resources license from \$50 to \$100 and the annual fee for a special license from \$25 to \$50. (See LD 1701)
- O-2 To eliminate the waiver of a particular application filing fee. (See LD 1701)
- O-3 To change the way in which certain license holders are charged for having additional names listed on the license. (See LD 1701)
- O-4 To authorize the Commissioner of Marine Resources to waive certain annual licensing fees. (See LD 1701)
- O-5 To establish a penalty provision creating a civil violation. (See LD 1701)
- P P-1 To authorize the State Controller to transfer up to \$10,000,000 from the Retiree Health Insurance Fund to the unappropriated surplus of the General Fund no later than June 30, 2004. It also proposed to require the State Controller transfer \$10,000,000 plus interest from the General Fund to the Retiree Health Insurance Fund on or after July 1, 2005 as repayment.

PART SECTION DESCRIPTION

- Q Q-1 To authorize a prioritized series of transfers from the unappropriated surplus of the General Fund at the end of fiscal year 2003-04 to various programs within state government.
- R R-1 To amend the transfer of funds from the Occupational Safety Loan program account in the Finance Authority of Maine, authorized in PL 2003, c. 451, Pt. O, section 4, by increasing the transfer from \$401,209 to \$559,079, an increase of \$157,870 by June 30, 2004.
- R-2 To authorize the transfer of funds from the Occupational Safety Loan Fund, Other Special Revenue Funds account in the Department of Labor to the General Fund unappropriated surplus no later than June 30, 2004.
- S S-1 To deappropriate funds from the Department of Labor, Rehabilitation Services Program.
- T T-1 To appropriate and allocate funds to the Department of Human Services and the Department of Behavioral and Developmental Services to support the cost of not adopting certain rules to limit MaineCare expenditures during fiscal year 2003-04; including changes affecting private nonmedical institutions, primary care case management fees for Rural Health Clinics (RHC) and Federally Qualified Health Centers (FQHC) hourly rates in the private duty nursing program, reimbursement reductions in the Mental Retardation Waiver program and other reimbursement reductions to certain MaineCare providers not affected by other rulemaking initiatives.
- U U-1 To lapse \$100,000 of the unencumbered balance forward in the Personal Services line category in the Legislative General Fund account to the unappropriated surplus of the General Fund in fiscal year 2003-04.

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V	V-1	To appropriate and allocate funds for the Department of Human Services to make payments of outstanding settlements owed to hospitals under the MaineCare program in the current state fiscal year, 2003-04.
W	W-1	To authorize the State Controller to transfer \$1,000,000 from the Department of Conservation, Shore and Harbor Management Fund account to the unappropriated surplus of the General Fund by June 30, 2004.
X	X-1	To authorize the Department of Human Services to adopt routine technical rules to implement incentive payments within existing resources to pharmacies.
Y	Y-1	To authorize the Treasurer of State to transfer funds from the Unclaimed Property Fund to General Fund undedicated revenue. It also proposed to authorize the Treasurer of State to sell MetLife stock and shares of mutual funds that were not planned for sale during this biennium.

PART SECTION DESCRIPTION

AA	AA-1	To establish a mechanism to account for departmental indirect cost allocation plan amounts as an approved use of revenue from the Fund for a Healthy Maine.
	AA-2	To authorize certain revenue transfers from departmental program accounts back to the Fund for a Healthy Maine in fiscal year 2002-03 to reflect the actual transfers that occurred. It also proposed to provide for the recognition of fiscal year 2001-02 expenditures that exceeded legislative authority.
	AA-3	To recognize \$219,187 as an unallocated balance in the Fund for a Healthy Maine.
	AA-4	To provide an allocation from the Fund for a Healthy Maine in fiscal year 2003-04 to support a portion of the cost of not adopting rules to create 2 benefit levels in the low-cost drugs for the elderly program and not increasing the catastrophic cap to \$1,200 per benefit year.
BB	BB-1	To deappropriate Personal Services savings from Maine Revenue Services and the Salary Plan program in fiscal year 2003-04.
CC	CC-1	To deappropriate and deallocate funds from the Medical Care – Payments to Providers account in fiscal year 2003-04.

House Amendment “F” to Committee Amendment “A” (H-658) proposed to amend Committee Amendment “A” by striking out all of the emergency preamble and the emergency clause.

House Amendment “L” to Committee Amendment “A” (H-661) proposed the following:

1. To amend language regarding the deappropriation and deallocation of funds from the Department of Human Services, Medical Care - Payments to Providers, General Fund account to clarify that the savings were from the requirement of prior authorization for certain elective surgeries;
2. To amend the definition of "initial discounted price" in the Maine Rx Plus Program to mean the amount, as set by the Department of Human Services through rulemaking, that participating pharmacies may charge

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qualified residents participating in the Maine Rx Plus program for a drug. It also proposed to require the Department of Human Services to do emergency rulemaking to establish the amount;

3. To strike Part H, which amends language regarding the principles of reimbursement established for intermediate care facilities for the mentally retarded. It also proposed to eliminates provisions concerning rate-setting requirements for fee-for-service or grant-in-aid programs that serve individuals with mental retardation;
4. To strike Part Z, which requires that, beginning July 1, 2004, MaineCare reimbursement and access to services are subject to the rules, policies, principles and guidelines that were in effect on January 15, 2004 and requires that changes on or after July 1, 2004 be done in accordance with the major substantive rule-making procedures;
5. To allocate \$75,000 to the Highway Fund and deappropriate \$75,000 from the Office of Program Evaluation and Government Accountability; and
6. To give the Commissioner of Human Services the authority to withhold the Medicaid payments of a hospital that is delinquent in making the tax payments required by the Maine Revised Statutes, Title 36, chapter 377.

Senate Amendment “F” to Committee Amendment “A” (S-371) proposed to remove language concerning the increase of revenue estimates for the sale of spirits and make deappropriations to reflect the majority vote of the Joint Standing Committee on Appropriations and Financial Affairs.

Public Law 2003, chapter 513 does the following:

Enacted Law Summary

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
A	A-1	Makes appropriations and allocations of funds.
B	B-1	Transfers \$28,885,017 in fiscal year 2003-04 from the Federal Fiscal Relief Funds Reserve account to the unappropriated surplus of the General Fund no later than June 30, 2004.
C	C-1	Extends the Dairy Stabilization Subsidy Program.
	C-2	Lapses \$290,064 in the Pollution Control Structures - Carrying Account to the General Fund no later than June 30, 2004.
	C-3	Transfers \$103,566 from the Maine Milk Pool, Other Special Revenue Funds account to the unappropriated surplus of the General Fund no later than June 30, 2004.
D	D-1	Lapses \$207,187 in the Division of Forest Protection, General Fund account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2004.
E	E-1	Establishes a limitation on reimbursement rates to medical service providers for services outside a Department of Corrections facility.

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F	F-1	Lapses \$1,365,855 in the General Purpose Aid for Local Schools, General Fund account to the unappropriated surplus of the General Fund in fiscal year 2003-04.
G	G-1:G-3	Authorizes the Department of Human Services to adopt routine technical rules for the elderly low-cost drug program to maximize state savings from coordinating benefits with those provided under the federal Medicare Prescription Drug Improvement and Modernization Act of 2003.
H	H-1	Establishes a .74% tax on the net operating revenue of each hospital in the state.
PART	SECTION	DESCRIPTION
	H-2	Adjusts appropriations and allocations to implement the hospital tax in fiscal year 2003-04 and restores funding for hospital rate reductions, pharmacy dispensing fees and revisions to the low-cost drugs for the elderly program that were to be reduced by rulemaking.
I	I-1	Increases by \$761,910 the amount of intergovernmental transfer funds that must be transferred from the City of Portland to the General Fund as undedicated revenue for fiscal year 2003-04.
	I-2	Authorizes the State Controller to accept fiscal year 2002-03 balances of \$569,000 returned by health care providers as General Fund unappropriated surplus in fiscal year 2003-04.
	I-3	Authorizes the State Controller to accept \$5,800,488 as General Fund unappropriated surplus balances in fiscal year 2003-04 representing the repayment of disproportionate share hospital payments in federal fiscal year 2001-02 from institutes for mental disease.
	I-4	Transfers \$3,691,639 from the Child Support Collections, Other Special Revenue Funds account in the Department of Human Services to the unappropriated surplus of the General Fund no later than June 30, 2004.
J	J-1	Authorizes the State Controller to transfer up to \$26,202,734 from the Profit and Loss Account of the General Fund to the General Fund TANF Reserve Account no later than June 30, 2004.
	J-2	Authorizes the State Controller to transfer \$6,929,748 from the General Fund TANF Reserve Account to the unappropriated surplus of the General Fund no later than June 30, 2004.
	J-3	Authorizes the State Controller to transfer \$19,272,986 from the General Fund TANF Reserve Account to the TANF Federal Block Grant Account no later than June 30, 2004.
	J-4	Authorizes the State Controller to transfer \$7,203,139 from the General Fund TANF Account to the General Fund TANF Reserve Account no later than June 30, 2004.

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K	K-1	Transfers \$161,137 in fiscal year 2003-04 and \$121,118 in fiscal year 2004-05 from the State Fire Marshal's Office, Other Special Revenue Funds account to the unappropriated surplus of the General Fund no later than June 30, 2004 and June 30, 2005, respectively.
L	L-1	Lapses \$11,053 in the Bureau of Public Transportation, General Fund account to the unappropriated surplus of the General Fund in fiscal year 2003-04.
M	M-1	Directs the State Budget Officer to identify the General Fund savings related to the Department of Human Services/Department of Behavioral and Developmental Services merger and transfer those amounts by Financial Order.
<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	M-2	Authorizes available balances of appropriations in MaineCare General Fund accounts in fiscal years 2003-04 and 2004-05 be transferred between accounts by financial order upon the recommendation of the State Budget Officer and approval of the Governor.
	M-3	Authorizes transfers of appropriation and allocation balances in the Department of Human Services and the Department of Behavioral and Developmental Services between line categories and accounts to implement merger of the 2 departments.
N	N-1:N-4	Increases fees for a special marine resources license, the filing fee is increased from \$50 to \$100 and annual renewal fee is increased from \$25 to \$50; changes the fees for having multiple individuals on the special license; and establishes a civil violation for license violations. (See LD 1701.)
O	O-1	Authorizes the State Controller to transfer up to \$10,000,000 from the Retiree Health Insurance Fund to the unappropriated surplus of the General Fund no later than June 30, 2004. It also requires the State Controller to transfer \$10,000,000 plus interest from the General Fund to the Retiree Health Insurance Fund on or after July 1, 2005 as repayment.
P	P-1:P-3	Authorizes a prioritized series of transfers from the unappropriated surplus of the General Fund at the end of fiscal year 2003-04 to various programs within state government.
Q	Q-1	Amends the transfer of funds from the Occupational Safety Loan program account in the Finance Authority of Maine, authorized in PL 2003, c. 451, Pt. O, section 4, by increasing the transfer from \$401,209 to \$559,079, an increase of \$157,870 by June 30, 2004.
	Q-2	Authorizes the transfer of \$57,652 from the Occupational Safety Loan Fund, Other Special Revenue Funds account in the Department of Labor to the General Fund unappropriated surplus no later than June 30, 2004.
R	R-1	Deappropriates funds from the Department of Labor, Rehabilitation Services program.

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S	S-1	Appropriates and allocates funds to the Department of Human Services and the Department of Behavioral and Developmental Services to support the cost of not adopting certain rules to limit MaineCare expenditures during fiscal year 2003-04; including changes affecting private nonmedical institutions, primary care case management fees for Rural Health Clinics (RHC) and Federally Qualified Health Centers (FQHC) hourly rates in the private duty nursing program, reimbursement reductions in the Mental Retardation Waiver program and other reimbursement reductions to certain MaineCare providers not affected by other rulemaking initiatives.
T	T-1	Lapses \$100,000 of the unencumbered balance forward in the Personal Services line category in the Legislative General Fund account to the unappropriated surplus of the General Fund in fiscal year 2003-04.
PART	SECTION	DESCRIPTION
U	U-1	Appropriates and allocates funds for the Department of Human Services to make payments of outstanding settlements owed to hospitals under the MaineCare program in the current state fiscal year, 2003-04.
V	V-1	Authorizes the State Controller to transfer \$1,000,000 from the Department of Conservation, Shore and Harbor Management Fund account to the unappropriated surplus of the General Fund by June 30, 2004.
W	W-1	Authorizes the Department of Human Services to adopt routine technical rules to implement incentive payments within existing resources to pharmacies.
X	X-1	Authorizes the Treasurer of State to transfer \$547,000 from the Unclaimed Property Fund to General Fund undedicated revenue. It also authorizes the Treasurer of State to sell MetLife stock and shares of mutual funds that were not planned for sale during this biennium.
Y	Y-1	Establishes a mechanism to account for departmental indirect cost allocation plan amounts as an approved use of revenue from the Fund for a Healthy Maine.
	Y-2	Authorizes certain revenue transfers from departmental program accounts back to the Fund for a Healthy Maine in fiscal year 2002-03 to reflect the actual transfers that occurred. It also provides for the recognition of fiscal year 2001-02 expenditures that exceeded legislative authority.
	Y-3	Recognizes \$219,187 as an adjustment to the balance in the Fund for a Healthy Maine.
	Y-4	Provides an allocation from the Fund for a Healthy Maine in fiscal year 2003-04 to support a portion of the cost of not adopting rules to create 2 benefit levels in the low-cost drugs for the elderly program and not increasing the catastrophic cap to \$1,200 per benefit year.
Z	Z-1	Deappropriates Personal Services savings from Maine Revenue Services and the Salary Plan program in fiscal year 2003-04.

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AA	AA-1	Deappropriates and deallocates funds from the Department of Human Services, Medical Care - Payments to Providers program.
BB	BB-1	Deallocates the \$75,000 of Highway Fund allocations to the Office of Program Evaluation and Government Accountability in fiscal year 2004-05.
CC	CC-1	Authorizes the Commissioner of Human Services to withhold a hospital's Medicaid payments, if that hospital is delinquent in paying the hospital tax established in Part H.
DD	DD-1	Deappropriates funds from several departments.

LD 1841 An Act To appropriate Funds for World War II and Korean War Memorial Plaques in the Hall of Flags P & S 51

<u>Sponsor(s)</u> MCGLOCKLIN GAGNON	<u>Committee Report</u> OTP	<u>Amendments Adopted</u> S-597 CATHCART
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LD 1841 proposed to provide funds for World War II and Korean War memorial plaques in the Hall of Flags.

Senate Amendment "A" (S-597) proposed to reduce the General Fund appropriation from \$25,000 to \$20,000.

Enacted Law Summary

Public Law 2003, chapter 51 provides \$20,000 for World War II and Korean War memorial plaques in the Hall of Flags.

LD 1875 An Act To Authorize Bond Issues for Ratification by Voters at the November 2004 Election FAILED ENACTMENT

<u>Sponsor(s)</u> DAMON MARLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-560
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LD 1875 proposed to provide a General Fund bond issue in the amount of \$18,250,000 to be used for improvements to and development of highways and bridges; airports; ferry vessels, port facilities and marine infrastructure; rail corridors and structures; intermodal facilities; and trail and pedestrian facilities.

Committee Amendment "A" (S-560) proposed 4 referenda questions to approve bond issues for the following purposes:

Part A proposed a bond issue, in the amount of \$18,250,000 that would be used for improvements to and development of highways and bridges; airports; ferry vessels, port facilities and marine infrastructure; rail corridors and structures; intermodal facilities; and trail and pedestrian facilities.

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Part B proposed a bonds issue for the following:

1. Three million seven hundred thousand dollars for Maine Technology Institute's Natural Resources Applied Research Fund competitive grants for applied research in natural-resource-based industries, including forest bio-products, marine fisheries and agriculture. These funds leverage \$4,000,000 in required matching funds;
2. Two million dollars for the Small Enterprise Growth Fund for equity investments in small Maine companies with potential for high growth. These funds leverage private equity investments;
3. One million dollars for the New Century Community Program for capital improvements to cultural resources;
4. Two million dollars for weatherization of single and multifamily homes occupied by low-income persons;
5. Two million dollars for family and elderly housing options for Native American tribes through the Four Directions Development Corporation. These funds would help attract \$2,000,000 in federal funds;
6. Two million dollars for critical improvements and expansion plans for the Raymond H. Fogler Library at the University of Maine, the state research library for business, science and technology;
7. Three million dollars to repair and upgrade Maine Army National Guard armories and facilities located throughout the State; and
8. One million two hundred thousand dollars to purchase the property known as Black Duck Cove on Great Wass Island, which includes a 9,000-square-foot building, a working wharf and 2 lobster pounds, to serve as the home of the Downeast Institute for Applied Marine Research and Education.

Part C proposed a bond issue in the amount of \$17,775,000 to be used for the following purposes:

1. The sum of \$11,000,000 to construct and upgrade water pollution control facilities, providing the state match for \$12,500,000 in federal funds;
2. The sum of \$3,275,000 to abate, clean up and remediate threats to public health and the environment from uncontrolled hazardous substance sites, landfills and municipal brownfields;
3. The sum of \$500,000 to provide grants to assist urban municipalities and publicly funded higher education institution generators in complying with new federal stormwater regulations;
4. The sum of \$2,000,000 to construct and upgrade public water systems to address public health threats, providing the state match for \$10,000,000 in federal funds; and
5. The sum of \$1,000,000 to provide grants for lead paint remediation in low-income households.

Part D proposed to recapitalize the program administered by the Land for Maine's Future Board with \$60,000,000 over 3 years to continue Maine's land conservation efforts, leveraging a minimum of \$30,000,000 in required matching funds. The funding priorities proposed to include:

1. Conservation properties in the rapidly developing areas of southern and coastal Maine;
2. Public access to outdoor recreational opportunities statewide;
3. Protection via easement of traditional public access and uses in the North Woods and support for sustainable forestry and strategically targeted fee acquisitions in areas of very high public value;

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4. Farmland protection to support an economically viable agricultural sector;
5. Public access to coastal and inland waters; and
6. Highly significant wildlife habitat and ecological areas.

This part of the bond issue also proposed to provide additional funds of \$5,000,000 for capital improvements to state parks, historic sites and other state-owned parks, including \$1,000,000 for Capitol Park in Augusta. This bond anticipates a total of an additional \$30,250,000 in matching funds from federal and other sources.

LD 1876	An Act To Authorize a General Fund Bond Issue in the Amount of \$16,600,000 To Construct and Upgrade Water Pollution Control Facilities, To Remediate Solid Waste Landfills, To Clean Up Uncontrolled Hazardous Substance Sites, To Provide Municipal Stormwater Management Assistance, To Investigate and Remediate Municipal Brownfields, To Construct and Upgrade Public Water Systems and To Remediate Lead Paint in Low-income Households	ONTP
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<u>Sponsor(s)</u> MARTIN KOFFMAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1876 proposed to provide a General Fund bond issue in the amount of \$16,600,000 to be used for the following purposes:

1. The sum of \$11,000,000 to construct and upgrade water pollution control facilities, providing the state match for \$12,500,000 in federal funds;
2. The sum of \$2,100,000 to abate, clean up and remediate threats to public health and the environment from uncontrolled hazardous substance sites, landfills and municipal brownfields;
3. The sum of \$500,000 to provide grants to assist urban municipalities in complying with new federal stormwater regulations;
4. The sum of \$2,000,000 to construct and upgrade public water systems to address public health threats, providing the state match for \$10,000,000 in federal funds; and
5. The sum of \$1,000,000 to provide grants for lead paint remediation in low-income households.

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LD 1877

**An Act To Authorize a General Fund Bond Issue in the Amount
of \$20,000,000 To Sustain and Improve Maine's Economy**

ONTP

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

LD 1877 proposed to provide a General Fund bond issue in the amount of \$20,000,000 to be used to support applied research and to provide for equity investments in promising Maine companies, public improvements in cultural buildings, weatherization and family and elderly housing, school renovations and improvements at the Raymond H. Fogler Library. Under this bond, the funds provided by this bond issue, in the amount of \$20,000,000, would be used for the following purposes:

1. Five million dollars for Maine Technology Institute Natural Resources Applied Research Fund competitive grants for applied research in natural-resource-based industries, including forest bio-products, marine fisheries and agriculture. These funds leverage \$5,000,000 in required matching funds;
2. Two million dollars for the Small Enterprise Growth Fund for equity investments in small Maine companies with potential for high growth. These funds leverage private equity investments;
3. One million dollars for the New Century Community Program for communities with a Pine Tree Development Zone designation for capital improvements to cultural resources;
4. Two million dollars for weatherization of single and multifamily homes occupied by low-income persons;
5. Two million dollars for family and elderly housing options for Native American tribes through the Four Directions Development Corporation. These funds would help attract \$2,000,000 in federal funds;
6. Six million dollars for repairs, improvements and renovations to public schools. The funds leverage \$3,000,000 in matching local funds; and
7. Two million dollars for critical improvements and expansion plans for the Raymond H. Fogler Library at the University of Maine, the state research library for business, science and technology.

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LD 1878 **An Act To Authorize a General Fund Bond Issue in the Amount of \$65,000,000 To Finance the Acquisition of Land and Interest in Land for Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitat and Farmland Preservation: To Fund Capital Improvements to State Parks and Other Historic Public Areas: and To Access \$30,250,000 in Matching Contributions from Public and Private Sources** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON, J TREAT	ONTP	

LD 1878 proposed to provide a General Fund bond issue in the amount of \$65,000,000 to be used for the purpose of recapitalizing the Land for Maine's Future program with \$60,000,000 over 3 years to continue Maine's land conservation efforts, leveraging a minimum of \$30,000,000 in required matching funds. The funding priorities include:

1. Conservation properties in the rapidly developing areas of southern and coastal Maine;
2. Public access to outdoor recreational opportunities statewide;
3. Protection via easement of traditional public access and uses in the north woods and support for sustainable forestry and strategically targeted fee acquisitions in areas of very high public value;
4. Farmland protection to support an economically viable agricultural sector;
5. Public access to coastal and inland waters; and
6. Highly significant wildlife habitat and ecological areas.

This bond issue also proposed to provide additional funds of \$5,000,000 for capital improvements to state parks, historic sites and other state-owned parks, including \$1,000,000 for Capitol Park in Augusta. This bond anticipates a total of an additional \$30,250,000 in matching funds from federal and other sources.

LD 1888 **An Act To Authorize a General Fund Bond Issue in the Amount of \$1,200,000 for the Downeast Institute for Applied Marine Research and Education** **ONTP**

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

LD 1888 proposed to provide a General Fund bond issue in the amount of \$1,200,000 to be used to purchase the property known as Black Duck Cove on Great Wass Island, which includes a 9,000 square-foot building, a working wharf and 2 lobster pounds, to serve as the home of the Downeast Institute for Applied Marine Research and Education.

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LD 1894 An Act To Authorize a General Fund Bond Issue in the Amount ONTP
of \$2,000,000 for Disaster Relief and To Provide Further
Relief Measures

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

LD 1894 proposed the following:

Part A of the bill proposed to provide a General Fund bond issue in the amount of \$2,000,000 to provide funding for the Emergency Management Preparedness and Assistance Trust Fund for grants and loans for disaster relief.

Part B proposed to establish the Emergency Management Preparedness and Assistance Trust Fund to provide grants and loans to persons or municipalities that suffer loss as a result of disaster.

Part B also proposed to make appropriations to the Maine Emergency Management Agency to:

1. Serve as a match for federal planning assistance to develop a flood mitigation program for Androscoggin, Oxford and
2. Provide immediate assistance to private property owners in the Town of Canton who suffered damages from the flooding in late 2003.

LD 1919 An Act To Make Supplemental Appropriations and Allocations PUBLIC LAW 673
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, 2004 and June 30, 2005

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN CATHCART	OTP-AM MAJ ONTP MIN	H-904 H-932 BRANNIGAN H-935 BRANNIGAN H-937 BRANNIGAN H-958 BRANNIGAN H-964 BRANNIGAN H-965 BRANNIGAN S-518 YOUNGBLOOD S-543 CATHCART

LD 1919 proposed the following:

PART SECTION DESCRIPTION

A A-1 To make appropriations and allocations of funds.

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- B B-1 To make appropriations and allocations of funds for approved reclassifications and range changes.
- C C-1 To authorize the Commissioner of the Department of Administrative and Financial Services to appoint an associate commissioner for administrative services.
- C-2 To establish the Associate Commissioner, Administrative Services as a major policy influencing position within the Department of Administrative and Financial Services.
- C-3 To amend PL 2003, c. 20 as it related to positions established in Maine Revenue Services by removing the stipulation that they are limited period positions.
- C-4 To amend the provisions of PL 2003, c.20 to clarify the lease-purchase language for Central Fleet Management to be applicable for each year of the biennium.
- C-5 To authorize the State Budget Officer to transfer savings resulting from the Retirement Incentive Program from General Fund and Other Special Revenue Fund accounts to the General Fund Salary Plan account.
- C-6 To authorize the State Budget Officer to transfer savings from the Retirement Incentive Program from Highway Fund accounts to the Highway Fund Salary Plan account.

PART SECTION DESCRIPTION

- C-7 To authorize payment to be made to those employees who were denied merit increases in fiscal year 2003-04.
- C-8 To authorize payment to be made to those Institutional Services employees who would have been eligible to receive a step increase from Step 6 to Step 7 during the period July 1, 2003 to June 30, 2004.
- C-9 To provide for the calculation and transfer of statewide savings in the General Fund in the cost of health insurance for fiscal year 2004-05 that are identified in Part A, section 1.
- C-10 To authorize the allotment of funds in the Bureau of Alcoholic Beverages and the Alcoholic Beverage Freight accounts in the Department of Administrative and Financial Services to be made by financial order during fiscal year 2004-05 upon the request of the State Budget Officer and approval of the Governor.
- C-11 To authorize the Department of Administration and Financial Services to manage the Retiree Health Insurance Fund on a cost reimbursement basis of funding and accounting beginning June 30, 2005.
- C-12 To authorize the Department of Administrative and Financial Services to calculate and return the amount of the excess equity to each participating fund and ancillary group contributing to the Retiree Health Insurance Fund, after retaining a reasonable amount of working capital.

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- C-13 To authorize the State Controller to recover, through the state cost allocation program, \$915,640 associated with prior year payments by the General Fund to the Maine State Retirement System.
- C-14 To authorize the State Controller to recover, through the state cost allocation program, \$28,000 in fiscal year 2003-04 and \$142,000 in fiscal year 2004-05 associated with Home Land Security Grant Programs awarded to the Department of Defense, Veterans and Emergency Management.
- C-15 To authorize the Bureau of General Services to use funds no longer required for the Thomaston State Prison Demolition project, for the Hazardous Material Abatement and Removal and Demolition of the State Armory in Caribou.
- D D-1 To adopt pre-EGTRRA federal law for the Maine estate tax for decedents dying after 2004. The bill does not address estates of decedents dying in 2010 when the federal estate tax is fully repealed (for that year only) along with the federal determination of the value of the estate, upon which Maine relies in its determination of the Maine estate tax.
- E E-1 To repeal the minimum taxability thresholds for nonresident taxpayers.

PART SECTION DESCRIPTION

- F F-1 To disallow the use of Maine credits against the Maine minimum tax for tax years beginning after 2003.
- G G-1 To establish criteria to disqualify certain tax-motivated lease transactions from the credit transfer provisions of the high-technology investment tax credit.
- H H-1 To lapse \$36,000 in the Pollution Control Structures General Fund account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund in fiscal year 2003-04.
- I I-1 To amend the law as it relates to rulemaking for access to home health care.
- I-2 To amend the law to permit the establishment of cost caps in the ICF/MR program.
- I-3 To amend the law to allow the Commissioner of the Department of Behavioral and Developmental Services to establish a retail store at the Riverview Psychiatric Center.
- I-4 To amend the law to establish a non-lapsing account for the funds associated with the retail store operation.
- J J-1 To amend the law relating to the use of the Boating Facilities Fund in the Department of Conservation.

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- J-2 To repeal Part V of PL 2003, chapter 513 that transferred funds from the Shore and Harbor Management Fund to the General Fund.
- J-3 To authorize the State Controller to transfer \$1,000,000 from the Boating Facilities Fund, Other Special Revenue Fund account in the Department of Conservation, to the unappropriated surplus of the General Fund by June 30, 2004.
- J-4 Authorizes the State Controller to transfer \$1,000,000 from the Shore and Harbor Management Fund, Other Special Revenue Fund account to the Boating Facilities Fund, Other Special Revenue Fund account in the Department of Conservation by June 30, 2004.
- J-5 To lapse \$193,241 in the Division of Forest Fire Control, General Fund - carrying account in the Department of Conservation to the unappropriated surplus of the General Fund in fiscal year 2003-04.

K K-1:K-5 To amend the law to specify that savings in health insurance costs related to hospital rate adjustments do not apply to fiscal year 2004-05.

PART SECTION DESCRIPTION

- L L-1 To authorize the Department of Corrections to enter into a lease-purchase arrangement for the acquisition of energy savings equipment.
- M M-1 To amend the law related to the policy influencing positions in the Department of Economic and Community Development.
- M-2 To amend the law to establish the Office of Innovation in the Department of Economic and Community Development and reallocates statutory provisions related to the State's science and technology plan and comprehensive research and development evaluation to that office.
- M-3 To move the duties of the Maine Technology Institute and the Applied Technology Development Centers under the Office of Innovation.
- M-4 To repeal the section of the statutes related to the Maine Promotion Council Cooperative.
- M-5 To repeal outdated duties of the Commissioner of the Department of Economic and Community Development.
- N N-1 To amend the law to establish the maximum debt service limits for school construction for 2008 and 2009.
- N-2 To clarify the lease purchase language for the replacement of Carpenter buses authorized by Resolve 2003, Chapter 92, Part B.

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- N-3 To specify the general purpose aid for local schools actual education certification and appropriation levels for fiscal year 2004-05 as required by the Maine Revised Statutes, Title 20-A, section 15605.
- O O-1 To authorize encumbered balances for automating the department's licensing, registration and permitting processes to carry forward until June 30, 2005.
- P P-1 To amend the law to authorize the Chief Justice to use General Fund appropriations to cover miscellaneous costs associated with the operation of the account of deposited cash bail.
- P-2 To authorize the Chief Justice to use \$23,000 of current General Fund appropriations to cover a shortage in the Judicial Department bail account.
- Q Q-1 To repeal those provisions of law related to the Occupational Safety Loan Fund in the Department of Labor.

PART SECTION DESCRIPTION

- Q-2 To amend the law to provide for transfers of payments of outstanding Occupational Safety Loan Fund loans from the Finance Authority of Maine to the Safety Education and Training Fund in the Department of Labor.
- R R-1 To amend the law as it relates to the borrowing capacity of the Maine Maritime Academy.
- S S-1 To amend the law to move the State Nuclear Safety Advisor position from the State Planning Office to the Office of the Public Advocate.
- T T-1 To repeal that provision of law that sunsets the Maine Computer Crimes Task Force.
- T-2 To establish the repeal of the sunset provision retroactively to January 1, 2004.
- U U-1 To amend the law related to the Uniform Unclaimed Property Act to establish the definition of a store-value card.
- U-2 To amend the law to include a provision mandating that records of the owner of store-value cards be maintained.
- V V-1 To authorize the Department of Human Services and Behavioral and Developmental Services to establish separate categories of licensure for facilities providing private non-medical institutional services to MaineCare eligible individuals.
- V-2 To enact a 5% tax, effective July 1, 2004, on the value of the following services provided in this State: extended cable television services; fabrication services; video rentals; rent-to-own services; telecommunications services; installation, maintenance or repair of telecommunications equipment; and private nonmedical

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institution services.

- V-3 To provide that if the seller of a taxable service includes the tax on a customer's bill, it must be shown as a separate line item and identified as a "Service Provider Tax."
- V-4 To amend the sales tax law by removing from the tax base those services that are subject to the newly-enacted service provider tax.
- V-5 Provides that revenue sharing will continue with respect to revenues derived from services currently covered by the sales tax but covered as of July 1, 2004 by the service provider tax.

PART SECTION DESCRIPTION

- W W-1 To amend the law to authorize the Department of Human Services to collect fees for researching its files for child protective records, and providing child protective records to licensing agencies, employers, and other non-governmental persons.
- W-2 To amend the law to authorize the Department of Human Services to promulgate rules regarding the payment of fees, and provides that the fees be deposited in the General Fund.
- X X-1 To authorize the Department of Human Services to increase the maximum license fee from \$40 to \$100 for schools; from \$10 to \$60 for each eating establishment in municipalities authorized by the department to conduct such inspections; and from \$125 to \$150 for other licensed establishments.
- X-2 To require the Department of Human Services to issue a conditional license to a new applicant that does not meet the regulations. The current language requires the department to issue a conditional license to all applicants, even those that are renewing.
- X-3 To authorize the Department of Human Services to conduct rulemaking to require all licensed eating establishments to employ at least one certified food service manager no later than January 1, 2007. The phase in period will begin in 2005. The rules would establish different categories for differing eating places.
- X-4 To authorize the Department of Human Services to increase the fines from \$50 to \$100 for each unresolved violation, and increase the penalty for operating without a license from an existing range of \$10-\$100, to a new range of \$25-\$200.
- X-5 Proposed to increase the fee from \$10 to \$60 for eating establishments in municipalities that do their own inspections.
- X-6 Proposed to make a technical correction.

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- Y Y-1 To amend the law to clarify the State's existing authority to file a claim against the surviving spouse of a MaineCare recipient.
- Z Z-1 To make changes to the mandatory reporting requirements for abuse and neglect, consistent with changes recommended by the U.S. Department of Health and Human Services, Administration for Families and Children. It would require the Department of Human Services to collect and investigate all reports regarding infants born affected by substance abuse or after prenatal exposure to drugs, and to provide services to the child and family which address that set of circumstances.

PART SECTION DESCRIPTION

- AA AA-1 To redefine a mass gathering event to include persons staying, camping or otherwise temporarily residing on property contiguous to the property of the event.
- AA-2 To authorize the department to require an application with a fee prior to reviewing and issuing a permit to any mass outdoor gathering.
- AA-3 To require any applicant to submit an application no later than 120 days prior to the anticipated event, while requiring the department to respond within 30 days. Final approval or disapproval by the department would be not later than 30 days prior to the event.
- AA-4 To clarify the bonding requirement by specifically allowing an applicant to obtain personal liability insurance for such an event.
- AA-5 To authorize the department to raise the permit fee from \$100 to a maximum of \$750 and to include travel costs when billing the applicant.
- BB BB-1:BB-3 To amend the law to clarify MaineCare's authority to include non probate assets in estate recovery, specifically those in which the individual had any legal title or interest at the time of death, including such assets conveyed through joint tenancy, tenancy in common, survivorship, life estate, living trust, or other arrangement.
- CC CC-1 To amend the law to require that retail tobacco licenses be renewed annually and directs the revenue to the General Fund.
- DD DD-1 To amend the law to change the requirement mandating that the MaineCare program provide dental services to adults 21 years of age and older.
- DD-2 Amends the law related to the medical eye care program to redefine the income levels and copayment provisions.
- DD-3 To authorize unencumbered balances of funds in the General Assistance program in the Department of Human Services to be carried forward each fiscal year to be used for the same purposes.
- DD-4 To amend the law to provide the Department of Human Services with access to information on real estate transfers for the purpose of determining financial

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eligibility for MaineCare services.

DD-5 To authorize the State Controller to accept fiscal year 2002-03 balances returned by providers as General Fund unappropriated surplus in fiscal year 2004-05.

DD-6 To authorize the Commissioner of the Department of Human Services to make changes in coverage and place limitations on the extent of coverage for adults qualifying for MaineCare coverage.

PART SECTION DESCRIPTION

DD-7 To authorize the Department of Human Services to implement a retroactive rule to recover funds for return on equity, previously allowable as an expense to nursing facilities.

DD-8 To authorize the Department of Human Services to establish minimum record keeping requirements for agencies administering Temporary Assistance for Needy Families programs.

DD-9 To specify that \$1,100,000 of unencumbered balance forward in fiscal year 2003-04 in the State Supplement to Federal Supplemental Security Income General Fund account in the Department of Human Services lapses to the General Fund in fiscal year 2003-04.

EE EE-1 To amend the law to allow for a partial transfer of funds from the General Fund to the Maine Clean Election Fund to occur on September 1, 2004.

FF FF-1:FF-3 To amend the law to require group health insurance policies and contracts, other than those covering employees of employers with 20 or fewer employees, to provide coverage for crisis and crisis residential services.

GG GG-1: GG-3 To amend the law to allow fees from Borrow Pits and Mining to be deposited in the Maine Environmental Protection Fund consistent with the merger of the Borrow Pit Account into the Fund as a sub-account in Part A of the bill.

HH HH-1 To amend the law to increase the allowable level of tax that may be imposed on hospital net revenues up to but not exceeding 2.03%.

HH-2 To amend the law to allow hospitals to pay any tax levied against them in two equal payments, one due in November of the state fiscal year and the other due in May.

II II-1 To assess a fee on all pass-through entities required to file with Maine Revenue Services. The fee would be assessed to cover processing, tax compliance, audit activities, handling, storage, other administrative costs and revenues lost because of noncompliance by members of pass-through entities. Revenue generated by the service fee would not be subject to the calculation for determining the amount for the Local Government Fund.

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- II-2 To impose a failure to file penalty for pass-through entities required to file an informational return.
- JJ JJ-1 To amend the law to provide for a calculation of Maine alternative minimum taxable income for purposes of imposing the Maine alternative minimum tax and removes the inequity of having artificially lower dividend and capital gains rates under Maine alternative minimum tax, but not for regular tax.

PART SECTION DESCRIPTION

- JJ-2 To change the rate structure for Maine alternative minimum tax from a flat rate (27%) applied to adjusted federal minimum tax to a graduated rate applied to Maine alternative minimum taxable income. The calculation would maintain the exemption amounts provided by the Internal Revenue Code effective as of December 31, 2002.
- KK KK-1:KK-2 To change the calculation of the interest rate on payments as well as refunds to that of the prime rate plus 3 percentage points, rather than the current formula of the prime rate plus 2 percentage points. This change would be effective July 1, 2004.
- LL LL-1 To implement the recommendations of a review of the functions of the ACE Service Center to place the center under the direct authority of the Department of Environmental Protection.
- LL-2 To amend the law to increase the transfer from the Maine Environmental Protection Fund in the Department of Environmental Protection to the General Fund by \$2,500 each year of the biennium.
- LL-3 To repeal the provision of law authorizing a transfer from the State Revolving Fund account in the Department of Environmental Protection to the General Fund.
- LL-4 To require that \$172,573 of the unencumbered balance forward in the Administrative Services Unit – ACE Cluster Other Special Revenue Funds account in the Department of Environmental Protection would be transferred to the General Fund in fiscal year 2003-04.
- MM MM-1 To authorize the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services to enter into an agreement with a multijurisdictional lottery association to operate, market and promote a joint lottery or lottery games.
- NN NN-1 Amends the definition of personal care agency to include individuals who are managing their own services with public funds.

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- NN-2 To amend the Controlled Substances Prescription Monitoring Program to allow staff managing the pharmacy benefit within the Bureau of Medical Services, Department of Human Services, or those designated to assist in the administration of that benefit, to access prescription information regarding individuals in MaineCare for the purposes of detecting and preventing substance abuse.
- OO OO-1 To clarify the administrative and financial relationship between the Maine Military Authority and the State.

PART SECTION DESCRIPTION

- OO-2 To express the intent of the Legislature for the Maine Military Authority to preserve existing terms and conditions of employment for those employees and the management practices relating to the terms and conditions of their employment to the greatest extent possible, as consistent with the Civil Service Law and the State Employees Labor Relations Act.
- OO-3 To provide that employees who were hired after the effective date of this bill would have the same rights and benefits as transferred employees.
- OO-4: OO-14 To require that agreements between the Maine Military Authority and the bargaining agents in effect at the time of the Authority's status change to an Executive Branch agency must be maintained for bargaining unit personnel until changed in accordance with applicable labor law principles.
- PP PP-1 To amend the law to increase the statewide E-9-1-1 surcharge by seven cents.
- PP-2 To amend the law to specify that the increased amount of the surcharge be deposited in the General Fund.
- QQ QQ-1 To amend the law to allow the program to pay expenses of advisory committee members who represent account holders, who must be individuals whose income is below 200% of the nonfarm income official poverty line.
- QQ-2: QQ-3 To amend the law to delete the sunset on the provision which allows an institution to apply a Maine State Grant to reduce institutional or other grant aid provided the institution grants the institutional or grant aid to a student with demonstrated financial need.
- RR RR-1 To amend the law to move forward to July 1, 2004 the sales tax exemption on construction contractors and tangible personal property for Pine Tree Development Zones.
- SS SS-1 To authorize the Department of Transportation to sell the Payne Road Bridge in Scarborough to the Maine Turnpike Authority.
- SS-2 To authorize the State Controller to transfer \$5,000,000 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund at the close of fiscal year 2004-05.

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SS-3 To transfer the Transportation Building from the Bureau of General Services within the Department of Administrative and Financial Services to the Department of Transportation. This is the only state property related to transportation that is not currently owned by the Department of Transportation.

PART SECTION DESCRIPTION

SS-4 To direct the Commissioner of Administrative and Financial Services and the Commissioner of the Department of Transportation to determine the scope of services and responsibilities of each Department and to report to the Joint Standing Committees of the Legislature for Appropriations and Financial Affairs, Transportation, and State and Local Government by January 30, 2005 with respect to the management and oversight of the Transportation Building Property.

SS-5 To direct the Commissioner of Administrative and Financial Services and the Commissioner of the Department of Transportation to present any necessary budget adjustments related to the management and operation of the Transportation Building Property to the next regular session of the Legislature.

SS-6 To authorize the State Controller to transfer \$6,400,000 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund at the close of fiscal year 2004-05.

TT TT-1 To increase the surcharge on every fine, forfeiture or penalty imposed by State courts and appropriates the monies generated by that increase to the General Fund.

TT-2 To increase the minimum mandatory fine for suspensions related to operating under the influence offenses.

TT-3 To increase and makes mandatory the minimum fine for first time operating after suspension offenses.

TT-4 To impose a new minimum fine for second and subsequent operating after suspension offenses.

TT-5 To impose a minimum fine for operating after revocation offenses.

TT-6 To increase the minimum mandatory fines for operating under the influence offenses.

UU UU-1 To amend the law to provide for repayment of funds to the Retiree Health Insurance Fund on or after July 1, 2004.

VV VV-1 To authorize the Department of Public Safety to establish two State Police Sergeant project positions to be temporarily assigned to the Criminal Justice Academy for each training class.

Committee Amendment "A" (H-904) was the majority report and proposed the following:

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
A	A-1	To make appropriations and allocations of funds.
B	B-1	To make appropriations and allocations for approved reclassifications and range changes.
C	C-1:C-4	To authorize the Commissioner of the Department of Administrative and Financial Services to appoint an Associate Commissioner, Administrative Services as a major policy influencing position.
	C-5	To amend the provisions of PL 2003, c.20 to clarify the lease-purchase language for Central Fleet Management to be applicable for each year of the biennium.
	C-6:C-7	To authorize the State Budget Officer to transfer savings resulting from the Retirement Incentive Program from General Fund and Other Special Revenue Fund accounts to the General Fund Salary Plan account and from Highway Fund accounts to the Highway Fund Salary Plan account.
	C-8	To authorize the State Controller to recover, through the state cost allocation program, \$915,640 associated with prior year payments by the General Fund to the Maine State Retirement System.
	C-9	To authorize the State Controller to recover, through the state cost allocation program, \$28,000 in fiscal year 2003-04 and \$142,000 in fiscal year 2004-05 associated with homeland security grant programs awarded to the Department of Defense, Veterans and Emergency Management.
	C-10	To authorize the Bureau of General Services to use \$111,856 no longer required for the Thomaston State Prison Demolition project, for the Hazardous Material Abatement and Removal and Demolition of the State Armory in Caribou.
	C-11	To authorize the use of \$44,000 in FY 2004-05 in the State Contingent Account designated for the promotion of Maine for emergency purposes.
D	D-1:D-9	To adopt pre-EGTRRA federal law for the Maine estate tax for decedents dying after 2004. The bill does not address estates of decedents dying in 2010 when the federal estate tax is fully repealed (for that year only) along with the federal determination of the value of the estate, upon which Maine relies in its determination of the Maine estate tax.
E	E-1:E-3	To amend the minimum taxability threshold for nonresident taxpayers by reducing the number of days spent in Maine that triggers a nonresident income tax liability from 21 days to 11 days. The income threshold of \$6,000 is eliminated.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
F	F-1:F-2	To disallow the use of Maine income tax credits against the Maine alternative minimum income tax for tax years beginning after 2003.
G	G-1:G-3	To establish criteria to disqualify certain tax-motivated lease transactions from the high-technology investment tax credit beginning after 2003.
H	H-1	To lapse \$36,000 in FY04 and \$84,306 in FY05 in the Pollution Control Structures General Fund account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund in fiscal year 2003-04.
	H-2	To appropriate \$16,000 in FY04 and \$20,000 in FY05 to recognize All Other savings from lapsing \$36,000 in the Pollution Control Structures General Fund account in the Department of Agriculture, Food and Rural Resources.
	H-3	To appropriate \$84,306 in FY05 to establish one limited-period Nutrient Management Coordinator position to direct and further develop the Nutrient Management Program.
I	I-1:I-2	To amend the law to allow the Commissioner of the Department of Behavioral and Developmental Services to establish a retail store at the Riverview Psychiatric Center and to establish a non-lapsing dedicated account for store income and expenses.
J	J-1	To amend the law relating to the use of the Boating Facilities Fund in the Department of Conservation so that funds may be provided to state agencies.
	J-2	To repeal Part V of PL 2003, chapter 513 that transferred \$1,000,000 from the Shore and Harbor Management Fund to the General Fund.
	J-3	To authorize the State Controller to transfer \$1,000,000 from the Boating Facilities Fund, Other Special Revenue Funds account in the Department of Conservation, to the unappropriated surplus of the General Fund by June 30, 2004.
	J-3	To authorize the State Controller to transfer \$1,000,000 from the Boating Facilities Fund, Other Special Revenue Funds account in the Department of Conservation, to the unappropriated surplus of the General Fund by June 30, 2004.
	J-4	To authorize the State Controller to transfer \$1,000,000 from the Shore and Harbor Management Fund, Other Special Revenue Fund account to the Boating Facilities Fund, Other Special Revenue Fund account in the Department of Conservation by June 30, 2004.
	J-5	To lapse \$193,241 in the Division of Forest Fire Control, General Fund - carrying account in the Department of Conservation to the unappropriated surplus of the General Fund in fiscal year 2003-04.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
K	K-1:K-5	To provide that savings in health insurance costs related to hospital rate adjustments do not apply to fiscal year 2004-05 and makes the necessary offsets to statewide appropriations and allocations.
L	L-1	To authorize the Department of Corrections to enter into a lease-purchase arrangement for the acquisition of energy-savings equipment.
M	M-1:M-9	To amend the laws related to the Department of Economic and Community Development to reorganize certain activities and to establish the Office of Innovation in the Department of Economic and Community Development and reallocate statutory provisions related to the State's science and technology plan and comprehensive research and development evaluation to that office. Also proposed to reallocate resources within the Department as part of a departmental reorganization.
N	N-1	To amend the statewide local share amount of the operating costs allocation for fiscal year 2004-05 for purposes of education funding.
	N-2	To establish the maximum debt service limits for school construction for 2008 and 2009.
	N-3	To clarify the lease purchase language for the replacement of Carpenter buses authorized by Resolve 2003, Chapter 92, Part B.
	N-4:N-18	To specify the general purpose aid for local schools actual education certification and appropriation levels for fiscal year 2004-05 as required by the Maine Revised Statutes, Title 20-A, section 15605.
	N-19	To deappropriate funds in fiscal year 2003-04 due to lower than expected costs for state agency clients and from construction audit recoveries and to provide additional funding for general purpose aid for local schools in fiscal year 2004-05.
O	O-1	To authorize encumbered balances for automating the Department of Inland Fisheries and Wildlife's licensing, registration and permitting processes to carry forward until June 30, 2005.
P	P-1	To amend the law to authorize the Chief Justice to use General Fund appropriations to cover miscellaneous costs associated with the operation of the account of deposited cash bail.
	P-2	To authorize the Chief Justice to use \$23,000 of current General Fund appropriations to cover a shortage in the Judicial Department bail account.
Q	Q-1:Q-4	To repeal those provisions of law related to the Occupational Safety Loan Fund in the Department of Labor.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	Q-5	To amend the law to provide for transfers of payments of outstanding Occupational Safety Loan Fund loans from the Finance Authority of Maine to the Safety Education and Training Fund in the Department of Labor.
R	R-1	To increase the maximum borrowing capacity of the Maine Maritime Academy, from \$4,000,000 to \$10,000,000.
S	S-1:S-2	To move the State Nuclear Safety Advisor position from the State Planning Office to the Office of the Public Advocate and make related allocations.
T	T-1:T-2	To reenact the Maine Computer Crimes Task Force retroactively to January 1, 2004.
U	U-1:U-2	To amend the law related to the Uniform Unclaimed Property Act to establish the definition of a store-value card and to mandate record-keeping by sellers of store-value cards.
V	V-1:V-3;V-6	To authorize the Department of Human Services and the Department of Behavioral and Developmental Services to establish separate categories of licensure for facilities providing private non-medical institutional services to MaineCare eligible individuals.
	V-4;V-5; V-7:V-24	To make changes to the sales tax and municipal revenue sharing to account for the establishment of a "Service Provider Tax."
	V-25	To enact a 5% tax, effective July 1, 2004, on the value of following services provided in this State: extended cable television services; fabrication services; video rentals; certain rentals of furniture and audio equipment; telecommunications services; installation, maintenance or repair of telecommunications equipment; and private non-medical institution services.
	V-26	To transfer \$105,000 between accounts to offset implementation costs associated with this Part.
	V-27	To authorize Department of Human Services to implement rules retroactively to July 1, 2003 to address the recovery of return on equity for private non-medical institutions.
	V-28	To adjust appropriations and allocations as a result of the implementation of the service provider tax imposed by this Part.
	V-29	To provide effective date and timing of returns and payments.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
W	W-1	To authorize the Department of Human Services to collect fees for researching its files for child protective records and providing child protective records to licensing agencies, employers, and other non-governmental persons. The department would establish the fee schedule by routine technical rule.
X	X-1	To authorize the Department of Human Services to increase the maximum license fee for certain eating and lodging facilities -- from \$40 to \$100 for schools; from \$10 to \$60 for inspections of eating establishment in municipalities authorized by the department to conduct such inspections; and from \$125 to \$150 for other licensed eating establishments.
	X-2	To require the Department of Human Services to issue a conditional license to a new applicant that does not meet the regulations. The current language requires the department to issue a conditional license to all applicants, even those that are renewing.
	X-3	To authorize the Department of Human Services to increase fines and penalties for operating without a license.
	X-4	To increase the fee from \$10 to \$60 for eating establishments in municipalities that do their own inspections.
	X-5	To make a technical correction.
	X-6	To direct the Department of Human Services to review municipalities that do their own inspections of eating and lodging facilities.
Y	Y-1:3	To authorize the Department of Human Services to adopt rules providing that infants and children under 19 years of age in families with income over 150% and up to 200% of the nonfarm income official poverty line who meet the eligibility requirements of the Cub Care program are eligible for Cub Care instead of Medicaid.
Z	Z-1:Z-5	To make changes to the mandatory reporting requirements for abuse and neglect, consistent with changes recommended by the U.S. Department of Health and Human Services, Administration for Families and Children. It would require the Department of Human Services to collect and investigate all reports regarding infants born affected by substance abuse or after prenatal exposure to drugs, and to provide services to the child and family which address that set of circumstances.
AA	AA-1	To expand the definition of a "mass outdoor gathering" for which a permit is required.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	AA-2:AA-3	To authorize the department to require an application with a fee prior to reviewing and issuing a permit to any mass outdoor gathering, changes application and bonding procedures and increases fees.
BB	BB-1:BB-2	To require the State Controller to transfer monthly an amount equivalent to benefits certified under the Maine Residents Property Tax Program from General Fund undedicated revenue within the individual income tax category to the Circuit Breaker reserve. The State Tax Assessor is required to pay benefit amounts to approved applicants. No interest on payments may be allowed. This section also proposed to eliminate funding to the Maine Residents Property Tax Program since it is being converted to an offset to the individual income tax line. In fiscal year 2004-05, the amount of the transfers are limited to the amounts that were appropriated in fiscal year 2004-05 for this program.
CC	CC-1:CC-2	To require that retail tobacco licenses be renewed annually, increase the fee and direct the revenue to the General Fund. Also proposed to repeal language requiring the transfer of dedicated funds from the Department of Human Services to the Judicial Department.
DD	DD-1	To authorize unencumbered balances of funds in the General Assistance program in the Department of Human Services to be carried forward each fiscal year to be used for the same purposes.
	DD-2	To amend the law to provide the Department of Human Services with access to information on real estate transfers for the purpose of determining financial eligibility for MaineCare services.
	DD-3	To authorize the State Controller to accept fiscal year 2002-03 balances returned by providers as General Fund unappropriated surplus in fiscal year 2004-05.
	DD-4	To authorize the Department of Human Services to establish minimum record keeping requirements for agencies administering Temporary Assistance for Needy Families programs.
	DD-5	To specify that \$1,100,000 of unencumbered balance forward in fiscal year 2003-04 in the State Supplement to Federal Supplemental Security Income General Fund account in the Department of Human Services lapse to the General Fund in fiscal year 2003-04.
EE	EE-1	To amend the law to allow for a partial transfer of funds from the General Fund to the Maine Clean Election Fund to occur on September 1, 2004.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
FF	FF-1	To require the Commissioner of Administrative and Financial Services to convene a working group to facilitate claims processing and reimbursement for medically necessary behavioral health services, including but not limited to, emergency and urgent care services. The working group would need to submit a report to legislative committees by January 15, 2005.
	FF-2	To deappropriate and deallocate funds associated with the mental health parity provisions.
GG	GG-1:GG-3	To amend the law to allow fees from Borrow Pits and Mining to be deposited in the Maine Environmental Protection Fund consistent with the merger of the Borrow Pit Account into the MEPF Fund as a sub-account in Part A of the bill.
HH	HH-1; HH-2; HH-5	To amend the definition of critical access hospital.
	HH-3	To amend the law to increase the tax on hospital net operating revenues to 2.23%
	HH-4	To amend the law to allow hospitals to pay any tax levied against them in two equal payments, one due in November of the state fiscal year and the other due in May.
	HH-6:HH-7	To establish contingency provisions for the hospital tax and hospital payments included in Part HH-8.
	HH-8	To allocate funds to increase MaineCare payments to hospitals in accordance with rules duly adopted by DHS.
	HH-9	To deappropriate funds to be replaced by dedicated revenue from the hospital tax.
II	II-1	To lapse \$600,000 of interest earnings savings in the Debt Service - Government Facilities Authority, General Fund account to the unappropriated surplus of the General Fund by June 30, 2005.
JJ	JJ-1:JJ-6	To change the rate structure for Maine alternative minimum tax from a flat rate (27%) applied to adjusted federal minimum tax to a graduated rate applied to Maine alternative minimum taxable income. The calculation would maintain the exemption amounts provided by the Internal Revenue Code effective as of December 31, 2002.
KK	KK-1:KK-3	To change the calculation of the interest rate on unpaid taxes as well as refunds to the prime interest rate plus 3 percentage points, rather than the current formula of the prime rate plus 2 percentage points. This change would be effective July 1, 2004.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
LL	LL-1	To place the ACE Service Center under the direct authority of the Department of Environmental Protection.
	LL-2	To amend the law to increase the transfer from the Maine Environmental Protection Fund in the Department of Environmental Protection to the General Fund by \$2,500 each year of the biennium.
	LL-3	To repeal the provision of law authorizing a transfer from the State Revolving Fund account in the Department of Environmental Protection to the General Fund.
	LL-4	To require that \$172,573 of the unencumbered balance forward in the Administrative Services Unit – ACE Cluster Other Special Revenue Funds account in the Department of Environmental Protection be transferred to the General Fund in fiscal year 2003-04.
	LL-5	To provide appropriations and allocations related to the reorganization of the ACE Service Center.
MM	MM-1:MM-2	To authorize the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services to enter into an agreement with a multijurisdictional lottery association to operate, market and promote a joint lottery or lottery games and provides related allocations.
NN	NN-1	To amend the definition of personal care agency to include individuals who hire unlicensed assistance personnel for their own care when permitted by rule of the Department of Human Services.
OO	OO-1:OO-2	To direct the State Budget Officer to calculate savings as a result of increased efforts in pursuing federal and commercial reimbursement of state-funded programs, improved eligibility verification and procedures and other data integration improvements to state funded services. Deappropriates \$2,500,000 from the General Fund and allocates \$2,500,000 Other Special Revenue Funds to reflect those savings.
PP	PP-1	To require the State Controller to transfer \$1,043,460 from the Emergency Services Communications, Other Special Revenue Funds account in the Public Utilities Commission to the unappropriated surplus of the General Fund by June 30, 2004.
QQ	QQ-1	To amend the law to allow the program to pay expenses of members of the Advisory Committee on Family Development Accounts who represent account holders, who must be individuals whose income is below 200% of the nonfarm income official poverty line.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	QQ-2:QQ-3	To amend the law to delete the sunset on the provision which allows an institution to apply a Maine State Grant to reduce institutional or other grant aid if the institution grants the institutional or grant aid to a student with demonstrated financial need.
RR	RR-1	To require the State Budget Officer to calculate the amount of savings in each General Fund account from information technology savings achieved by extending the use of personal computers and peripheral devices to a minimum of 4 years before replacement.
	RR-2	To require that exceptions to the replacement schedule must be approved by the Chief Information Officer.
	RR-3	To deappropriate funds associated with savings achieved from extending the use of personal computers and peripheral devices to a minimum of 4 years before replacement.
SS	SS-1	To authorize the Department of Transportation to sell the Payne Road Bridge in Scarborough to the Maine Turnpike Authority.
	SS-2	To authorize the State Controller to transfer \$5,000,000 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund at the close of fiscal year 2004-05.
	SS-3	To require the transfer of the Transportation Building from the Bureau of General Services within the Department of Administrative and Financial Services to the Department of Transportation.
	SS-4	To direct the Commissioner of Administrative and Financial Services and the Commissioner of the Department of Transportation to determine the scope of services and responsibilities of each Department and to report to the Joint Standing Committees of the Legislature for Appropriations and Financial Affairs, Transportation, and State and Local Government by January 30, 2005 with respect to the management and oversight of the Transportation Building Property.
	SS-5	To direct the Commissioner of Administrative and Financial Services and the Commissioner of the Department of Transportation to present any necessary budget adjustments related to the management and operation of the Transportation Building Property to the next regular session of the Legislature.
	SS-6	To authorize the State Controller to transfer \$6,400,000 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund at the close of fiscal year 2004-05.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
TT	TT-1:TT-2	To increase the surcharge on every fine, forfeiture or penalty imposed by State courts and deposits the monies generated by that increase to the General Fund.
	TT-3:TT-7	To increase fines for suspensions related to operating under the influence offenses, operating after suspension and operating after revocation of license.
UU	UU-1	To amend the law to provide for repayment of funds to the Retiree Health Insurance Fund on or after July 1, 2004.
	UU-2	To require the Department of Administration and Financial Services to manage the Retiree Health Insurance Fund on a cost reimbursement basis of funding and accounting beginning June 30, 2005.
	UU-3	To require the Department of Administrative and Financial Services to calculate and return the amount of the excess equity to each participating fund and ancillary group contributing to the Retiree Health Insurance Fund, after retaining a reasonable amount of working capital.
	UU-4	To provide an appropriation of \$1,100,000 to distribute funds to the Maine Community College System as a result of the divestiture of the Retiree Health Insurance Fund.
VV	VV-1	To authorize the Department of Public Safety to establish two State Police Sergeant project positions to be temporarily assigned to the Criminal Justice Academy for each training class.
WW	WW-1:WW-5	To amend provisions of Maine Revised Statutes Title 26 to reflect that the Medicaid portion of the consumer-directed personal care assistance services are to be administered by the Department of Human Services and to specify the responsibilities of that Department and the Department of Labor.
	WW-6	To transfer funds from the Department of Labor's Rehabilitation Services - Medicaid program to the Medical Care - Payments to Providers program within the Department of Human Services in FY 2004-05.
XX	XX-1	To repeal a requirement for an annual report to the Appropriations Committee regarding positions vacant for more than 6 months.
YY	YY-1	To prohibit hospital-based physician practices that bill as "hospital services" provided to MaineCare patients from discontinuing acceptance of new MaineCare patients or limiting services to MaineCare patients in a way that differs from policies that apply to other patients funded from any other payment source.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
ZZ	ZZ-1	To add the Long Term Care Ombudsman Program and Legal Services for the Elderly to the agencies receiving federal Administration on Aging funds that may carry funds forward for the purposes of those programs.
AAA	AAA-1:AAA-3; AAA-5; AAA-6	To amend language related to sales tax registration certificates to provide enhanced enforcement of resale certificate eligibility for applications filed on or after July 1, 2004 or the effective date of this Act, whichever is later.
	AAA-4	To amend PL 2003, c. 20 as it relates to positions established in Maine Revenue Services removing the stipulation that they are limited period positions.
	AAA-7	To appropriate funds for tax enforcement initiatives.
BBB	BBB-1	To authorize payment to be made to those employees who were denied merit increases in fiscal year 2003-04.
	BBB-2	To authorize payment to be made to those Institutional Services employees who would have been eligible to receive a step increase from Step 6 to Step 7 during the period July 1, 2003 to June 30, 2004.
	BBB-3	To provide \$250,000 to the Salary Plan for the step increases authorized in section 2 of this Part.
CCC	CCC-1	To provide for the calculation and transfer of statewide savings in the General Fund related to the cost of health insurance for fiscal year 2004-05.
	CCC-2	To deappropriate \$400,000 in FY05 as a result of health insurance savings.
DDD	DDD-1	To provide for the calculation and transfer of statewide savings in the General Fund in the cost of workers' compensation claims for fiscal year 2004-05.
	DDD-2	To deappropriate \$232,118 in FY04 and \$426,925 in FY05 as a result of savings in workers' compensation claims.
EEE	EEE-1	To provide for the calculation and transfer of statewide savings in the General Fund from projected savings in electricity costs for FY05.
	EEE-2	To deappropriate \$750,000 in FY05 as a result of projected savings in electricity costs.
FFF	FFF-1:FFF-2	To amend the required practices of pharmacy benefits managers by deleting authority to substitute lower-priced and therapeutically equivalent drugs and changing the procedures for substituting higher-priced substitute drugs and transferring payments received by the pharmacy benefits manager as a result of substitution of drugs.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
FFF-3		To amend the law to add a pharmacy's status as independent provider to the criteria for awarding incentive payments to pharmacies.
FFF-4		To require the MaineCare Advisory Committee to establish a standing subcommittee to review the prior authorization process used in the MaineCare and Drugs for the Elderly benefit programs.
FFF-5		To make appropriations and deappropriations as a result of the collection of settlement proceeds; increased administrative costs of stricter prior authorization and pharmacist support; review of pharmacy use in restrictive settings; stricter prior authorization criteria; implementing a voluntary pharmacy mail order program and making incentive payments to pharmacies to mitigate its impact; and the creation of a preferred drug list for the DEL program.
GGG	GGG-1:GGG-2	To establish Maine Ground fish Fund to support the ground fish industry to be administered by the Commissioner of Marine Resources.
HHH	HHH-1	To remove the Maine Community College System from the list of priority items that would receive funding from the unappropriated surplus of the General Fund at the end of fiscal year 2003-04 after all required deductions of appropriations, budgeted financial commitments and adjustments have been made and adds the Maine Microenterprise Initiative Fund within the Department of Economic and Community Development to the list of priority items.
	HHH-2	To move \$315,000 from the Maine Microenterprise Initiative Fund to Administration - Economic and Community Development to provide one-time funding to match the National Aeronautics and Space Administration's ESPCoR award to the Maine Space Grant Consortium.
III	III-1:III-2	To eliminate 31 positions as a result of the merger of the Department of Human Services and the Department of Behavioral and Developmental Services.
JJJ	JJJ-1:JJJ-5	To eliminate the Northern Androscoggin Division of the Eleventh District Court in Livermore Falls and transfer that jurisdiction to the Eighth District.
KKK	KKK-1:KKK-2	To transfer funds appropriated to the Educational and General Activities - UMS program for fiscal year 2004-05 for the Maine Economic Improvement Fund in Public Law 2003, c. 20, Part RR to the Maine Economic Improvement Fund program within the University of Maine System.
LLL	LLL-1:LLL-4	To add the Maine Endangered and Nongame Wildlife Fund in the Department of Inland Fisheries and Wildlife to the list of accounts that are not included in transfers of savings to the General Fund.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
MMM	MMM-1: MMM-4	To establish the MaineCare Basic program to deliver medically necessary health care services to adult members of the MaineCare program; to establish limits on certain benefits and services for adults; to establish savings targets for these benefits and services; to appropriate funds to administer the program; and to deappropriate funds to reflect reductions in estimated MaineCare spending as a result of the program.
NNN	NNN-1:NNN-3	To require the Attorney General to study discrimination against homeless individuals and report the results of the study and any necessary legislation to the Legislature by January 5, 2005.
OOO	OOO-1	To provide that the cap on reimbursement for certain mental health services may not be set lower than the amount necessary to achieve the savings identified in this Act.
	OOO-2	To require the establishment of an advisory working group to examine and make recommendations regarding methods of achieving savings in mental health costs.
PPP	PPP-1	To lapse \$2,400,000 in the Education in the Unorganized Territory General Fund account in the Department of Education to the General Fund in fiscal year 2003-04.
	PPP-2	To deappropriate \$63,989, due to one-time savings in the Professional Development program within the Department of Education in fiscal year 2003-04.
QQQ	QQQ-1:QQQ-2	To authorize the Executive Director of the Legislative Council to sell, in accordance with Legislative Council procedures, unneeded legislative equipment and materials and directs proceeds from the sale to the legislative account.
	QQQ-3	To appropriate funds to cover the expenses of 3 Maine commissioners to attend the annual conference of the Commission on Uniform State Laws and for a portion of the dues of that organization.
RRR	RRR-1:RRR-3	To increase the filing fee for registration statements for securities offered for sale from \$500 to \$1,000 effective July 1, 2004.
SSS	SSS-1:SSS-3	To require the Department of Behavioral and Developmental Services to adopt rules to require service providers to charge fees for certain services for children and families funded by grant programs from the department.
	SSS-4	To appropriate \$1,250,000 in fiscal year 2004-05 for the Mental Health Services -- Children program for room and board, flexibility funds and training to partially offset other decreases in funding.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
TTT	TTT-1:TTT-3	To make permanent the schedule of premiums for the Cub Care program that is scheduled to expire on July 1, 2004 and directs the Department of Human Services to evaluate premiums periodically.
	TTT-4	To make appropriations and allocations to reflect the changes in Cub Care premiums and to partially restore funding for adult transportation under the MaineCare program.
UUU	UUU-1	To require that the information shared by the Finance Authority of Maine to the Department of Human Services to be used to determine which Maine State Grant Program recipients are also eligible for TANF job preparation funds or to participate in the Parents as Scholars Program is confidential.
	UUU-2	To deappropriate funds in fiscal year 2004-05 only that will be paid from TANF block grant funds to provide preparation funds for Parents as Scholars participants.
VVV	VVV-1	To require the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners to report monthly to the legislative committees with jurisdiction over appropriations and financial affairs and criminal justice on the status of the state prisoner and probation population and the staffing necessary to provide adequate supervision.
WWW	WWW-1: WWW-37	To increase fees for various business entity filings with the Secretary of State.
XXX	XXX-1: XXX-10	To increase fees for various annual report filings with the Secretary of State.
YYY	YYY-1	To establish standards for determination of whether a business entity with a debt owed to the Department of Human Services is considered out of business.
ZZZ	ZZZ-1	To require the State Controller to transfer \$500,000 from the Office of Information Services Fund account in the Department of Administrative and Financial Affairs to the unappropriated surplus of the General Fund by June 30, 2005.
	ZZZ-2	To require the State Controller to transfer \$93,551 from the A & C Audit Recovery, Other Special Revenue Fund account in the Department of Administrative and Financial Affairs to the unappropriated surplus of the General Fund by June 30, 2005.
AAAA	AAAA-1	To establish one limited-period Senior Planner position in FY 2004-05 and FY 2005-06 funded with federal funds.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
BBBB	BBBB-1: BBBB-2	To provide that a statement of intent for compensation would need to be filed by a former student of the Maine School for the Deaf or the Governor Baxter School for the Deaf and that an estate would not be eligible to submit a statement of intent. If a claimant were to die before compensation was paid, the compensation would be payable to the estate of the claimant.
	BBBB-3: BBBB-4	To create a process by which the Maine Enterprise Initiative Fund within the Department of Economic and Community Development and the Baxter Compensation Authority would receive funding, if there were sufficient unappropriated surplus remaining after all other required deductions and transfers at the close of fiscal year 2004-05.
CCCC	CCCC-1	To transfer \$104,357 from the Natural Disaster Business Assistance Fund in the Finance Authority of Maine to the General Fund as undedicated revenue no later than June 30, 2005.
	CCCC-2	To appropriate \$87,000 in fiscal year 2004-05 to Adult Education.
DDDD	DDDD-1	<p>To classify certain aspects of the State's group health plan for retired state employees as "solemn contractual commitments," under conditions set forth in this Part. The commitment would be made to state employees who were eligible for membership in the Maine State Retirement System, the Maine Legislative Retirement System or the State Police Retirement System and to employees of the Maine Turnpike Authority, the Maine Community College System and the Maine State Retirement System.</p> <p>To provide that the eligibility criteria for health plan coverage as a retiree or a family member of a retiree could not be more stringent than the criteria that existed at the time the employee became vested, which for most state employees is after 5 years of creditable service. It also proposed to provide that the State contribution percentage toward the premium cost for retirees may not be less than at the time the employee became vested. Finally, it proposed to provide that retirees would continue to be eligible to participate in the same group health plans as active employees, or substantially similar plans. The State Employee Health Commission would determine whether plans were substantially similar. In determining whether the plan offered to Medicare-eligible retirees would be substantially similar to that offered to active employees, the Commission would look at the combination of Medicare or successor federal plan benefits and benefits included in any supplemental plan provided by the State.</p>

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
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EEEE	EEEE-1	To clarify the intent of the use of the \$3,000,000 portion of the transportation bonds proceeds of Private and Special Law 2003, chapter 33. The Department of Public Safety would be required to award grants of \$3,000,000 to expand existing air-medical response system throughout the state, up to \$400,000 of these grants would need to be for the costs of acquisition of a mobile advance human patient simulator mannequin system.
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House Amendment “Q” (H-932) proposed to clarify that the committee amendment would not create a contractual commitment on the part of the State to offer group health plans at all or to continue to offer health insurance coverage for any type of benefit or to offer a specific level of benefit payment. However, the State could reduce coverage for retirees only if it made the same or substantially similar reductions for active employees. It also proposed to include employees of the Maine Maritime Academy in the list of vested employees eligible to receive health insurance as state retirees.

House Amendment “T” (H-935) proposed to correct a drafting error.

House Amendment “V” (H-937) proposed to deappropriate \$32,000 in fiscal year 2004-05 from the General Purpose Aid for Local Schools program within the Department of Education and appropriate one-time funding of \$32,000 in fiscal year 2004-05 for the Maine School of Science and Mathematics in Limestone.

House Amendment “Z” (H-958) proposed to strike the emergency preamble and emergency clause from Committee Amendment “A.” It proposed to make the necessary adjustments to appropriations and allocations and language to reflect the delay in the effective date.

House Amendment “AA” (H-964) proposed to direct the Public Utilities Commission, when determining the level of financial assistance to be provided from the Maine Telecommunications Education Access Fund to qualified libraries, to mitigate the impact of lost federal funding in those cases in which libraries have determined they could not meet conditions for receiving the federal funding without substantially compromising their standards or missions.

House Amendment “BB” (H-965) proposed to require the first payment to private nonmedical institutions, PNMIIs, authorized in Committee Amendment “A” to be made by August 1, 2004.

Senate Amendment “A” (S-518) proposed to make the following changes to the statutes governing the Office of Program Evaluation and Government Accountability, or OPEGA.

1. It proposed to authorize the legislative oversight committee to direct OPEGA to conduct evaluations of local government, quasi-municipal entities and municipal or nonprofit corporations when determined necessary by the committee and to examine expenditures of private money by public officials or employees.
2. It proposed to remove language concerning the Department of Audit from the subsection that defines program evaluation and instead enact language under the duties of the committee to give the committee the discretion to request that the department conduct an examination or, if the department were unable to perform the examination in a timely manner, to direct OPEGA to obtain the services of a qualified auditor.
3. It proposed to clarify what information would be made available to the committee and to OPEGA.

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4. It proposed to require the director and employees of OPEGA to be nonpartisan.

Senate Amendment “P” to Committee Amendment “A” (S-543) proposed to require the Treasurer of State to structure the June 2004 bond issues into semiannual payments for a period of not more than 9 years, rather than the recent practice of annual installments over 10 years. This amendment also proposed to appropriate one-time funding of \$6,000,000 to the Baxter Compensation Authority. This amendment also proposed to eliminate the transfer of funds to the Baxter Compensation Authority from the unappropriated surplus at the close of fiscal year 2004-05.

Enacted Law Summary

Public Law 2003, chapter 673 does the following, summarized below by part and section.

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
A	A-1	Part A makes appropriations and allocations of funds for various purposes.
B	B-1	Part B makes appropriations and allocations for approved reclassifications and range changes.
	B-2	Authorizes the use of the Salary Plan program for additional interest expense caused by delays in funding approved reclassifications and range changes.
C	C-1:C-4	Authorizes the Commissioner of the Department of Administrative and Financial Services to appoint an Associate Commissioner, Administrative Services as a major policy influencing position.
	C-5	Amends the provisions of PL 2003, c.20 to clarify the lease-purchase language for Central Fleet Management to be applicable for each year of the biennium.
	C-6:C-7	Authorizes the State Budget Officer to transfer savings resulting from the Retirement Incentive Program from General Fund and Other Special Revenue Fund accounts to the General Fund Salary Plan account and from Highway Fund accounts to the Highway Fund Salary Plan account.
	C-8	Authorizes the State Controller to recover, through the state cost allocation program, \$915,640 associated with prior year payments by the General Fund to the Maine State Retirement System.
	C-9	Authorizes the State Controller to recover, through the state cost allocation program, \$170,000 in fiscal year 2004-05 associated with homeland security grant programs awarded to the Department of Defense, Veterans and Emergency Management.
<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	C-10	Authorizes the Bureau of General Services to use \$111,856 no longer required for the Thomaston State Prison Demolition project, for the Hazardous Material Abatement and Removal and Demolition of the State Armory in Caribou.

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D	D-1:D-9	Adopts pre-EGTRRA (Economic Growth and Tax Relief Reconciliation Act of 2001) federal law for the Maine estate tax for decedents dying after 2004. The bill does not address estates of decedents dying in 2010 when the federal estate tax is fully repealed (for that year only) along with the federal determination of the value of the estate, upon which Maine relies in its determination of the Maine estate tax.
E	E-1:E-3	Amends the minimum taxability threshold for nonresident taxpayers by reducing the number of days spent in Maine that triggers a nonresident income tax liability from 21 days to 11 days. The income threshold of \$6,000 is eliminated.
F	F-1:F-2	Disallows the use of Maine income tax credits against the Maine alternative minimum income tax for tax years beginning after 2003.
G	G-1:G-3	Establishes criteria to disqualify certain tax-motivated lease transactions from the high-technology investment tax credit beginning after 2003.
H	H-1	Lapses \$120,306 in the Pollution Control Structures General Fund account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund in fiscal year 2004-05.
	H-2	Appropriates \$36,000 in fiscal year 2004-05 to partially offset a statewide All Other deappropriation.
	H-3	Appropriates \$84,306 in fiscal year 2004-05 to establish one limited-period Nutrient Management Coordinator position to direct and further develop the Nutrient Management Program.
I	I-1:I-2	Amends the law to allow the Commissioner of the Department of Behavioral and Developmental Services to establish a retail store at the Riverview Psychiatric Center and establishes a non-lapsing dedicated account for store income and expenses.
J	J-1	Amends the law relating to the use of the Boating Facilities Fund in the Department of Conservation so that funds may be provided to state agencies.
	J-2	Transfers \$1,000,000 from the General Fund to the Shore and Harbor Management Fund to offset a transfer pursuant to PL 2003, c. 513, V-1.
	J-3	Authorizes the State Controller to transfer \$1,000,000 from the Boating Facilities Fund, Other Special Revenue Funds account in the Department of Conservation, to the unappropriated surplus of the General Fund by June 30, 2005.
		<u>PART</u> <u>SECTION</u> <u>DESCRIPTION</u>
	J-4	Authorizes the State Controller to transfer \$1,000,000 from the Shore and Harbor Management Fund, Other Special Revenue Fund account to the Boating Facilities Fund, Other Special Revenue Fund account in the Department of Conservation by June 30, 2005.

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	J-5	Lapses \$193,241 in the Division of Forest Fire Control, General Fund - carrying account in the Department of Conservation to the unappropriated surplus of the General Fund in fiscal year 2004-05.
K	K-1:K-5	Provides that savings in health insurance costs related to hospital rate adjustments do not apply to fiscal year 2004-05 and makes the necessary offsets to statewide appropriations and allocations.
L	L-1	Authorizes the Department of Corrections to enter into a lease-purchase arrangement for the acquisition of energy-savings equipment.
M	M-1:M-9	Amends the laws related to the Department of Economic and Community Development to reorganize certain activities and to establish the Office of Innovation in the Department of Economic and Community Development and reallocates statutory provisions related to the State's science and technology plan and comprehensive research and development evaluation to that office. Also reallocates resources within the Department as part of a departmental reorganization.
N	N-1	Amends the statewide local share amount of the operating costs allocation for fiscal year 2004-05 for purposes of education funding.
	N-2	Establishes the maximum debt service limits for school construction for 2008 and 2009.
	N-3	Clarifies the lease purchase language for the replacement of Carpenter buses authorized by Resolve 2003, Chapter 92, Part B.
	N-4:N-18	Specifies the General Purpose Aid for Local Schools actual education certification and appropriation levels for fiscal year 2004-05 as required by the Maine Revised Statutes, Title 20-A, section 15605.
	N-19	Clarifies that the amounts available for distribution through General Purpose Aid for Local Schools includes \$5,050,000 of funds carried forward from fiscal year 2003-04.
	N-20	Appropriates an additional \$9,950,000 in fiscal year 2004-05 for General Purpose Aid for Local Schools in fiscal year 2004-05.
<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
O	O-1	Authorizes encumbered balances for automating the Department of Inland Fisheries and Wildlife's licensing, registration and permitting processes that will lapse at the end of fiscal year 2003-04 to be transferred from the Carrying Balance account to the License and Registration account within the department to be used for the same purposes in fiscal year 2004-05.
P	P-1	Amends the law to authorize the Chief Justice to use General Fund appropriations to cover miscellaneous costs associated with the operation of the account of deposited cash bail.

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	P-2	Authorizes the Chief Justice to use \$23,000 of current General Fund appropriations to cover a shortage in the Judicial Department bail account.
Q	Q-1:Q-4	Repeals those provisions of law related to the Occupational Safety Loan Fund in the Department of Labor.
	Q-5	Amends the law to provide for transfers of payments of outstanding Occupational Safety Loan Fund loans from the Finance Authority of Maine to the Safety Education and Training Fund in the Department of Labor.
R	R-1	Increases the maximum borrowing capacity of the Maine Maritime Academy, from \$4,000,000 to \$10,000,000.
S	S-1:S-2	Moves the State Nuclear Safety Advisor position from the State Planning Office to the Office of the Public Advocate and makes related allocations.
T	T-1:T-2	Reenacts the Maine Computer Crimes Task Force retroactively to January 1, 2004.
U	U-1:U-2	Amends the law related to the Uniform Unclaimed Property Act to establish the definition of a store-value card and to mandate record keeping by sellers of store-value cards.
V	V-1:V-3;V-6	Authorizes the Department of Human Services and the Department of Behavioral and Developmental Services to establish separate categories of licensure for facilities providing private non-medical institutional services to MaineCare eligible individuals.
	V-4:V-5; V-7:V-24	Makes changes to the sales tax and municipal revenue sharing to account for the establishment of a "Service Provider Tax".
	V-25	Enacts a 5% tax, effective July 1, 2004, on the value of following services provided in this State: extended cable television services; fabrication services; video rentals; certain rentals of furniture and audio equipment; telecommunications services; installation, maintenance or repair of telecommunications equipment; and private non-medical institution services.
<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	V-26	Transfers \$105,000 between accounts to offset implementation costs associated with this Part.
	V-27	Authorizes the Department of Human Services to implement rules retroactively to July 1, 2003 to address the recovery of return on equity for private non-medical institutions.
	V-28	Adjusts appropriations and allocations as a result of the implementation of the service provider tax imposed by this Part.
	V-29	Establishes effective dates and the timing of returns and payments.

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W	W-1	Authorizes the Department of Human Services to collect fees for researching its files for child protective records, and providing child protective records to licensing agencies, employers, and other non-governmental persons. The department will establish the fee schedule by routine technical rule.
X	X-1	Authorizes the Department of Human Services to increase the maximum license fee for certain eating and lodging facilities -- from \$40 to \$100 for schools; from \$10 to \$60 for inspections of eating establishment in municipalities authorized by the department to conduct such inspections; from \$125 to \$150 for other licensed eating establishments; and from \$20 to \$35 to cover the costs of each additional inspection.
	X-2	Requires the Department of Human Services to issue a conditional license to a new applicant that does not meet the regulations. The current language requires the department to issue a conditional license to all applicants, even those that are renewing.
	X-3	Authorizes the Department of Human Services to increase fines and penalties for operating without a license.
	X-4	Increases the fee from \$10 to \$60 for eating establishments in municipalities that do their own inspections.
	X-5	Makes a technical correction.
	X-6	Directs the Department of Human Services to review municipalities that do their own inspections of eating and lodging facilities.
Y	Y-1:Y-2	Authorizes the Department of Human Services to adopt rules providing that infants in families with income over 185% and children under 19 years of age in families with income over 150% and up to 200% of the nonfarm income official poverty line who meet the eligibility requirements of the Cub Care program are eligible to participate in Cub Care instead of Medicaid.
	Y-3	Delays for 3 months the effective date of MaineCare eligibility expansions authorized by the Dirigo Health legislation, PL 2003, c. 469.
<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
Z	Z-1:Z-5	Makes changes to the mandatory reporting requirements for abuse and neglect, consistent with changes recommended by the U.S. Department of Health and Human Services, Administration for Families and Children. It requires the Department of Human Services to collect and investigate all reports regarding infants born affected by substance abuse or after prenatal exposure to drugs, and to provide services to the child and family which address that set of circumstances.
AA	AA-1	Expands the time frame for an applicant to appeal a denial of a mass gathering permit.
	AA-2:AA-3	Authorizes the department to require an application with a fee prior to reviewing and issuing a permit to any mass outdoor gathering, changes application and bonding procedures and increases fees.

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BB	BB-1:BB-4	Requires the State Controller to transfer monthly an amount equivalent to benefits certified under the Maine Residents Property Tax Program from General Fund undedicated revenue within the individual income tax category to the Circuit Breaker reserve. The State Tax Assessor is required to pay benefit amounts to approved applicants. No interest on payments may be allowed. Also eliminates funding to the Maine Residents Property Tax Program since it is being converted to an offset to the individual income tax line. In fiscal year 2004-05, the amount of the transfers is limited to the amounts that were appropriated in fiscal year 2004-05 for this program.
CC	CC-1:CC-2	Requires that retail tobacco licenses be renewed annually, increases the fee and directs the revenue to the General Fund. Repeals language requiring the transfer of dedicated funds from the Department of Human Services to the Judicial Department.
DD	DD-1	Authorizes unencumbered balances of funds in the General Assistance program in the Department of Human Services to be carried forward each fiscal year to be used for the same purposes.
	DD-2	Amends the law to provide the Department of Human Services with access to information on real estate transfers for the purpose of determining financial eligibility for MaineCare services.
	DD-3	Authorizes the State Controller to accept fiscal year 2002-03 balances of \$177,232 returned by providers as General Fund unappropriated surplus in fiscal year 2004-05.
	DD-4	Authorizes the Department of Human Services to establish minimum record keeping requirements for agencies administering Temporary Assistance for Needy Families programs.
	DD-5	Specifies that \$1,100,000 of unencumbered balance forward in fiscal year 2003-04 in the State Supplement to Federal Supplemental Security Income General Fund account in the Department of Human Services lapses to the General Fund in fiscal year 2004-05.
<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
EE	EE-1	Amends the law to allow for a partial transfer of funds from the General Fund to the Maine Clean Election Fund to occur on September 1, 2004. (See LD 1673)
FF	FF-1	Requires the Commissioner of Administrative and Financial Services to convene a working group to facilitate claims processing and reimbursement for medically necessary behavioral health services, including but not limited to, emergency and urgent care services. The working group must submit a report to legislative committees by January 15, 2005.
	FF-2	Deappropriates and deallocates funds associated with the mental health parity provisions.
GG	GG-1:GG-3	Amends the law to allow fees from Borrow Pits and Mining to be deposited in the Maine Environmental Protection Fund (MEPF) consistent with the merger of the Borrow Pit Account into the MEPF Fund as a sub-account in Part A of the bill.

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HH	HH-1:HH-2; HH-5	Amends the definition of critical access hospital.
	HH-3	Amends the law to increase the tax on hospital net operating revenues to 2.23%
	HH-4	Amends the law to allow hospitals to pay the tax levied against them in two equal payments, one due in November of the state fiscal year and the other due in May.
	HH-6:HH-7	Establishes contingency provisions for the hospital tax and hospital payments included in Part HH-8.
	HH-8	Allocates funds to increase MaineCare payments to hospitals in accordance with rules duly adopted by the Department of Human Services.
	HH-9	Deappropriates funds to be replaced by dedicated revenue from the hospital tax.
II	II-1	Lapses \$600,000 of interest earnings savings in the Debt Service - Government Facilities Authority, General Fund account to the unappropriated surplus of the General Fund by June 30, 2005.
JJ	JJ-1:JJ-6	Changes the rate structure for Maine alternative minimum tax from a flat rate (27%) applied to adjusted federal minimum tax to a graduated rate applied to Maine alternative minimum taxable income. The calculation maintains the exemption amounts provided by the Internal Revenue Code effective as of December 31, 2002.
KK	KK-1:KK-3	Changes the calculation of the interest rate on unpaid taxes as well as refunds to the prime interest rate plus 3 percentage points, rather than the current formula of the prime rate plus 2 percentage points. This change is effective July 1, 2004.
LL	LL-1	Places the ACE Service Center under the direct authority of the Department of Environmental Protection.
<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	LL-2	Amends the law to increase the transfer from the Maine Environmental Protection Fund in the Department of Environmental Protection to the General Fund by \$2,500 in fiscal year 2004-05.
	LL-3	Repeals the provision of law authorizing a transfer from the State Revolving Fund account in the Department of Environmental Protection to the General Fund.
	LL-4	Requires that \$172,573 of the unencumbered balance forward in the Administrative Services Unit – ACE Cluster Other Special Revenue Funds account in the Department of Environmental Protection be transferred to the General Fund in fiscal year 2004-05.
	LL-5	Provides appropriations and allocations related to the reorganization of the ACE Service Center.

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MM	MM-1:MM-2	Authorizes the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services to enter into an agreement with a multijurisdictional lottery association to operate, market and promote a joint lottery or lottery games and provides related allocations. (See LD 1536).
NN	NN-1	Amends the definition of personal care agency to include individuals who hire unlicensed assistance personnel for their own care when permitted by rule of the Department of Human Services.
OO	OO-1:OO-2	Directs the State Budget Officer to calculate savings as a result of increased efforts in pursuing federal and commercial reimbursement of state-funded programs, improved eligibility verification and procedures and other data integration improvements to state funded services. Deappropriates \$2,500,000 from the General Fund and allocates \$2,500,000 Other Special Revenue Funds to reflect those savings and increased reimbursement from federal and commercial sources.
PP	PP-1	Requires the State Controller to transfer \$1,043,460 from the Emergency Services Communications, Other Special Revenue Funds account in the Public Utilities Commission to the unappropriated surplus of the General Fund by June 30, 2005.
QQ	QQ-1	Amends the law to allow the program to pay expenses of members of the Advisory Committee on Family Development Accounts who represent account holders, who must be individuals whose income is below 200% of the nonfarm income official poverty line.
	QQ-2:QQ-3	Amends the law to delete the sunset on the provision which allows an institution to apply a Maine State Grant to reduce institutional or other grant aid if the institution grants the institutional or grant aid to a student with demonstrated financial need.
<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
RR	RR-1	Requires the State Budget Officer to calculate the amount of savings in each General Fund account from information technology savings achieved by extending the use of personal computers and peripheral devices to a minimum of 4 years before replacement.
	RR-2	Requires that exceptions to the replacement schedule must be approved by the Chief Information Officer.
	RR-3	Deappropriates \$500,000 in fiscal year 2004-05 associated with savings achieved from extending the use of personal computers and peripheral devices to a minimum of 4 years before replacement.
SS	SS-1	Authorizes the Department of Transportation to sell the Payne Road Bridge in Scarborough to the Maine Turnpike Authority for \$5,000,000.
	SS-2	Authorizes the State Controller to transfer \$5,000,000 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund at the close of fiscal year 2004-05.

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	SS-3	Requires the transfer of the Transportation Building from the Bureau of General Services within the Department of Administrative and Financial Services to the Department of Transportation.
	SS-4	Directs the Commissioner of Administrative and Financial Services and the Commissioner of the Department of Transportation to determine the scope of services and responsibilities of each Department and to report to the Joint Standing Committees of the Legislature for Appropriations and Financial Affairs, Transportation, and State and Local Government by January 30, 2005 with respect to the management and oversight of the Transportation Building Property.
	SS-5	Directs the Commissioner of Administrative and Financial Services and the Commissioner of the Department of Transportation to present any necessary budget adjustments related to the management and operation of the Transportation Building Property to the next regular session of the Legislature.
	SS-6	Authorizes the State Controller to transfer \$6,400,000 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund at the close of fiscal year 2004-05.
TT	TT-1:TT-2	Increases the surcharge on every fine, forfeiture or penalty imposed by State courts and deposits the monies generated by that increase to the General Fund.
	TT-3:TT-7	Increases fines for suspensions related to operating under the influence offenses, operating after suspension and operating after revocation of license.
UU	UU-1	Amends the law to provide for repayment of funds to the Retiree Health Insurance Fund on or after August 1, 2004.
<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	UU-2	Requires the Department of Administration and Financial Services to manage the Retiree Health Insurance Fund on a cost reimbursement basis of funding and accounting beginning June 30, 2005.
	UU-3	Requires the Department of Administrative and Financial Services to calculate and return the amount of the excess equity to each participating fund and ancillary group contributing to the Retiree Health Insurance Fund in fiscal year 2004-05, after retaining a reasonable amount of working capital.
	UU-4	Provides an appropriation of \$1,100,000 to distribute funds to the Maine Community College System as a result of the divestiture of the Retiree Health Insurance Fund.
VV	VV-1	Authorizes the Department of Public Safety to establish two State Police Sergeant project positions to be temporarily assigned to the Criminal Justice Academy for each training class.
WW	WW-1: WW-5	Amends provisions of Maine Revised Statutes Title 26 to reflect that the Medicaid portion of the consumer-directed personal care assistance services are to be administered by the Department of Human Services and to specify the responsibilities of that Department and the Department of Labor.

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	WW-6	Transfers funds from the Department of Labor's Rehabilitation Services - Medicaid program to the Medical Care - Payments to Providers program within the Department of Human Services in FY 2004-05.
XX	XX-1	Repeals a requirement for an annual report to the Appropriations Committee regarding positions vacant for more than 6 months.
YY	YY-1	Prohibits hospital-based physician practices that bill as "hospital services" provided to MaineCare patients from discontinuing acceptance of new MaineCare patients or limiting services to MaineCare patients in a way that differs from policies that apply to other patients funded from any other payment source.
ZZ	ZZ-1	Adds the Long Term Care Ombudsman Program and Legal Services for the Elderly to the agencies receiving federal Administration on Aging funds that may carry funds forward for the purposes of those programs.
AAA	AAA-1; AAA-3; AAA 5:6	Amends language related to sales tax registration certificates to provide enhanced enforcement of resale certificate eligibility for applications filed on or after July 1, 2004 or the effective date of this Act, whichever is later.
	AAA-4	Amends PL 2003, c. 20 as it relates to positions established in Maine Revenue Services removing the stipulation that they are limited period positions.
	AAA-7	Appropriates funds for tax enforcement initiatives.
BBB	BBB-1	Authorizes payment to be made to those employees who were denied merit increases in fiscal year 2003-04.
<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	BBB-2	Authorizes payment to be made to those Institutional Services employees who would have been eligible to receive a step increase from Step 6 to Step 7 during the period July 1, 2003 to June 30, 2004.
	BBB-3	Provides \$250,000 to the Salary Plan for the step increases authorized in section 2 of this Part.
CCC	CCC-1	Provides for the calculation and transfer of statewide savings in the General Fund related to the cost of health insurance for fiscal year 2004-05.
	CCC-2	Deappropriates \$400,000 in fiscal year 2004-05 as a result of health insurance savings.
DDD	DDD-1	Provides for the calculation and transfer of statewide savings in the General Fund in the cost of workers' compensation claims for fiscal year 2004-05.
	DDD-2	Deappropriates \$426,925 in fiscal year 2004-05 as a result of savings in workers' compensation claims.
EEE	EEE-1	Provides for the calculation and transfer of statewide savings in the General Fund from projected savings in electricity costs for fiscal year 2004-05.

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	EEE-2	Deappropriates \$750,000 in fiscal year 2004-05 as a result of projected savings in electricity costs.
FFF	FFF-1:FFF-2	Amends the required practices of pharmacy benefits managers by deleting authority to substitute lower-priced and therapeutically equivalent drugs and changing the procedures for substituting higher-priced substitute drugs and transferring payments received by the pharmacy benefits manager as a result of substitution of drugs.
	FFF-3	Amends the law to add a pharmacy's status as independent provider to the criteria for awarding incentive payments to pharmacies.
	FFF-4	Requires the MaineCare Advisory Committee to establish a standing subcommittee to review the prior authorization process used in the MaineCare and Drugs for the Elderly benefit programs.
	FFF-5	Makes appropriations and deappropriations as a result of the collection of settlement proceeds; increased administrative costs of stricter prior authorization and pharmacist support; review of pharmacy use in restrictive settings; stricter prior authorization criteria; implementing a voluntary pharmacy mail order program and making incentive payments to pharmacies to mitigate its impact; and the creation of a preferred drug list for the DEL program.
GGG	GGG-1: GGG-2	Establishes Maine Ground fish Fund to support the ground fish industry to be administered by the Commissioner of Marine Resources.
PART	SECTION	DESCRIPTION
HHH	HHH-1	Moves \$315,000 from the Maine Microenterprise Initiative Fund to the Administration - Economic and Community Development program in fiscal year 2004-05 to provide one-time funding to match the National Aeronautics and Space Administration's EPSCoR award to the Maine Space Grant Consortium. (See LD 167).
III	III-1:III-2	Eliminates 31 positions as a result of the merger of the Department of Human Services and the Department of Behavioral and Developmental Services.
JJJ	JJJ-1:JJJ-5	Eliminates the Northern Androscoggin Division of the Eleventh District Court in Livermore Falls and transfers that jurisdiction to the Eighth District.
KKK	KKK-1	Transfers funds appropriated to the Educational and General Activities - UMS program for fiscal year 2004-05 for the Maine Economic Improvement Fund in Public Law 2003, c. 20, Part RR to the Maine Economic Improvement Fund program within the University of Maine System.
LLL	LLL-1:LLL-4	Adds the Maine Endangered and Nongame Wildlife Fund in the Department of Inland Fisheries and Wildlife to the list of accounts that are not included in transfers of savings to the General Fund in fiscal year 2004-05 and transfers \$30,536 in fiscal year 2004-05 from the General Fund to the Maine Endangered and Nongame Wildlife Fund to reverse the transfer that occurred in fiscal year 2003-04.

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MMM	MMM-1: MMM-4	Establishes the MaineCare Basic program to deliver medically necessary health care services to adult members of the MaineCare program; establishes limits on certain benefits and services for adults; establishes savings targets for these benefits and services; appropriates funds to administer the program; and deappropriates funds to reflect reductions in estimated MaineCare spending as a result of the program.
NNN	NNN-1: NNN-3	Requires the Attorney General to study discrimination against homeless individuals and report the results of the study and any necessary legislation to the Legislature by January 5, 2005.
OOO	OOO-1	Provides that the cap on reimbursement for certain mental health services may not be set below the median rate necessary to achieve the savings identified in this Act.
	OOO-2	Requires the establishment of an advisory working group to examine and make recommendations regarding methods of achieving savings in mental health costs.
PPP	PPP-1	Lapses \$2,400,000 in the Education in the Unorganized Territory General Fund account in the Department of Education to the General Fund in fiscal year 2004-05.
QQQ	QQQ-1: QQQ-2	Authorizes the Executive Director of the Legislative Council to sell, in accordance with Legislative Council procedures, unneeded legislative equipment and materials and directs proceeds from the sale to the legislative account.
	PART	SECTION
	QQQ-3	Appropriates funds to cover the expenses of 3 Maine commissioners to attend the annual conference of the Commission on Uniform State Laws and for a portion of the dues of that organization.
RRR	RRR-1: RRR-3	Increases the filing fee for registration statements for securities offered for sale from \$500 to \$1,000 effective August 1, 2004.
SSS	SSS-1:SSS-3	Requires the Department of Behavioral and Developmental Services to adopt rules to require service providers to charge fees for certain services for children and families funded by grant programs from the department.
	SSS-4	Appropriates \$1,250,000 in fiscal year 2004-05 for the Mental Health Services -- Children program for room and board, flexibility funds and training to partially offset other decreases in funding.
TTT	TTT-1:TTT-3	Repeals recently enacted changes, restores the schedule of premiums for the Cub Care program that is scheduled to expire on July 1, 2004 and directs the Department of Human Services to evaluate premiums periodically.
	TTT-4	Makes appropriations and allocations to reflect the changes in Cub Care premiums and to partially restore funding for adult transportation under the MaineCare program.
UUU	UUU-1	Requires that the information shared by the Finance Authority of Maine to the Department of Human Services to be used to determine which Maine State Grant Program recipients are also eligible for TANF job preparation funds or to participate

Joint Standing Committee on Appropriations and Financial Affairs

in the Parents as Scholars Program is confidential.

	UUU-2	Deappropriates \$183,250 in fiscal year 2004-05 only that will be paid from TANF block grant funds to provide preparation funds for Parents as Scholars participants.
VVV	VVV-1	Requires the Department of Corrections to report monthly to the legislative committees with jurisdiction over appropriations and financial affairs and criminal justice on the status of the state prisoner and probation population and the staffing necessary to provide adequate supervision.
WWW	WWW-1: WWW-37	Increases fees for various business entity filings with the Secretary of State.
XXX	XXX-1: XXX10	Increases fees for various annual report filings with the Secretary of State.
YYY	YYY-1	Establishes standards for determination of whether a business entity with a debt owed to the Department of Human Services is considered out of business.
ZZZ	ZZZ-1	Requires State Controller to transfer \$500,000 from the Office of Information Services Fund account in the Department of Administrative and Financial Affairs to the unappropriated surplus of the General Fund by June 30, 2005.

PART SECTION DESCRIPTION

	ZZZ-2	Requires State Controller to transfer \$93,551 from the A & C Audit Recovery, Other Special Revenue Fund account in the Department of Administrative and Financial Affairs to the unappropriated surplus of the General Fund by June 30, 2005.
AAAA	AAAA-1	Establishes one limited-period Senior Planner position at the Atlantic Salmon Commission in FY 2004-05 and FY 2005-06 funded with federal funds.
BBBB	BBBB-1: BBBB-2	Provides that a statement of intent for compensation must be filed by a former student of the Maine School for the Deaf or the Governor Baxter School for the Deaf and that an estate is not eligible to submit a statement of intent. If a claimant dies before compensation is paid, the compensation is payable to the estate of the claimant.
	BBBB-3: BBBB-4	Creates a process by which the Maine Microenterprise Initiative Fund within the Department of Economic and Community Development would receive funding, if there is sufficient unappropriated surplus remaining after all other required deductions and transfers at the close of fiscal year 2004-05.
CCCC	CCCC-1	Transfers \$104,357 from the Natural Disaster Business Assistance Fund in the Finance Authority of Maine to the General Fund as undedicated revenue no later than June 30, 2005.
	CCCC-2	Appropriates \$87,000 in fiscal year 2004-05 to Adult Education. (See LD 194).

Joint Standing Committee on Appropriations and Financial Affairs

DDDD	DDDD-1	Classifies certain aspects of the State's group health plan for retired state employees as "solemn contractual commitments," under conditions set forth in this Part. The commitment is made to state employees who are eligible for membership in the Maine State Retirement System, the Maine Legislative Retirement System or the State Police Retirement System and to employees of the Maine Turnpike Authority, the Maine Community College System and the Maine State Retirement System.
	DDDD-1	This Part provides that the eligibility criteria for health plan coverage as a retiree or a family member of a retiree may not be more stringent than the criteria that existed at the time the employee became vested, which for most state employees is after 5 years of creditable service. It also provides that the State contribution percentage toward the premium cost for retirees may not be less than at the time the employee became vested. Finally, it provides that retirees will continue to be eligible to participate in the same group health plans as active employees, or substantially similar plans. The State Employee Health Commission will determine whether plans are substantially similar. In determining whether the plan offered to Medicare-eligible retirees is substantially similar to that offered to active employees, the Commission will look at the combination of Medicare or successor federal plan benefits and benefits included in any supplemental plan provided by the State.

PART SECTION DESCRIPTION

EEEE	EEEE-1	Clarifies the intent of the use of the \$3,000,000 portion of the transportation bonds proceeds of Private and Special Law 2003, chapter 33. The Department of Public Safety is required to award grants of \$3,000,000 to expand existing air-medical response system throughout the state, up to \$400,000 of these grants must be for the costs of acquisition of a mobile advance human patient simulator mannequin system.
FFFF	FFFF-1	Appropriates \$32,000 in fiscal year 2004-05 to the Magnet Schools program and deappropriates the same amount from General Purpose Aid for Local Schools.
GGGG	GGGG-1: GGGG-9	Amends the statutes governing the Office of Program Evaluation and Government Accountability (OPEGA) to authorize the legislative oversight committee to direct OPEGA to conduct evaluations of local government, quasi-municipal entities and municipal or nonprofit corporations when determined necessary by the committee and to examine expenditures of private money by public officials or employees. It also removes language concerning the Department of Audit that defines program evaluation and instead enacts language that gives the committee the discretion to request the department to conduct an examination or, if the department is unable to perform the examination in a timely manner, to direct OPEGA to obtain the services of an auditor. It also clarifies the status of information provided to OPEGA and requires the director and the employees of OPEGA to be nonpartisan.
HHHH	HHHH-1	Requires the Treasurer of State to structure the June 2004 bond issue to be paid in semiannual installments of principal and interest over a period of no more than 9 years with the first annual installment due on or after January 1, 2005.
	HHHH-2	Recognizes the General Fund and Highway Fund debt service savings from the restructuring of the June 2004 bond issue and appropriates \$6,000,000 in fiscal year 2004-05 to the Baxter Compensation Authority. (See LD 1682)

Joint Standing Committee on Appropriations and Financial Affairs

III	III-1	Directs the Public Utilities Commission, when determining the level of financial assistance to be provided from the Maine Telecommunications Education Access Fund to qualifying libraries, to mitigate the impact of lost federal funding in those cases in which libraries have determined they could not meet conditions for receiving the federal funding without substantially compromising their standards or missions.
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LD 1928	An Act To Authorize a General Fund Bond Issue in the Amount of \$4,822,368 To Provide Funds To Repair and Upgrade Maine Army National Guard Armories and Facilities and for the Challenger Learning Center of Maine	ONTP
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<u>Sponsor(s)</u> HATCH PA HATCH PH	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1928 proposed to provide a General Fund bond issue in the amount of \$4,822,368 to be used for the following purposes:

1. The sum of \$4,522,368 to repair and upgrade Maine Army National Guard armories and facilities located throughout the State; and
2. The sum of \$300,000 to support the Challenger Learning Center of Maine.

LD 1937	An Act To Appropriate Funds to the Maine Potato Board for the Purchase of Potatoes in Need of Disposal Due to Weather Conditions during the Harvest in 2003	P & S 52 EMERGENCY
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<u>Sponsor(s)</u> MARTIN	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1937 proposed to appropriate \$750,000 to the Maine Potato Board to purchase from farmers table stock potatoes that are rotting due to poor weather during the harvest in 2003 and are in need of disposal at the rate of \$1.50 per hundredweight.

Enacted Law Summary

Private and Special 2003, chapter 52 appropriates \$750,000 to the Maine Potato Board to purchase from farmers table stock potatoes that are rotting due to poor weather during the harvest in 2003 and are in need of disposal at the rate of \$1.50 per hundredweight.

Private and Special 2003, chapter 52 was enacted as an emergency measure and took effect May 11, 2004.

*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Business, Research and Economic Development*

May 2004

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. Stephen R. Beaudette

Rep. William T. Rogers, Jr.

Staff:

James Adolf, Legislative Analyst

Office of Policy and Legal Analysis

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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. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	22	66.7%	4.5%
<u><i>Bills Carried Over from previous session</i></u>	9	27.3%	1.8%
Total Bills referred	31	93.9%	6.3%
B. Bills reported out by law or joint order	2	6.1%	0.4%
Total Bills considered by Committee	33	100.0%	6.7%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	7	21.2%	1.5%
<i>Ought to Pass as Amended</i>	7	21.2%	1.5%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>5</u>	<u>15.2%</u>	<u>1.1%</u>
Total unanimous reports	19	57.6%	4.0%
B. Divided committee reports			
<i>Two-way reports</i>	14	42.4%	2.9%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	14	42.4%	2.9%
Total committee reports	33	100.0%	6.9%
III. CONFIRMATION HEARINGS	5	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	21	63.6%	4.3%
<i>Private and Special Laws</i>	2	6.1%	0.4%
<i>Resolves</i>	2	6.1%	0.4%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	25	75.8%	5.1%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	2	100.0%	14.3%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	2	100.0%	14.3%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

Prepared by the Office of Policy and Legal Analysis
121st Legislature, Second Regular and Second Special Sessions

Joint Standing Committee on Business Research and Economic Development

SUBJECT INDEX

Business Regulation

Enacted

LD 1257	An Act To Amend the Laws Concerning Returnable Beverage Containers	PUBLIC 700 EMERGENCY	Page 109
LD 1691	An Act To Strengthen the Charitable Solicitations Act	PUBLIC 541	Page 115
LD 1801	An Act To Control Adult Entertainment Establishments	PUBLIC 595	Page 119
LD 1831	Resolve, Regarding Legislative Review of Portions of Chapter 360: Responsibilities of Manufacturers, Distributors, Dealers and Redemption Centers under the Returnable Beverage Container Law, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources	RESOLVE 126 EMERGENCY	Page 121
LD 1843	An Act To Require Surety Bonding by Payroll Processing Companies	PUBLIC 668	Page 122

Not Enacted

LD 391	An Act To Provide Consumers at Chain Restaurants with Accurate, Accessible Nutrition Information	ONTP	Page 106
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Consumer Protection

Enacted

LD 692	An Act To Protect Consumer Privacy Rights	PUBLIC 512	Page 107
LD 1715	An Act To Facilitate the Recovery of Stolen Property	PUBLIC 582	Page 116

Not Enacted

None

Economic Development - Agencies

Enacted

LD 1325	An Act To Encourage and Support Maine Small Businesses	PUBLIC 681	Page 111
LD 1766	An Act To Simplify the Finance Authority of Maine Act	PUBLIC 537	Page 118
LD 1838	An Act To Provide for the 2004 and 2005 Allocations of the State Ceiling on Private Activity Bonds	P & S 38 EMERGENCY	Page 122
LD 1880	An Act To Amend the Laws Governing the Loring Development Authority of Maine	PUBLIC 598 EMERGENCY	Page 125
LD 1914	Resolve, Regarding Legislative Review of Chapter 302: Rules for the Maine Microenterprise Initiative, a Major Substantive Rule of the Department of Economic and Community Development	RESOLVE 132 EMERGENCY	Page 129

Not Enacted

LD 1650	An Act To Ensure Equitable Economic Development within the Kennebec Valley Economic Development District	ONTP	Page 114
LD 1818	An Act To Amend the Economic Development Laws	DIED BETWEEN BODIES	Page 120
LD 1886	Resolve, Directing the Maine Municipal Bond Bank and the Finance Authority of Maine To Work Cooperatively with the Lincoln Water District Regarding Financing of the District	ONTP	Page 128

Economic Development – Planning/Funding

Enacted

LD 1883	An Act To Coordinate Education, Job Training and Employers in Maine	PUBLIC 704	Page 126
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Not Enacted

None

Housing

Enacted

LD 1025	An Act To Adopt a Model Building Code	PUBLIC 580 Page 107
LD 1663	An Act To Provide Assistance to Municipalities Regarding Downtown Rehabilitation Building Codes	PUBLIC 605 Page 114

Not Enacted

None

Occupational and Professional Regulation

Enacted

LD 263	An Act to Define a Scope of Practice for Acupuncture	PUBLIC 666 Page 106
LD 1152	An Act To Authorize Collaborative Practice for Emergency Contraception	PUBLIC 524 Page 109
LD 1736	An Act To Authorize Licensure by Endorsement for Canadian Dentists and Dental Hygienists	PUBLIC 557 Page 117 EMERGENCY
LD 1757	An Act To Clarify the Educational Requirements for Counselor Licensure	PUBLIC 542 Page 117
LD 1773	An Act To Amend the Definition of "Electrical Installations" in the Laws Governing Electricians	PUBLIC 603 Page 118
LD 1879	An Act To Amend the Boiler and Pressure Vessel Law	PUBLIC 597 Page 125
LD 1908	An Act To Amend the Licensing Laws for Hearing Aid Dealers and Fitters	PUBLIC 609 Page 128
LD 1931	An Act To Provide for a Limited Transition Provision for Renewal of Certain Social Worker Licenses	P & S 41 Page 129 EMERGENCY

LD 1933	An Act To Implement the Recommendations of the Joint Standing Committee on Business, Research and Economic Development Regarding the Board of Licensure in Medicine Pursuant to Reviews Conducted under the State Government Evaluation Act	PUBLIC 601 Page 130
LD 1958	An Act To Implement the Recommendations of the Joint Standing Committee on Business, Research and Economic Development Regarding the Board of Dental Examiners Pursuant to Reviews Conducted under the State Government Evaluation Act	PUBLIC 669 Page 131
LD 1959	Resolve, Authorizing Professional and Occupational Licensing Authorities in State Government To Defer or Waive Continuing Education Requirements for Military Personnel	RESOLVE 140 Page 133 EMERGENCY
 <u>Not Enacted</u>		
LD 1410	An Act To Eliminate State Licensing of Boxers, Wrestlers and Transient Sellers	INDEF PP Page 112
LD 1551	An Act To License Home Building and Improvement Contractors	ONTP Page 113
LD 1696	Resolve, Directing the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes To Prepare a Recodification of the Maine Revised Statutes, Title 9, Chapter 385; Title 10, Chapters 901 and 951; and Title 32	ONTP Page 116
LD 1795	An Act To Permit the Filling of a Prescription Refill Prior to the End of the Prescription	ONTP Page 119

Joint Standing Committee on Business, Research and Economic Development

LD 263

An Act to Define a Scope of Practice for Acupuncture

PUBLIC 666

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY DUDLEY	OTP-AM MAJ ONTP MIN	S-414

LD 263 proposed to amend and update existing law governing acupuncture to set forth a scope of practice. The proposed scope of practice is similar to that found in New Hampshire law. The bill also proposed to incorporate New Hampshire's definition of oriental medicine.

Committee Amendment "A" (S-414) proposed to limit the techniques to be added to licensed acupuncturists' scope of practice to those techniques that are taught in accredited colleges of acupuncture and to add and delete certain practices from the bill. The amendment also proposed to eliminate the bill's provision that would have authorized the Board of Complementary Health Care Providers to further define the scope of practice by rule, but to add a provision providing for certification in the modality of Chinese herbal formulation. The amendment also proposed to clarify that other licensed persons and unlicensed persons would not be prevented from using the listed techniques by the techniques' inclusion within acupuncturists' scope of practice. Finally, the amendment proposed to make a technical correction to the definition of "acupuncture" and amend the acupuncturist and naturopathic doctor licensing fee statutes, including a fee for the newly created acupuncturist certification.

Enacted Law Summary

Public Law 2003, chapter 666 amends and updates existing law governing acupuncture to add to the existing scope of practice those techniques that are taught in accredited colleges of acupuncture. The law also provides for certification in the modality of Chinese herbal formulation, and clarifies that other licensed persons and unlicensed persons are not prevented from using the listed techniques by the techniques' inclusion within acupuncturists' scope of practice. Finally, the law makes a technical correction to the definition of "acupuncture" and amends the acupuncturist and naturopathic doctor licensing fee statutes, including a fee for the newly created acupuncturist certification.

LD 391

An Act To Provide Consumers at Chain Restaurants with Accurate, Accessible Nutrition Information

ONTP

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

LD 391 proposed to require that restaurants with 20 or more locations in the nation provide nutrition information on menu boards, menus and packaging, beginning July 1, 2004. The bill also proposed to give the Department of Human Services rule-making authority.

Joint Standing Committee on Business, Research and Economic Development

LD 692

An Act To Protect Consumer Privacy Rights

PUBLIC 512

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	OTP-AM MAJ	H-627
TREAT	ONTP MIN	

LD 692 proposed to prohibit the denial of goods or services to an individual because the individual refuses to provide a social security number. The bill did not propose to prevent collection of social security numbers when provided for in current law.

Committee Amendment "B" (H-627), which was the majority report of the committee, proposed to restrict the ability of a person, corporation or other entity to deny goods or services to a consumer on the basis of that consumer's failure to provide a social security number, except when otherwise permitted or required by state or federal law or when the purpose of the request for the social security number is to permit the requesting party to obtain a credit report for a "permissible purpose" under the state Fair Credit Reporting Act or the United States Fair Credit Reporting Act. The amendment proposed to exempt banks and credit unions and their agents, subsidiaries and affiliates; licensed supervised lenders; companies engaged in the business of insurance; health care and pharmaceutical companies; companies that conduct necessary background checks; and companies that must ensure the identity of the individuals for whom they are providing a good or service.

Committee Amendment "A" (H-218), which was not adopted, proposed to clarify that social security numbers may be required for certain transactions under current federal or state law and exempt financial institutions from the bill's prohibition.

Enacted Law Summary

Public Law 2003, chapter 512 restricts the ability of a person, corporation or other entity to deny goods or services to a consumer on the basis of that consumer's failure to provide a social security number, except when otherwise permitted or required by state or federal law or when the purpose of the request for the social security number is to permit the requesting party to obtain a credit report for a "permissible purpose" under the state Fair Credit Reporting Act or the United States Fair Credit Reporting Act. The law exempts banks and credit unions and their agents, subsidiaries and affiliates; licensed supervised lenders; companies engaged in the business of insurance; health care and pharmaceutical companies; companies that conduct necessary background checks; and companies that must ensure the identity of the individuals for whom they are providing a good or service.

LD 1025

An Act To Adopt a Model Building Code

PUBLIC 580

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM MAJ	S-417
	ONTP MIN	

LD 1025 proposed 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 office would be responsible for providing testing and licensing standards for private building inspectors and establishing a fee schedule for building inspector services. The bill also

Joint Standing Committee on Business, Research and Economic Development

proposed 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 proposed 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.

Committee Amendment "A" (S-417) proposed to replace the bill and create the Maine Model Building Code, which would be composed of the International Residential Code and the International Building Code. Adoption of the Maine Model Building Code would be voluntary on the part of towns, cities and municipalities, but a town, city or municipality would not be permitted to adopt a residential building code or nonresidential building code other than the Maine Model Building Code. The amendment also proposed to allow local amendments to the Maine Model Building Code, including adoption of portions of the code, and would not prohibit local adoption of building rehabilitation codes. The amendment proposed to specify that, to the extent that portions of the Maine Model Building Code would conflict with existing statewide codes and standards, those portions of the Maine Model Building Code would be inapplicable. The amendment also proposed to specify that no other codes or standards would be automatically adopted by reference as part of the Maine Model Building Code. Additionally, the amendment proposed to clarify that no new training of code enforcement officers by the Executive Department, State Planning Office would be required.

House Amendment "A" to Committee Amendment "A" (H-764), which was not adopted, proposed to allow municipalities the option of adopting the National Fire Protection Association building, construction and safety code, NFPA 5000, or the international codes.

Enacted Law Summary

Public Law 2003, chapter 580 establishes the Maine Model Building Code, which is composed of the International Residential Code and the International Building Code. Adoption of the Maine Model Building Code is voluntary on the part of towns, cities and municipalities, but a town, city or municipality may not elect to adopt a residential building code or nonresidential building code other than the Maine Model Building Code. The law also allows local amendments to the Maine Model Building Code, including adoption of portions of the code, and does not prohibit local adoption of building rehabilitation codes. The law specifies that, to the extent that portions of the Maine Model Building Code conflict with existing statewide codes and standards, those portions of the Maine Model Building Code are inapplicable. The law also specifies that no other codes or standards are automatically adopted by reference as part of the Maine Model Building Code. Finally, the law clarifies that no new training of code enforcement officers by the Executive Department, State Planning Office is required.

Joint Standing Committee on Business, Research and Economic Development

LD 1152

**An Act To Authorize Collaborative Practice for Emergency
Contraception**

PUBLIC 524

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

LD 1152 proposed 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 proposed 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. The bill also proposed to require that prior to performing this procedure a pharmacist complete a specified training program.

Senate Amendment "A" (S-379), which was not adopted, proposed to require a pharmacist, prior to initiating emergency contraceptive drug therapy on a minor, to obtain the informed written consent of the minor and one parent, guardian or adult family member of the minor or a court order, similar to that required before a minor may obtain an abortion. The amendment also proposed to correct a reference in the bill.

Enacted Law Summary

Public Law 2003, chapter 524 authorizes 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 law requires 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. The law also requires that prior to performing this procedure a pharmacist complete a specified training program.

LD 1257

**An Act To Amend the Laws Concerning Returnable Beverage
Containers**

**PUBLIC 700
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP-AM	H-855
CATHCART		H-977

LD 1257 proposed 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;

Joint Standing Committee on Business, Research and Economic Development

3. Specify that 1/2 of 1¢ of each deposit must be placed in the Beverage Container Enforcement Fund, which would be 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.

Committee Amendment "A" (H-855) proposed to phase in the transfer of unclaimed deposits and handling fee increases for beverage containers in product groups that are the subject of commingling agreements that have been filed by March 1, 2004 with the Department of Agriculture, Food and Rural Resources regardless of whether the initiator of deposit was a party to that agreement. On October 1, 2004, initiators of deposit would be required to transfer unclaimed deposits and pay the additional 1/2¢ handling fee for beverage containers not included in a qualified commingling agreement, including unclaimed deposits and handling fees that were not transferred or paid during the period of March 1, 2004 to October 1, 2004. The amendment also proposed to enable unclaimed deposit amounts to be treated as a tax and reports concerning unclaimed deposit amounts to be treated as returns, for the purposes of collection and enforcement, and to designate the State Tax Assessor as the collector of these amounts.

Additionally, the amendment proposed to correct an error in Public Law 2003, chapter 499 by including vintners within the exemption to commingling requirements and handling fee increases, as was originally intended and incorrectly understood to be accomplished by use of the term "brewer." The amendment also proposed to specify that any rule change necessary to implement the inclusion of vintners is a routine technical rule, and to add an emergency preamble and emergency clause.

Committee of Conference Amendment "A" to Committee Amendment "A" (H-977) proposed to strike the section of Committee Amendment "A" that corrected an error in Public Law 2003, chapter 499 because the error had been corrected in Public Law 2003, chapter 688.

The amendment also proposed to change the date by which an initiator of deposit would be required to transfer unclaimed deposits and pay the additional 1/2¢ handling fee for beverage containers from October 1, 2004 to July 1, 2004, and to add a retroactivity clause.

House Amendment "A" to Committee Amendment "A" (H-956), which was not adopted, proposed to require an initiator of deposit to pay the 1/2¢ handling fee increase until such time as the initiator were to become covered by a qualified commingling agreement.

Enacted Law Summary

Public Law 2003, chapter 700 phases in the transfer of unclaimed deposits and handling fee increases for beverage containers in product groups that are the subject of commingling agreements that have been filed by March 1, 2004 with the Department of Agriculture, Food and Rural Resources regardless of whether the initiator of deposit was a party to that agreement. On July 1, 2004, initiators of deposit must pay the additional 1/2¢ handling fee and transfer unclaimed deposits, for beverage containers not included in a qualified commingling agreement, that were not paid or transferred during the period of March 1, 2004 to July 1, 2004. The law also enables unclaimed deposit amounts to be treated as a tax and reports concerning unclaimed deposit amounts to be treated as returns, for the purposes of collection and enforcement, and designates the State Tax Assessor as the collector of these amounts.

Public Law 2003, chapter 700 was enacted as an emergency measure effective May 11, 2004.

Joint Standing Committee on Business, Research and Economic Development

LD 1325

An Act To Encourage and Support Maine Small Businesses

PUBLIC 681

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM MAJ	S-486
SULLIVAN	ONTP MIN	S-562 CATHCART

LD 1325, which was a concept draft, proposed to direct the Department of Economic and Community Development to provide certain programming and resources specifically to owner-operated small businesses in the State.

Committee Amendment "A" (S-486), which was the majority report of the committee, proposed to replace the concept draft and to:

1. Authorize the InforME system to designate as "InforME Goldstar Communities" those towns, cities or municipalities that provide exemplary on-line services for persons seeking to establish businesses in the State;
2. Require that appointments to the Maine Regulatory Fairness Board be presented to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters prior to being made final;
3. Change the name of the Maine Small Business Commission to the Maine Small Business and Entrepreneurship Commission;
4. Include the House and Senate chairs of the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters as ex officio, nonvoting members and the chair of the Small Business Development Centers Advisory Council as a voting member of the Maine Small Business and Entrepreneurship Commission; and
5. Direct the InforME system, in cooperation with certain state agencies, to include, no later than January 1, 2006, as part of its services on-line application and submission of forms for licensure as a business. Additionally, it proposed to require live on-line assistance from the Department of Economic and Community Development, with technical assistance from the InforME system, to address questions concerning establishment of a business in the State.

Senate Amendment "A" to Committee Amendment "A" (S-562) proposed to strike the bill's appropriation section.

Enacted Law Summary

Public Law 2003, chapter 681 does the following:

1. It authorizes the InforME system to designate as "InforME Goldstar Communities" those towns, cities or municipalities that provide exemplary on-line services for persons seeking to establish businesses in the State;
2. It requires that appointments to the Maine Regulatory Fairness Board be presented to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters prior to being made final;

Joint Standing Committee on Business, Research and Economic Development

LD 1551

An Act To License Home Building and Improvement Contractors

ONTP

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

LD 1551 proposed to create the Maine Home Contractor Licensing Act.

Committee Amendment "A" (H-863), which was the minority report of the committee and was not adopted, proposed to do the following:

1. Require licensure of a person who acts as a general home contractor or who installs, removes, repairs and replaces framing, roofing, siding, insulation, windows or chimneys;
2. Require a license only for work on "dwellings," which would be defined as being owner-occupied buildings or buildings constructed for sale to owner-occupants consisting of 1 or 2 units;
3. Exempt from licensure requirements a person who receives less than \$3,000 per year from any owner; works for licensed contractors; is working within the scope of another trade license; is a government employee acting within the scope of employment; has an ownership interest in the subject dwelling; is a vocational student; is a public utility; or is operating under a manufactured housing license;
4. Create the Maine Home Contractor Licensing Board, appointed by Governor, consisting of 2 public members; 4 home contractors; one municipal code enforcement officer; one licensed engineer or architect, who is a nonvoting member; and one representative of the fire service, who is a nonvoting member;
5. Empower the board to make rules, grant and deny licenses, impose standards of practice, require continuing education and hold hearings, as well as to exercise other powers;
6. Require for licensure as a general home contractor the following:
 - A. Four years combined experience and education, acknowledgment of the Maine Model Building Code, familiarity with the laws governing home construction contracts and any other requirements determined necessary; or
 - B. Two years combined experience and education, passage of an exam including a test of proficiency in the Maine Model Building Code, familiarity with the laws governing home construction contracts and any other requirements determined necessary;
7. Require for licensure in a specialty trade the following:
 - A. Two years combined experience and education in that trade, acknowledgment of the Maine Model Building Code, familiarity with the laws governing home construction contracts and any other requirements determined necessary; or

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- B. One year combined experience and education in that trade, passage of an exam in that trade including a test of proficiency in the Maine Model Building Code, familiarity with the laws governing home construction contracts and any other requirements determined necessary;
- 8. Require an applicant for a license to provide criminal history information;
- 9. Require an applicant for a license to make financial disclosures to the board;
- 10. Set as fee caps \$350 per year for a general home contractor license, \$150 per year for a specialty license and \$100 per year for registration;
- 11. Require municipalities that adopt the Maine Model Building Code to notify the board; and
- 12. Create a trigger mechanism for registration and licensing as follows: registration would be triggered upon adoption of the Maine Model Building Code by 2/3 of municipalities with a prior code that make up 75% of population of people covered by these prior codes; the full licensing program would begin one year later, along with a bar to practicing without having registered becoming effective.

LD 1650 **An Act To Ensure Equitable Economic Development within the Kennebec Valley Economic Development District** **ONTP**

<u>Sponsor(s)</u> MARRACHE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1650 proposed to amend the law pertaining to the Kennebec Regional Development Authority to prohibit the authority from recruiting or being a party to the transfer of businesses to FirstPark, a business and technology development project funded by the authority, if those businesses currently operate in a city or town in the Kennebec Valley Economic Development District unless written consent were obtained from the affected municipality prior to the transfer. Currently, the district consists of Kennebec and Somerset counties as well as the towns of Unity, Troy, Thorndike, Freedom, Palermo and Burnham.

LD 1663 **An Act To Provide Assistance to Municipalities Regarding Downtown Rehabilitation Building Codes** **PUBLIC 605**

<u>Sponsor(s)</u> LERMAN	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-770
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LD 1663 proposed to require the Executive Department, State Planning Office to provide updated information, training and technical support to interested municipalities regarding the rehabilitation subcode of the State of New Jersey's uniform construction code in order to support the revitalization and rehabilitation of city downtown areas.

Committee Amendment "A" (H-770) proposed to replace the bill and direct the Executive Department, State Planning Office, within existing resources, to provide technical assistance to municipalities and regional planning organizations in the development and implementation of local building codes and those local building rehabilitation codes that are consistent with any model building codes adopted by the State.

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Enacted Law Summary

Public Law 2003, chapter 605 directs the Executive Department, State Planning Office, within existing resources, to provide technical assistance to municipalities and regional planning organizations in the development and implementation of local building codes and those local building rehabilitation codes that are consistent with any model building codes adopted by the State.

LD 1691

An Act To Strengthen the Charitable Solicitations Act

PUBLIC 541

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

LD 1691 proposed to create consistency in the timing and content of reports submitted by charitable organizations and the parties with whom they contract in order to facilitate comparison of data regarding the reported percentage of funds raised that are remitted to the charity for program purposes and the percentage accruing to the benefit of paid professional solicitors. The bill also proposed to clarify the distinction between a professional solicitor and a professional fund-raising counsel, and to enable the Department of Professional and Financial Regulation to collect financial data from professional solicitors who have, in the past, been able to withhold it by obtaining registrations as professional fund-raising counsel, as is currently permitted by law. Additionally, the bill proposed to extend the disciplinary authority of the department over entities registered under the Charitable Solicitations Act to any instance in which the provisions of the act had been violated. Finally, the bill proposed to eliminate the bonding exemption for auctioneers who become professional solicitors, professional fund-raising counsel or commercial co-venturers.

Enacted Law Summary

Public Law 2003, chapter 541 creates consistency in the timing and content of reports submitted by charitable organizations and the parties with whom they contract in order to facilitate comparison of data regarding the reported percentage of funds raised that are remitted to the charity for program purposes and the percentage accruing to the benefit of paid professional solicitors. The law also clarifies the distinction between a professional solicitor and a professional fund-raising counsel. In addition, the law enables the Department of Professional and Financial Regulation to collect financial data from professional solicitors who have, in the past, been able to withhold it by obtaining registrations as professional fund-raising counsel, as is currently permitted by law. The law also extends the disciplinary authority of the department over entities registered under the Charitable Solicitations Act to any instance in which the provisions of the act have been violated. Finally, the law eliminates the bonding exemption for auctioneers who become professional solicitors, professional fund-raising counsel or commercial co-venturers.

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LD 1696 **Resolve, Directing the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes To Prepare a Recodification of the Maine Revised Statutes, Title 9, Chapter 385; Title 10, Chapters 901 and 951; and Title 32** **ONTP**

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

LD 1696 proposed to require the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes to jointly prepare a bill that would recodify the Charitable Solicitations Act, the Department of Professional and Financial Regulation, the manufactured housing laws and all of the Maine Revised Statutes, Title 32. Under the proposed bill, the Department of Professional and Financial Regulation would have been allowed to participate in the recodification.

LD 1715 **An Act To Facilitate the Recovery of Stolen Property** **PUBLIC 582**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO	OTP-AM MAJ OTP-AM MIN	S-407

LD 1715 proposed to extend record-keeping requirements covering used goods. Current law requires pawnbrokers to keep records regarding pawn transactions, including the identity of the consumer and the type of property. The pawnbroker is required to file this information monthly with local law enforcement.

This bill, based on a Lewiston ordinance, proposed to apply similar record-keeping requirements to all merchants receiving used goods, such as consignment shops and secondhand dealers. The bill proposed to require all merchants, including pawnbrokers, dealing in used property to:

1. Obtain written proof of the identity of the person selling the property. Written proof would include a driver's license, military identification card or adult liquor identification card;
2. Hold the used property for a minimum of 10 days before selling or otherwise disposing of it; and
3. Make a weekly report regarding the transactions engaged in, including a description of the property, to local law enforcement.

Committee Amendment "A" (S-407), which was the majority report of the committee, proposed to replace the bill and leave intact existing statutory requirements for recording information concerning the purchase of used goods and for making those records available for inspection by law enforcement officers or prosecuting attorneys. The amendment proposed to move these requirements out of the Maine Revised Statutes, Title 15 and into Title 30-A.

Committee Amendment "B" (S-408), which was the minority report of the committee and was not adopted, proposed to move existing statutory requirements for recording information concerning the purchase of used

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goods out of the Maine Revised Statutes, Title 15 and into Title 30-A. The amendment also proposed to leave provisions in the bill that concern pawnbrokers and retain requirements that impose on dealers in used personal property a 10-day waiting period on resale of that personal property and weekly reporting requirements. Additionally, the amendment proposed to define and limit the term "used personal property" to a specific list of categories of items.

Enacted Law Summary

Public Law 2003, chapter 582 leaves intact existing statutory requirements for recording information concerning the purchase of used goods and for making those records available for inspection by law enforcement officers or prosecuting attorneys. The law moves these requirements out of the Maine Revised Statutes, Title 15 and into Title 30-A.

**LD 1736 An Act To Authorize Licensure by Endorsement for Canadian Dentists and Dental Hygienists PUBLIC 557
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PELLON BROMLEY	OTP-AM	H-708

LD 1736 proposed to allow dentists and dental hygienists from Canada to be endorsed for licensure in Maine.

Committee Amendment "A" (H-708) proposed to add an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2003, chapter 557 allows dentists and dental hygienists from Canada to be endorsed for licensure in Maine. The law was enacted as an emergency measure effective March 17, 2004.

Public Law 2003, chapter 557 was enacted as an emergency measure effective March 17, 2004.

LD 1757 An Act To Clarify the Educational Requirements for Counselor Licensure PUBLIC 542

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

LD 1757 proposed to clarify existing statutory language regarding educational requirements for counselor licensure. This bill proposed to remove barriers to licensure for qualified practitioners, including first-time applicants as well as practitioners licensed in other states.

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Enacted Law Summary

Public Law 2003, chapter 542 clarifies existing statutory language regarding educational requirements for counselor licensure. The law removes barriers to licensure for qualified practitioners, including first-time applicants as well as practitioners licensed in other states.

LD 1766

An Act To Simplify the Finance Authority of Maine Act

PUBLIC 537

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KAELIN BROMLEY	OTP-AM MAJ ONTP MIN	H-686

LD 1766 proposed to simplify the Finance Authority of Maine Act by clarifying definitions, consolidating loan insurance sections of law and correcting cross-references.

Committee Amendment "A" (H-686) proposed to make involvement of the Department of Environmental Protection consistent throughout the Finance Authority of Maine's loan insurance programs. Additionally, the amendment proposed to repeal redundant statutory sections and make other technical changes.

Enacted Law Summary

Public Law 2003, chapter 537 simplifies the Finance Authority of Maine Act by consolidating the loan insurance sections of law and making involvement of the Department of Environmental Protection consistent throughout the Finance Authority of Maine's loan insurance programs. The law also clarifies definitions, corrects cross-references and repeals redundant statutory sections.

LD 1773

An Act To Amend the Definition of "Electrical Installations" in the Laws Governing Electricians

PUBLIC 603

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

LD 1773 proposed to amend the laws governing electricians to include complete installations related to photovoltaic, fuel cell and wind power generation systems in the definition of "electrical installations."

Enacted Law Summary

Public Law 2003, chapter 603 amends the laws governing electricians to include complete installations related to photovoltaic, fuel cell and wind power generation systems in the definition of "electrical installations."

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LD 1795 **An Act To Permit the Filling of a Prescription Refill Prior to the End of the Prescription** **ONTP**

<u>Sponsor(s)</u> DUDLEY BROMLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1795 proposed to allow pharmacists to refill a prescription for a nonnarcotic drug up to a week prior to the end of the prescription if the refill were ordered by a registered professional nurse providing nursing services in a home setting. The bill also proposed to direct the Maine Board of Pharmacy to adopt routine technical rules to implement the section.

LD 1801 **An Act To Control Adult Entertainment Establishments** **PUBLIC 595**

<u>Sponsor(s)</u> PARADIS		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u> H-733
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LD 1801 was a concept draft pursuant to Joint Rule 208. It proposed to prohibit the operation of adult entertainment establishments within a specified radius of churches, schools, public parks and residential zones. Under the bill, "adult entertainment establishment" would be defined as a sexually oriented business, including, but not limited to, adult amusement stores, adult video stores, adult bookstores, adult novelty stores, adult motion picture theaters, on-site video screening establishments, adult arcades, adult entertainment nightclubs or bars, adult spas, establishments featuring strippers or erotic dancers and escort agencies. It also proposed to require State licensing of all adult entertainment establishment owners, managers and employees.

Committee Amendment "A" (H-733), which was the minority report of the committee, proposed to replace the concept draft and enable a municipality to enact an adult entertainment establishment ordinance, which regulates the operation of sexually oriented businesses, without triggering the requirement of adoption of a comprehensive plan.

Enacted Law Summary
Public Law 2003, chapter 595 enables a municipality to enact an adult entertainment establishment ordinance, which regulates the operation of sexually oriented businesses, without triggering the requirement of adoption of a comprehensive plan.

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LD 1818

An Act To Amend the Economic Development Laws

DIED BETWEEN
BODIES

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

LD 1818 proposed to make changes to and update statutory language for programs overseen by the Department of Economic and Community Development. These would include changing the name of the community industrial building program under the Maine Rural Development Authority, clarifying the MRDA conflict-of-interest language and modifying the financial commitment required by the MRDA of a municipality.

The bill also proposed to transfer the statutory responsibilities of the Energy Conservation Division of the Department of Economic and Community Development, Office of Business Development to the Public Utilities Commission as a result of the transfer of those duties in Public Law 2003, chapter 20.

Committee Amendment "A" (S-452), which was the majority report of the committee, proposed to:

1. Change the name of the Department of Economic and Community Development to "Department of Commerce, Communities and Tourism," effective July 1, 2005;
2. Allow the Maine Rural Development Authority to finance projects in which the subject property were under purchase option or contract, so that the value and ownership of the property could be established more easily and with greater accuracy;
3. Clarify that a municipality, another governmental entity or a local development corporation could meet its requirement to contribute 25% of the authority's contribution using any type of assistance, not limited to cash;
4. Delete all the provisions of the bill that concern transfer of the Department of Economic and Community Development's statutory responsibility for energy conservation, other than the provision of law concerning the ride share program. The program was proposed to be repealed in the bill. The amendment proposed to transfer authority over the ride share program from the Department of Economic and Community Development to the Department of Transportation;
5. Repeal the provision of law allowing the Commissioner of Economic and Community Development to serve on the Board of Trustees of the Maine Community College System;
6. Simplify the process for amending provisions governing a Pine Tree Development Zone, including allowing amendment by majority vote of municipal officers within a zone; and
7. Correct an error that was created when Public Law 2003, chapters 426 and 451 both enacted a new Title 30-A, chapter 206, subchapter 3 in the Maine Revised Statutes with similar section numbers by repealing subchapter 3 as enacted by Public Law 2003, chapter 451, Part NNN, section 2 and enacting it as subchapter 4 with new section numbers.

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Committee Amendment "B" (S-453), which was not adopted and was the minority report of the committee, proposed to incorporate all of the provisions of Committee Amendment "A" except for the provision that would have changed the name of the Department of Economic and Community Development.

LD 1831 **Resolve, Regarding Legislative Review of Portions of Chapter 360: Responsibilities of Manufacturers, Distributors, Dealers and Redemption Centers under the Returnable Beverage Container Law, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources** **RESOLVE 126 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-758

LD 1831 proposed to provide for legislative review of portions of Chapter 360: Responsibilities of Manufacturers, Distributors, Dealers and Redemption Centers under the Returnable Beverage Container Law, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (H-758) proposed to approve the final adoption of the provisionally adopted major substantive rule provided that:

1. Language would be added providing an exception to the annual license fee so that initiators of deposit that are small bottlers and brewers would be required to pay a \$50 rather than a \$500 annual license fee;
2. Language would be added providing that a distributor designated in a qualified commingling agreement would be required to pick up beverage containers for all distributors who are members in the commingling agreement each time the distributor makes a regularly scheduled delivery of beverages; and
3. Language would be added to provide that wine containers marked by the manufacturer with a label that is consistent with the requirements of the rule would not be required to have any additional labels, stickers or marking.

Enacted Law Summary

Resolve 2003, chapter 126 approves the final adoption of portions of Chapter 360: Responsibilities of Manufacturers, Distributors, Dealers and Redemption Centers under the Returnable Beverage Container Law, a provisionally adopted major substantive rule of the Department of Agriculture, Food and Rural Resources provided that:

1. Language is added providing an exception to the annual license fee so that initiators of deposit that are small bottlers and brewers are required to pay a \$50 rather than a \$500 annual license fee;
2. Language is added providing that a distributor designated in a qualified commingling agreement is required to pick up beverage containers for all distributors who are members in the commingling agreement each time the distributor makes a regularly scheduled delivery of beverages; and
3. Language is added to provide that wine containers marked by the manufacturer with a label that is consistent with the requirements of the rule are not required to have any additional labels, stickers or marking.

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Resolve 2003, chapter 126 was enacted as an emergency measure effective April 9, 2004.

LD 1838

An Act To Provide for the 2004 and 2005 Allocations of the State Ceiling on Private Activity Bonds

**P & S 38
EMERGENCY**

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

LD 1838 proposed to establish the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2004 and 2005. Under federal law, a maximum of \$233,795,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2004 and a maximum of \$233,795,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2005. This bill proposed to allocate the state ceiling among the state-level issuers of tax-exempt bonds.

Enacted Law Summary

Private and Special Law 2003, chapter 38 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2004 and 2005. Under federal law, a maximum of \$233,795,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2004 and a maximum of \$233,795,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2005. This law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Private and Special Law 2003, chapter 38 was enacted as an emergency measure effective March 17, 2004.

LD 1843

An Act To Require Surety Bonding by Payroll Processing Companies

PUBLIC 668

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP HALL	OTP-AM MAJ ONTP MIN	H-838 H-902 SULLIVAN

LD 1843 proposed to strengthen the laws regarding payroll processors by:

1. Requiring a payroll processor to maintain a surety bond equal to the 4-year aggregate of all employer and employee taxes handled by the payroll processor. A new payroll processor or a processor without a 4-year history would be required to obtain a bond of at least \$100,000;
2. Restricting the use of the funds held by the payroll processor to deposits in insured financial institutions or investments in government bonds or the stocks, bonds or commercial paper of other specific institutions as long as those institutions are highly rated by a nationally recognized statistical rating organization;
3. Requiring a bonding company to immediately notify the Department of Professional and Financial Regulation of the cancellation, termination or lapse of a surety bond;

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4. Imposing a civil penalty of up to \$1,000 per day for each day that the payroll processor fails to maintain the required surety bond and a civil penalty up to or equal to the amount illegally invested by the payroll processor;
5. Requiring the payroll processor to submit to annual audits to be conducted by the Department of Professional and Financial Regulation; and
6. Shifting from the State Tax Assessor to the Department of Professional and Financial Regulation oversight and responsibility for payroll processors.

Committee Amendment "A" (H-838) proposed to replace the bill. The amendment proposed to:

1. Designate the Office of Consumer Credit Regulation within the Department of Professional and Financial Regulation as the administrator for the licensing program for payroll processors other than those payroll processors that are wholly owned subsidiaries of financial institutions; for payroll processors that are wholly owned subsidiaries of financial institutions, the amendment proposed to designate the Superintendent of Financial Institutions within the Department of Professional and Financial Regulation as the administrator for the licensing program;
2. Require that payroll processors be licensed and establish a 3-tiered fee for licensure, based on the number of client employers a payroll processor serves, as follows: \$250 for processors serving fewer than 25 client employers; \$500 for processors serving 25 to 500 client employers; and \$750 for processors serving more than 500 client employers;
3. Restore the current statutory requirement that payroll processors provide proof of fidelity insurance;
4. Set the amount for required surety bonds at between \$100,000 and \$500,000, depending on the amount of employers' taxes and unemployment insurance premiums handled, and authorize the administrator to modify the surety bonding requirement if the bonds are not available;
5. Triple existing statutory fines for failure to register per violation, from a range of \$500 to \$2,500 to a range of \$1,500 to \$7,500 for failure to obtain a license per violation;
6. Require disclosures by payroll processors to client employers, including quarterly accountings of funds disbursed, notice of methods by which the employers may verify that taxes have been paid and limitations of surety bonds;
7. Prohibit payroll processors from being designated as sole recipients of delinquency notices for tax payments;
8. Require notification when bond coverage lapses, as in the bill, and establish each day of lapsed coverage as a civil violation subject to a penalty of \$1,500 to \$7,500;
9. Establish regulatory powers of the administrator of the licensing program, including regular and special examinations, subpoena power, inspection and maintenance of records, assessment of expenses and rule-making authority. The amendment also proposed to allow the administrator to use an internal or external audit of a payroll processor to supplement or substitute for the administrator's own regular examination;
10. Enable the administrator to contract with other agencies, including for the purpose of sharing confidential information in furtherance of the licensing program and enforcement;

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11. Establish enforcement actions available to the administrator, including cease and desist actions, bond forfeiture, civil actions, increased regulatory oversight and license suspensions and revocations, as well as a private right of action; and
12. Establish procedures for the administrator to appoint a receiver in cases of insolvency or potential liquidation of a payroll processor.

House Amendment "C" to Committee Amendment "A" (H-902) proposed to specify that a payroll processor that does not have the authority to access, control, direct, transfer or disburse a client's funds would not be subject to the provisions requiring disclosure or surety bonding.

Enacted Law Summary:

Public Law 2003, chapter 668 strengthens the laws regarding payroll processors in the following ways:

1. It designates the Office of Consumer Credit Regulation within the Department of Professional and Financial Regulation as the administrator for the licensing program for payroll processors other than those payroll processors that are wholly owned subsidiaries of financial institutions; for payroll processors that are wholly owned subsidiaries of financial institutions, the law designates the Superintendent of Financial Institutions within the Department of Professional and Financial Regulation as the administrator for the licensing program;
2. It requires that payroll processors be licensed and establishes a 3-tiered fee for licensure, based on the number of client employers a payroll processor serves, as follows: \$250 for processors serving fewer than 25 client employers; \$500 for processors serving 25 to 500 client employers; and \$750 for processors serving more than 500 client employers;
3. It sets the amount for required surety bonds at between \$100,000 and \$500,000, depending on the amount of employers' taxes and unemployment insurance premiums handled, and authorizes the administrator to modify the surety bonding requirement if the bonds are not available. It also exempts payroll processors that do not have the authority to access, control, direct, transfer or disburse client funds from the surety bonding requirements;
4. It triples existing statutory fines for failure to register per violation, from a range of \$500 to \$2,500 to a range of \$1,500 to \$7,500 for failure to obtain a license per violation;
5. It requires disclosures by payroll processors to client employers, including quarterly accountings of funds disbursed, notice of methods by which the employers may verify that taxes have been paid and limitations of surety bonds. It also exempts payroll processors that do not have the authority to access, control, direct, transfer or disburse client funds from the disclosure requirements;
6. It prohibits payroll processors from being designated as sole recipients of delinquency notices for tax payments;
7. It requires notification when bond coverage lapses and establishes each day of lapsed coverage as a civil violation subject to a penalty of \$1,500 to \$7,500;
8. It establishes regulatory powers of the administrator of the licensing program, including regular and special examinations, subpoena power, inspection and maintenance of records, assessment of expenses and rule-making authority. The law also allows the administrator to use an internal or external audit of a payroll processor to supplement or substitute for the administrator's own regular examination;

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9. It enables the administrator to contract with other agencies, including for the purpose of sharing confidential information in furtherance of the licensing program and enforcement;
10. It establishes enforcement actions available to the administrator, including cease and desist actions, bond forfeiture, civil actions, increased regulatory oversight and license suspensions and revocations, as well as a private right of action; and
11. It establishes procedures for the administrator to appoint a receiver in cases of insolvency or potential liquidation of a payroll processor.

LD 1879

An Act To Amend the Boiler and Pressure Vessel Law

PUBLIC 597

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN SULLIVAN	OTP-AM	S-431

LD 1879 proposed to eliminate the statutory requirement that steam boilers not exceeding 15 pounds per square inch or hot water and hot water supply boilers not exceeding 160 pounds per square inch or 250 degrees Fahrenheit owned by schools and municipalities be operated by licensed boiler operators. It also proposed to eliminate the distinction between the 2 types of boiler operator's licenses, combining them into one boiler operator's license.

Committee Amendment "A" (S-431) proposed to clarify that local water districts are exempt from boiler inspection requirements in the same manner as schools and municipally owned buildings, and to make a technical correction.

Enacted Law Summary

Public Law 2003, chapter 597 eliminates the statutory requirement that steam boilers not exceeding 15 pounds per square inch or hot water and hot water supply boilers not exceeding 160 pounds per square inch or 250 degrees Fahrenheit owned by schools and municipalities be operated by licensed boiler operators. The law also eliminates the distinction between the two types of boiler operator's licenses, combining them into one boiler operator's license, and clarifies that local water districts are exempt from boiler inspection requirements in the same manner as schools and municipally owned buildings.

LD 1880

An Act To Amend the Laws Governing the Loring Development Authority of Maine

**PUBLIC 598
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN YOUNG	OTP-AM	S-432

LD 1880 proposed to conform the Loring Development Authority of Maine's bonding powers to those bonding powers of other agencies of the State and make the authority's enabling statute consistent with federal law by

Joint Standing Committee on Business, Research and Economic Development

incorporating the changes that have been made to federal and State law since the adoption of the Loring Development Authority of Maine's enabling statute in 1993.

Committee Amendment "A" (S-432) proposed to restrict the authority of the Loring Development Authority to issue bonds only to finance projects that are substantially located within Aroostook County.

Enacted Law Summary

Public Law 2003, chapter 598 conforms the Loring Development Authority of Maine's bonding powers to those bonding powers of other agencies of the State and makes the authority's enabling statute consistent with federal law by incorporating the changes that have been made to federal and State law since the adoption of the Loring Development Authority of Maine's enabling statute in 1993. The law also restricts the authority of the Loring Development Authority to issue bonds only to finance projects that are substantially located within Aroostook County.

Public Law 2003, chapter 598 was enacted as an emergency measure effective April 6, 2004.

LD 1883 An Act To Coordinate Education, Job Training and Employers in PUBLIC 704
Maine

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL	OTP-AM	H-825
STANLEY		S-598 CATHCART

LD 1883 proposed to create and expand opportunities in Maine to retain and attract youth, defined as persons 15 to 35 years of age. This bill proposed to do the following:

1. Direct the Department of Economic and Community Development to develop and implement a comprehensive marketing strategy to promote Maine to youth as an attractive location to pursue education, employment and business development opportunities;
2. Establish the Future for Youth in Maine State Work Action Tactics Team, or "S.W.A.T. Team," to bring together representatives of government, education, business and labor in a focused, coordinated effort to realign, streamline and oversee the State's economic development policy and specific efforts to retain and attract youth. The S.W.A.T. team would consist of 15 policy-making members, including at least 2 members under 35 years of age, and 8 advisory members;
3. Direct the trustees of the University of Maine System and the Maine Community College System to develop and implement a formal process to work collaboratively with public and private sector representatives of business, industry and economic development to coordinate higher education planning and resource allocation decisions with the needs of the State's economy and business sector. The bill also proposed to direct the trustees to develop a comprehensive plan to coordinate higher education with the needs of the business sector and require the plan to address the needs of the business sector with respect to research and development, the commercialization of new products and services, business development and workforce training; and
4. Direct the Maine State Housing Authority to develop recommendations to create or modify programs with the goal of expanding access to housing for young professionals and young families and specifically to consider

Joint Standing Committee on Business, Research and Economic Development

strategies to assist renters and first-time home buyers who are under 35 years of age and explore options for linking assistance levels to student loan obligations.

Committee Amendment "A" (H-825) proposed to clarify the role of the Future for Youth in Maine State Work Action Tactics Team, the "S.W.A.T. team," and to specify that the S.W.A.T. team would be an advisory body that would recommend economic development policies to the Legislature and the Governor. The Commissioner of Economic and Community Development would serve as the chair of the S.W.A.T. team, and the vice-chair would be selected from among the private sector members of the S.W.A.T. team.

The amendment also proposed to clarify the role of the S.W.A.T. team with respect to the Maine Community College System and the University of Maine System. The State's higher educational institutions would be represented on the S.W.A.T. team, but the S.W.A.T. team would not infringe upon the responsibilities and resources of the State's higher education institutions.

The amendment also proposed to require the S.W.A.T. team to review the need for educational and training programs for and job opportunities in the field of health care. The S.W.A.T. team would make recommendations to the Legislature and the Governor with respect to promoting opportunities in the health care field.

Finally, The amendment also proposed to delete the provision of the bill that would have given the S.W.A.T. team responsibility for providing oversight and recommendations concerning economic development policies, and to delete the S.W.A.T. team's annual reporting requirement and the annual reporting requirement for the comprehensive education plan.

Senate Amendment "A" to Committee Amendment "A" (S-598) proposed to specify that the Department of Economic and Community Development's duty to develop and implement a comprehensive marketing strategy to promote Maine to youth would begin in fiscal year 2005-06, and to clarify that it is the representative of the Department of Economic and Community Development, appointed by the Commissioner of Economic and Community Development, who would serve as chair of the S.W.A.T. team.

Enacted Law Summary

Public Law 2003, chapter 704 creates and expands opportunities in Maine to retain and attract youth, defined as persons 15 to 35 years of age. The law does the following:

1. It directs the Department of Economic and Community Development to develop and implement a comprehensive marketing strategy, beginning in fiscal year 2005-06, to promote Maine to youth as an attractive location to pursue education, employment and business development opportunities;
2. It establishes the Future for Youth in Maine State Work Action Tactics Team, or "S.W.A.T. Team," to bring together representatives of government, education, business and labor in a focused, coordinated effort to advise and recommend economic development policy and specific efforts to retain and attract youth;
3. It directs the trustees of the University of Maine System and the Maine Community College System to develop and implement a formal process to work collaboratively with public and private sector representatives of business, industry and economic development to coordinate higher education planning and resource allocation decisions with the needs of the State's economy and business sector, and to develop a comprehensive plan to coordinate higher education with the needs of the business sector; and
4. It directs the Maine State Housing Authority to develop recommendations to create or modify programs with the goal of expanding access to housing for young professionals and young families and specifically to

Joint Standing Committee on Business, Research and Economic Development

consider strategies to assist renters and first-time home buyers who are under 35 years of age and explore options for linking assistance levels to student loan obligations.

LD 1886 **Resolve, Directing the Maine Municipal Bond Bank and the Finance Authority of Maine To Work Cooperatively with the Lincoln Water District Regarding Financing of the District** **ONTP**

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

LD 1886 proposed to direct the Maine Municipal Bond Bank and the Finance Authority of Maine to work cooperatively with the Lincoln Water District to provide financing for the Lincoln Water District.

LD 1908 **An Act To Amend the Licensing Laws for Hearing Aid Dealers and Fitters** **PUBLIC 609**

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

LD 1908 proposed to permit an audiologist licensed by the Board of Examiners on Speech-language Pathology and Audiology to obtain a permit to fit and dispense hearing aids to the public without undergoing a training period under the supervision of a licensed hearing aid dealer. In addition, the bill proposed to exempt a licensed audiologist from the examination requirement of the Board of Hearing Aid Dealers and Fitters as well as other restrictions associated with the business of dispensing hearing aids to the public.

Enacted Law Summary

Public Law 2003, chapter 609 permits an audiologist licensed by the Board of Examiners on Speech-language Pathology and Audiology to obtain a permit to fit and dispense hearing aids to the public without undergoing a training period under the supervision of a licensed hearing aid dealer. In addition, the law exempts a licensed audiologist from the examination requirement of the Board of Hearing Aid Dealers and Fitters as well as other restrictions associated with the business of dispensing hearing aids to the public.

Joint Standing Committee on Business, Research and Economic Development

LD 1914 **Resolve, Regarding Legislative Review of Chapter 302: Rules for the Maine Microenterprise Initiative, a Major Substantive Rule of the Department of Economic and Community Development** **RESOLVE 132 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-785

LD 1914 proposed to provide for legislative review of Chapter 302: Rules for the Maine Microenterprise Initiative, a major substantive rule of the Department of Economic and Community Development.

Committee Amendment "A" (H-785) proposed to approve the major substantive rule with the following changes:

1. Language would be changed to restore the original grant amounts of \$150,000 and \$75,000, rather than the bill's proposed change of amounts to \$175,000 and \$100,000; and
2. Language would be added to give preference to proposals from businesses with 5 or fewer employees.

Enacted Law Summary

Resolve 2003, chapter 132 approves Chapter 302: Rules for the Maine Microenterprise Initiative, a major substantive rule of the Department of Economic and Community Development, with the following changes:

1. Language is changed to restore the original grant amounts of \$150,000 and \$75,000, rather than the proposed change of amounts to \$175,000 and \$100,000; and
2. Language is added to give preference to proposals from businesses with 5 or fewer employees.

Resolve 2003, chapter 132 was enacted as an emergency measure effective April 14, 2004.

LD 1931 **An Act To Provide for a Limited Transition Provision for Renewal of Certain Social Worker Licenses** **P & S 41 EMERGENCY**

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

LD 1931 amends Public Law 2003, chapter 429 which became effective on September 13, 2003. The new consultation requirements of that chapter, however, became effective on January 1, 2004. To avoid unfairness to licensees who held valid licenses on September 13, 2003 but who have not been subject to those consultation requirements before and who will need a reasonable period of time within which to comply with those requirements, this bill proposed to provide for a limited transition to authorize the Department of Professional and Financial Regulation, State Board of Social Worker Licensure to delay application of new consultation requirements for those licensees so that all licensees would have not less than 2 years, the equivalent of one 2-year license cycle, but not more than 4 years, the equivalent of 2 2-year license cycles, to meet the new consultation requirements as provided by current law.

Joint Standing Committee on Business, Research and Economic Development

Enacted Law Summary

Private and Special Law 2003, chapter 41 addresses problems with the implementation of Public Law 2003, chapter 429. That law became effective on September 13, 2003. The new consultation requirements of that chapter, however, became effective on January 1, 2004. To avoid unfairness to licensees who held valid licenses on September 13, 2003 but who have not been subject to those consultation requirements before and who will need a reasonable period of time within which to comply with those requirements, Private and Special Law 2003, chapter 41 provides for a limited transition to authorize the Department of Professional and Financial Regulation, State Board of Social Worker Licensure to delay application of new consultation requirements for those licensees so that all licensees will have not less than 2 years, the equivalent of one 2-year license cycle, but not more than 4 years, the equivalent of 2 2-year license cycles, to meet the new consultation requirements as provided by Public Law 2003, chapter 429.

Private and Special Law 2003, chapter 41 was enacted as an emergency measure effective April 7, 2004.

LD 1933 An Act To Implement the Recommendations of the Joint Standing PUBLIC 601
Committee on Business, Research and Economic Development
Regarding the Board of Licensure in Medicine Pursuant to
Reviews Conducted under the State Government Evaluation Act

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1933 proposed to implement the recommendations of the Joint Standing Committee on Business, Research and Economic Development pursuant to its review of the Board of Licensure in Medicine under the State Government Evaluation Act. The bill proposed to:

1. Delegate to the secretary of the Board of Licensure in Medicine certain duties, including license application reviews, and to the board's executive director the receipt of fees;
2. Recognize combined training programs not yet accredited as well as physician training in the United Kingdom other than internal medicine and surgery, and update postgraduate training requirements to recognize specialty board certification;
3. Clarify temporary and emergency locum tenens licensure provisions;
4. Update requirements for certification during postgraduate training;
5. Allow licenses to be denied referral when a debt is owed to the board;
6. Mandate reporting of sexual misconduct; and
7. Make other technical corrections to existing statutes.

Joint Standing Committee on Business, Research and Economic Development

Enacted Law Summary

Public Law 2003, chapter 601 implements the recommendations of the Joint Standing Committee on Business, Research and Economic Development pursuant to its review of the Board of Licensure in Medicine under the State Government Evaluation Act. The law:

1. Delegates to the secretary of the Board of Licensure in Medicine certain duties, including license application reviews, and to the board's executive director the receipt of fees;
2. Recognizes combined training programs not yet accredited as well as physician training in the United Kingdom other than internal medicine and surgery, and updates postgraduate training requirements to recognize specialty board certification;
3. Clarifies temporary and emergency locum tenens licensure provisions;
4. Updates requirements for certification during postgraduate training;
5. Allows licenses to be denied renewal when a debt is owed to the board;
6. Mandates reporting of sexual misconduct; and
7. Makes other technical corrections to existing statutes.

LD 1958

An Act To Implement the Recommendations of the Joint Standing Committee on Business, Research and Economic Development Regarding the Board of Dental Examiners Pursuant to Reviews Conducted under the State Government Evaluation Act

PUBLIC 669

Sponsor(s)

Committee Report
OTP

Amendments Adopted
S-498 HALL
S-499 BROMLEY

LD 1958 proposed to implement the recommendations of the Joint Standing Committee on Business, Research and Economic Development pursuant to its review of the Board of Dental Examiners under the State Government Evaluation Act. The bill proposed to:

1. Eliminate one dentist member position from the Board of Dental Examiners and add one dental hygienist member position;
2. Create the Subcommittee on Denturist Discipline and the Subcommittee on Dental Hygienist Submissions, each with the authority to issue recommendations on matters within the subcommittee's scope that would be binding unless overturned by a 2/3 supermajority of the board;
3. Authorize the board to order mental or physical examinations of dentist, dental hygienist and dental radiographer licensees, identical to the board's existing authority to order examinations for denturist licensees;
4. Increase required hours of continuing education for dental hygienists from 20 to 30 every 2 years;

Joint Standing Committee on Business, Research and Economic Development

5. Codify in statute the current rules of the board concerning the requirements for licensure of dental hygienists who are graduates of accredited programs;
6. Direct the Commissioner of Professional and Financial Regulation to perform a sunrise review concerning the expansion of the scope of practice of licensed denturists to include fabrication and insertion of partial dentures and dentures over implants and authorize the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to introduce a bill in the First Regular Session of the 122nd Legislature to expand that scope of practice accordingly; and
7. Increase the fee caps for licensees as follows: for dentists, from \$400 to \$550; for dental hygienists, from \$100 to \$175; for denturists, from \$100 to \$175; and for dental radiographers, from \$50 to \$125.

Senate Amendment "A" (S-498) proposed to change the Board of Dental Examiners from 8 members to 9 members, restoring to the board a member of the dental profession removed by the bill. It also proposed to replace the appropriations and allocations section.

Senate Amendment "B" (S-499) proposed to make 2 corrections to the bill by replacing an incorrect reference to "a complaint" with a reference to "an application or submission" and correcting a conjunction.

Enacted Law Summary

Public Law 2003, chapter 669 implements the recommendations of the Joint Standing Committee on Business, Research and Economic Development pursuant to its review of the Board of Dental Examiners under the State Government Evaluation Act. The law:

1. Adds one dental hygienist member position to the Board of Dental Examiners;
2. Creates the Subcommittee on Denturist Discipline and the Subcommittee on Dental Hygienist Submissions, each with the authority to issue recommendations on matters within the subcommittee's scope that are binding unless overturned by a 2/3 supermajority of the board;
3. Authorizes the board to order mental or physical examinations of dentist, dental hygienist and dental radiographer licensees, identical to the board's existing authority to order examinations for denturist licensees;
4. Increases required hours of continuing education for dental hygienists from 20 to 30 every 2 years;
5. Codifies in statute the current rules of the board concerning the requirements for licensure of dental hygienists who are graduates of accredited programs;
6. Directs the Commissioner of Professional and Financial Regulation to perform a sunrise review concerning the expansion of the scope of practice of licensed denturists to include fabrication and insertion of partial dentures and dentures over implants and authorizes the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to introduce a bill in the First Regular Session of the 122nd Legislature to expand that scope of practice accordingly; and
7. Increases the fee caps for licensees as follows: for dentists, from \$400 to \$550; for dental hygienists, from \$100 to \$175; for denturists, from \$100 to \$175; and for dental radiographers, from \$50 to \$125.

Joint Standing Committee on Business, Research and Economic Development

LD 1959

Resolve, Authorizing Professional and Occupational Licensing Authorities in State Government To Defer or Waive Continuing Education Requirements for Military Personnel

**RESOLVE 140
EMERGENCY**

Sponsor(s)
BROMLEY

Committee Report

Amendments Adopted
H-903

LD 1959, which was engrossed without reference to committee, proposed to give professional and occupational licensing authorities in State Government limited authority to waive continuing education requirements for returning service personnel.

House Amendment "A" (H-903) proposed to clarify that the resolve would apply to military personnel in Iraq, Kuwait, Afghanistan and Cuba.

Enacted Law Summary

Resolve 2003, chapter 140 gives professional and occupational licensing authorities in State Government limited authority to waive continuing education requirements for returning service personnel, including personnel serving in Iraq, Kuwait, Afghanistan and Cuba.

Resolve 2003, chapter 140 was finally passed as an emergency measure effective April 27, 2004.

*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Criminal Justice and Public Safety*

May 2004

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Sen. Pamela Henderson Hatch
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**JOINT STANDING COMMITTEE ON
CRIMINAL JUSTICE AND PUBLIC SAFETY**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	19	76.0%	3.9%
<i><u>Bills Carried Over from previous session</u></i>	<u>6</u>	<u>24.0%</u>	<u>1.2%</u>
Total Bills referred	25	100.0%	5.1%
B. Bills reported out by law or joint order	0	0.0%	0.0%
Total Bills considered by Committee	25	100.0%	5.1%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	2	8.3%	0.4%
<i>Ought to Pass as Amended</i>	11	45.8%	2.3%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>6</u>	<u>25.0%</u>	<u>1.3%</u>
Total unanimous reports	19	79.2%	4.0%
B. Divided committee reports			
<i>Two-way reports</i>	5	20.8%	1.1%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	5	20.8%	1.1%
Total committee reports	24 ¹	96.0%	5.0%
III. CONFIRMATION HEARINGS	1	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	15	60.0%	3.0%
<i>Private and Special Laws</i>	1	4.0%	0.2%
<i>Resolves</i>	1	4.0%	0.2%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	17	68.0%	3.4%
B. Resolves to authorize major substantive rules			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

¹ Total does not include LD 1186, which was removed from the committee without a committee report..

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

Joint Standing Committee on Criminal Justice

SUBJECT INDEX

Corrections

Enacted

LD 31	Resolve, To Direct State, County and Local Departments and Agencies To Coordinate a Single-point Referral and Resource Service Related to Drug Issues in Washington County	RESOLVE 100 Page 143
LD 1186	An Act To Provide Funding for Court Security	P & S 48 Page 147
LD 1764	An Act To Improve the Operations of the Department of Corrections and the Safety of State Correctional Facilities	PUBLIC 706 Page 152
LD 1856	An Act To Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners	PUBLIC 707 Page 165
LD 1903	An Act To Further Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners and the Recommendations of the Commission To Improve Community Safety and Sex Offender Accountability	PUBLIC 711 Page 166

Not Enacted

LD 105	An Act to Further the Productive Use of Land Held by the Department of Corrections	ONTP Page 143
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County Jails

Enacted

LD 1186	An Act To Provide Funding for Court Security	P & S 48 Page 147
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LD 1856 **An Act To Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners** **PUBLIC 707 Page 165**

LD 1903 **An Act To Further Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners and the Recommendations of the Commission To Improve Community Safety and Sex Offender Accountability** **PUBLIC 711 Page 166**

Not Enacted

None

Criminal Law

Enacted

LD 1738 **An Act To Amend the Law Providing Restitution to Victims of Timber Theft** **PUBLIC 540 Page 149**

LD 1844 **An Act To Amend the Maine Criminal Code and Motor Vehicle Laws as Recommended by the Criminal Law Advisory Commission** **PUBLIC 657 Page 158**

LD 1856 **An Act To Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners** **PUBLIC 707 Page 165**

LD 1903 **An Act To Further Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners and the Recommendations of the Commission To Improve Community Safety and Sex Offender Accountability** **PUBLIC 711 Page 166**

Not Enacted

LD 1835 **An Act To Increase Penalties for Certain Violent Crimes Committed against Senior Citizens** **ONTP Page 158**

Criminal Procedure/Bail

Enacted

LD 1844	An Act To Amend the Maine Criminal Code and Motor Vehicle Laws as Recommended by the Criminal Law Advisory Commission	PUBLIC 657 Page 158
LD 1856	An Act To Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners	PUBLIC 707 Page 165
LD 1903	An Act To Further Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners and the Recommendations of the Commission To Improve Community Safety and Sex Offender Accountability	PUBLIC 711 Page 166

Not Enacted

None

Domestic Violence

Enacted

LD 1903	An Act To Further Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners and the Recommendations of the Commission To Improve Community Safety and Sex Offender Accountability	PUBLIC 711 Page 166
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Not Enacted

None

Drugs

Enacted

LD 31	Resolve, To Direct State, County and Local Departments and Agencies To Coordinate a Single-point Referral and Resource Service Related to Drug Issues in Washington County	RESOLVE 100 Page 143
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Not Enacted

None

Juveniles

Enacted

LD 1764	An Act To Improve the Operations of the Department of Corrections and the Safety of State Correctional Facilities	PUBLIC 706 Page 152
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Not Enacted

None

Law Enforcement

Enacted

LD 891	An Act To Require Law Enforcement Agencies To Adopt Policies Concerning Recording and Preservation of Interviews	PUBLIC 677 Page 144
LD 1832	An Act To Maintain the Current Statutes Regarding Unlawful Solicitation To Benefit Law Enforcement Agencies	PUBLIC 560 Page 157 EMERGENCY
LD 1847	An Act To Implement the Recommendations of the Commission To Improve Community Safety and Sex Offender Accountability Regarding Public Notification by Law Enforcement	PUBLIC 656 Page 162

Not Enacted

None

***Operating Under the Influence/Operating After Suspension/
Other Motor Vehicle Violations***

Enacted

LD 1803 **An Act Requiring Blood Testing of All Drivers
Involved in Fatal Accidents** **PUBLIC 565 Page 156**

Not Enacted

LD 1936 **An Act To Amend the Laws Governing Blood Tests
for Persons Suspected of Operating Under the
Influence** **ONTP Page 177**

Private Investigations/Security Guards

Enacted

LD 1014 **An Act To Enhance Professionalism of Private
Investigators in this State** **PUBLIC 620 Page 146**

Not Enacted

None

Public Safety/Fire Safety/Emergency Medical Services

Enacted

LD 1731 **An Act To Expand the State Fire Marshal's
Responsibilities and To Clarify That the
Commissioner of Public Safety Will Follow the
Maine Administrative Procedure Act when Adopting
Certain Rules** **PUBLIC 535 Page 149**

LD 1744 **An Act To Amend the Laws Governing the Display
of Fireworks and Indoor Pyrotechnics** **PUBLIC 521 Page 150**

LD 1762 **An Act To Amend the Maine Emergency Medical
Services Act of 1982** **PUBLIC 559 Page 151**

LD 1789	An Act To Revise the Minimum Firefighter Safety Standards	PUBLIC 570 Page 155
LD 1821	An Act To Increase the Amount of Restitution Allowed for State and Municipal Fire Service	PUBLIC 556 Page 157
LD 1847	An Act To Implement the Recommendations of the Commission To Improve Community Safety and Sex Offender Accountability Regarding Public Notification by Law Enforcement	PUBLIC 656 Page 162

Not Enacted

LD 1788	An Act To Waive Fees for Background Checks for Certain Emergency Medical Services Personnel	ONTP Page 155
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Sentencing

Enacted

LD 1856	An Act To Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners	PUBLIC 707 Page 165
LD 1903	An Act To Further Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners and the Recommendations of the Commission To Improve Community Safety and Sex Offender Accountability	PUBLIC 711 Page 166

Not Enacted

None

Sex Offenders

Enacted

LD 1847	An Act To Implement the Recommendations of the Commission To Improve Community Safety and Sex Offender Accountability Regarding Public Notification by Law Enforcement	PUBLIC 656 Page 162
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LD 1903 **An Act To Further Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners and the Recommendations of the Commission To Improve Community Safety and Sex Offender Accountability** **PUBLIC 711 Page 166**

Not Enacted

LD 617 **An Act Amending the Time by Which a Sex Offender or Sexually Violent Predator Must Register** **ONTP Page 144**

LD 1729 **An Act To Strengthen the Sex Offender Registration and Notification Act of 1999** **ONTP Page 148**

LD 1855 **An Act To Implement the Recommendations of the Commission To Improve Community Safety and Sex Offender Accountability** **ONTP Page 162**

Victims

Enacted

LD 1738 **An Act To Amend the Law Providing Restitution to Victims of Timber Theft** **PUBLIC 540 Page 149**

Not Enacted

None

Weapons/Firearms and Permits

Enacted

None

Not Enacted

LD 917 **An Act Regarding the Sale of Weapons at Gun Shows** **DIED ON Page 146
ADJOURNMENT**

Miscellaneous

Enacted

LD 1186

An Act To Provide Funding for Court Security

P & S 48 Page 147

Not Enacted

None

Joint Standing Committee on Criminal Justice and Public Safety

LD 31

Resolve, To Direct State, County and Local Departments and Agencies To Coordinate a Single-point Referral and Resource Service Related to Drug Issues in Washington County

RESOLVE 100

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER SHOREY	OTP-AM MAJ ONTP MIN	H-624

LD 31 was a concept draft pursuant to Joint Rule 208. The 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.

Committee Amendment "A" (H-624) proposed to replace the bill and was the majority report. The amendment proposed to create a resolve that directs the Department of Behavioral and Developmental Services, the Department of Human Services and the Department of Corrections to work in cooperation with county and local service providers, law enforcement and other interested parties to coordinate a single point of contact for persons in Washington County to receive information and treatment referral services for all drug-related issues. The amendment proposed that the Department of Behavioral and Developmental Services, Office of Substance Abuse report progress on developing and implementing a single point of contact for Washington County to the joint standing committee having jurisdiction over criminal justice and public safety matters by January 2005. The amendment also proposed to add a fiscal note.

Enacted Law Summary

Resolve 2003, chapter 100 directs the Department of Behavioral and Developmental Services, the Department of Human Services and the Department of Corrections to work in cooperation with county and local service providers, law enforcement and other interested parties to coordinate a single point of contact for persons in Washington County to receive information and treatment referral services for all drug-related issues. Resolve 2003, chapter 100 also directs the Department of Behavioral and Developmental Services, Office of Substance Abuse to report progress on developing and implementing a single point of contact for Washington County to the joint standing committee having jurisdiction over criminal justice and public safety matters by January 2005.

LD 105

An Act to Further the Productive Use of Land Held by the Department of Corrections

ONTP

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

LD 105 was a concept draft pursuant to Joint Rule 208. The bill proposed to require that land in Windham held by the State under the direction of the Department of Corrections be put to productive use.

Joint Standing Committee on Criminal Justice and Public Safety

LD 617 An Act Amending the Time by Which a Sex Offender or Sexually Violent Predator Must Register ONTP

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

LD 617 proposed 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.

LD 617 was not enacted, but an amended version of the bill was incorporated into Committee Amendment "A" (H-860) to LD 1903, which was enacted as Public Law 2003, chapter 711.

LD 891 An Act To Require Law Enforcement Agencies To Adopt Policies Concerning Recording and Preservation of Interviews PUBLIC 677

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING NORBERT	OTP-AM MAJ ONTP MIN	H-880 MILLS J S-405

LD 891 proposed 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.

Committee Amendment "A" (S-405) proposed to replace the bill, was the majority report of the committee and was based upon similar legislation in other jurisdictions. The amendment proposed to make a statement inadmissible if the statement was made as a result of custodial interrogation that was conducted at a police station or other place of detention, unless the statement was recorded electronically and was presented in a substantially accurate and unaltered manner, or the person seeking to have the statement admitted demonstrated by a preponderance of evidence that the statement was reliable, in addition to any demonstration of voluntariness required by law. The amendment proposed that this requirement apply to interrogations of persons accused of murder or gross sexual assault.

The amendment also proposed to define certain terms, including "custodial interrogation," "electronic recording" and "place of detention". The amendment proposed to exempt certain statements from the recording requirement. Specifically, it proposed to allow use of unrecorded statements for impeachment purposes; if recording was not feasible; if the statement was made in open court, such as at a court proceeding, grand jury proceeding or preliminary hearing; if the statement was made spontaneously and not in response to a question; or if the custodial interrogation took place out of the State.

Additionally, the amendment proposed to make a recorded statement confidential and exempt from public inspection as a public record; to allow law enforcement agencies to purchase recording equipment from the Department of Administrative and Financial Services, Bureau of General Services for nominal cost and to

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authorize the Department of Public Safety to make grants to law enforcement agencies for training and equipment. The amendment also proposed to add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-880) proposed to direct the Board of Trustees of the Maine Criminal Justice Academy to set minimum standards for and all law enforcement agencies to formally adopt written policies regarding procedures to deal with the digital, electronic, audio, video or other recording of law enforcement interviews of suspects in serious crimes and the preservation of investigative notes and records in such cases.

House Amendment "B" to Committee Amendment "A" (H-940) proposed to incorporate the provisions of House Amendment "A" to Committee Amendment "A" and to add a mandate preamble and a fiscal note. This amendment was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-415) proposed to amend the appropriations and allocations section of the committee amendment to correct the program name and the text of the initiative. This amendment was not adopted.

Senate Amendment "B" to Committee Amendment "A" (S-490) proposed to provide that a "place of detention" does not include a police vehicle. It also proposed to provide that a statement made by a person accused of murder, felony murder, gross sexual assault or a juvenile crime that if committed by an adult would be a Class A crime may be declared inadmissible by the court if the statement was made as a result of a custodial interrogation that was conducted at a place of detention and the statement was not an electronic recording presented in a substantially accurate and unaltered manner. It further proposed to provide that an unrecorded statement was not be subject to these provisions if the person being interrogated requested, in writing or in a recording, that the statement not be recorded. This amendment was not adopted.

Senate Amendment "C" to Committee Amendment "A" (S-513) proposed to incorporate the provisions of House Amendment "A" to Committee Amendment "A" and to provide that the minimum standards for policies for the recording and preservation of interviews of suspects in serious crimes under the Maine Revised Statutes, Title 25, section 2803-B, subsection 1, paragraph J must designate that such interviews be electronically recorded. This amendment was not adopted.

Senate Amendment "D" to Committee Amendment "A" (S-514) proposed to incorporate the provisions of House Amendment "A" to Committee Amendment "A" and to provide that the minimum standards for policies for the recording and preservation of interviews of suspects in serious crimes under the Maine Revised Statutes, Title 25, section 2803-B, subsection 1, paragraph J must designate that such interviews be electronically recorded. This amendment also proposed to add a mandate preamble. This amendment was not adopted.

Enacted Law Summary

Public Law 2003, chapter 677 directs the Board of Trustees of the Maine Criminal Justice Academy to set minimum standards for and all law enforcement agencies to formally adopt written policies regarding procedures to deal with the digital, electronic, audio, video or other recording of law enforcement interviews of suspects in serious crimes and the preservation of investigative notes and records in such cases.

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LD 917

An Act Regarding the Sale of Weapons at Gun Shows

**DIED ON
ADJOURNMENT**

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

LD 917 proposed to require that a national instant criminal background check be performed prior to the sale or transfer of a firearm at a gun show. The bill proposed 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 proposed 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 will undertake the required background checks.

Committee Amendment "A" (H-750) was the majority report of the committee and proposed to exempt from the bill's requirements gun shows that are operated by nonprofit corporations, including, but not limited to, sporting or gun clubs or fraternal benefit societies. The amendment also proposed to add a fiscal note. This amendment was not adopted.

LD 1014

An Act To Enhance Professionalism of Private Investigators in this State

PUBLIC 620

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER	OTP-AM	H-249
CARPENTER		H-832 BRANNIGAN

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 to 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;

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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.

House Amendment "A" to Committee Amendment "A" (H-832) proposed to remove the fiscal note from Committee Amendment "A."

LD 1014, which failed enactment during the First Regular Session of the 121st Legislature, was recalled from the legislative files, reconsidered and enacted after amending the bill with House Amendment "A," which removed an incorrect fiscal note.

Enacted Law Summary

Public Law 2003, chapter 620 makes the following changes to the current licensing requirements for private investigators.

1. It changes the time when a private investigator's license may be renewed after initial licensure from every 2 to every 4 years and doubles the renewal fee to \$400.
2. It changes the term of an investigative assistant's license from one year with a possibility of a 6-month extension to 2 years and doubles the fee to \$600.
3. It clarifies 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.
4. It clarifies that a private investigator or investigative assistant who contracts with a state law enforcement agency is bound by that agency's confidentiality obligations.

LD 1186

An Act To Provide Funding for Court Security

P & S 48

Sponsor(s)
STRIMLING

Committee Report
RECEIVED BY
SECRETARY PUR
TO JT RULE
309

Amendments Adopted
S-592 CATHCART

LD 1186

The Maine Revised Statutes, Title 34-A, section 1210-A currently provides for a subsidy to counties for supporting prisoners detained or sentenced to county jails and maintaining community corrections. This bill proposed to change the section to reimburse counties for a percentage of the actual costs of those programs. LD 1186 proposed 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.

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Committee Amendment "A" (S-227) 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 may not be imposed on fines collected for violations of the Maine Revised Statutes, Title 29-A, chapter 21. The amendment proposed that the money collected pursuant to the surcharge be 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 will begin in the next fiscal year, and to add an appropriation section and fiscal note. This amendment was not adopted.

House Amendment "A" to Senate Amendment "A" (H-697) was presented on behalf of the Committee on Bills in the Second Reading and proposed to prevent a conflict by incorporating changes made to the Maine Revised Statutes, Title 34-A, section 1210-A, subsection 9 in Public Law 2003, chapter 20. This amendment was not adopted.

Senate Amendment "A" (S-380) proposed to change the date on which the Department of Corrections will start reimbursing each county for a portion of the actual costs of operating its jail from July 1, 2005 to July 1, 2007. The amendment also proposed to add a fiscal note. This amendment was not adopted.

Senate Amendment "B" (S-592) proposed to strike the title and the bill and to appropriate funds for contractual services to provide security at existing courthouses. The amendment also proposed to add a fiscal note.

Enacted Law Summary

Private and Special Law, chapter 48 appropriates funds for contractual services to provide security at existing courthouses.

LD 1729

An Act To Strengthen the Sex Offender Registration and Notification Act of 1999

ONTP

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

LD 1729 proposed to expand the definition of "domicile" in the Sex Offender Registration and Notification Act of 1999 to include all of the places where a person lives, resides or dwells.

LD 1729 was not enacted, but an amended version of the bill was incorporated into Committee Amendment "A" (H-860) to LD 1903, which was enacted as Public Law 2003, chapter 711.

Joint Standing Committee on Criminal Justice and Public Safety

LD 1731 **An Act To Expand the State Fire Marshal's Responsibilities and To Clarify That the Commissioner of Public Safety Will Follow the Maine Administrative Procedure Act when Adopting Certain Rules** **PUBLIC 535**

<u>Sponsor(s)</u> BLANCHETTE HATCH PH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-681
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LD 1731 proposed to expand the responsibility of the State Fire Marshal to include protection of the public in the area of incendiary devices and to clarify that the Commissioner of Public Safety must follow the Maine Administrative Procedure Act when making rules involving life safety and property protection.

Committee Amendment "A" (H-681) proposed to update the definition of "explosives" in Title 17-A, section 1001; to amend the headnote of Title 25, section 2452 to better reflect the purpose of the law; to change the phrase "outdoor gatherings" to "mass outdoor gatherings," as defined in the Maine Revised Statutes, Title 22, section 1601; and to add a fiscal note.

Enacted Law Summary

Public Law 2003, chapter 535 expands the responsibility of the State Fire Marshal to include protection of the public in the area of incendiary devices and makes it clear that the Commissioner of Public Safety must follow the Maine Administrative Procedure Act when making rules involving life safety and property protection. Public Law 2003, chapter 535 also updates the definition of "explosives" in Title 17-A, section 1001; amends the headnote of Title 25, section 2452 to better reflect the purpose of the law; and changes the phrase "outdoor gatherings" to "mass outdoor gatherings," as defined in the Maine Revised Statutes, Title 22, section 1601.

LD 1738 **An Act To Amend the Law Providing Restitution to Victims of Timber Theft** **PUBLIC 540**

<u>Sponsor(s)</u> SMITH N BRYANT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-690
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LD 1738 proposed to amend the law awarding restitution for the unlawful cutting of trees by allowing evidence of more than just financial loss when determining restitution and by allowing the court to award restitution in lieu of or based upon the schedule of forfeitures for unlawfully cutting trees.

Committee Amendment "A" (H-690) proposed to replace the bill. The amendment proposed that, at the request of the prosecutor, the court may suspend all or a portion of the forfeiture adjudged for unlawfully cutting trees and apply it to restitution to the property owner of the unlawfully cut trees. The amendment also proposed to add a fiscal note.

Joint Standing Committee on Criminal Justice and Public Safety

Enacted Law Summary

Public Law 2003, chapter 540 amends the law awarding restitution for the unlawful cutting of trees by specifying that, at the request of the prosecutor, the court may suspend all or a portion of the forfeiture adjudged for unlawfully cutting trees and apply it to restitution to the property owner of the unlawfully cut trees.

LD 1744 An Act To Amend the Laws Governing the Display of Fireworks PUBLIC 521
and Indoor Pyrotechnics

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE HATCH PH	OTP-AM	H-644

LD 1744 proposed to amend the law regarding pyrotechnics by:

1. Requiring a person to apply for a permit from the Commissioner of Public Safety 20 days before conducting a fireworks display, instead of the current 10 days;
2. Increasing the amount of public liability insurance that an applicant for a permit to conduct a fireworks display must have from \$500,000 to \$1,000,000;
3. Requiring the State Fire Marshal or the State Fire Marshal's designee to monitor all indoor pyrotechnic events;
4. Increasing certain penalties regarding the unlawful conduct of a fireworks display and failure to obtain a fireworks permit; and
5. Delineating license renewal procedures for fireworks technicians.

Committee Amendment "A" (H-644) proposed to remove the section of the bill that would increase penalties for conducting a fireworks display without a permit or in violation of a permit and proposed to add a fiscal note.

Enacted Law Summary

Public Law 2003, chapter 521 amends the law regarding pyrotechnics as follows.

1. It requires a person to apply for a permit from the Commissioner of Public Safety 20 days before conducting a fireworks display, instead of 10 days before as currently required.
2. It increases the amount of public liability insurance that an applicant for a permit to conduct a fireworks display must have from \$500,000 to \$1,000,000.

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- 3. It requires the State Fire Marshal or the State Fire Marshal's designee to monitor all indoor pyrotechnic events.
- 4. It delineates license renewal procedures for fireworks technicians.

LD 1762 **An Act To Amend the Maine Emergency Medical Services Act of 1982** **PUBLIC 559**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL HATCH PH	OTP-AM	H-709

LD 1762 proposed to extend the deadline for the completion of the ambulance vehicle operators course requirements from January 1, 2005 to January 1, 2007, to correct inconsistencies regarding complaint procedures between the Maine Emergency Medical Services Act of 1982 and the Maine Administrative Procedure Act and to clarify the confidentiality provisions in the areas of quality assurance and investigations regarding licensees in the emergency medical services field.

Committee Amendment "A" (H-709) proposed to clarify that both investigative records and complaints become public records upon the conclusion of an investigation, unless they are confidential pursuant to another provision of law. The amendment also proposed to change from January 31, 2004 to January 31, 2005 the date by which the Commissioner of Public Safety must complete a study of the statewide emergency medical services system and report findings and suggested legislation to the Legislature.

Enacted Law Summary

Public Law 2003, chapter 559 extends the deadline for the completion of the ambulance vehicle operators course requirements from January 1, 2005 to January 1, 2007, corrects inconsistencies regarding complaint procedures between the Maine Emergency Medical Services Act of 1982 and the Maine Administrative Procedure Act and clarifies the confidentiality provisions in the areas of quality assurance and investigations regarding licensees in the emergency medical services field. Public Law 2003, chapter 559 also clarifies that both investigative records and complaints become public records upon the conclusion of an investigation, unless they are confidential pursuant to another provision of law and changes from January 31, 2004 to January 31, 2005 the date by which the Commissioner of Public Safety must complete a study of the statewide emergency medical services system and report findings and suggested legislation to the Legislature.

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LD 1764

**An Act To Improve the Operations of the Department of
Corrections and the Safety of State Correctional Facilities**

PUBLIC 706

<u>Sponsor(s)</u> BLANCHETTE HATCH PH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-749 S-576 CATHCART
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LD 1764 was drafted in 3 parts. Part A of LD 1764 proposed to do the following:

1. Require a bound-over juvenile who is to be detained to be detained with adults once that person becomes 18 years of age;
2. Require that a juvenile detention order be reviewed by the court within 10 days;
3. Add the requirement of a determination of probable cause to the initial appearance provision in the Maine Juvenile Code before a juvenile may be detained;
4. Change the fund to which fees received from probationers are deposited to the adult community corrections account;
5. Direct the prosecutor, if requested by the Court, to inform the court at the time of sentencing of the total deduction allowed from prior detention;
6. Require restitution collected for victims who cannot be located to be forwarded to the Treasurer of State to be handled as unclaimed property;
7. Make technical corrections, including adding "Mountain View" when referring to juvenile facilities and using "community reintegration" instead of "aftercare;"
8. Clarify that a person who is discharged from a facility is still liable for restitution ordered, and if that person is remanded to another facility, the restitution collected must be used to defray the facility's costs;
9. Clarify the limitations on juvenile detention and commitment; and
10. Change the psychiatric provisions for juvenile detainees to be identical to the ones for committed juveniles.

Part B of the bill proposed to do the following:

1. Clarify the MaineCare reimbursement process for county jails;
2. Limit the reimbursement rate for medical services provided outside the Department of Corrections' facilities to the MaineCare rate and ensure that medications used by the department are consistent with the MaineCare program;
3. Change the process for determinations regarding hospitalization of prisoners by restricting the decision to the individual department facility's medical staff;

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4. Conform the department's formulary to MaineCare's standard, instead of the standard at state mental health facilities; and
5. Make the section that enacts 34-A MRSA §3031-B retroactive to July 1, 2004.

Part C of the bill proposed to do the following:

1. Repeal and replace the obsolete references to the previous Interstate Compact for Out-of-State Parolee Supervision;
2. Designate the Commissioner of the Department of Corrections or the commissioner's designee as the compact administrator for Maine;
3. Make technical changes and enact language repealed in C-1 – C-4; and
4. Establish one state council for both the Interstate Compact for Adult Offender Supervision and the Interstate Compact for Juveniles.

Committee Amendment "A" (H-749) proposed to do the following:

1. Specify that a bound-over juvenile be detained with adults once the juvenile attains 18 years and 6 months of age;
2. Eliminate an extra court hearing and help put a juvenile in an appropriate placement more quickly;
3. Repeal language directing the attorney representing the State to provide a custodian with a statement showing the length of a person's detention. This provision was inadvertently left in law when the responsibility of providing a custodian with a statement of the length of a person's detention was transferred to the sheriffs during the First Regular Session of the 121st Legislature;
4. Amend detention language to specify that a person may not be detained at or committed to a corrections facility if that person is more appropriately a subject for intensive temporary out-of-home treatment services or for in-home treatment services provided by or through the Department of Behavioral and Developmental Services as agreed upon by the Commissioner of Behavioral and Developmental Services and the Commissioner of Corrections;
5. Remove from the bill all of Part B, which dealt with the reimbursement rate to providers for medical services provided to inmates outside correctional facilities. Provisions in Part B were incorporated into Public Law 2003, chapter 513, Part E;
6. Direct the Department of Corrections to report the impact of changes to the juvenile detention and commitment laws by March 1, 2005 to the joint standing committee of the Legislature having jurisdiction over criminal justice matters. Upon receiving the report, the committee may report out a bill;
7. Move the crime of violating an interstate compact for adult offender supervision to the Maine Revised Statutes, Title 17-A, while leaving a reference to the crime in the Interstate Compact for Adult Offender Supervision; and
8. Add a fiscal note.

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Senate Amendment "A" to Committee Amendment "A" (S-576) proposed to strip the appropriations and allocations section from the committee amendment and to add a fiscal note.

Enacted Law Summary

Public Law 2003, chapter 706 makes a number of changes to the Juvenile Code and corrections laws. Public Law 2003, chapter 706 does the following.

1. It specifies that a bound-over juvenile be detained with adults, instead of juveniles, once the juvenile attains 18 years and 6 months of age.
2. It eliminates an extra court hearing and helps put a juvenile in an appropriate placement more quickly.
3. It clarifies the limitations on juvenile detention and commitment and changes the psychiatric provisions for juvenile detainees to be identical to the ones for committed juveniles.
4. It repeals language directing the attorney representing the State to provide a custodian with a statement showing the length of a person's detention. This provision was inadvertently left in law when the responsibility of providing a custodian with a statement of the length of a person's detention was transferred to sheriffs.
5. It amends detention language to specify that a person may not be detained at or committed to a corrections facility if that person is more appropriately a subject for intensive temporary out-of-home treatment services or for in-home treatment services provided by or through the Department of Behavioral and Developmental Services as agreed upon by the Commissioner of Behavioral and Developmental Services and the Commissioner of Corrections.
6. It directs the Department of Corrections to report the impact of changes to the juvenile detention and commitment laws by March 1, 2005 to the joint standing committee of the Legislature having jurisdiction over criminal justice matters. Upon receiving the report, the committee may report out a bill.
7. It moves the crime of violating an interstate compact for adult offender supervision to the Maine Revised Statutes, Title 17-A, while leaving a reference to the crime in the Interstate Compact for Adult Offender Supervision.
8. It changes the fund to which fees received from probationers are deposited to the adult community corrections account. Public Law 2003, chapter 706 requires restitution collected for victims who cannot be located to be forwarded to the Treasurer of State to be handled as unclaimed property. It also clarifies that a person who is discharged from a facility is still liable for restitution ordered and if that person is remanded to another facility, the restitution collected must be used to defray the facility's costs.
9. It establishes the state council required under the Interstate Compact for Adult Offender Supervision and the Interstate Compact for Juveniles, designates the compact administrators and repeals the obsolete Interstate Compact for Out-of-State Parolee Supervision.

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LD 1788 **An Act To Waive Fees for Background Checks for Certain** **ONTP**
Emergency Medical Services Personnel

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

LD 1788 proposed to waive the fees charged by the State Bureau of Identification within the Department of Public Safety, Bureau of State Police for background checks for municipal employees and volunteers applying for licensure as emergency medical services personnel.

Committee Amendment "A" (H-689) was the minority report and proposed to add a fiscal note to the bill. This amendment was not adopted.

LD 1789 **An Act To Revise the Minimum Firefighter Safety Standards** **PUBLIC 570**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM	H-691
EDMONDS		

LD 1789 proposed to update Maine’s firefighter personal equipment and clothing safety standards to meet National Fire Protection Association standards. Specifically, the bill proposed that if new equipment is purchased, it must meet the safety standard in effect at the time of the purchase, and if used protective clothing that is not new is acquired, the clothing must at least meet the standards in effect in 1987. The bill proposed that any protective clothing purchased prior to 1987 that does not meet National Fire Protection Association standards must be replaced. The bill also proposed to expand firefighter training requirements to include “education” requirements and to move language requiring hearing protection to the provision of law establishing standards for equipment and clothing.

Committee Amendment "A" (H-69) proposed to add an effective date of July 1, 2005 to give fire departments time to comply with the new standards and proposed to add a mandate preamble and fiscal note.

Enacted Law Summary

Public Law 2003, chapter 570 updates Maine’s firefighter personal equipment and clothing safety standards to meet National Fire Protection Association standards. Specifically, if new equipment is purchased, it must meet the safety standard in effect at the time of the purchase. If used protective clothing that is not new is acquired, the clothing must at least meet the standards in effect in 1987. Any protective clothing purchased prior to 1987 that does not meet National Fire Protection Association standards must be replaced. Public Law 2003, chapter 570 also expands firefighter training requirements to include “education” requirements and moves language requiring hearing protection to the provision of law establishing standards for equipment and clothing. Public Law 2003, chapter 570 has an effective date of July 1, 2005 in order to give fire departments time to comply with the new standards.

Joint Standing Committee on Criminal Justice and Public Safety

LD 1803

An Act Requiring Blood Testing of All Drivers Involved in Fatal Accidents

PUBLIC 565

<u>Sponsor(s)</u> BOWLES DUPLESSIE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-712
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LD 1803

Current law requires the operator of a motor vehicle involved in an accident that results or is likely to result in death to submit to a test to determine blood-alcohol level or drug concentration. The investigating police officer is required to cause the test to be administered but has the discretion to determine the form of the test, whether by breath, blood or urine analysis, to which the operator must submit. LD 1803 proposed to remove that discretion, instead requiring that an operator must submit to, and the investigating law enforcement officer must cause to be administered, a blood test to determine blood-alcohol level or drug concentration.

Committee Amendment "A" (H-712) replaced the bill and proposed to amend the Maine Revised Statutes, Title 29-A by requiring that, in cases when there is probable cause to believe that death has occurred or will occur as a result of an accident, the investigating officer shall cause a blood test to be administered on every operator involved in the accident as soon as practicable following the accident. The amendment proposed that the officer may also cause a breath test or any other chemical test to be administered if the officer determines appropriate. Operators shall submit to and complete all tests administered, as required by current law, and except as otherwise provided in Title 29-A, section 2522, subsection 2, testing must be conducted in accordance with Title 29-A, section 2521, which governs drivers' implied consent to chemical tests. The amendment also proposed to add a mandate preamble and a fiscal note.

Enacted Law Summary

Public Law 2003, chapter 565 amends the Maine Revised Statutes, Title 29-A by requiring that, in cases when there is probable cause to believe that death has occurred or will occur as a result of an accident, the investigating officer shall cause a blood test to be administered on every operator involved in the accident as soon as practicable following the accident. The officer may also cause a breath test or any other chemical test to be administered if the officer determines appropriate. Operators shall submit to and complete all tests administered. Except as otherwise provided in Title 29-A, section 2522, subsection 2, testing must be conducted in accordance with Title 29-A, section 2521, which governs drivers' implied consent to chemical tests.

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LD 1821

An Act To Increase the Amount of Restitution Allowed for State and Municipal Fire Service

PUBLIC 556

<u>Sponsor(s)</u> DUPLESSIE BRYANT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-713
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LD 1821

Current law provides that any person who engages in out-of-door burning in violation of the law or who fails to comply with any stated permit condition or restriction commits a Class E crime. If the State proves that while in violation that person's out-of-door fire resulted in fire suppression costs to municipalities or State Government, the court may order restitution to a municipality not exceeding \$2,000 and total restitution to municipalities and the State not exceeding \$10,000. LD 1821 proposed to increase the limit on restitution to \$25,000 for a municipality and \$125,000 for total restitution to municipalities and State Government.

Committee Amendment "A" (H-713) proposed to add a fiscal note.

Enacted Law Summary

Public Law 2003, chapter 556 increases limits on restitution that may be paid by persons engaging in out-of-door burning. Current law provides that any person who engages in out-of-door burning in violation of the law or who fails to comply with any stated permit condition or restriction commits a Class E crime. If the State proves that while in violation that person's out-of-door fire resulted in fire suppression costs to municipalities or State Government, the court may order restitution to a municipality not exceeding \$2,000 and total restitution to municipalities and the State not exceeding \$10,000. Public Law 2003, chapter 556 increases the limit on restitution to \$25,000 for a municipality and \$125,000 for total restitution to municipalities and State Government.

LD 1832

An Act To Maintain the Current Statutes Regarding Unlawful Solicitation To Benefit Law Enforcement Agencies

**PUBLIC 560
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1832 proposed to remove language that repeals the current law regarding unlawful solicitation to benefit law enforcement agencies. This bill proposed to allow a person to continue to solicit as long as the property solicited in no way tangibly benefits the solicitor.

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Enacted Law Summary

Public Law 2003, chapter 560 removes language that repeals the current law regarding unlawful solicitation to benefit law enforcement officers and agencies. Public Law 2003, chapter 560 continues to allow a person to solicit as long as property solicited in no way tangibly benefits the solicitor.

Public Law 2003, chapter 560 was enacted as an emergency measure effective March 17, 2004.

LD 1835 An Act To Increase Penalties for Certain Violent Crimes ONTP
Committed against Senior Citizens

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

LD 1835 proposed to require a court, when imposing a sentencing alternative involving a term of imprisonment, to assign special weight to the objective fact of the age of the victim in crimes of attempted murder, manslaughter, elevated aggravated assault or assault when the victim was at least 65 years of age at the time of the crime. Current law requires that the age of the victim be assigned special weight if the victim was less than 6 years of age at the time of the crime.

LD 1844 An Act To Amend the Maine Criminal Code and Motor Vehicle PUBLIC 657
Laws as Recommended by the Criminal Law Advisory
Commission

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ OTP-AM MIN	H-853

LD 1844 proposed to do the following:

1. Add "date of birth" to the information that must be provided to a law enforcement officer upon request by the person to whom a summons is issued or delivered under either the Maine Revised Statutes, Title 17-A, section 15-A or 17. Currently, the information required of the person is limited to name and address. Date of birth is an important aid in properly identifying the person being summonsed and is currently required in Title 29-A, section 105, subsection 4. The bill also proposed to add the word "correct" relative to the information to be supplied by the person and to strike an exception relative to use of nonconforming forms that no longer is relevant;
2. Address a defect in the statute prohibiting obstruction of government administration revealed by the recent case of *State v. Matson*, 2003 ME 34, 818 A.2d 213. In *Matson*, the defendant had been convicted under the statute for physically interfering with the arrest of another person. Because the physical interference, intentionally standing in the way and refusing to move, was held to constitute something less than "force, violence or intimidation," the conviction was reversed. The focus of the crime is intentional physical interference with an official function, not "intimidation" of an officer. Harassing speech alone is not

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sufficient, but when it is accompanied by a physical act that actually interferes with an official function, the further requirement of "intimidation" is unnecessary;

3. Repeal Title 17-A, section 1158 and replace it with section 1158-A, which proposed to do the following:
 - A. Make technical drafting changes;
 - B. Clarify that forfeiture of a firearm under certain circumstances is conditioned on the State's both alleging that the firearm was used by the defendant or an accomplice during the commission of the crime in the indictment or information and proving that allegation to the fact finder beyond a reasonable doubt; and
 - C. Clarify when a court may not order as part of the sentence the forfeiture of a firearm otherwise qualifying for forfeiture. Access to the exception is available only to a person other than the defendant. The exception must be established by the other person at a point in time prior to the actual imposition of the defendant's sentence, and the burden imposed on the other person is to satisfy the court of the exception by a preponderance of the evidence.

The bill also proposed to address forfeiture of firearms other than in the context of a conviction under possession of a firearm by a prohibited person or in the context of a handgun used by the defendant or an accomplice during the commission of murder or any other unlawful homicide crime. The other person's burden would be satisfied by proof by a preponderance of the evidence that at the time of the commission of the crime, the other person had a right to possess the firearm to the exclusion of the defendant. This burden is the same as under Title 17-A, section 1158.

The bill also proposed to address forfeiture of firearms in the context of the conviction under Title 15, section 393. The other person's burden would be satisfied by proof by a preponderance of the evidence that, at the time of the commission of the crime, the person had a right to possess the firearm to the exclusion of the defendant and the person either did not know or should not have known that the defendant was a prohibited person under Title 15, section 393 or, even if the other person did know or should have known, nonetheless did not intentionally, knowingly or recklessly allow the defendant to possess or have under the defendant's control the firearm. This burden imposed upon the other person is greater than under Title 17-A, section 1158.

The bill further proposed to address forfeiture of a handgun used by the defendant or an accomplice during the commission of murder or any other unlawful homicide crime. The other person's burden would be satisfied by proof by a preponderance of the evidence that, at the time of the commission of the crime, the other person was the rightful owner from whom the handgun had been stolen and the other person was not a principal or an accomplice in the commission of the crime. It also proposed to define "handgun" for purposes of Title 17-A, section 1158-A;

4. Replace Title 17-A, section 1202, subsection 1-B in order to address the constitutional defect of 2-year probation periods for persons convicted of Class D or Class E crimes involving domestic violence, which was revealed in the recent case of State v. Hodgkins, 2003 ME 57, 822 A.2d 1187. The bill also proposed to eliminate the necessity of the State's pleading and the jury's having to find that the Class D or Class E crime involved "domestic violence" by specifically enumerating the Class D or Class E crimes that automatically qualify and by having the State plead and the jury find that the qualifying crime was committed by the person "against a family or household member," as defined in Title 19-A, section 4002, subsection 4. The bill also proposed to make clear that imposition of the extended period of probation is further conditioned upon the court's ordering the person to complete a certified batterers' intervention program as defined in Title 19-A, section 4014. This precondition is necessary because only one program currently exists for female defendants, and a program may not be reasonably available for certain male defendants. The bill also

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proposed to clarify that termination of the extended probation period requires a judicial finding that the probationer has served at least one year of probation, has successfully completed a certified batterers' program and has met all other conditions of probation;

5. Clarify that in the event there is a failure by the State to comply with the time limits set forth in Title 17-A, section 1205-C, a court may, but is not required to, issue an order that, pending initial appearance, the probationer be released on personal recognizance;
6. Eliminate the constitutional question raised by Maine's 2-tier system for terms of imprisonment for Class A crimes by replacing that system with a single 0 - to 30-year range. This change anticipates that the Law Court, through the case-by-case sentence review process, will develop and apply criteria that will avoid the imposition of excessively harsh sentences within the single range.

In 1988 the Legislature doubled the maximum sentence of imprisonment for all Class A crimes from 20 years to 40 years. In 1991 the Law Court examined the legislative history of the relevant 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- to 40-year sentences was reserved "only for the most heinous and violent crimes committed against a person." The sentencing court was to apply this "heinousness" standard "in its discretion" as a sentencing factor, subject to appellate review.

This 2-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 maximum punishment of up to 20 years to the "expanded range" of 20 to 40 years, it is potentially unconstitutional absent legislative correction; and

7. Add the culpable mental state of "intentionally" to Title 29-A, section 105, subsection 4, regarding the enforcement of the motor vehicle laws, to conform it to Title 17-A, sections 15-A and 17.

Committee Amendment "A" (H-853) was the majority report of the Joint Standing Committee on Criminal Justice and Public Safety and proposed to clarify the burden of proof in cases regarding forfeiture of firearms and to add the Class D crime of criminal restraint to crimes involving domestic violence for purposes of 2-year sentences of probation. The amendment also proposed to add a fiscal note.

Committee Amendment "B" (H-854) was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety and proposed to clarify the burden of proof in cases regarding forfeiture of firearms, add the Class D crime of criminal restraint to crimes involving domestic violence for purposes of 2-year sentences of probation and eliminate the 2-tier sentencing system for Class A crimes. Unlike Committee Amendment "A," this amendment proposed to eliminate the constitutional doubts raised by our 2-tier system for Class A crimes by enumerating certain Class A crimes or certain forms of Class A crimes for which a 40-year ceiling is authorized. All other Class A crimes, or forms of Class A crimes, would be subject to a 20-year sentencing ceiling. The Class A crimes and forms of Class A crimes to which the 40-year ceiling would have application are of a similar nature and constitute the most serious antisocial and violent Class A crimes. Given the nature of those included, even in the absence of serious criminal history or other aggravating circumstances of the offender, a period of incarceration in excess of 20 years might properly be merited based upon the particular circumstances of the crime as committed by the offender when compared against all possible means of committing that crime. The amendment also proposed to add a fiscal note. This amendment was not adopted.

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Enacted Law Summary

Public Law 2003, chapter 657 does the following.

1. It adds "date of birth" to the information that must be provided to a law enforcement officer upon request by the person to whom a summons is issued or delivered, adds the word "correct" relative to the information to be supplied by the person and strikes an exception relative to use of nonconforming forms that no longer is relevant.
2. It addresses a defect in the statute prohibiting obstruction of government administration.
3. It repeals Title 17-A, section 1158 and replaces it with section 1158-A, which clarifies statutes dealing with forfeiture of firearms.
4. It replaces Title 17-A, section 1202, subsection 1-B in order to address the constitutional defect of 2-year probation periods for persons convicted of Class D or Class E crimes involving domestic violence and eliminates the necessity of the State's pleading and the jury's having to find that the Class D or Class E crime involved "domestic violence" by specifically enumerating the Class D or Class E crimes that automatically qualify and by having the State plead and the jury find that the qualifying crime was committed by the person "against a family or household member," as defined in Title 19-A, section 4002, subsection 4. It also makes clear that imposition of the extended period of probation is further conditioned upon the court's ordering the person to complete a certified batterers' intervention program as defined in Title 19-A, section 4014 and that termination of the extended probation period requires a judicial finding that the probationer has served at least one year of probation, has successfully completed a certified batterers' program and has met all other conditions of probation.
5. It clarifies that, in the event there is a failure by the State to comply with the time limits set forth in Title 17-A, section 1205-C for initial proceedings on a probation violations, a court may, but is not required to, issue an order that, pending initial appearance, the probationer be released on personal recognizance.
6. It eliminates the constitutional question raised by Maine's 2-tier system for terms of imprisonment for Class A crimes by replacing that system with a single 0 - to 30-year range. This change anticipates that the Law Court, through the case-by-case sentence review process, will develop and apply criteria that will avoid the imposition of excessively harsh sentences within the single range.
7. It adds the culpable mental state of "intentionally" to Title 29-A, section 105, subsection 4 regarding the enforcement of the motor vehicle laws in order to conform it to Title 17-A, sections 15-A regarding issuance of summons for a criminal offense and 17 regarding enforcement of civil actions.

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LD 1847

**An Act To Implement the Recommendations of the Commission
To Improve Community Safety and Sex Offender Accountability
Regarding Public Notification by Law Enforcement**

PUBLIC 656

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-852

LD 1847 was a recommendation of the Commission to Improve Community Safety and Sex Offender Accountability, established pursuant to Resolve 2003, chapter 75. It proposed to require law enforcement agencies to adopt a written policy regarding public notification of persons in the community required to register under the Sex Offender Registration and Notification Act of 1999. This bill proposed to require the Board of Trustees of the Maine Criminal Justice Academy to use the model notification policy developed by the Maine Chiefs of Police Association, in cooperation with sexual assault response teams and sexual assault crisis centers.

Committee Amendment "A" (H-852) proposed to strike language that required the Board of Trustees of the Maine Criminal Justice Academy to use a model sex offender notification policy developed by the Maine Chiefs of Police Association. Under the bill the Board of Trustees of the Maine Criminal Justice Academy was directed to set minimum standards for a notification policy as authorized by statute, which is consistent with the board's common practice. The amendment proposed that, in setting minimum policy standards, in accordance with the Maine Revised Statutes, Title 25 the board is strongly encouraged to seek input from the Maine Chiefs of Police Association, sexual assault response teams and sexual assault crisis centers.

Enacted Law Summary

Public Law 2003, chapter 656 is one of the recommendations of the Commission to Improve Community Safety and Sex Offender Accountability, established pursuant to Resolve 2003, chapter 75. Public Law 2003, chapter 656 directs the Board of Trustees of the Maine Criminal Justice Academy to set minimum policy standards for law enforcement agencies to use in developing community notification policies regarding sex offenders.

LD 1855

**An Act To Implement the Recommendations of the Commission
To Improve Community Safety and Sex Offender Accountability**

ONTP

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

LD 1855 proposed to implement the recommendations of the Commission to Improve Community Safety and Sex Offender Accountability, which was created pursuant to Resolve 2003, chapter 75. The commission was established to provide a legislative forum to review criminal sentencing laws for sex crimes and to review sex offender registration and notification laws and policies. The purpose of this commission's review was to take a thoughtful and comprehensive look at Maine's sex offender laws and to identify areas in which immediate legislative and policy change is necessary to increase community safety. The bill proposed to do the following:

1. Raise the classification of sex crimes committed against children who have not attained 12 years of age. Without imposing new minimum mandatory sentences, the bill proposed to provide courts, when victims are

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under 12 years of age, with an increased potential range of penalties by raising by one class the following crimes:

- A. Unlawful sexual contact when the actor is at least 3 years older than the victim, from a Class C crime to a Class B crime, and when the actor is at least 3 years older than the victim and there is penetration, from a Class B crime to a Class A crime;
 - B. Visual sexual aggression against a child, from a Class D crime to a Class C crime;
 - C. Sexual misconduct with a child, from a Class D crime to a Class C crime;
 - D. Solicitation of a child by computer to commit a prohibited act, from a Class D crime to a Class C crime;
 - E. Violation of privacy, from a Class D crime to a Class C crime;
 - F. Sexual exploitation of minors, from a Class B crime to a Class A crime;
 - G. Dissemination of sexually explicit materials, from a Class C crime to a Class B crime for the first offense and from a Class B crime to a Class A crime for a subsequent offense; and
 - H. Possession of sexually explicit materials, from a Class D crime to a Class C crime and from a Class C crime to a Class B crime for a subsequent offense;
2. Allow courts to have the option to impose a sentence of imprisonment in excess of 20 years, based upon the fact that the victim is under 12 years of age, for the Class A crimes of gross sexual assault and repeat sexual exploitation of minors;
 3. Increase the period of probation for persons convicted of sex crimes committed against children who have not attained 12 years of age. Without imposing minimum mandatory sentences, the bill proposed to provide courts, when victims are under 12 years of age, with an increased potential range of penalties by increasing periods of probation for persons convicted under the Maine Revised Statutes, Title 17, chapter 93-B or Title 17-A, chapter 11 as follows:
 - A. For a person convicted of a Class A crime, a period of probation not to exceed 18 years;
 - B. For a person convicted of a Class B crime, a period of probation not to exceed 12 years; and
 - C. For a person convicted of a Class C crime, a period of probation not to exceed 6 years;
 4. Allow the court to have the option to impose a sentence of probation of up to 18 years based upon the fact that the defendant was convicted of gross sexual assault after having been previously convicted and sentenced for a Class B crime or Class C crime of unlawful sexual contact;
 5. Rename "dangerous sexual offender," defined in Title 17-A, section 1252, subsection 4-B, as "repeat sexual assault offender;"
 6. Allow courts to have the option to impose a sentence of imprisonment in excess of 20 years, based upon the fact that the defendant was convicted of gross sexual assault after having been previously convicted and sentenced for a Class B crime or Class C crime of unlawful sexual contact;

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7. Change the names of registration categories in the Sex Offender Registration and Notification Act of 1999, also known as the "SORNA," from "sexually violent predators" and "sex offenders" to "lifetime registrants" and "10-year registrants," respectively;
8. Move Class D or Class E offenses that currently require lifetime registration as "sexually violent predators" under the SORNA of 1999 to 10-year registration for "sex offenders;"
9. Make technical drafting changes to the SORNA of 1999, including:
 - A. Adding to the list of registerable offenses the former crime of rape, restoring the former crimes of unlawful sexual contact and solicitation of a child by computer to commit a prohibited act and moving from the definition of "sex offense" to "sexually violent offense" the crimes of unlawful sexual contact that involve penetration;
 - B. Making registration requirements consistent by removing from the crime of "kidnapping" the defense that the actor is a parent, which is consistent with the crime of criminal restraint for purposes of sex offender registration; and
 - C. Defining the terms "another state," "registrant," "jurisdiction," and "tribe" to be more consistent with federal law;
10. Authorize the State to suspend the requirement that a sex offender or sexually violent predator register during any period in which the registrant leaves the State, establishes a domicile in another state and remains physically absent from the State;
11. Increase from \$25 to \$35 the sex offender and sexually violent predator fee for initial registration and annual renewal registration and specify that the law enforcement agency that processes registrants' pictures and fingerprints receives \$10 of the fee;
12. Make all changes to the Sex Offender Registration and Notification Act of 1999 retroactive to June 30, 1992;
13. Direct the Department of Behavioral and Developmental Services, the Department of Human Services, the Department of Corrections and the Department of Public Safety, in cooperation with the Child Abuse Action Network, to:
 - A. Identify the subpopulation of potential offenders or young persons at risk of offending because they have been sexually or physically abused or face a significant mental health disability, with recognition of the fact that over 95% of sex offenders are male;
 - B. Identify the types of prevention and treatment currently known to work with these young persons;
 - C. Coordinate prevention and education efforts with the goal of seeking coordinated services to transition at-risk youth to healthy adulthood; and
 - D. Report findings to the joint standing committees of the Legislature having jurisdiction over health and human services and criminal justice and public safety matters; and
14. Direct the Criminal Law Advisory Commission to:
 - A. Review the Sex Offender Registration and Notification Act of 1999 to identify all crimes of gross sexual assault and unlawful sexual contact that currently do not require any registration;

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- B. Assess whether the current Maine crimes listed as sex offenses and sexually violent offenses are appropriate under the federal guidelines for the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, 42 United States Code, Section 14071, as amended; and
- C. Report its findings and any proposed changes to the Joint Standing Committee on Criminal Justice and Public Safety.

LD 1855 was not enacted, but an amended version of the bill was incorporated into Committee Amendment "A" (H-860) to LD 1903, which was enacted as Public Law 2003, chapter 711.

LD 1856 **An Act To Implement the Recommendations of the Commission
To Improve the Sentencing, Supervision, Management and
Incarceration of Prisoners** **PUBLIC 707**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-833 H-976 BLANCHETTE S-571 GAGNON
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LD 1856 proposed to implement a number of the recommendations of the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners, which was created pursuant to Public Law 2003, chapter 451. The bill proposed to add 2 additional legislators to the membership of the commission and to extend the initial reporting date of the commission to February 2, 2004. The bill also proposed to extend the life of the commission to January 1, 2005, authorizing additional meetings and a final report, including legislation, to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters. Finally, LD 1856 proposed to authorize the commission to carry forward any remaining funds appropriated in fiscal year 2004-05.

Committee Amendment "A" (H-833) proposed to increase from 17 to 23 the membership of the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners. The new members proposed to be added include a representative of the Maine Chiefs of Police Association; domestic violence and sexual assault victims service providers; the Commissioner of Inland Fisheries and Wildlife; and one senator representing the 2nd-largest political party in the Senate and one representative representing the 2nd-largest political party in the House of Representatives. The amendment proposed that Legislators may continue to serve on the commission, even if not reelected to serve in the Legislature in November 2004. The amendment also proposed to add a fiscal note.

House Amendment "A" (H-976) proposed to strike the emergency preamble and the emergency clause from the bill.

Senate Amendment "A" (S-571) proposed to amend the bill to conform to the study guidelines approved by the Legislative Council. Specifically, the amendment proposed to specify that the commission is authorized to meet only 4 more times and to report its findings to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by November 3, 2004, instead of by January 1, 2005.

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Enacted Law Summary

Public Law 2003, chapter 707 increases from 17 to 23 the membership of the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners, which was created pursuant to Public Law 2003, chapter 451. The new members added include a representative of the Maine Chiefs of Police Association; domestic violence and sexual assault victims service providers; the Commissioner of Inland Fisheries and Wildlife; and one senator representing the 2nd-largest political party in the Senate and one representative representing the 2nd-largest political party in the House of Representatives. Legislators may continue to serve on the commission, even if not reelected to serve in the Legislature in November 2004. Public Law 2003, chapter 707 also extends the life of the commission to January 2005, authorizing 4 additional meetings and a final report, including legislation, to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters.

LD 1903

An Act To Further Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners and the Recommendations of the Commission To Improve Community Safety and Sex Offender Accountability

PUBLIC 711

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-860 H-884 BLANCHETTE S-601 CATHCART

LD 1903 proposed to implement the recommendations of the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners, which was established pursuant to Public Law 2003, chapter 451. The bill proposed to do the following:

1. Expand the responsibility of the Judicial Branch's Drug Coordinator to include all criminal diversion programs and changes the title of the position to "Coordinator of Diversion and Rehabilitation Programs;"
2. Increase the monetary threshold for classification of theft crimes for Class C and Class D crimes, including the crimes of forgery and negotiating a worthless instrument;
3. Decrease from a Class C to a Class D crime burglary of a motor vehicle;
4. Decrease from a Class C to a Class D crime an inmate's failure to appear for work, school or a meeting with the inmate's supervising officer while the inmate is on intensive supervision or supervised community confinement;
5. Create 2 new sentencing alternatives, deferred disposition and administrative release, and authorize the court to convert probation to administrative release;
6. Restrict the use of probation for Class D and Class E crimes to only those crimes involving domestic violence, sex offenses and repeat OUI offenses.

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7. Reduce for all crimes, except those under the Maine Revised Statutes, Title 17-A, chapter 11 and Title 17-A, section 854, excluding subsection 1, paragraph A, subparagraph (1) of that section, the length of time a person may be sentenced to probation to 4 years for a Class A crime, 3 years for a Class B crime and 2 years for a Class C crime;
8. Grant the sentencing court the authority to deviate from a mandatory minimum sentence and mandatory minimum fine in those circumstances when the court determines 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 must consider specific factors before deviating from the mandatory minimum;
9. Require a notice of a defendant's release sent to a victim to include a phone number or address of a publicly accessible site on the Internet so the victim can learn the earliest possible date of the expiration of the imprisonment portion of the defendant's sentence;
10. Provide that a person who is entitled to a deduction from that person's sentence for time spent in detention may be given additional detention credit for good behavior during the time spent in detention;
11. Increase the amount of good behavior good time that may be awarded from 2 to 4 days, except for persons convicted of gross sexual assault or murder;
12. Expand the concept of good time earned for work to include good time earned for education and rehabilitation and increase the amount that may be awarded from 3 to 5 days for prisoners in state facilities participating in community programs;
13. Reward counties that use 50% of their community corrections program funding on diversion programs by reallocating funds from counties that do not comply with the requirement to use 20% of their funds on community corrections programs;
14. Direct the Department of Behavioral and Developmental Services, the Department of Corrections and county sheriffs to develop a joint plan of action to address mental illness in the criminal justice community;
15. Place a moratorium on any amendments to the Maine Criminal Code with the exception of changes recommended by the Commission to Improve Community Safety and Sex Offender Accountability;
16. Direct the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners to undertake a study to determine the impacts of Maine's sentencing laws on inmate population and direct the Criminal Law Advisory Commission to assist the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners with a review of all minimum mandatory sentences and to propose amending any it finds are no longer necessary;
17. Direct the Department of Corrections to maximize early termination of probation under current law, with appropriate victim notice and urge judges to give deference to applications for early termination of probation; and
18. Appropriate funding to carry out the purposes of this bill.

Committee Amendment "A" (H-860) proposed to replace the bill and combine the recommendations of the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners and the recommendations of the Commission to Improve Community Safety and Sex Offender Accountability, which was established pursuant to Resolve 2003, chapter 75. The amendment also proposed to incorporate proposed changes

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to LD 617, "An Act Amending the Time by Which a Sex Offender or Sexually Violent Predator Must Register" and LD 1729, "An Act to Strengthen the Sex Offender Registration and Notification Act of 1999."

Part A of the amendment proposed to incorporate the recommendations of the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners. Part A of the amendment proposed to do the following:

1. Expand the responsibility of the judicial branch's Drug Coordinator to include all criminal diversion programs and change the title of the position to "Coordinator of Diversion and Rehabilitation Programs;"
2. Remove from the bill language that proposed to increase the monetary threshold for certain theft offenses;
3. Repeal and replace the section of law regarding the crime of burglary of a motor vehicle, breaking the crime into a Class C offense if the burglary involves a forcible entry and a Class D offense if there is no force used in entering the vehicle;
4. Amend the section of law regarding the Class C crime of escape by removing from the crime an inmate's failure to appear for work, school or a meeting with the inmate's supervising officer while that inmate is on intensive supervision or supervised community confinement. The amendment proposed to make failure to do any of these an administrative violation under the Department of Corrections;
5. Create 2 new sentencing alternatives. Deferred disposition may be used for certain persons who have pled guilty to a Class C, Class D or Class E crime. Administrative release may be used for certain persons who have been convicted of a Class D or Class E crime. The amendment proposed to authorize the court to convert probation to administrative release and authorize the use of bail for deferred disposition;
6. Restrict the use of probation for Class D and Class E crimes to those crimes involving domestic violence, sex offenses and repeat OUI offenses;
7. Reduce for all crimes, except those involving domestic violence and sex offenses, the length of time a person may be sentenced to probation to 4 years for Class A crimes, 3 years for Class B crimes and 2 years for Class C crimes. Sex offenses and crimes involving domestic violence continue to be eligible for probation not to exceed 6 years for Class A crimes and not to exceed 4 years for Class B crimes and Class C crimes;
8. Clarify that, once a period of probation has commenced, the court has authority to terminate that probation at any time;
9. Remove from the bill language that proposed to 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 public safety;
10. Remove from the bill language that proposed to require that a notice of a defendant's release sent to a victim include a phone number or address of a publicly accessible site on the Internet so the victim can learn the earliest possible date of the expiration of the imprisonment portion of the defendant's sentence;
11. Provide that a person who is entitled to a deduction from that person's sentence for time spent in detention may be given additional detention credit of up to 2 days per month for good behavior during the time spent in detention;

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12. Except for persons who commit murder, sex offenses or crimes involving domestic violence, increase the amount of good behavior good time that may be awarded from 2 to 4 days. The increase in good time may be applied to persons who commit crimes on or after August 1, 2004. Persons convicted of the excepted crimes continue to be eligible for a total of only 5 days of good time per month as allowed under current law. The 5-day total includes a combination of good behavior and meritorious good time;
13. Except for persons who commit murder, sex offenses or crimes involving domestic violence, expand the concept of good time earned for work to include good time earned for education and rehabilitation and increase the amount that may be awarded from 3 to 5 days for prisoners in state facilities participating in community programs. The increase in good time may be applied to persons who commit crimes on or after August 1, 2004. Again, persons convicted of the excepted crimes continue to be eligible for a total of only 5 days of good time per month as allowed under current law. The 5-day total includes a combination of good behavior and meritorious good time. The amendment proposed that those eligible for the increases in good time may earn up to a total of 9 days per month;
14. Preclude a court, in setting the appropriate length of a term of imprisonment, from factoring in the potential impact of good time deductions provided under the Maine Revised Statutes, Title 17-A, section 1253, except in cases in which the parties jointly recommend a "time served" sentence or recommend a sentence in which the total term of imprisonment or an unsuspended portion of that term has been calculated to achieve a specific projected release date;
15. Replace the proposed language regarding community corrections funds and direct each county to provide documentation verifying to the Department of Corrections that 20% of its funds under the County Jail Prisoner Support and Community Corrections Fund were expended on community corrections in order to receive that 20% of its distribution in the following year. The amendment proposed that if a county cannot verify the required expenditure, that county's 20% will be distributed to the counties that are in compliance, based on the percentage distribution rate described in Title 34-A, section 1210-A, subsection 3;
16. Give the Commissioner of Corrections authority to place on supervised community confinement a prisoner with 2 years of incarceration remaining, if that prisoner meets all other eligibility requirements for supervised community confinement. However, the amendment proposed that the commissioner may not use this expanded authority until the average statewide probation caseload is no more than 90 probationers to one probation officer;
17. Amend the reporting requirements of the bill that direct the Department of Corrections and the Department of Behavioral and Developmental Services to create a plan of action to address mental illness in the criminal justice system. The amendment proposed to direct the departments to report to the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners by July 1, 2004 and to report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 2005;
18. Remove from the bill language that proposed to place a one-year moratorium on changes to the Maine Criminal Code;
19. Remove from the bill language that proposed to require the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners, in cooperation with the Criminal Law Advisory Commission, to review, assess and make recommendations regarding the impacts of sentencing and minimum mandatory sentences; and
20. Request that, by May 1, 2005, the courts and the district attorneys, within existing resources, report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters

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the following: how often the sentencing alternatives of deferred disposition and administrative release were used and an assessment of the effectiveness of these alternatives in ensuring the accountability and rehabilitation of offenders, as well as any impact on recidivism rates; the impact of the use of deferred disposition and administrative release on the resources of the courts; the impact of the use of deferred disposition and administrative release on the resources of the district attorneys; and any recommendations regarding how to improve the procedures for imposing and enforcing the sentencing alternatives of deferred disposition and administrative release.

Parts B, C and D of Committee Amendment "A" to LD 1903 proposed to incorporate the recommendations of the Commission to Improve Community Safety and Sex Offender Accountability and the proposed changes to LD 617, "An Act Amending the Time by Which a Sex Offender or Sexually Violent Predator Must Register" and LD 1729, "An Act to Strengthen the Sex Offender Registration and Notification Act of 1999." Specifically, Part B proposed to do the following:

1. Repeal the chapter dealing with sexual exploitation of minors, Title 17, chapter 93-B, reenact it as Title 17-A, chapter 12 and correct related cross-references;
2. Raise the classification of sex crimes committed against children who have not attained 12 years of age. Without imposing new minimum mandatory sentences, the amendment proposed to provide courts, when victims are under 12 years of age, with an increased potential range of penalties by raising by one class the following crimes:
 - A. Unlawful sexual contact when the actor is at least 3 years older than the victim, from a Class C crime to a Class B crime, and when the actor is at least 3 years older than the victim and there is penetration, from a Class B crime to a Class A crime;
 - B. Visual sexual aggression against a child, only when the person acts for the purpose of arousing or gratifying sexual desire, from a Class D crime to a Class C crime;
 - C. Sexual misconduct with a child, from a Class D crime to a Class C crime;
 - D. Solicitation of a child by computer to commit a prohibited act, from a Class D crime to a Class C crime;
 - E. Sexual exploitation of a minor, from a Class B crime to a Class A crime;
 - F. Dissemination of sexually explicit materials, from a Class C crime to a Class B crime for the first offense and from a Class B crime to a Class A crime for a subsequent offense; and
 - G. Possession of sexually explicit materials, from a Class D crime to a Class C crime and from a Class C crime to a Class B crime for a subsequent offense;
3. Increase the period of probation for persons convicted of sex crimes committed against children who have not attained 12 years of age. Without imposing minimum mandatory sentences, the amendment proposed to provide courts, when victims are under 12 years of age, with an increased potential range of penalties by increasing periods of probation for persons convicted under Title 17-A, chapter 11 or 12 as follows:
 - A. For a person convicted of a Class A crime, a period of probation not to exceed 18 years;
 - B. For a person convicted of a Class B crime, a period of probation not to exceed 12 years; and
 - C. For a person convicted of a Class C crime, a period of probation not to exceed 6 years;

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4. Authorize the court to sentence a person to probation for life if the person commits gross sexual assault against a person under 12 years of age and that person has a prior conviction for committing gross sexual assault, rape or gross sexual misconduct against a victim who had not attained 12 years of age at the time of the offense. The amendment also proposed to require the court to attach, as a condition of probation, the requirement that the person participate in counseling or treatment to the satisfaction of the probation officer;
5. Require the court, when exercising its sentencing discretion, to give serious consideration to the fact that a person convicted of a Class A crime of gross sexual assault also has a previous conviction for a Class B or Class C crime of unlawful sexual contact, if the State pleads and proves that fact;
6. Require the court, when exercising its sentencing discretion, to give serious consideration to the fact that a person convicted of a crime under Title 17-A, section 253, subsection 1, paragraph C or Title 17-A, section 282, subsection 1, paragraph C or F committed the crime against a person who had not attained 12 years of age, if the State pleads and proves that fact; and
7. Rename “dangerous sexual offender,” defined in Title 17-A, section 1252, subsection 4-B, as “repeat sexual assault offender.”

Part C proposed to do the following:

1. Change the names of registration categories in the Sex Offender Registration and Notification Act of 1999, also known as the “SORNA of 1999,” from “sexually violent predators” and “sex offenders” to “lifetime registrants” and “10-year registrants,” respectively and correct references in other titles;
2. Move the 2 Class D unlawful sexual contact offenses that currently require lifetime registration to the 10-year registration category;
3. In the SORNA of 1999, amend the definition of “domicile” and create the new definition “residence” for the purpose of better tracking and verifying the location of persons who must register. It also proposes to amend the definitions of “sex offense” and “sexually violent offense” to more accurately comply with the federal registration guidelines, including adding to the list of registerable offenses the former crime of rape, restoring the former crimes of unlawful sexual contact and solicitation of a child by computer to commit a prohibited act, moving from the definition of “sex offense” to “sexually violent offense” the crimes of unlawful sexual contact that involve penetration and adding newly created offenses. The amendment also proposes to specify that for purposes of registration, criminal restraint and kidnapping committed by a parent are not registerable offenses and to add the following new definitions: “another state,” “registrant,” “jurisdiction,” and “tribe” to be more consistent with federal law;
4. Decrease the time period that registrants must register or update registration information with the State Bureau of Identification from 10 days to 5 and add the requirement that a registrant must notify the law enforcement agency having jurisdiction where the person must register or update registration information within 24 hours;
5. Authorize the State to suspend the requirement that a sex offender or sexually violent predator register during any period in which the registrant leaves the State, establishes a domicile in another state and remains physically absent from the State; and
6. Leave unchanged the annual fee paid by a person who must register under the SORNA of 1999.

Part D proposed to do the following:

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1. Direct the Department of Behavioral and Developmental Services, the Department of Human Services, the Department of Corrections and the Department of Public Safety, in cooperation with the Child Abuse Action Network and the Maine Coalition Against Sexual Assault to:
 - A. Identify the subpopulation of potential offenders or young persons at risk of offending because they have been sexually or physically abused or face a significant mental health disability, with recognition of the fact that over 95% of sex offenders are male;
 - B. Identify the types of prevention and treatment currently known to work with these young persons;
 - C. Coordinate prevention and education efforts with the goal of seeking coordinated services to transition at-risk youth to healthy adulthood; and
 - D. Report findings to the joint standing committees of the Legislature having jurisdiction over health and human services matters and criminal justice and public safety matters;
2. Incorporate the Criminal Law Advisory Commission's proposed changes to definitions under the Sex Offender Registration and Notification Act of 1999;
3. Make all changes to the Sex Offender Registration and Notification Act of 1999 retroactive to June 30, 1992; and
4. Add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-875) proposed to expand the list of Class D and Class E offenses for which probation may continue to be imposed to include:

1. A Class D or Class E crime that was initially charged by the attorney for the State as a Class A, Class B or Class C crime;
2. A Class D crime committed by a person who has a prior conviction for a Class A, Class B, Class C or Class D crime under the Maine Revised Statutes, Title 17-A; a prior conviction under the laws governing operating under the influence; or a prior conviction under the laws governing habitual offenders;
3. A Class D crime for failure to control or report a dangerous fire;
4. A Class D crime for possession of a schedule W drug; and
5. A Class D crime for cruelty to animals.

The amendment also proposed to expand the list of Class A, Class B and Class C offenses for which the current statutory length of probation may be imposed. The amendment proposed that the current statutory length of probation may be imposed if the State pleads and proves that a person was convicted of a Class A, Class B or Class C crime and has a prior conviction for a Class A, Class B, Class C or Class D crime under the Maine Revised Statutes, Title 17-A, a prior conviction under the laws governing operating under the influence or a prior conviction under the laws governing habitual offenders. The amendment also proposed that the current statutory length of probation may be imposed if the State pleads and proves that a person was convicted of unlawful trafficking in a schedule W drug, aggravated trafficking of scheduled drugs or certain offenses involving possession of a schedule W drug.

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The amendment further proposed to provide that a person sentenced to a term of imprisonment may receive a reduction in that term of imprisonment of up to 3 days per calendar month for good behavior and up to 2 days per calendar month for fulfillment of responsibilities assigned in the person's transition plan for work, education or rehabilitation programs. With these changes, the amendment proposed that a person may earn a total of 7 days of good time per calendar month after sentence and commitment, as compared to 9 days per calendar month in Committee Amendment "A." This amendment was not adopted.

House Amendment "B" to Committee Amendment "A" (H-884) proposed to correct a drafting error by removing contradictory language regarding the use of bail for deferred disposition.

Senate Amendment "A" to Committee Amendment "A" (S-601) proposed to change the date by which the courts, in consultation with the district attorneys, are requested to report to the Legislature from May 1, 2005 to September 30, 2005. This amendment proposed to eliminate the appropriation that was associated with preparation of that report in fiscal year 2004-05 and to move those costs to fiscal year 2005-06. The amendment proposed to strike sections 23 and 24 from Part A of the Committee Amendment and to require the Office of Substance Abuse and the Department of Public Safety, in consultation with the district attorneys, to prepare a preliminary report regarding deferred disposition and administrative release.

Enacted Law Summary

Public Law 2003, chapter 711 combines the recommendations of the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners, which was established pursuant to Public Law 2003, chapter 451 and the recommendations of the Commission to Improve Community Safety and Sex Offender Accountability, which was established pursuant to Resolve 2003, chapter 75. Public Law 2003, chapter 711 also incorporates proposed changes to LD 617, "An Act Amending the Time by Which a Sex Offender or Sexually Violent Predator Must Register" and LD 1729, "An Act to Strengthen the Sex Offender Registration and Notification Act of 1999."

Public Law 2003, chapter 711 makes the following changes to the laws regarding sentencing, corrections and sex offender registration and notification.

1. It expands the responsibility of the judicial branch's Drug Coordinator to include all criminal diversion programs and changes the title of the position to "Coordinator of Diversion and Rehabilitation Programs."
2. It repeals and replaces the section of law regarding the crime of burglary of a motor vehicle, breaking the crime into a Class C offense if the burglary involves a forcible entry and a Class D offense if there is no force used in entering the vehicle.
3. It amends the section of law regarding the Class C crime of escape by removing from the crime an inmate's failure to appear for work, school or a meeting with the inmate's supervising officer while that inmate is on intensive supervision or supervised community confinement. Failure to do any of these becomes an administrative violation under the Department of Corrections.
4. It creates 2 new sentencing alternatives. Deferred disposition may be used for certain persons who have pled guilty to a Class C, Class D or Class E crime. Administrative release may be used for certain persons who have been convicted of a Class D or Class E crime. The court may convert probation to administrative release and authorize the use of bail for deferred disposition.
5. It restricts the use of probation for Class D and Class E crimes to those crimes involving domestic violence, sex offenses and repeat OUI offenses.

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6. It reduces for all crimes, except those involving domestic violence and sex offenses, the length of time a person may be sentenced to probation to 4 years for Class A crimes, 3 years for Class B crimes and 2 years for Class C crimes. Sex offenses and crimes involving domestic violence continue to be eligible for probation not to exceed 6 years for Class A crimes and not to exceed 4 years for Class B crimes and Class C crimes.
7. It clarifies that, once a period of probation has commenced, the court has authority to terminate that probation at any time.
8. It provides that a person who is entitled to a deduction from that person's sentence for time spent in detention may be given additional detention credit of up to 2 days per month for good behavior during the time spent in detention.
9. Except for persons who commit murder, sex offenses or crimes involving domestic violence, it increases the amount of good behavior good time that may be awarded from 2 to 4 days. The increase in good time may be applied to persons who commit crimes on or after August 1, 2004. Persons convicted of the excepted crimes continue to be eligible for a total of only 5 days of good time per month as allowed under current law. The 5-day total includes a combination of good behavior and meritorious good time.
10. Except for persons who commit murder, sex offenses or crimes involving domestic violence, it expands the concept of good time earned for work to include good time earned for education and rehabilitation and increases the amount that may be awarded from 3 to 5 days for prisoners in state facilities participating in community programs. The increase in good time may be applied to persons who commit crimes on or after August 1, 2004. Again, persons convicted of the excepted crimes continue to be eligible for a total of only 5 days of good time per month as allowed under current law. The 5-day total includes a combination of good behavior and meritorious good time. Those eligible for the increases in good time may earn up to a total of 9 days per month.
11. It precludes a court, in setting the appropriate length of a term of imprisonment, from factoring in the potential impact of good time deductions provided under the Maine Revised Statutes, Title 17-A, section 1253, except in cases in which the parties jointly recommend a "time served" sentence or recommend a sentence in which the total term of imprisonment or an unsuspended portion of that term has been calculated to achieve a specific projected release date.
12. It amends language regarding community corrections funds to direct each county to provide documentation verifying to the Department of Corrections that 20% of its funds under the County Jail Prisoner Support and Community Corrections Fund were expended on community corrections in order to receive that 20% of its distribution in the following year. If a county cannot verify the required expenditure, that county's 20% will be distributed to the counties that are in compliance, based on the percentage distribution rate described in Title 34-A, section 1210-A, subsection 3.
13. It gives the Commissioner of Corrections authority to place on supervised community confinement a prisoner with 2 years of incarceration remaining, if that prisoner meets all other eligibility requirements for supervised community confinement. However, the commissioner may not use this expanded authority until the average statewide probation caseload is no more than 90 probationers to one probation officer.
14. It directs the Department of Corrections and the Department of Behavioral and Developmental Services to create a plan of action to address mental illness in the criminal justice system. The departments must report to the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners by July 1, 2004 and report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 2005.

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15. It requests that, by September 30, 2005, the courts, in consultation with the district attorneys, report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters the following: how often the sentencing alternatives of deferred disposition and administrative release were used and an assessment of the effectiveness of these alternatives in ensuring the accountability and rehabilitation of offenders, as well as any impact on recidivism rates; the impact of the use of deferred disposition and administrative release on the resources of the courts; the impact of the use of deferred disposition and administrative release on the resources of the district attorneys; and any recommendations regarding how to improve the procedures for imposing and enforcing the sentencing alternatives of deferred disposition and administrative release. It also requires that by February 1, 2005 the Office of Substance Abuse, in consultation with the district attorneys, make a preliminary report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding the implementation of the sentencing alternatives.
16. It repeals the chapter dealing with sexual exploitation of minors, Title 17, chapter 93-B and reenacts it as Title 17-A, chapter 12 and corrects cross-references.
17. It raises the classification of sex crimes committed against children who have not attained 12 years of age. Without imposing new minimum mandatory sentences, Public Law 2003, chapter 711 provides courts, when victims are under 12 years of age, with an increased potential range of penalties by raising by one class the following crimes:
 - A. Unlawful sexual contact when the actor is at least 3 years older than the victim, from a Class C crime to a Class B crime, and when the actor is at least 3 years older than the victim and there is penetration, from a Class B crime to a Class A crime;
 - B. Visual sexual aggression against a child, only when the person acts for the purpose of arousing or gratifying sexual desire, from a Class D crime to a Class C crime;
 - C. Sexual misconduct with a child, from a Class D crime to a Class C crime;
 - D. Solicitation of a child by computer to commit a prohibited act, from a Class D crime to a Class C crime;
 - E. Sexual exploitation of a minor, from a Class B crime to a Class A crime;
 - F. Dissemination of sexually explicit materials, from a Class C crime to a Class C crime for the first offense and from a Class B crime to a Class A crime for a subsequent offense; and
 - G. Possession of sexually explicit materials, from a Class D crime to a Class C crime and from a Class C crime to a Class B crime for a subsequent offense.
18. It increases the period of probation for persons convicted of sex crimes committed against children who have not attained 12 years of age. Without imposing minimum mandatory sentences, Public Law 2003, chapter 711 provides courts, when victims are under 12 years of age, with an increased potential range of penalties by increasing periods of probation for persons convicted under Title 17-A, chapter 11 or 12 as follows:
 - A. For a person convicted of a Class A crime, a period of probation not to exceed 18 years;
 - B. For a person convicted of a Class B crime, a period of probation not to exceed 12 years; and
 - C. For a person convicted of a Class C crime, a period of probation not to exceed 6 years.

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19. It authorizes the court to sentence a person to probation for life if the person commits gross sexual assault against a person under 12 years of age and that person has a prior conviction for committing gross sexual assault, rape or gross sexual misconduct against a victim who had not attained 12 years of age at the time of the offense. Public Law 2003, chapter 711 also requires the court to attach, as a condition of probation, the requirement that the person participate in counseling or treatment to the satisfaction of the probation officer.
20. It requires the court, when exercising its sentencing discretion, to give serious consideration to the fact that a person convicted of a Class A crime of gross sexual assault also has a previous conviction for a Class B or Class C crime of unlawful sexual contact, if the State pleads and proves that fact.
21. It requires the court, when exercising its sentencing discretion, to give serious consideration to the fact that a person convicted of a crime under Title 17-A, section 253, subsection 1, paragraph C or Title 17-A, section 282, subsection 1, paragraph C or F committed the crime against a person who had not attained 12 years of age, if the State pleads and proves that fact.
22. It renames "dangerous sexual offender," defined in Title 17-A, section 1252, subsection 4-B, as "repeat sexual assault offender."
23. It changes the names of registration categories in the Sex Offender Registration and Notification Act of 1999, also known as the "SORNA of 1999," from "sexually violent predators" and "sex offenders" to "lifetime registrants" and "10-year registrants," respectively and corrects references in other titles.
24. It moves the 2 Class D unlawful sexual contact offenses that currently require lifetime registration to the 10-year registration category.
25. In the SORNA of 1999 it amends the definition of "domicile" and creates the new definition "residence" for the purpose of better tracking and verifying the location of persons who must register. It amends the definitions of "sex offense" and "sexually violent offense" to more accurately comply with the federal registration guidelines, including adding to the list of registerable offenses the former crime of rape, restoring the former crimes of unlawful sexual contact and solicitation of a child by computer to commit a prohibited act, moving from the definition of "sex offense" to "sexually violent offense" the crimes of unlawful sexual contact that involve penetration and adding newly created offenses. It also specifies that for purposes of registration, criminal restraint and kidnapping committed by a parent are not registerable offenses. Public Law 2003, chapter 711 also adds the following new definitions: "another state," "registrant," "jurisdiction," and "tribe" to be more consistent with federal law.
26. It decreases the time period that registrants must register or update registration information with the State Bureau of Identification from 10 days to 5 and adds the requirement that a registrant must notify the law enforcement agency having jurisdiction where the person must register or update registration information within 24 hours.
27. It authorizes the State to suspend the requirement that a sex offender or sexually violent predator register during any period in which the registrant leaves the State, establishes a domicile in another state and remains physically absent from the State.
28. It directs the Department of Behavioral and Developmental Services, the Department of Human Services, the Department of Corrections and the Department of Public Safety, in cooperation with the Child Abuse Action Network and the Maine Coalition Against Sexual Assault to:

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- A. Identify the subpopulation of potential offenders or young persons at risk of offending because they have been sexually or physically abused or face a significant mental health disability, with recognition of the fact that over 95% of sex offenders are male;
- B. Identify the types of prevention and treatment currently known to work with these young persons;
- C. Coordinate prevention and education efforts with the goal of seeking coordinated services to transition at-risk youth to healthy adulthood; and
- D. Report findings to the joint standing committees of the Legislature having jurisdiction over health and human services matters and criminal justice and public safety matters.

LD 1936

An Act To Amend the Laws Governing Blood Tests for Persons Suspected of Operating Under the Influence

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNE-FRIEL GAGNON	ONTP	

LD 1936 proposed to require qualified hospital personnel to perform a blood test on a person suspected of operating under the influence of alcohol or other intoxicants when that person is transported to a hospital by a law enforcement officer. The bill also proposed to require the Commissioner of Public Safety to adopt routine technical rules establishing a rate of reimbursement for a person administering a blood test at the scene of an OUI stop or an accident.

*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Education and Cultural Affairs*

May 2004

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Rep. Mary Ellen Ledwin
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**JOINT STANDING COMMITTEE ON
EDUCATION AND CULTURAL AFFAIRS**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	16	61.5%	3.2%
<u><i>Bills Carried Over from previous session</i></u>	8	<u>30.8%</u>	<u>1.6%</u>
Total Bills referred	24	92.3%	4.9%
B. Bills reported out by law or joint order	2	7.7%	0.4%
Total Bills considered by Committee	26	100.0%	5.3%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	3	11.5%	0.6%
<i>Ought to Pass as Amended</i>	8	30.8%	1.7%
<i>Ought to Pass as New Draft</i>	1	3.8%	0.2%
<u><i>Ought Not to Pass</i></u>	<u>10</u>	<u>38.5%</u>	<u>2.1%</u>
Total unanimous reports	22	84.6%	4.6%
B. Divided committee reports			
<i>Two-way reports</i>	4	15.4%	0.8%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	4	15.4%	0.8%
Total committee reports	26	100.0%	5.5%
III. CONFIRMATION HEARINGS	14	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	6	23.1%	1.2%
<i>Private and Special Laws</i>	2	7.7%	0.4%
<i>Resolves</i>	4	15.4%	0.8%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	12	46.2%	2.4%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	1	100.0%	7.1%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	1	100.0%	7.1%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

Prepared by the Office of Policy and Legal Analysis
121st Legislature, Second Regular and Second Special Sessions

Joint Standing Committee on Education and Cultural Affairs

SUBJECT INDEX

Administration, Department of Education, State Board, and School Governance

Enacted

LD 177	Resolve, To Ensure That Emergency Medical Help Is Available to All School Children	RESOLVE 112	Page 186
LD 1716	Resolve, Regarding Participation in the Federal No Child Left Behind Act of 2001	RESOLVE 128	Page 193
LD 1768	An Act To Authorize Certain School Children To Carry Emergency Medication on Their Persons	PUBLIC 531	Page 194
LD 1869	Resolve, Regarding Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Major Substantive Rule of the Department of Education, State Board of Education	RESOLVE 121 EMERGENCY	Page 198
LD 1915	Resolve, To Implement the Recommendations of the Commission To Study the Scope and Quality of Citizenship Education	RESOLVE 143	Page 199
LD 1917	An Act To Implement the Recommendations of the Legislative Youth Advisory Council	PUBLIC 708	Page 201
LD 1960	An Act Regarding the Continued Provision of Free and Appropriate Public Education for Eligible Children of Kindergarten Age	PUBLIC 676	Page 207

Not Enacted

LD 104	An Act to Help Public Schools Promote Public Health and Address Childhood Obesity	ONTP	Page 186
LD 195	An Act To Facilitate Summer Employment for Youths	OTP-ND	Page 188
LD 230	An Act Concerning Restructuring of School Districts	ONTP	Page 188
LD 1344	An Act To Give Teachers a Greater Voice in School Improvement	DIED IN CONCURRENCE	Page 190

LD 1365	An Act To Assist Maine Educators in Meeting the Quality Requirements of the Federal Elementary and Secondary Education Act of 1965	ONTP Page 191
LD 1861	An Act To Require School Administrative Units To Report Their Costs for Legal, Consulting and Other Professional Services to the Department of Education	ONTP Page 196
LD 1885	An Act To Ensure Competitive Bidding for Maine's School Systems	ONTP Page 199
LD 1956	An Act To Establish a School Leadership District for East Millinocket, Medway and Millinocket	ONTP Page 207

Adult Education

Enacted

None

Not Enacted

LD 194	An Act to Increase the Adult Education State Subsidy by a Specific Percentage	INDEFF PP Page 187
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Alternative Education, Charter Schools and School Choice

Enacted

LD 1917	An Act To Implement the Recommendations of the Legislative Youth Advisory Council	PUBLIC 708 Page 201
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Not Enacted

None

Career and Technical Education

Enacted

LD 1649	An Act To Rename the Former Vocational-technical Secondary Education Schools, Now Called Applied Technology Centers and Regions, Career and Technical Education Centers and Regions	PUBLIC 545 Page 192
LD 1946	An Act To facilitate Summer Employment for Youths	PUBLIC 617 Page 206

Not Enacted

None

Cultural Affairs

Enacted

LD 1787	An Act To Support the New Century Community Program	P&S 50 Page 195
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Not Enacted

None

Curriculum, Instruction, Textbooks and Testing

Enacted

LD 1716	Resolve, Regarding Participation in the Federal No Child Left Behind Act of 2001	RESOLVE 128 Page 193
LD 1915	Resolve, To Implement the Recommendations of the Commission To Study the Scope and Quality of Citizenship Education	RESOLVE 143 Page 199
LD 1946	An Act To facilitate Summer Employment for Youths	PUBLIC 617 Page 206

Not Enacted

LD 195 **An Act To Facilitate Summer Employment for Youths** **OTP-ND Page 188**

Postsecondary Education Finance and Student Aid

Enacted

LD 1917 **An Act To Implement the Recommendations of the Legislative Youth Advisory Council** **PUBLIC 708 Page 201**

Not Enacted

LD 1862 **Resolve, To Create an Associate Degree Program in Radiology Technology** **INDEF PP Page 197**

LD 1864 **An Act To Recruit and Retain College Graduates through Loan Repayment** **INDEF PP Page 198**

LD 1871 **Resolve, To Provide for the Reorganization of the Student Loan Repayment and Forgiveness Programs To Better Meet the Needs of Maine Employers and the Maine Economy** **ONTP Page 199**

School Budgets

Enacted

None

Not Enacted

LD 1861 **An Act To Require School Administrative Units To Report Their Costs for Legal, Consulting and Other Professional Services to the Department of Education** **ONTP Page 196**

LD 1885 **An Act To Ensure Competitive Bidding for Maine's School Systems** **ONTP Page 199**

School Construction, Facilities and Buses

Enacted

LD 1953 An Act To Validate Certain Proceedings Authorizing
the Issuance of Bonds and Notes by the Calais School
District P & S 42 Page 206
EMERGENCY

Not Enacted

LD 149 An Act to Transfer Bureau of General Services
School Construction Functions to the Maine
Department of Education ONTP Page 186

School Finance

Enacted

LD 1924 An Act To Reduce the Cost of Local Government
through Increased State Education Funding and
Provide Property Tax Relief PUBLIC 712 Page 202

Not Enacted

LD 1679 An Act To Reimburse School Districts for Children
in Group Care Facilities ONTP Page 193

Special Education Programs and Finance

Enacted

LD 1960 An Act Regarding the Continued Provision of Free
and Appropriate Public Education for Eligible
Children of Kindergarten Age PUBLIC 676 Page 207

Not Enacted

LD 1641 An Act To Require That Rules Pertaining to
Reimbursement for Services for Child Development
Services Be Major Substantive Rules ONTP Page 192

LD 1657 Resolve, Directing the Department of Education To ONTP Page 192
Amend Its Rules Regarding Child Development
Services for Children of Kindergarten Age Who Are
Not Attending Kindergarten

LD 1679 An Act To Reimburse School Districts for Children ONTP Page 193
in Group Care Facilities

Teachers and Administrators

Enacted

LD 1716 Resolve, Regarding Participation in the Federal No RESOLVE 128 Page 193
Child Left Behind Act of 2001

LD 1869 Resolve, Regarding Portions of Chapter 115: RESOLVE 121 Page 198
Certification, Authorization and Approval of EMERGENCY
Education Personnel, a Major Substantive Rule of
the Department of Education, State Board of
Education

LD 1944 An Act To Allow Upgrading of Educational P & S 45 Page 205
Technicians EMERGENCY

Not Enacted

LD 1344 An Act To Give Teachers a Greater Voice in School DIED IN Page 190
Improvement CONCURRENCE

LD 1365 An Act To Assist Maine Educators in Meeting the ONTP Page 191
Quality Requirements of the Federal Elementary and
Secondary Education Act of 1965

Truants, Dropouts and Homeless Students

Enacted

LD 1082 An Act Regarding Habitual Truants PUBLIC 533 Page 188

Not Enacted

None

Education - Other

Enacted

LD 1953	An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the Calais School District	P & S 42 Page 206 EMERGENCY
LD 1768	An Act To Authorize Certain School Children To Carry Emergency Medication on Their Persons	PUBLIC 531 Page 194

Not Enacted

LD 104	An Act to Help Public Schools Promote Public Health and Address Childhood Obesity	ONTP Page 186
LD 195	An Act To Facilitate Summer Employment for Youths	OTP-ND Page 188

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LD 104 **An Act to Help Public Schools Promote Public Health and Address Childhood Obesity** **ONTP**

<u>Sponsor(s)</u> FAIRCLOTH DOUGLASS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 104 was carried over from the First Regular Session and proposed to direct the Department of Education to adopt rules to prohibit the sale in schools of certain foods and drinks.

During the session, the Department of Education informed the Education Committee that it would propose changes to the existing rules pertaining to nutrition programs in public schools.

LD 149 **An Act to Transfer Bureau of General Services School Construction Functions to the Maine Department of Education** **ONTP**

<u>Sponsor(s)</u> NASS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 149, a concept draft pursuant to Joint Rule 208, was carried over from the First Regular Session and proposed 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 have been 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 were delivered from a single agency.

Under the proposed bill, fees currently collected by the Bureau of General Services would have been assigned to the Department of Education to support the additional responsibility the Department of Education would have assumed. In addition, position counts at the Bureau of General Services would have been transferred to the Department of Education as necessary.

During the session, the Education Committee, by letter, requested that the State Board of Education report to the committee during the First Regular Session of the 122nd Legislature by January 14, 2005 with appropriate recommendations for the improvement of the oversight roles and responsibilities of State agencies involved in state-supported, "major capital" school construction.

LD 177 **Resolve, To Ensure That Emergency Medical Help Is Available to All School Children** **RESOLVE 112**

<u>Sponsor(s)</u> ANDREWS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-723
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LD 177 was carried over from the First Regular Session and proposed to require that a school administrative unit or private school ensure that all school personnel are certified in cardiopulmonary resuscitation.

Joint Standing Committee on Education and Cultural Affairs

Committee Amendment "A" (H-723) proposed to strike and replace the bill and changes it to a resolve. The proposed amendment directs the Department of Education, working together with the school nurse consultant, the School Health Advisory Committee and other appropriate organizations, to review the recommendations of the Cardiopulmonary Resuscitation and Automated External Defibrillators for Maine Schools Workgroup and to design a survey of school administrative units and private schools enrolling more than 60% of their students at public expense in the State regarding the extent to which schools have medical emergency response plans in place and have developed emergency response teams comprised of school personnel who hold valid certification in cardiopulmonary resuscitation and whose roles include providing an immediate response to a medical emergency, including a medical emergency resulting from sudden cardiac events.

The amendment also proposed that the Department of Education submit a report, including findings and recommended legislation, by November 3, 2004 to the joint standing committee of the Legislature having jurisdiction over education matters during the First Regular Session of the 122nd Legislature. The amendment further proposed that the joint standing committee of the Legislature having jurisdiction over education matters has the authority to introduce a bill based on the recommendations of the Department of Education report during the First Regular Session of the 122nd Legislature.

Enacted Law Summary

Resolve 2003, chapter 112 directs the Department of Education, working together with the school nurse consultant, the School Health Advisory Committee and other appropriate organizations, to review the recommendations of the Cardiopulmonary Resuscitation and Automated External Defibrillators for Maine Schools Workgroup and to design a survey of school administrative units and private schools enrolling more than 60% of their students at public expense in the State regarding the extent to which schools have medical emergency response plans in place and have developed emergency response teams comprised of school personnel who hold valid certification in cardiopulmonary resuscitation and whose roles include providing an immediate response to a medical emergency, including a medical emergency resulting from sudden cardiac events.

The law also requires the Department of Education to submit a report, including findings and recommended legislation, by November 3, 2004 for consideration by the joint standing committee of the Legislature having jurisdiction over education matters during the First Regular Session of the 122nd Legislature. The law further authorizes the joint standing committee of the Legislature having jurisdiction over education matters to introduce a bill based on the recommendations of the Department of Education report during the First Regular Session of the 122nd Legislature.

LD 194

**An Act to Increase the Adult Education State Subsidy by a
Specific Percentage**

INDEFF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS	OTP-AM MAJ ONTP MIN	H-702

LD 194, which was referred to the Joint Standing Committee on Appropriations and Financial Affairs, was carried over from the First Regular Session and proposed to increase the state adult education subsidy by 6% for each year of the 2004-2005 biennium.

Joint Standing Committee on Education and Cultural Affairs

Committee Amendment "A" (H-702) proposed to increase the state adult education subsidy by \$87,000 in fiscal year 2004-05 to reflect level funding from fiscal year 2003-04. The amendment was not adopted.

While this bill as amended was indefinitely postponed, the substance of the bill as committee amendment was included in the Part II budget bill (see P.L. 2003, c. 673, Part CCCC), in the form of a supplemental General Fund appropriation of \$87,000 in fiscal year 2004-05.

LD 195 **An Act To Facilitate Summer Employment for Youths** **OTP-ND**

<u>Sponsor(s)</u> MCGOWAN	<u>Committee Report</u> OTP-ND	<u>Amendments Adopted</u>
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LD 195 was carried over from the First Regular Session and proposed to prohibit school administrative units from commencing classes prior to Labor Day.

This bill was reported out "Ought To Pass in New Draft" by the Joint Standing Committee on Education and Cultural Affairs (see LD 1946).

LD 230 **An Act Concerning Restructuring of School Districts** **ONTP**

<u>Sponsor(s)</u> MARTIN LUNDEEN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 230, a concept draft pursuant to Joint Rule 208, was carried over from the First Regular Session and proposed the restructuring of school districts within Aroostook County to provide for only one school administrative district for the county.

LD 1082 **An Act Regarding Habitual Truants** **PUBLIC 533**

<u>Sponsor(s)</u> CLOUGH	<u>Committee Report</u> OTP-AM MAJ OTP MIN	<u>Amendments Adopted</u> H-634 H-678 CUMMINGS
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LD 1082 was carried over from the First Regular Session and proposed to amend the habitual truancy laws. It proposed to require the superintendent to send a notice to the parent of a truant informing the parent that the child is truant and the child is required by law to attend school. The bill also proposed 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 proposed to make it a Class E crime if a parent fails to enroll a child in school.

Committee Amendment "A" (H-634), which was the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to strike and replace the bill to accomplish the following changes to the habitual truancy laws:

Joint Standing Committee on Education and Cultural Affairs

1. Authorize a superintendent to designate a school official to attempt to correct the truancy problem informally;
2. Clarify that the informal efforts by the superintendent or the superintendent's designee to correct the truancy problem must include meeting with the student and the student's parents to identify possible causes of the habitual truancy and developing a plan to implement solutions to the problem, including a range of interventions. It also proposed to permit school administrators to implement a plan to address the student's habitual truancy if the student or student's parents fail to appear at scheduled meetings;
3. Require that the student join the student's parents in attending one or more meetings with the student's teacher and school administrators to reinforce the plan developed to correct the truancy or to develop an alternative plan, attempting to correct the truancy problem informally;
4. Require school administrators to arrange meeting times that are mutually convenient for the parent and for school personnel;
5. Permit school administrators to involve case managers, therapeutic treatment providers and representatives of the Department of Human Services, the Department of Behavioral and Developmental Services and the Department of Corrections to participate in the meeting or meetings scheduled to develop or reinforce a plan to implement solutions to the truancy problem;
6. Require that the superintendent or the superintendent's designee serve a written notice to the student's parent in hand or by registered mail and further requires that this notice include an outline of the plan developed to address the student's habitual truancy and the steps that have been taken to implement the plan to correct the truancy, in the event that informal efforts to correct the truancy fail;
7. Clarify that the superintendent or the superintendent's designee shall report the facts of a truant child's unlawful absence from school to the school board and the local law enforcement department;
8. Clarify that the superintendent or the superintendent's designee shall report a truant student to the local law enforcement department after 3 school days after the written notice has been served to the student's parent and the student remains in noncompliance with the compulsory attendance laws; and
9. Establish that a parent adjudicated for failing to comply with the habitual truancy laws commits a civil violation and is subject to a fine of at least \$25.

House Amendment "A" to Committee Amendment "A" (H-678) proposed to clarify that only a parent who has control of a child and is primarily responsible for that child may be subject to a civil violation.

Enacted Law Summary

Public Law 2003, chapter 533 amends the habitual truancy laws to redefine the roles and responsibilities of school superintendents and school boards in dealing with students who are truant and who are determined to be habitual truants. This law accomplishes the following changes to the habitual truancy statutes:

1. It designates the superintendent or the superintendent's designee as the school official with responsibility for attempting to correct the truancy problem; and it requires that the superintendent or the superintendent's designee shall make informal efforts to correct the truancy problem, including meeting with the student and the student's parents to identify possible causes of the habitual truancy and developing a plan to implement solutions to the problem, together with a range of interventions;

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2. It requires school administrators to arrange meeting times that are mutually convenient for the parent and for school personnel; and it also permits school administrators to implement a plan to address the student's habitual truancy if the student or student's parents fail to appear at scheduled meetings;
3. In attempting to correct the truancy problem informally, it also requires that the student join the student's parents in attending one or more meetings with the student's teacher and school administrators to reinforce the plan developed to correct the truancy or to develop an alternative plan; and it allows school administrators to involve case managers, therapeutic treatment providers and representatives of the Department of Human Services, the Department of Behavioral and Developmental Services and the Department of Corrections to participate in the meeting or meetings scheduled to develop or reinforce a plan to implement solutions to the truancy problem;
4. In the event that informal efforts to correct the truancy fail, it requires that the superintendent or the superintendent's designee serve a written notice to the student's parent in hand or by registered mail and further requires that this notice include an outline of the plan developed to address the student's habitual truancy and the steps that have been taken to implement the plan to correct the truancy;
5. It clarifies that the superintendent or the superintendent's designee shall report the facts of a truant child's unlawful absence from school to the school board and the local law enforcement department;
6. It clarifies that the superintendent or the superintendent's designee shall report a truant student to the local law enforcement department after 3 school days after the written notice has been served to the student's parent and the student remains in noncompliance with the compulsory attendance laws; and
7. It establishes that a parent who has control of a child and is primarily responsible for that child may be adjudicated for failing to comply with the habitual truancy laws and may be subject to a civil violation and to a fine of at least \$25.

Public Law 2003 chapter 688, part H, was enacted as an emergency measure effective May 7, 2004.

Note: Public Law 2003, chapter 688, part H, which enacted LD 1916, (An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine), corrects Public Law 2003, chapter 533 by repealing a cross-reference to a repealed section of law that was inadvertently not addressed in the committee amendment and which resulted in a conflict and inconsistent provision in the compulsory attendance provisions of the education statutes. The compulsory attendance provision that contains this cross-reference relates to the authority of a school board to provide a waiver to a student who has been determined to be a habitual truant and who is 15 years of age or older. Public Law 2003, chapter 688, part H, repeals that cross-reference and removes the conflict and inconsistent compulsory attendance provision.

LD 1344

An Act To Give Teachers a Greater Voice in School Improvement

**DIED IN
CONCURRENCE**

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

LD 1344 was carried over from the First Regular Session and proposed to redefine as "working conditions" several specific issues that case law has identified as "educational policy." This proposed modification to the

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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.

Committee Amendment "A" (H-804), which was the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to strike and replace the bill and, like the bill, proposed to state that school boards and bargaining agents for teachers may negotiate certain "educational policies" and proposed to clarify that school boards and bargaining agents are neither prohibited from nor required to negotiate on these issues.

The amendment also proposed to specify that the provisions of collective bargaining agreements that constitute, relate to, affect or concern "educational policies" that are bargained and agreed to are valid and enforceable for the term of the agreement and are subject to the grievance and arbitration procedures of the agreement unless expressly excluded from the grievance or arbitration procedures. (Not adopted)

Note: Several floor amendments were offered, but were not adopted.

LD 1365	An Act To Assist Maine Educators in Meeting the Quality Requirements of the Federal Elementary and Secondary Education Act of 1965	ONTP
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<u>Sponsor(s)</u> MCKEE LAFOUNTAIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1365 was carried over from the First Regular Session and proposed to require that the Department of Education 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 proposed to require that the Department of Education adopt or amend rules for the program of technical assistance.

The bill also proposed to require that the Department of Education 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.

The bill further proposed to require that the Department of Education 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 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 would have presented a report on its findings and recommendations to the Joint Standing Committee on Education and Cultural Affairs no later than December 15, 2003.

Lastly, the bill proposed to require that the Department of Education 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 those requirements.

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LD 1641 **An Act To Require That Rules Pertaining to Reimbursement for Services for Child Development Services Be Major Substantive Rules** **ONTP**

<u>Sponsor(s)</u> CRAVEN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1641, which was referred to the Joint Standing Committee on Health and Human Services, proposed to require that rules adopted by the Commissioner of Education pertaining to reimbursement to providers of services to children and families under the Maine Revised Statutes, Title 20-A, chapter 307-A be major substantive rules.

LD 1649 **An Act To Rename the Former Vocational-technical Secondary Education Schools, Now Called Applied Technology Centers and Regions, Career and Technical Education Centers and Regions** **PUBLIC 545**

<u>Sponsor(s)</u> LEDWIN MITCHELL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-685
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LD 1649 proposed to changes the words "applied technology" to "applied career technology" throughout the Maine Revised Statutes.

Committee Amendment "A" (H-685) proposed to changes the words "applied technology" to "career and technical" throughout the Maine Revised Statutes.

Enacted Law Summary

Public Law 2003, chapter 545 changes the words "applied technology" to "career and technical" throughout the Maine Revised Statutes.

LD 1657 **Resolve, Directing the Department of Education To Amend Its Rules Regarding Child Development Services for Children of Kindergarten Age Who Are Not Attending Kindergarten** **ONTP**

<u>Sponsor(s)</u> THOMAS CATHCART		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1657 proposed to direct the Department of Education to amend its rules regarding the provision of child development services for children of kindergarten age who are not attending kindergarten.

Joint Standing Committee on Education and Cultural Affairs

LD 1679

An Act To Reimburse School Districts for Children in Group Care Facilities

ONTP

Sponsor(s)
HALL

Committee Report
ONTP

Amendments Adopted

LD 1679 proposed to provide that the General Purpose Aid for Local Schools program would provide state subsidy for 100% of the actual special education costs of the placement of state agency clients and state wards in a residential placement within the unit. Under this bill, the Commissioner of Education would have been 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 that the General Purpose Aid for Local Schools program fully fund the local share of actual local special education costs, the local share of the foundation allocation and the actual local per-pupil expenditure for each state ward, state agency client and out-of-district placement who is educated as a tuition student in another school administrative unit or at a private school.

At the end of the session, the Education Committee, by letter, requested that the Commissioner of Education report to the committee during the First Regular Session of the 122nd Legislature with appropriate recommendations for the level of state subsidy that should be provided to local school administrative units for the actual special education costs of the placement of state agency clients and state wards in a residential placement within the unit.

LD 1716

Resolve, Regarding Participation in the Federal No Child Left Behind Act of 2001

RESOLVE 128

Sponsor(s)
BRENNAN

Committee Report
OTP-AM

Amendments Adopted
S-443

LD 1716 proposed to prohibit the Department of Education from using state funds to implement the policies of the federal No Child Left Behind Act of 2001. The resolve also proposed to require the Department of Education to investigate the costs and benefits of not participating in the federal No Child Left Behind Act of 2001. The resolve further proposed to require the department to submit its findings to the Joint Standing Committee on Education and Cultural Affairs by March 15, 2004.

Committee Amendment "A" (S-443) proposed to strike and replace the resolve to accomplish the following.

1. It removed the emergency preamble and the emergency clause.
2. It clarified that the prohibition on the use of state funds to participate in the federal No Child Left Behind Act of 2001 would not prohibit the State from expending other state funds for activities that the Department of Education was already conducting consistent with the federal No Child Left Behind Act of 2001, or for activities authorized in the state budgets for fiscal year 2003-04 and fiscal year 2004-05.

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3. It made an exception to the prohibition on the use of state funds to implement the policies of the federal No Child Left Behind Act of 2001 by authorizing the Department of Education to use state funds to conduct the investigation of the costs and benefits of participating in the federal No Child Left Behind Act of 2001.
4. It clarified that the investigation required by the resolve should focus on the costs and benefits of aligning the federal No Child Left Behind Act of 2001 with Maine's system of learning results and should include a comprehensive analysis of the costs and benefits of participating in the federal No Child Left Behind Act of 2001.
5. It changed the reporting date for the Department of Education to submit its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over education matters to January 15, 2005.

Enacted Law Summary

Resolve 2003, chapter 128 requires the Department of Education to investigate the costs and benefits of participating in the federal No Child Left Behind Act of 2001. This investigation must focus on the costs and benefits of aligning the federal No Child Left Behind Act of 2001 with Maine's system of learning results and must include a comprehensive analysis of the costs and benefits of participating in the federal No Child Left Behind Act of 2001. The resolve also requires the Department of Education to submit its findings and recommendations from this investigation to the joint standing committee of the Legislature having jurisdiction over education matters by January 15, 2005.

The resolve also prohibits the Department of Education from using state funds to implement the policies mandated by the federal No Child Left Behind Act of 2001 that are not funded by the federal government under the No Child Left Behind Act of 2001, except for state funds necessary to accomplish the following:

1. The State may accept, administer and distribute federal funds made available to the State under the No Child Left Behind Act of 2001 in accordance with federal law and regulations even if there is a conflict with state statutes and rules;
2. The State may expend state funds for activities that the Department of Education was already conducting consistent with the federal No Child Left Behind Act of 2001, or for activities authorized in the state budgets for fiscal year 2003-04 and fiscal year 2004-05; and
3. The Department of Education may use state funds to conduct the investigation of the costs and benefits of participating in the federal No Child Left Behind Act of 2001 and to submit its report and recommendations to the Legislature as required by this resolve.

LD 1768

**An Act To Authorize Certain School Children To Carry
Emergency Medication on Their Persons**

PUBLIC 531

Sponsor(s)
BARSTOW
DOUGLASS

Committee Report
OTP-AM

Amendments Adopted
H-674

LD 1768 proposed to require any public or approved private school to adopt a written local policy and procedure allowing students to possess and self-administer asthma inhalers in schools. The bill proposed to require that

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schools receive written approval from the student's parent or guardian and the student's physician before authorizing the student to self-administer an asthma inhaler. The bill also proposed to require the student's parent or guardian to provide written verification from the physician confirming that the student has the knowledge and the skills to safely possess and use an asthma inhaler in a school.

Committee Amendment "A" (H-674) proposed to change the title of the bill and proposed to strike and replace the bill to expand the provisions of the bill regarding the possession and self-administration of an asthma inhaler to include the possession and self-administration of an epinephrine pen. The amendment proposed to require a public school or private school approved for attendance purposes by the Department of Education to adopt a written local policy allowing students to possess and self-administer asthma inhalers and epinephrine pens in the school. It also proposed to require that a school receive written approval from the student's parent or guardian and the student's primary health care provider before the school authorizes the student to self-administer an asthma inhaler or an epinephrine pen. It further proposed to require the student's parent or guardian to provide written verification from the primary health care provider confirming that the student has the knowledge and the skills to safely possess and use an asthma inhaler or an epinephrine pen in a school. Finally, it proposed to require that the school nurse evaluate the student's technique to ensure proper and effective use of an asthma inhaler or an epinephrine pen in school.

Enacted Law Summary

Public Law 2003, chapter 531 requires public schools and private schools approved for attendance purposes by the Department of Education to adopt a written local policy allowing students to possess and self-administer asthma inhalers and epinephrine pens in the school. The written local policy must include the following requirements:

1. That the school receives written approval from the student's parent or guardian and the student's primary health care provider before the school authorizes the student to self-administer an asthma inhaler or an epinephrine pen;
2. That the student's parent or guardian provides written verification from the primary health care provider confirming that the student has the knowledge and the skills to safely possess and use an asthma inhaler or an epinephrine pen in a school; and
3. That the school nurse evaluate the student's technique to ensure proper and effective use of an asthma inhaler or an epinephrine pen in school.

LD 1787

An Act To Support the New Century Community Program

P&S 50

<u>Sponsor(s)</u> BRUNO ROTUNDO	<u>Committee Report</u> OTP	<u>Amendments Adopted</u> S-594 CATHCART
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LD 1787 was referred to the Joint Standing Committee on Appropriations and Financial Affairs and proposed to provide funding to the New Century Community Program. This bill proposed to include an on-going General Fund appropriation of \$4,500,000 beginning in fiscal year 2004-05 to the Maine State Cultural Affairs Council for the New Century Community Program. The goals of the program are to strengthen local cultural resources, including community arts activities, humanities programs and historic preservation activities; provide educational services beyond the reach of the standard educational system; and preserve both the State's material culture and its built environment through grants for preservation and restoration.

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Senate Amendment "A" (S-594) proposed to provide reduced funding for the New Century Community Program in 2004-05. The amendment proposed to provide a General Fund appropriation of \$100,000 in fiscal year 2004-05 to the Maine State Cultural Affairs Council for the New Century Community Program. The amendment also proposed that any amounts unencumbered at the end of each fiscal year would not lapse but must be carried forward to be used for the same purpose.

Enacted Law Summary

Private & Special Law 2003, chapter 50 provides a General Fund appropriation of \$100,000 in fiscal year 2004-05 to the Maine State Cultural Affairs Council for the New Century Community Program. The law also provides that any amounts unencumbered at the end of each fiscal year shall not lapse but must be carried forward to be used for the same purpose.

LD 1861 **An Act To Require School Administrative Units To Report Their Costs for Legal, Consulting and Other Professional Services to the Department of Education** **ONTP**

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

LD 1861 proposed to require local school units to provide an itemized report of all expenditures for legal, consulting and other professional services.

Committee Amendment "A" (S-477), which was the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to strike and replace the bill with an amendment that clarifies that, beginning in fiscal year 2005-06, the annual reports submitted by school superintendents to the Commissioner of Education would be filed in the format and within the time periods specified by the commissioner. The amendment further proposed to provide that the annual report filed by superintendents would include a detailed report of all school administrative unit expenses for legal, consulting and other professional services in the format required by the Commissioner of Education to implement the Maine Education Data Management System in fiscal year 2005-06. The amendment also proposed to add an effective date of July 1, 2005. (Not adopted.)

During the session, the Education Committee, by letter, requested that the Commissioner of Education report to the committee during the legislative interim with a status report of the Department of Education's plans for revising the Handbook II-R and related reporting forms and with an updated timeline for the implementation of the Maine Education Data Management System project, which is scheduled for deployment in fiscal year 2005-06.

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LD 1862

Resolve, To Create an Associate Degree Program in Radiology Technology

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY COLWELL	OTP-AM	S-445

LD 1862 proposed to implement recommendations of the Presiding Officers' Advisory Task Force on Creating a Future For Youth in Maine. The bill proposed to accomplish the following:

1. To direct the Department of Economic and Community Development to develop and administer an internship program to provide college students in Maine with opportunities to work in technology-based businesses in the Applied Technology Development System and in occupations and industries experiencing labor shortages.
2. To direct the Board of Trustees of the University of Maine System and the Board of Trustees of the Maine Community College System to develop and implement a consistent policy regarding the transfer of credits between campuses within each system and between the 2 systems in order to remove barriers to student transfer within and between campuses and to facilitate completion of the students' education in a timely and affordable manner.
3. To direct the University of Maine System and the Maine Community College System to work together to develop a unified, comprehensive approach to entrepreneurship education throughout both systems, including specific courses and workshops on starting and operating a small business.
4. To create a 2-year associate degree program in radiology technology at Kennebec Valley Community College and to express the intent of the Legislature that \$100,000 are appropriated for this purpose in the next biennium.
5. To direct the Board of Trustees of the University of Maine System to develop a plan and strategy to establish centers of excellence throughout the University of Maine System and to reduce duplication of programs and services.
6. To direct the State Board of Education and the Commissioner of Education to develop and implement a plan to ensure that every high school student in Maine has the opportunity to complete the core courses required for college entry and is encouraged to explore postsecondary educational opportunities.

Committee Amendment "A" (S-445) proposed to replace the bill with a resolve authorizing the provision of funding to support the establishment of a 2-year associate degree program in radiology technology at Kennebec Valley Community College. The amendment also proposed to express the intent of the Legislature that \$100,000 is appropriated for this purpose in the next biennium.

At the end of the session, the Education Committee, by letter, requested that the State Board of Education and the Commissioner of Education to develop and report to the committee during the First Regular Session of the 122nd Legislature a plan to ensure that every high school student in Maine has the opportunity to complete the core courses required for college entry and is encouraged to explore postsecondary educational opportunities.

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At the end of the session, the Education Committee, by letter, also requested that the University of Maine System and the Maine Community College System work together on a report and recommendations to be presented to the committee during the First Regular Session of the 122nd Legislature regarding the development and implementation of: (a) a consistent policy regarding the transfer of credits between campuses within each system and between the 2 systems; and (b) a unified, comprehensive approach to entrepreneurship education throughout both systems, including specific courses and workshops on starting and operating a small business.

LD 1864 An Act To Recruit and Retain College Graduates through Loan Repayment INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISCHER	OTP-AM MAJ	H-794
HALL	ONTP MIN	

LD 1864 proposed to establish the Future for Youth in Maine Loan Repayment Program to recruit and retain college graduates to start new technology-based businesses and to work in occupations and industries facing labor shortages in the State. The program would provide loan repayments of up to \$5,000 per year for a maximum of 4 years for graduates who are employed in new technology-based businesses within the Applied Technology Development Center System or in occupations or industries that are facing labor shortages. The bill proposed to direct the Finance Authority of Maine to administer the program.

LD 1869 Resolve, Regarding Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Major Substantive Rule of the Department of Education, State Board of Education RESOLVE 121 EMERGENCY

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

LD 1869 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, State Board of Education.

Enacted Law Summary

Resolve 2003, chapter 121 authorizes final adoption of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a major substantive rule of the Department of Education, State Board of Education.

Resolve 2003, chapter 121 was enacted as an emergency measure effective April 6, 2004.

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LD 1871

Resolve, To Provide for the Reorganization of the Student Loan Repayment and Forgiveness Programs To Better Meet the Needs of Maine Employers and the Maine Economy

ONTP

<u>Sponsor(s)</u> FISCHER DOUGLASS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1871 proposed to require the Department of Education and the Finance Authority of Maine to work together to develop and present to the First Regular Session of the 122nd Legislature legislation to convert higher education loan forgiveness programs to loan repayment programs. The legislation also proposed to streamline the State's loan repayment programs and maintain the State's commitment to current loan repayment and forgiveness program participants.

At the end of the session, the Education Committee, by letter, requested that the Finance Authority of Maine report to the committee during the First Regular Session of the 122nd Legislature on its study of the implications of reorganizing existing student loan repayment and forgiveness programs to better meet the needs of Maine employers and the Maine economy.

LD 1885

An Act To Ensure Competitive Bidding for Maine's School Systems

ONTP

<u>Sponsor(s)</u> GAGNON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1885 proposed to allow a school administrative unit to solicit competitive bids for goods or services at any time.

During the session, the Education Committee, by letter, requested that the Commissioner of Education communicate with school superintendents about the need to remain vigilant in their expenditure of public resources in achieving effective and efficient public schools; and to inform school officials that schools were eligible to participate in certain state-level purchasing opportunities through the Division of Purchases.

LD 1915

Resolve, To Implement the Recommendations of the Commission To Study the Scope and Quality of Citizenship Education

RESOLVE 143

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-800 S-574 GAGNON
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LD 1915 proposed to implement the following recommendations of the Commission to Study the Scope and Quality of Citizenship Education:

1. That the Department of Education shall consider the recommendations of the Commission to Study the Scope and Quality of Citizenship Education related to implications for the system of learning results when it reviews

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the guiding principles, the performance standards and the content indicators of the system of learning results, beginning with the 2003-2004 school year;

2. That the Legislative Youth Advisory Council, as part of the effort recommended by the commission to foster a statewide dialogue regarding civic education and citizenship engagement, shall conduct a series of statewide public forums on issues important to youth and invite Legislators from the various regions of the State to these public forums. The Legislative Youth Advisory Council shall report its findings and any conclusions to the Governor, the joint standing committee of the Legislature having jurisdiction over education matters, the Judicial Department and the Task Force on Citizenship Education; and
3. That the Department of Education and the State Board of Education jointly shall convene the Task Force on Citizenship Education to address the recommendations of the Commission to Study the Scope and Quality of Citizenship Education.

Committee Amendment "A" (H-800) proposed to incorporate a fiscal note to the bill.

Senate Amendment "A" (S-574) proposed to add language requiring the Legislative Youth Advisory Council to seek outside funding for the statewide public forum for youth. The amendment also proposed to prohibit the Legislative Youth Advisory Council from incurring any expense for the forum unless full funding is secured first and proposed to give the authority to administer those funds to the Edmund S. Muskie School of Public Service. The amendment further proposed to make changes to conform provisions of the bill to study guidelines approved by the Legislative Council.

Enacted Law Summary

Resolve 2003, chapter 143 implements the recommendations of the Commission to Study the Scope and Quality of Citizenship Education. The law accomplishes the following:

1. It directs the Department of Education to consider the recommendations of the commission related to implications for the system of learning results when it reviews the guiding principles, the performance standards and the content indicators of the system of learning results, beginning with the 2003-2004 school year;
2. It directs the Legislative Youth Advisory Council to seek outside funding to conduct a series of statewide public forums on issues important to youth and to invite Legislators from the various regions of the State to these public forums; and further requires the Legislative Youth Advisory Council to report its findings and any conclusions to the Governor, the joint standing committee of the Legislature having jurisdiction over education matters, the Judicial Department and the Task Force on Citizenship Education; and
3. It directs the Department of Education and the State Board of Education to jointly convene a Task Force on Citizenship Education to address the recommendations of the Commission.

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LD 1917

An Act To Implement the Recommendations of the Legislative Youth Advisory Council

PUBLIC 708

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-856 S-599 CATHCART

LD 1917 proposed to implement the recommendations of the Legislative Youth Advisory Council and was submitted pursuant to the Maine Revised Statutes, Title 3, section 168-A, subsection 1, paragraph E. The bill proposed to accomplish the following:

1. It provides that, if the Department of Human Services and a state ward agree that an extension is needed, the State may provide care and support until the ward reaches 23 years of age. Current law requires that state-supported services to state wards end not later than 21 years of age and, therefore, may impede the completion of postsecondary educational study by those persons;
2. It directs the Department of Human Services, the Department of Behavioral and Developmental Services and the Department of Education to study and report back to the Legislative Youth Advisory Council on ways to increase participation in school activities by students residing with other than the parent or parents;
3. It directs the Secretary of State and the Department of Human Services to study and report back to the Legislative Youth Advisory Council on barriers that may exist for youth residing in group homes in obtaining driver's licenses and methods to overcome those barriers; and
4. It shifts responsibility for staffing support of the council from the Edmund S. Muskie School of Public Service to the Legislative Council and for funding the costs of the council from the Edmund S. Muskie School of Public Service to the Legislature in fiscal year 2005-06.

Committee Amendment "A" (H-856) proposed to clarify the proposal in the bill related to the continued provision of state support for state wards who are still enrolled in postsecondary education programs when they reach 21 years of age. The amendment proposed to authorize the Department of Human Services, at its discretion and by agreement with a state ward, to continue providing support for room, board and related education expenses until that state ward reaches 23 years of age. Funds allocated to provide support would come from an identified education and training account specifically established for the postsecondary education-related costs of state wards after they reach age 21 and before they reach age 23. This amendment also adds an appropriations and allocations section.

Senate Amendment "A" (S-599) proposed to strike 2 sections of the bill to retain current funding and staffing responsibilities for the Legislative Youth Advisory Council.

Enacted Law Summary

Public Law 2003, chapter 708 implements the recommendations of the Legislative Youth Advisory Council. The law accomplishes the following:

1. It allows for the continued provision of state support for state wards who are still enrolled in postsecondary education programs when they reach 21 years of age by authorizing the Department of Human Services, at its

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discretion and by agreement with a state ward, to continue providing support for room, board and related education expenses until that state ward reaches 23 years of age;

- 2. It directs the Department of Human Services, the Department of Behavioral and Developmental Services and the Department of Education to study and report back to the Legislative Youth Advisory Council on ways to increase participation in school activities by students residing with other than the parent or parents;
- 3. It directs the Secretary of State and the Department of Human Services to study and report back to the Legislative Youth Advisory Council on barriers that may exist for youth residing in group homes in obtaining driver's licenses and methods to overcome those barriers; and
- 4. It retains the current funding and staffing responsibilities provided for the Legislative Youth Advisory Council.

LD 1924

An Act To Reduce the Cost of Local Government through Increased State Education Funding and Provide Property Tax Relief

PUBLIC 712

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS CUMMINGS	OTP-AM	S-545 S-550 BRENNAN

LD 1924, a Governor’s bill, was referred jointly to the Joint Standing Committees on Education and Taxation. The bill proposed to provide that by fiscal year 2009-10 the state share of kindergarten to grade 12 education funding, as described by essential programs and services, must be 55%. It also proposed to establish a local cost share expectation for property tax years beginning on or after April 1, 2005. The maximum local cost share expectation would decline over the period from fiscal year 2005-06 to fiscal year 2009-10. The expectation would not exceed 9.0 mills in fiscal year 2005-06. It could not exceed 8.0 mills in fiscal year 2009-10. Beginning in fiscal year 2009-2010 the legislative body of a school administrative unit could not adopt a property tax rate that exceeded its mill expectation unless, in a vote separate from its adoption of the school budget, it voted to increase the property tax rate.

The bill also proposed to place transportation operating costs into the essential programs and services funding formula. It also stated that special education costs would be included in essential programs and services starting in fiscal year 2005-06. Beginning in fiscal year 2004-05, the Department of Education would provide training in state-approved guidelines for identification of special education students. The bill also placed early childhood education program costs and vocational education program costs into essential programs and services no later than fiscal year 2007-08.

Committee Amendment “A” (S-545) proposed to replace the bill and make the following changes.

- 1. It proposed to amend the existing state share percentage targets for fiscal year 2005-06 through fiscal year 2009-10 to provide for the so-called "ramp" necessary to achieve the 55% state share of school funding based on the essential programs and services funding model.
- 2. It proposed to provide for the establishment of the Municipal Budget Analysis Committee for the purpose of providing the Governor and the Legislature with an analysis of the effectiveness of increased state support for education services in reducing the local property tax commitment required to fund the cost of the essential

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programs and services over the 2005-06 to 2009-10 period. The committee would consider in its analysis certain benchmarks for the increased state share of school funding and performance indicators for the related reduction in local property tax commitments for each fiscal year; and the Department of Education would develop information for the committee on each municipality and the statewide aggregate to determine whether the increased level of state funding resulted in a reduction of the related local property tax commitment required to fund the costs of essential programs and services in the prior fiscal year.

3. It proposed to delay the requirements for school administrative units and certain private high schools to implement standards in the content areas of mathematics, English language arts, health and physical education, science and technology and social studies, including the requirement that high school graduation be determined by student achievement of the standards for these content areas, by one year to the 2007-2008 school year. It also proposed to delay the requirements that school administrative units implement standards in the content areas of career preparation, foreign languages and visual and performing arts by one year to the 2007-2008 school year.
4. It proposed to delete the section of the bill that proposes to place transportation operating costs into the essential programs and services funding model and instead incorporates an unallocated section that provides that transportation operating costs must be placed in the essential programs and services funding model beginning in fiscal year 2005-06 and must include adjustments to the proposed calculation of these operating costs to reflect the transportation of special education students and vocational education students and other factors that respond to unique costs in some school administrative units. This section also proposed to provide that the proposed appeals process might also include analyses of other factors beyond cost efficiency and a cost comparison with comparable units.
5. It proposed to provide a technical amendment to the definition of "local cost share expectation" to clarify that this expectation is directly related to the school administrative unit's contribution to the "total cost of education" as determined by the Commissioner of Education.
6. It proposed to provide a technical amendment to clarify that the calculation of the full-value education mill rate is derived from an annual local share percentage beginning in fiscal year 2005-06 and concluding in fiscal year 2009-10.
7. It proposed to clarify that a school administrative unit's legislative body might exceed the local cost share expectation beginning in fiscal year 2005-06 rather than in fiscal year 2009-10 as proposed in the bill.
8. It proposed to establish an exception for the member municipalities of school administrative districts and community school districts whose district cost sharing formulas were established by private and special law and further directs the Department of Education to study the implications of the proposed "total cost of education" mechanism on member municipalities of districts whose district cost sharing formulas were created by private and special law.
9. It proposed to establish January 1, 2005 as the implementation date for the use of state-approved guidelines in the identification of children requiring special education services and provides that the Department of Education will provide training to school administrative units in the application of these guidelines beginning in fiscal year 2004-05.

Senate Amendment "A" To Committee Amendment "A" (S-550) proposed to replace the provision of the committee amendment that established specific performance indicators for the related reduction in local property tax commitments for the fiscal year 2005-06 to 2009-10 period with projected performance indicators that are

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based on a reduction in the local property tax commitment to fund the cost of essential programs and services that is less than the local property tax commitment made in the prior fiscal year.

The amendment also proposed to add a new provision regarding the annual report required from the Municipal Budget Analysis Committee by requiring that the annual report also include recommendations, including any recommended changes in the law, related to the level of state funding, the related local property tax commitment required to fund the costs of kindergarten to grade 12 public education, municipal services and the local share of the county budget and the benchmarks and projected performance indicators established for the fiscal year 2005-06 to 2009-10 period.

Enacted Law Summary

Public Law 2003, chapter 712 amends the school funding laws to refine the essential programs and services funding approach in preparation for its implementation beginning in fiscal year 2005-06. Specifically, the law accomplishes the following:

1. It provides that by fiscal year 2009-10 the state share of kindergarten to grade 12 education funding, as described by essential programs and services, must be 55%; and it amends the existing state share percentage targets for fiscal year 2005-06 through fiscal year 2009-10 to provide for the so-called "ramp" necessary to achieve the 55% state share of school funding;
2. It establishes a formula for determination of the maximum local cost share expectation and requires the Commissioner of Education to notify each school administrative unit annually of its local cost share expectation for property tax years beginning on or after April 1, 2005. It also requires that this expectation must decline from 9.0 mills for fiscal year 2005-06 to 8.0 mills for fiscal year 2009-10;
3. It provides that, beginning in fiscal year 2005-06, the legislative body of a school administrative unit may adopt a property tax rate that exceeds its local cost share expectation in a vote separate from the vote taken to adopt the school budget;
4. It requires that local cost sharing among member municipalities of a school administrative district or community school district be based on pupil count unless a different cost sharing formula has been established by private and special law prior to January 1, 2004;
5. It requires that the transportation operating costs component must be placed in the essential programs and services funding model beginning in fiscal year 2005-06 and must include adjustments to the calculation of these operating costs that reflect the transportation of special education students, vocational education students, and other factors that respond to unique cost drivers in some school administrative units. It also provides that, beginning in fiscal year 2005-06, an appeals process must be implemented; and further provides that this appeals process may include analyses of other factors beyond cost efficiency and a cost comparison with comparable units;
6. It requires that special education costs will be included in essential programs and services starting in fiscal year 2005-06; it establishes January 1, 2005 as the implementation date for the utilization of state-approved guidelines in the identification of children requiring special education services; and it provides that the Department of Education will provide training to school administrative units in the application of these guidelines beginning in fiscal year 2004-05;

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7. It places early childhood education program costs and vocational education program costs into essential programs and services no later than fiscal year 2007-08;
8. It establishes benchmarks and performance indicators for analysis of state and local cost share performance and the impact of the law on local property taxes. It provides for the establishment of the Municipal Budget Analysis Committee for the purpose of providing the Governor and the Legislature with an annual report that analyzes the effectiveness of increased state support for education in reducing the local property tax commitment required to fund the cost of the essential programs and services over the 2005-06 to 2009-10 period; and
9. It provides for the delay, by one year to the 2007-2008 school year, of the requirements for school administrative units and certain private high schools to implement standards in the content areas of mathematics, English language arts, health and physical education, science and technology and social studies, including the requirement that high school graduation be determined by student achievement of the standards for these content areas. It also provides for the further delay, by one year to the 2007-2008 school year, of the requirements that school administrative units implement standards in the content areas of career preparation, foreign languages and visual and performing arts.

LD 1944

An Act To Allow Upgrading of Educational Technicians

**P & S 45
EMERGENCY**

<u>Sponsor(s)</u> GAGNON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-500
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LD 1944 proposed to extend the time by which school units may request upgrades to higher classifications for educational technicians employed before September 1, 1991 who are otherwise eligible for upgrade under the provision of law enacted by Private and Special Law 1995, chapter 35.

Committee Amendment "A" (S-500) proposed to strike and replace the bill and proposed to change the bill title to clarify that the proposed extension of the time by which school administrative units may request upgrades to higher classifications for educational technicians who were employed before September 1, 1991 and who are otherwise eligible for upgrade under the provision of law enacted by Private and Special Law 1995, chapter 35 pertains to a person employed as a teacher assistant or as a teacher associate who was not recommended for promotion due to an error on the part of the school administrative unit. The amendment also proposed to add an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Private and Special Law 2003, chapter 45 extends the time by which school administrative units may request upgrades to higher classifications for persons employed as teacher assistants or as teacher associates before September 1, 1991 who were otherwise eligible for upgrades under the provision of law enacted by Private and Special Law 1995, chapter 35 but who were not recommended for promotions due to an error on the part of a school administrative unit.

Private and Special Law 2003, chapter 45 was enacted as an emergency measure effective April 15, 2004.

Note: Public Law 2003, chapter 688, part J, which enacted LD 1916, (An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine), corrects Private and Special Law 2003, chapter 45 by clarifying

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that this extension of time to request upgrades to higher classifications also pertains to persons employed as teacher assistants or as teacher associates before September 1, 1991 who were otherwise eligible for upgrades under the provision of law enacted by Private and Special Law 1995, chapter 35 but who were not recommended for promotions due to an error on the part of a private school approved by the Department of Education.

Public Law 2003, chapter 688, part J, was enacted as an emergency measure effective May 7, 2004.

LD 1946

An Act To facilitate Summer Employment for Youths

PUBLIC 617

Sponsor(s)
MCGOWAN

Committee Report

Amendments Adopted
H-826 CUMMINGS

LD 1946 proposed to require school administrative units to develop and approve plans for a regional school calendar by September 2005. The law also proposed to direct the Commissioner of Education to develop major substantive rules to implement these regional school calendars for sending schools and career and technical education programs in the State.

This bill was reported out "Ought To Pass in New Draft" by the Joint Standing Committee on Education and Cultural Affairs as authorized by the Presiding Officers (see LD 195).

House Amendment "A" (H-826) proposed to incorporate a new fiscal note to the bill.

Enacted Law Summary

Public Law 2003, chapter 617 requires school administrative units to develop and approve plans for a regional school calendar by September 2005. The law also directs the Commissioner of Education to develop major substantive rules to implement these regional school calendars for sending schools and career and technical education programs in the State.

LD 1953

An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the Calais School District

**P & S 42
EMERGENCY**

Sponsor(s)
PERRY A
SHOREY

Committee Report
OTP

Amendments Adopted

LD 1953 proposed to validate a referendum vote on the Calais High School and Calais Elementary School construction and renovation project conducted on June 24, 2003 and proposed to authorize the Calais School District to issue bonds, notes and other evidences of indebtedness in connection with that project. The proposed bill is needed to resolve a legal technicality that could prevent the issuance of additional bonds for the project in that the warrant for the 2nd referendum vote on the project was posted 6 days before the referendum rather than 7 days before the referendum vote as required by the Maine Revised Statutes.

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Enacted Law Summary

Private and Special Law 2003, chapter 42 validates a referendum vote on the Calais High School and Calais Elementary School construction and renovation project conducted on June 24, 2003 and authorizes the Calais School District to issue bonds, notes and other evidences of indebtedness in connection with that project. The law is needed to cure a legal defect that could prevent the issuance of additional bonds for the project. The warrant for the 2nd referendum vote on the project was posted 6 days before the referendum rather than 7 days before the referendum vote as required by the Maine Revised Statutes.

Private and Special Law 2003, chapter 42 was enacted as an emergency measure effective April 9, 2004.

LD 1956

An Act To Establish a School Leadership District for East Millinocket, Medway and Millinocket

ONTP

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

LD 1956 proposed to establish School Leadership District #1, comprising the municipalities of East Millinocket, Medway and Millinocket. The new district would be a 5-year pilot project of school restructuring as a means of more effectively meeting the learning needs and improving the academic performance of all students as sanctioned by the Maine Revised Statutes, Title 20-A, section 8. The bill proposed that the district be governed by a board consisting of the school boards currently in East Millinocket, Medway and Millinocket. As proposed in the bill, the board of SLD #1 would be established and would be authorized to hire a superintendent, establish a budget and curriculum and enter into lending and leasing agreements. The costs of employment of the superintendent would be divided equally among the participating municipalities; and all other costs would be apportioned among the participating municipalities based on property values, population and student enrollment.

LD 1960

An Act Regarding the Continued Provision of Free and Appropriate Public Education for Eligible Children of Kindergarten Age

PUBLIC 676

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

LD 1960 was reported out by the Joint Standing Committee on Education and Cultural Affairs pursuant to Joint Order (see S. P. 680). The bill proposed to amend applicable statutes and proposed to instruct the Department of Human Services and the Department of Education to amend rules to clarify that a child who is already receiving free, appropriate public education services through the Child Development Services System and who reaches 5 years of age between September 1st and October 15th would continue to be eligible for those services should the child's parents decide not to enroll the child in kindergarten until the child reaches 6 years of age. To accomplish this purpose, the bill proposed the following:

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1. It would amend provisions regarding exceptional students and preschool handicapped children to establish the eligibility of a child who is already receiving free, appropriate public education services through the Child Development Services System and who reaches 5 years of age between September 1st and October 15th to continue to receive such services when the child's parent chooses, in accordance with rules adopted by the Commissioner of Education, not to enroll the child in kindergarten until the start of the following school year;
2. It would clarify that the modification to the eligibility criteria for certain children to continue to receive free, appropriate public education services through the Child Development Services System meets the requirements under the federal Individuals with Disabilities Education Act;
3. It would direct the Commissioner of Education to determine the adjustment to the statewide adjustment factor under the Maine Revised Statutes, Title 20-A, section 15654, subsection 1, paragraph B necessary for the amount of state funds that are deappropriated from the General Purpose Aid for Local Schools account in fiscal year 2004-05 to reflect the savings attributable to the delayed entry of eligible 5-year-olds into kindergarten for the 2004-05 school year;
4. It would direct the Department of Education to adopt emergency rules regarding the provision of free, appropriate public education services through the Child Development Services System to children who continue to be eligible to receive those services for the state fiscal year 2004-05;
5. It would direct the Department of Human Services to adopt emergency rules regarding the payment and apportionment of state and federal MaineCare funds to ensure the reimbursement for services to children who continue to be eligible for those services through the Child Development Services System for the state fiscal year 2004-05;
6. It would provide that the Commissioner of Education and the Commissioner of Human Services adopt major substantive rules to implement this Act and that provisionally adopted rules be presented for legislative review during the First Regular Session of the 122nd Legislature. It would also provide that the emergency rules be effective until the Legislature has completed review of those rules;
7. It would direct the Commissioner of Education to develop and present a plan by December 31, 2004 to ensure greater equity of education opportunities and efficiency in the use of state and federal resources for early childhood education and preschool handicapped programs beginning no later than fiscal year 2005-06. The commissioner shall present this plan to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs, and the joint standing committee may introduce legislation regarding this matter during the first regular session of the 122nd Legislature; and

It would add a fiscal note and an appropriations section to provide for the appropriation and deappropriation of state funds to the pre-school handicapped program and the MaineCare program in the Department of Human Services in fiscal year 2004-05 necessary to continue to provide free and appropriate public education services for these eligible 5 year olds whose parents have chosen to have their children remain in the Child Development Services system.

Enacted Law Summary

Public Law 2003, chapter 676 amends applicable statutes and instructs the Department of Human Services and the Department of Education to amend rules to clarify that a child who is already receiving free, appropriate public education services through the Child Development Services System and who reaches 5 years of age between September 1st and October 15th continues to be eligible for those services should the child's parents decide not to

Joint Standing Committee on Education and Cultural Affairs

enroll the child in kindergarten until the child reaches 6 years of age. Specifically, the law accomplishes the following:

1. It amends provisions regarding exceptional students and preschool handicapped children to establish the eligibility of a child who is already receiving free, appropriate public education services through the Child Development Services System and who reaches 5 years of age between September 1st and October 15th to continue to receive such services when the child's parent chooses, in accordance with rules adopted by the Commissioner of Education, not to enroll the child in kindergarten until the start of the following school year;
2. It directs the Department of Education and the Department of Human Services to adopt emergency rules and to adopt major substantive rules to implement this Act and requires that provisionally adopted rules be presented for legislative review during the First Regular Session of the 122nd Legislature. It also provides that the emergency rules be effective until the Legislature has completed review of those rules; and
3. It directs the Commissioner of Education to determine the adjustment to the statewide adjustment factor necessary for the amount of state funds that are deappropriated from the General Purpose Aid for Local Schools account in fiscal year 2005-05 to reflect the savings attributable to the delayed entry of eligible 5-year-olds into kindergarten for the 2004-05 school year, and further requires the commissioner to develop and present a plan by December 31, 2004 to ensure greater equity of education opportunities and efficiency in the use of state and federal resources for early childhood education and preschool handicapped programs beginning no later than fiscal year 2005-06. The commissioner shall present this plan to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs, and the joint standing committee may introduce legislation regarding this matter during the first regular session of the 122nd Legislature.

*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Health and Human Services*

May 2004

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**JOINT STANDING COMMITTEE ON
HEALTH AND HUMAN SERVICES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	25	55.6%	5.1%
<u><i>Bills Carried Over from previous session</i></u>	<u>19</u>	<u>42.2%</u>	<u>3.9%</u>
Total Bills referred	44	97.8%	8.9%
B. Bills reported out by law or joint order			
	1	2.2%	0.2%
Total Bills considered by Committee	45	100.0%	9.1%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	4	9.1%	0.8%
<i>Ought to Pass as Amended</i>	20	45.5%	4.2%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>10</u>	<u>22.7%</u>	<u>2.1%</u>
Total unanimous reports	34	77.3%	7.1%
B. Divided committee reports			
<i>Two-way reports</i>	9	20.5%	1.9%
<i>Three-way reports</i>	1	2.3%	0.2%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	10	22.7%	2.1%
Total committee reports	44¹	97.8%	9.2%
III. CONFIRMATION HEARINGS			
	1	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	23	51.1%	4.7%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	7	15.6%	1.4%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	30	66.7%	6.1%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	2	100.0%	14.3%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	2	100.0%	14.3%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

¹ Total does not include LD 73, which was removed from the committee without a committee report.

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

Joint Standing Committee on Health and Human Services

SUBJECT INDEX

Aging and Long-Term Care

Enacted

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LD 1753	An Act To Improve Quality and Safety in Long-term Care	PUBLIC 634	Page 240
LD 1772	An Act To Revise the Frequency of Home Health Licensing Surveys	PUBLIC 548	Page 241
LD 1867	Resolve, Regarding Legislative Review of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-medical Institution Services, a Major Substantive Rule of the Department of Human Services	RESOLVE 135 EMERGENCY	Page 244

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Children's Services

Enacted

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LD 1685	An Act To Improve Awareness of Meningococcal Disease	PUBLIC 581	Page 234
LD 1706	An Act To Ensure Appropriate Care and Custody of Children	PUBLIC 626	Page 236
LD 1739	An Act To Clarify the Requirements of the Behavioral Treatment and Safety Device Review Teams for Persons with Mental Retardation or Autism	PUBLIC 564	Page 238
LD 1829	An Act To Amend the Membership of the Children's Cabinet	PUBLIC 576	Page 243
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Not Enacted

LD 73	An Act to Make the Children's Ombudsman Program an Independent Office	DIED BETWEEN BODIES	Page 222
LD 1641	An Act To Require That Rules Pertaining to Reimbursement for Services for Child Development Services Be Major Substantive Rules	ONTP	Page 232
LD 1726	An Act To Require Criminal History Checks Prior to Placement of Children by the Department of Human Services	ONTP	Page 237

Departmental Organization and Administration

Enacted

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LD 1642	An Act To Provide an Exemption to the Laws Governing Patient Confidentiality Regarding Certain Former Patients of the State Mental Institutions	PUBLIC 563	Page 233
LD 1681	An Act To Make Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded Major Substantive Rules	PUBLIC 684	Page 234
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LD 1748	An Act To Amend the Rule-making Authority of the Department of Human Services to Ensure Cost-effective Operation of State Medical Services Programs and Compliance with Federal Requirements	PUBLIC 612 EMERGENCY	Page 239
LD 1753	An Act To Improve Quality and Safety in Long-term Care	PUBLIC 634	Page 240
LD 1772	An Act To Revise the Frequency of Home Health Licensing Surveys	PUBLIC 548	Page 241

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LD 1829	An Act To Amend the Membership of the Children's Cabinet	PUBLIC 576	Page 243
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LD 1867	Resolve, Regarding Legislative Review of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-medical Institution Services, a Major Substantive Rule of the Department of Human Services	RESOLVE 135 EMERGENCY	Page 244
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LD 1890	An Act To Ensure Disclosure of Prescription Drug Prices	PUBLIC 667	Page 246
LD 1913	An Act To Establish the Department of Health and Human Services	PUBLIC 689 EMERGENCY	Page 247
LD 1940	An Act To Clarify Departmental Reporting Requirements for Developmental Disability Prevention Activities	PUBLIC 602	Page 250

Not Enacted

LD 73	An Act to Make the Children's Ombudsman Program an Independent Office	DIED BETWEEN BODIES	Page 222
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LD 585	An Act to Establish a Statewide Primary and Preventive Health Care Program	ONTP	Page 226
LD 713	An Act to Support Health Care Safety Net Programs	ONTP	Page 227
LD 1621	An Act To Amend the Structure of the Office of Advocacy	ONTP	Page 231
LD 1641	An Act To Require That Rules Pertaining to Reimbursement for Services for Child Development Services Be Major Substantive Rules	ONTP	Page 232

LD 1666	Resolve, To Require Cost Neutrality and Appropriateness of Assisted Living Medication Courses	ONTP Page 233
LD 1709	An Act To Clarify Financial Management Procedures at the Maine Developmental Disabilities Council	INDEF PP Page 236
LD 1726	An Act To Require Criminal History Checks Prior to Placement of Children by the Department of Human Services	ONTP Page 237

Health Care

Enacted

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LD 1090	Resolve, To Promote Recruitment and Retention of Direct Care Workers in Long-term Care in Maine	RESOLVE 113 Page 228
LD 1631	An Act To Prohibit the Sale of Water Containing Nicotine	PUBLIC 623 Page 231
LD 1685	An Act To Improve Awareness of Meningococcal Disease	PUBLIC 581 Page 234
LD 1747	An Act To Amend the Medicaid Drug Rebate Program and the Elderly Low-cost Drug Program	PUBLIC 611 Page 238
LD 1753	An Act To Improve Quality and Safety in Long-term Care	PUBLIC 634 Page 240
LD 1826	An Act To Encourage the Proper Disposal of Unused Pharmaceuticals	PUBLIC 679 Page 242
LD 1890	An Act To Ensure Disclosure of Prescription Drug Prices	PUBLIC 667 Page 246

Not Enacted

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LD 585	An Act to Establish a Statewide Primary and Preventive Health Care Program	ONTP Page 226
LD 713	An Act to Support Health Care Safety Net Programs	ONTP Page 227
LD 1666	Resolve, To Require Cost Neutrality and Appropriateness of Assisted Living Medication Courses	ONTP Page 233
LD 1713	Resolve, To Establish the Commission To Study Access to Prescription Medication for Persons with Mental Illness	ONTP Page 237
LD 1720	An Act To Ensure the Lowest-priced Prescription Drugs for Maine Seniors	ONTP Page 237

Health Data

Enacted

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LD 1640	An Act To Provide Accurate Vital Records for Adults in Maine	PUBLIC 585 Page 232
LD 1642	An Act To Provide an Exemption to the Laws Governing Patient Confidentiality Regarding Certain Former Patients of the State Mental Institutions	PUBLIC 563 Page 233
LD 1685	An Act To Improve Awareness of Meningococcal Disease	PUBLIC 581 Page 234
LD 1884	An Act To Strengthen the Enforcement Provisions of the Maine Health Data Organization	PUBLIC 659 Page 245

Not Enacted

LD 535	An Act To Strengthen Health Data Information and Health Planning	ONTP Page 225
LD 585	An Act to Establish a Statewide Primary and Preventive Health Care Program	ONTP Page 226

Medicaid

Enacted

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LD 1695	An Act To Ensure Compliance with Federal Medicaid Requirements	PUBLIC 613 Page 235
LD 1747	An Act To Amend the Medicaid Drug Rebate Program and the Elderly Low-cost Drug Program	PUBLIC 611 Page 238
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LD 1890	An Act To Ensure Disclosure of Prescription Drug Prices	PUBLIC 667 Page 246

Not Enacted

LD 59	An Act to Adjust MaineCare Reimbursement Rates	ONTP Page 222
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LD 1641	An Act To Require That Rules Pertaining to Reimbursement for Services for Child Development Services Be Major Substantive Rules	ONTP Page 232
LD 1811	Resolve, To Ensure Access to Life-sustaining Pharmaceuticals	ONTP Page 241

Mental Health

Enacted

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LD 1642	An Act To Provide an Exemption to the Laws Governing Patient Confidentiality Regarding Certain Former Patients of the State Mental Institutions	PUBLIC 563 Page 233
LD 1867	Resolve, Regarding Legislative Review of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-medical Institution Services, a Major Substantive Rule of the Department of Human Services	RESOLVE 135 Page 244 EMERGENCY

Not Enacted

LD 1713	Resolve, To Establish the Commission To Study Access to Prescription Medication for Persons with Mental Illness	ONTP Page 237
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Mental Retardation and Other Developmental Disabilities

Enacted

LD 1681	An Act To Make Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded Major Substantive Rules	PUBLIC 684 Page 234
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LD 1739 **An Act To Clarify the Requirements of the Behavioral Treatment and Safety Device Review Teams for Persons with Mental Retardation or Autism** PUBLIC 564 Page 238

LD 1867 **Resolve, Regarding Legislative Review of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-medical Institution Services, a Major Substantive Rule of the Department of Human Services** RESOLVE 135 Page 244
EMERGENCY

Not Enacted

LD 1291 **An Act To Establish a System of Advocacy and Oversight To Benefit Persons with Mental Retardation and Autism** ONTP Page 229

LD 1621 **An Act To Amend the Structure of the Office of Advocacy** ONTP Page 231

LD 1709 **An Act To Clarify Financial Management Procedures at the Maine Developmental Disabilities Council** INDEF PP Page 236

Prescription Drugs

Enacted

LD 1747 **An Act To Amend the Medicaid Drug Rebate Program and the Elderly Low-cost Drug Program** PUBLIC 611 Page 238

LD 1826 **An Act To Encourage the Proper Disposal of Unused Pharmaceuticals** PUBLIC 679 Page 242

LD 1890 **An Act To Ensure Disclosure of Prescription Drug Prices** PUBLIC 667 Page 246

Not Enacted

LD 1720 **An Act To Ensure the Lowest-priced Prescription Drugs for Maine Seniors** ONTP Page 237

LD 1811 **Resolve, To Ensure Access to Life-sustaining Pharmaceuticals** ONTP Page 241

Public Assistance

Enacted

LD 1066	Resolve, To Establish a Committee To Examine Issues Relating to the Administration of Municipal General Assistance	RESOLVE 116 Page 228
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Not Enacted

None

Public Health

Enacted

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LD 1090	Resolve, To Promote Recruitment and Retention of Direct Care Workers in Long-term Care in Maine	RESOLVE 113 Page 228
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LD 1830	Resolve, Regarding Legislative Review of Portions of Chapter 16: Foster Home Licensing Rule Regarding Smoking by Foster Parents, a Major Substantive Rule of the Department of Human Services	RESOLVE 134 Page 244

Not Enacted

LD 585	An Act to Establish a Statewide Primary and Preventive Health Care Program	ONTP Page 226
LD 713	An Act to Support Health Care Safety Net Programs	ONTP Page 227

LD 1127	An Act To Require Fire-safe Cigarettes in the State	ONTP Page 229
LD 1720	An Act To Ensure the Lowest-priced Prescription Drugs for Maine Seniors	ONTP Page 237
LD 1823	Resolve, Extending the Reporting Deadline for the Commission To Study Public Health	INDEF PP Page 242

Substance Abuse

Enacted

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Not Enacted

None

Tobacco/Smoking/Nicotine

Enacted

LD 1631	An Act To Prohibit the Sale of Water Containing Nicotine	PUBLIC 623 Page 231
LD 1830	Resolve, Regarding Legislative Review of Portions of Chapter 16: Foster Home Licensing Rule Regarding Smoking by Foster Parents, a Major Substantive Rule of the Department of Human Services	RESOLVE 134 Page 244

Not Enacted

LD 1127	An Act To Require Fire-safe Cigarettes in the State	ONTP Page 229
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Joint Standing Committee on Health and Human Services

LD 59

An Act to Adjust MaineCare Reimbursement Rates

ONTP

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

LD 59 proposed 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.

Committee Amendment "A" (H-671) proposed to change the effective date of the proposed increased reimbursement rates for the MaineCare program from January 1, 2004 to October 1, 2004.

LD 73

An Act to Make the Children's Ombudsman Program an Independent Office

DIED BETWEEN BODIES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUC BRYANT	RECEIVED BY CLERK PUR TO JT RULE 309	

LD 73 proposed to remove from the Executive Department the ombudsman program that handles child welfare inquiries and complaints and proposed to maintain the current duties of the ombudsman program.

House Amendment "A" (H-650) proposed to require the Department of Administrative and Financial Services to administer and monitor the contract for child welfare ombudsman services. This amendment proposed to add an appropriations and allocations section to the bill. This amendment also proposed to make technical changes to the bill.

House Amendment "B" (H-841) was presented on behalf of the Committee on Bills in the Second Reading to proposed to incorporate changes made to the Maine Revised Statutes, Title 22, section 4087-A, subsection 4 by Public Law 2003, chapter 20, Part EEE, section 1.

LD 156

An Act to Require that Patients in Private Mental Hospitals Be Afforded the Same Rights As Patients in State Mental Institutions

PUBLIC 649 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT R	OTP-AM	S-482

LD 156 proposed to require the Commissioner of Human Services to adopt routine technical rules to provide the same enhancement and protection of rights for patients receiving services from a private hospital for the treatment of mental illness that is provided under existing law and rule for patients receiving services from the Department of Behavioral and Developmental Services, 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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Committee Amendment "A" (S-482) proposed to replace the bill. The amendment proposed to require the Commissioner of Human Services to adopt routine technical rules by August 1, 2004 to protect the rights of adult patients receiving mental health services in hospitals that are nonstate mental health institutions and are not subject to the grievance procedures of the Department of Behavioral and Developmental Services. It proposed to require the Commissioner to hold a public hearing before adopting the rules. The amendment proposed to require that the rights protected under the rules to be consistent with the rights of recipients of mental health services that are applicable in other settings, including the same opportunity for hearing and type of hearing that is provided under Department of Behavioral and Developmental Services rules. The amendment proposed to provide for delegation of authority for hearing grievances from the Department of Human Services to the Department of Behavioral and Developmental Services. The amendment proposed to designate the decision of the Department of Behavioral and Developmental Services as final agency action for purposes of appeal to court. The amendment proposed to add an emergency preamble and an emergency clause.

Enacted Law Summary

Public Law 2003, chapter 649, requires the Commissioner of Human Services to adopt routine technical rules by August 1, 2004 to protect the rights of adult patients receiving mental health services in hospitals that are nonstate mental health institutions and are not subject to the grievance procedures of the Department of Behavioral and Developmental Services. It requires the Commissioner to hold a public hearing before adopting the rules. The law also requires that the rights protected under the rules be consistent with the rights of recipients of mental health services that are applicable in other settings, including the same opportunity for hearing and type of hearing that is provided under Department of Behavioral and Developmental Services rules. The law provides for delegation of authority for hearing grievances from the Department of Human Services to the Department of Behavioral and Developmental Services and designates the decision of the Department of Behavioral and Developmental Services as final agency action for purposes of appeal to court.

Public Law 2003, chapter 649 was enacted as an emergency effective April 22, 2004.

LD 159

An Act To Refine the Criteria for Issuing a Certificate of Need

**PUBLIC 514
EMERGENCY**

Sponsor(s)
TURNER
DUGAY

Committee Report
OTP-AM

Amendments Adopted
S-363

LD 159 proposed 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 proposed 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.

Committee Amendment "A" (S-363) proposed to retain the provisions of the bill that require applications for certificates of need be judged in reference to the state health plan, data from the Maine Health Data Organization and other information available to the Commissioner of Human Services. It also proposed to retain the provisions that 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. It proposed to update the bill language to reflect amendments to the certificate of

Joint Standing Committee on Health and Human Services

need law enacted in 2003. It proposed to add language permitting the Department of Human Services to approve a nursing facility project if the project has been recommended for conditional approval prior to February 15, 2004, the project complies with other state rules and federal regulations and the project demonstrates cost-neutrality using savings obtained from the purchase of beds from the Maine Health and Higher Education Facilities Authority and approved by the Department of Human Services. The amendment proposed to direct the Department of Human Services to report to the Joint Standing Committee on Health and Human Services regarding funding nursing facility projects under the Maine Revised Statutes, Title 22, section 334. The amendment proposed to add an emergency preamble and an emergency clause.

Enacted Law Summary

Public Law 2003, chapter 514 requires applications for certificates of need to be judged in reference to the state health plan, data from the Maine Health Data Organization and other information available to the Commissioner of Human Services. It requires 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. It permits the Department of Human Services to approve a nursing facility project if the project has been recommended for conditional approval prior to February 15, 2004, complies with other state rules and federal regulations and demonstrates cost-neutrality using savings obtained from the purchase of beds from the Maine Health and Higher Education Facilities Authority and approved by the Department of Human Services. The law directs the Department of Human Services to report to the Joint Standing Committee on Health and Human Services regarding funding nursing facility projects under the Maine Revised Statutes, Title 22, section 334.

Public Law 2003, chapter 514 was enacted as an emergency measure effective February 11, 2004.

LD 175 **Resolve, To Allow MaineCare Reimbursement for Licensed Marriage and Family Therapists To Provide Services to Child Protective Services Clients and Adult Protective Services Clients** **RESOLVE 107**

<u>Sponsor(s)</u> PATRICK BRYANT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-675
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LD 175 proposed to allow licensed marriage and family therapists to be eligible for MaineCare reimbursement for counseling services whenever licensed professional counselors or licensed clinical professional counselors are eligible for reimbursement for those services.

Committee Amendment "A" (H-675) proposed to replace the bill and make it a resolve. The amendment proposed to require the Department of Human Services to amend its MaineCare rules to allow licensed marriage and family therapists to provide services to children or adults referred by the Bureau of Child and Family Services or the Bureau of Elder and Adult Services. The amendment proposed to require 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 31, 2005 regarding the implementation and initial impact of this rule change.

Enacted Law Summary

Resolve 2003, chapter 107 requires the Department of Human Services to amend its MaineCare rules to allow licensed marriage and family therapists to provide assessment, counseling and therapeutic services to children or

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adults referred by the Bureau of Child and Family Services or the Bureau of Elder and Adult Services. The resolve requires 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 31, 2005 regarding the implementation and initial impact of this rule change.

LD 535 **An Act To Strengthen Health Data Information and Health Planning** **ONTP**

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

LD 535 proposed 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 proposed to require the Maine Health Data Organization to work with other organizations to evaluate health outcomes and clinical pathways. It also proposed 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 584 **An Act To Strengthen the Maine Certificate of Need Act of 2002** **PUBLIC 621**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	H-816

LD 584 proposed to increase the applicability of the certificate of need law to health care facilities, regardless of ownership. It proposed 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 proposed to exempt from the certificate of need process the conversion by a critical access hospital of banked hospital beds to swing beds.

Committee Amendment "A" (H-816) proposed to replace the bill. It proposed to extend the exemption from certificate of need applicable to critical access hospitals converting swing beds to hospitals in the process of becoming critical access hospitals and to clarify that the exemption applies to licensed acute care beds.

Enacted Law Summary

Public Law 2003, chapter 621 extends the exemption from certificate of need applicable to critical access hospitals converting swing beds to hospitals in the process of becoming critical access hospitals and clarifies that the exemption applies to licensed acute care beds.

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LD 585

An Act to Establish a Statewide Primary and Preventive Health Care Program

ONTP

<u>Sponsor(s)</u> TRAHAN HALL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 585 proposed 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 proposed to include an Internet resource guide and health weeks twice per year to promote good health and encourage enrollment in the program. The program proposed to include 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 proposed 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 proposed to require the waiver application to be filed by January 1, 2004.

LD 611

An Act To Obtain Substance Abuse Services for Youth in Need of Services

PUBLIC 561

<u>Sponsor(s)</u> ROTUNDO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-400
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LD 611 proposed 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 proposed to require services provided upon request of the parent to be as intensive as services provided to a minor on a voluntary basis.

Committee Amendment "A" (S-400) proposed to replace the bill. The amendment proposed to refine the definition of "youth in need of services" to include in the definition a child who is abusing alcohol or drugs and is at risk of serious harm as a result. The amendment proposed to require the Department of Human Services to include in its annual report on youth in need of services information on the number and characteristics of youth who refuse services and to share that information with the Department of Behavioral and Developmental Services, Office of Substance Abuse. The amendment proposed to require the Office of Substance Abuse to increase training for substance abuse services providers and Youth in Need of Services Program providers in methods to engage reluctant youth; to create incentives for providers to increase recruitment and retention of reluctant adolescent clients; to provide information to help providers increase services for parents of adolescent clients; to conduct outreach and education to help parents of children who are abusing drugs to locate resources; and to report by October 1, 2004 to the Joint Standing Committee on Health and Human Services.

Enacted Law Summary

Public Law 2003, chapter 561 amends the definition of "youth in need of services" to include in the definition a child who is abusing alcohol or drugs and is at risk of serious harm as a result. The law requires the Department of Human Services to include in its annual report on youth in need of services information on the number and

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characteristics of youth who refuse services and to share that information with the Department of Behavioral and Developmental Services, Office of Substance Abuse. The law requires the Office of Substance Abuse to increase training for substance abuse services providers and Youth in Need of Services Program providers in methods to engage reluctant youth; to create incentives for providers to increase recruitment and retention of reluctant adolescent clients; to provide information to help providers increase services for parents of adolescent clients; to conduct outreach and education to help parents of children who are abusing drugs to locate resources; and to report by October 1, 2004 to the Joint Standing Committee on Health and Human Services.

LD 616

Resolve, To Improve the Quality of Health Care

RESOLVE 118

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	OTP-AM MAJ	S-427
RICHARDSON J	ONTP MIN	

LD 616 proposed 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 proposed 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.

Committee Amendment "A" (S-427) was the majority report of the committee. It proposed to direct the Maine Quality Forum Advisory Council to review direct-care registered nurse staffing levels in general, acute and specialty care hospitals, the issue of minimum staffing ratios for direct-care registered nurses in hospitals and the rules of the Department of Human Services on direct-care registered nurse staffing. It proposed to direct the council to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on its review under this section and any recommendations from the council by January 15, 2005.

Enacted Law Summary

Resolve 2003, chapter 118 directs the Maine Quality Forum Advisory Council to review direct-care registered nurse staffing levels in general, acute and specialty care hospitals, the issue of minimum staffing ratios for direct-care registered nurses in hospitals and the rules of the Department of Human Services on direct-care registered nurse staffing. The council is directed to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on its review under this section and any recommendations from the council by January 15, 2005.

LD 713

An Act to Support Health Care Safety Net Programs

ONTP

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

LD 713 proposed 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 have been offset by an increase in the cigarette tax from \$1 to \$1.05 per pack.

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LD 1066 **Resolve, To Establish a Committee To Examine Issues Relating to** **RESOLVE 116**
the Administration of Municipal General Assistance

<u>Sponsor(s)</u> DUDLEY BRENNAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-738
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LD 1066 proposed to increase the temporary maximum levels for municipal general assistance from a level based on fair market rents to a level based on rents adjusted by established maximum levels of assistance for food. The bill proposed 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.

Committee Amendment "A" (H-738) proposed to replace the bill and make it a resolve. The amendment proposed to require the Department of Human Services to convene a general assistance committee composed of persons interested in the administration of municipal general assistance. The amendment proposed to direct the committee to make policy recommendations regarding general assistance and to report its recommendations to the joint standing committee of the Legislature having jurisdiction over human services matters, with a progress report by January 15, 2005 and a final report by January 15, 2006. It also proposed to authorize the joint standing committee to report out legislation to the Second Regular Session of the 122nd Legislature based on the report of the general assistance committee.

Enacted Law Summary

Resolve 2003, chapter 116 requires the Department of Human Services to convene a general assistance committee composed of persons interested in the administration of municipal general assistance. The resolve directs the committee to make policy recommendations regarding general assistance and to report submit a progress report by January 15, 2005 and final recommendations to the joint standing committee of the Legislature having jurisdiction over human services matters by January 15, 2006. The resolve also authorizes the joint standing committee to report out legislation to the Second Regular Session of the 122nd Legislature based on the report of the general assistance committee.

LD 1090 **Resolve, To Promote Recruitment and Retention of Direct Care** **RESOLVE 113**
Workers in Long-term Care in Maine

<u>Sponsor(s)</u> EDMONDS LAVERRIERE-BOUC	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-743 KANE S-402
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LD 1090 proposed to provide funds to increase compensation to direct care workers and create demonstration grants for retention of direct care workers in nursing facilities, residential care facilities and home health care. The resolve also proposed 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.

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Committee Amendment "A" (S-402) proposed to replace the resolve. It proposed to require continuing work on the recruitment and retention of direct care workers and to provide for a report by January 15, 2005 to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

House Amendment "A" to Committee Amendment "A" (H-743) proposed to clarify that the joint standing committee of the Legislature having jurisdiction over health and human services matters has authority to report legislation to the First Regular Session of the 122nd Legislature.

Enacted Law Summary

Resolve 2003, chapter 113 requires continuing work on the recruitment and retention of direct care workers and provides for a report by January 15, 2005 to the joint standing committee of the Legislature having jurisdiction over health and human services matters. It authorizes the joint standing committee to report legislation to the First Regular Session of the 122nd Legislature.

LD 1127 An Act To Require Fire-safe Cigarettes in the State ONTP

<u>Sponsor(s)</u> BULL EDMONDS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1127 proposed 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 1291 An Act To Establish a System of Advocacy and Oversight To Benefit Persons with Mental Retardation and Autism ONTP

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1291 proposed to repeal and reestablish the Consumer Advisory Board that was established by the community consent decree for persons with mental retardation or autism. The bill proposed to extend the responsibilities of the board to serve individuals who are clients of the Department of Behavioral and Developmental Services but not members of the class covered by the community consent decree. It also proposed to amend the duties of the Department of Behavioral and Developmental Services, Office of Advocacy and to require the board and the office to work cooperatively with each other.

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LD 1341 **Resolve, Directing the Department of Human Services To Adopt Rules To Reduce Regulatory Burdens on Home Health Agencies while Maintaining Budget Neutrality** **RESOLVE 109 EMERGENCY**

<u>Sponsor(s)</u> KANE EDMONDS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-695
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LD 1341 proposed 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 were proposed to be designated as routine technical rules.

Committee Amendment "A" (H-695) proposed to add emergency language to the resolve. It proposed to direct the Department of Human Services to adopt rules regarding medical assessment for home health care services under Rule Chapter 101, the MaineCare Benefits Manual, Ch. II - Section 40. The rules were proposed to allow the initial assessment period to move from no less than 60 days to no more than 120 days. The amendment proposed that the rule must be cost neutral. The amendment proposed to require a report by April 1, 2005. The amendment also proposed to change the title.

Enacted Law Summary

Resolve 2003, chapter 109 directs the Department of Human Services to adopt rules regarding medical assessment for home health care services under Rule Chapter 101, the MaineCare Benefits Manual, Ch. II - Section 40. The rules may move the initial assessment period from no less than 60 days to no more than 120 days. The resulting rule must be cost neutral. The law requires a report by April 1, 2005 to the Health and Human Services Committee.

Resolve 2003, chapter 109 was enacted as an emergency measure, effective March 10, 2004.

LD 1563 **An Act Regarding Standard Contracts for Assisted Living Services** **PUBLIC 546**

<u>Sponsor(s)</u> KANE WESTON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1563 proposed 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 that it may contain other provisions that do not violate a state law or rule or federal law or regulation.

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Enacted Law Summary

Public Law 2003, chapter 546 provides 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 1621

An Act To Amend the Structure of the Office of Advocacy

ONTP

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

LD 1621 proposed to amend the structure and administration of the Office of Advocacy in the Department of Behavioral and Developmental Services. The bill proposed to require the Office of Advocacy to provide adult protective services as described in the Maine Revised Statutes, Title 22, section 3473. The bill also proposed to create the position of Director and eliminate the position of Chief Advocate within the Office of Advocacy. The bill proposed to require the department to study the effectiveness of the amended structure of the office and to submit its recommendations to the Joint Standing Committee on Health and Human Services by July 1, 2004.

LD 1631

An Act To Prohibit the Sale of Water Containing Nicotine

PUBLIC 623

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM MAJ	S-436
KOFFMAN	OTP-AM MIN	

LD 1631 proposed 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.

Committee Amendment "A" (S-436) was the majority report of the committee. The amendment proposed to replace the bill. It proposed to prohibit selling, furnishing or giving away nicotine water, which is water with added nicotine or an alkaloid of nicotine. It proposed to reorganize the penalty provisions from the bill.

Enacted Law Summary

Public Law 2003, chapter 623 prohibits selling, furnishing or giving away nicotine water, which is water with added nicotine or an alkaloid of nicotine. It specifies fines of \$500 for a first offense, \$1,000 for a second offense and \$5,000 for a third or subsequent offense.

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LD 1640

An Act To Provide Accurate Vital Records for Adults in Maine

PUBLIC 585

<u>Sponsor(s)</u> BRUNO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-739
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LD 1640 proposed to require the State Registrar of Vital Statistics to amend a birth certificate to reflect the identity of the biological parent of the subject of the birth certificate when the state registrar receives proof based on testing of deoxyribonucleic acid, DNA, that a person is a biological parent of the subject of the certificate of birth and receives written consent from that biological parent.

Committee Amendment "A" (H-739) proposed to replace the bill. The amendment proposed to retain the provision of the bill that authorizes the State Registrar of Vital Statistics to amend a birth certificate to include identification of a biological parent whose parentage is based on the results of DNA testing. The amendment proposed to clarify that this authorization applies only to the birth certificates of persons 18 years of age or older. The amendment proposed to retain the provision of the bill that requires written consent of the biological parent to be named on the amended birth certificate. The amendment also proposed to add the following requirements for obtaining an amended birth certificate: notarized consent of the biological parent and the subject of the birth certificate; notarized DNA testing results; notarized documentation of the chain of custody of the samples used in DNA testing; and DNA testing of a type generally acknowledged as reliable conducted by a laboratory approved by a federally designated accreditation body.

Enacted Law Summary

Public Law 2003, chapter 585 authorizes the State Registrar of Vital Statistics to amend a birth certificate to include identification of a biological parent whose parentage is based on the results of DNA testing. The law specifies that this authorization applies only to the birth certificates of persons 18 years of age or older. The law specifies the following requirements for obtaining an amended birth certificate: notarized written consent of the biological parent and the subject of the birth certificate; notarized DNA testing results; notarized documentation of the chain of custody of the samples used in DNA testing; and DNA testing of a type generally acknowledged as reliable conducted by a laboratory approved by a federally designated accreditation body.

LD 1641

An Act To Require That Rules Pertaining to Reimbursement for Services for Child Development Services Be Major Substantive Rules

ONTP

<u>Sponsor(s)</u> CRAVEN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1641 proposed to require that rules adopted by the Commissioner of Education pertaining to reimbursement to providers of child development services to children and families under the Maine Revised Statutes, Title 20-A, chapter 307-A be major substantive rules.

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LD 1642

An Act To Provide an Exemption to the Laws Governing Patient Confidentiality Regarding Certain Former Patients of the State Mental Institutions

PUBLIC 563

<u>Sponsor(s)</u> BRANNIGAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-719
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LD 1642 proposed to provide an exception to the laws governing patient confidentiality to allow the names of patients who died at the Augusta Mental Health Institute to be made available to the public.

Committee Amendment "A" (H-719) proposed to expand the bill to cover patients who died at the Bangor Mental Health Institute and the Riverview Psychiatric Center, in addition to patients who died at the Augusta Mental Health Institute. The amendment also proposed to allow the date of death, in addition to the patient's name, to be made available to the public. The amendment proposed to add a requirement that the Department of Behavioral and Developmental Services adopt rules to govern the release of information regarding patients who died at the above-named institutions. The amendment also proposed to require the department to notify the public about the release of information and to maintain the confidentiality of information relating to a person whose surviving relatives object to disclosure.

Enacted Law Summary

Public Law 2003, chapter 563 provides an exception to the laws governing patient confidentiality to allow the names and date of death of patients who died at the Augusta Mental Health Institute, Bangor Mental Health Institute and the Riverview Psychiatric Center to be made available to the public. The law requires the Department of Behavioral and Developmental Services to adopt rules to govern the release of information regarding patients who died at the above-named institutions. It also requires the department to notify the public about the release of information and to maintain the confidentiality of information relating to a person whose surviving relatives object to public disclosure.

LD 1666

Resolve, To Require Cost Neutrality and Appropriateness of Assisted Living Medication Courses

ONTP

<u>Sponsor(s)</u> LERMAN DAGGETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1666

On September 1, 2003, the Department of Human Services revised the content and duration of the course curriculum required for persons administering medications in assisted living settings. LD 1666 proposed to require the Department of Human Services to revise the course to ensure its appropriateness for the population served, and either to ensure cost neutrality or to provide reimbursement for the added costs from the effective date of this resolve.

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LD 1681

An Act To Make Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded Major Substantive Rules

PUBLIC 684

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM A	H-811 KANE
DUDLEY	OTP-AM B	S-434
	ONTP C	

LD 1681

In July 2003, the Department of Human Services amended the principles of reimbursement for intermediate care facilities for persons with mental retardation to eliminate the provisions that permitted operators of intermediate care facilities for the mentally retarded to retain 75% of the savings achieved by an economically and efficiently run facility. LD 1681 proposed to establish that provision as law.

Committee Amendment "A" (S-434) proposed to replace the bill and was the majority report. The amendment proposed to designate rules regarding principles of reimbursement in the MaineCare program for intermediate care facilities for persons with mental retardation as major substantive rules.

House Amendment "A" to Committee Amendment "A" (H-811) proposed to remove the emergency preamble and the emergency clause from the amendment.

Enacted Law Summary

Public Law 2003, chapter 684 designates MaineCare rules regarding principles of reimbursement for intermediate care facilities for persons with mental retardation as major substantive rules.

LD 1685

An Act To Improve Awareness of Meningococcal Disease

PUBLIC 581

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	OTP-AM	S-418
PATRICK		

LD 1685 proposed to require each public or private postsecondary institution with a residential campus to provide vaccine information on meningococcal disease to each student on student health forms. The bill also proposed to require the joint standing committee of the Legislature having jurisdiction over health and human services matters to review this initiative in 2008 and to authorize the committee to report out legislation following its review.

Committee Amendment "A" (S-418) proposed to replace the bill. The amendment proposed to require each public or private postsecondary educational institution with a residential campus to provide information on meningococcal disease and the meningococcal vaccine to each newly entering student who plans to live on the residential campus. The amendment proposed to add a provision to the bill to require that the information regarding the disease and vaccine include a statement directing the student to share the information with parents or guardians. The amendment also proposed to retain the provisions of the bill that require the joint standing committee of the Legislature having jurisdiction over health and human services matters to review this initiative in 2008 and authorize the committee to report out legislation following its review.

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Enacted Law Summary

Public Law 2003, chapter 581 requires each public or private postsecondary educational institution with a residential campus to provide information on meningococcal disease and the meningococcal vaccine to each newly entering student who plans to live on the residential campus. The law requires that the information regarding the disease and vaccine include a statement directing the student to share the information with parents or guardians. The law also requires the joint standing committee of the Legislature having jurisdiction over health and human services matters to review this initiative by January 30, 2008 and authorizes the committee to report out legislation following its review.

LD 1695

An Act To Ensure Compliance with Federal Medicaid Requirements

PUBLIC 613

Sponsor(s)
DAGGETT
CRAVEN

Committee Report
OTP-AM

Amendments Adopted
S-433

LD 1695 proposed to clarify that for purposes of recovering overpayments to providers under the MaineCare program, overpayments do not include overestimates made as part of prospective interim payments, 3rd-party liability recovery, departmental administrative error or receivership fees or debt. The bill also proposed to clarify that if the Department of Human Services proves that records of goods or services are defective, it may impose a penalty or sanction, which may include total recoupment.

Committee Amendment "A" (S-433) proposed to replace the bill. The amendment proposed to retain the provision of the bill defining "overpayment" and add an exclusion for certain routine adjustments of \$2,500 or less. The amendment proposed to retain the provision on administrative appeals of informal reviews. The amendment proposed to clarify the use of existing and available records, limit the application of total recoupment and limit proof that services or goods were actually provided to situations in which the provider has proven by a preponderance of the evidence that the goods or services were medically necessary, MaineCare-covered goods or services. The amendment proposed to correct an error in current law that pertains to the Department of Human Services' terminating or suspending the participation of a provider in the MaineCare program.

Enacted Law Summary

Public Law 2003, chapter 613 clarifies that for purposes of recovering overpayments to providers under the MaineCare program, overpayments do not include overestimates made as part of prospective interim payments, 3rd-party liability recovery, departmental administrative error or receivership fees or debt. The law also clarifies that if the Department of Human Services proves that records of goods or services are defective, it may impose a penalty or sanction, which may include total recoupment. The law defines "overpayment" and adds an exclusion for certain routine adjustments of \$2,500 or less. The law clarifies the use of existing and available records, limits the application of total recoupment and limits proof that services or goods were actually provided to situations in which the provider has proven by a preponderance of the evidence that the goods or services were medically necessary, MaineCare-covered goods or services. The law corrects an error in current law that pertains to the Department of Human Services' terminating or suspending the participation of a provider in the MaineCare program.

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LD 1706

An Act To Ensure Appropriate Care and Custody of Children

PUBLIC 626

<u>Sponsor(s)</u> DOUGLASS CRAVEN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-466
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LD 1706 proposed that the State would assert and maintain jurisdiction over any child orphaned in the State by domestic violence. Additionally, the bill proposed to require the Department of Human Services to develop procedures either through rulemaking or proposed legislation that would ensure a timely investigation, similar to that required in adoptions, with a guardian ad litem appointed for the child before permanent placement or visitation rights are ordered. The bill also proposed to require the Commissioner of Public Safety to adopt rules to aid in ensuring that the Department of Human Services is involved in a timely fashion.

Committee Amendment "A" (S-466) proposed to replace the bill and change the title. The amendment proposed to authorize the Department of Human Services to provide short-term emergency services to children in the event of certain homicides and require the department to perform emergency assessments for temporary placements in those situations. The amendment proposed to direct the Office of the Attorney General to develop protocols for law enforcement for notification to the Department of Human Services, Bureau of Child and Family Services. The amendment proposed to direct the Department of Public Safety to develop a plan for providing criminal history record information and protection from abuse order information to the bureau when the bureau is performing an emergency assessment under the Maine Revised Statutes, Title 22, section 4023, subsection 8.

Enacted Law Summary

Public Law 2003, chapter 626 authorizes the Department of Human Services to provide short-term emergency services to children in the event of certain homicides and requires the department to perform emergency assessments for temporary placements in those situations. The law directs the Office of the Attorney General to develop protocols for law enforcement for notification to the Department of Human Services, Bureau of Child and Family Services. The law directs the Department of Public Safety to develop a plan for providing criminal history record information and protection from abuse order information to the bureau when the bureau is performing an emergency assessment under the Maine Revised Statutes, Title 22, section 4023, subsection 8.

LD 1709

**An Act To Clarify Financial Management Procedures at the
Maine Developmental Disabilities Council**

INDEF PP

<u>Sponsor(s)</u> BROMLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-401
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LD 1709 proposed to authorize the Maine Developmental Disabilities Council to borrow funds in anticipation of receipt of its operating revenues from the federal government. It proposed to specify that such borrowing would be a legal obligation of the council and not a liability, debt or pledge of credit of the State of Maine. The bill also proposed to authorize the council to select its officers and to clarify that the council is a body corporate and politic and that council members are not personally liable for acts of the council.

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Committee Amendment “A” (S-401) proposed to replace the bill. The amendment proposed to authorize the Maine Developmental Disabilities Council to borrow funds in anticipation of receipt of operating revenues and to clarify that such borrowing is authorized only under the following conditions: the borrowing must be for current operating expenses; it must be for a term not to exceed 13 months; and it must be for an amount not to exceed 25% of the council’s annual budget in the preceding fiscal year. The amendment proposed to retain the provision of the bill that specifies that any debt of the council is the legal obligation solely of the council and is not a liability, debt or pledge of the credit of the State or of any municipality or subdivision of the State. It also proposed to authorize the council to select its officers and to clarify that the council is a body corporate and politic and that members of the council may not be held personally liable for acts of the council.

LD 1713 Resolve, To Establish the Commission To Study Access to ONTP
Prescription Medication for Persons with Mental Illness

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

LD 1713 proposed to establish the Commission to Study Access to Prescription Medication for Persons with Mental Illness. The resolve proposed to require the commission to study the following issues: limitations to access to prescription medication presented by the availability of treating psychiatrists in various counties in the State, whether medication is being prescribed in situations in which other mental illness interventions might be more appropriate, and whether prescriptive authority for psychotropic drugs should be extended to other health care professionals.

LD 1720 An Act To Ensure the Lowest-priced Prescription Drugs for ONTP
Maine Seniors

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

LD 1720 proposed to prohibit a drug manufacturer from considering eligibility for the elderly low-cost drug program when determining eligibility for a patient assistance, drug access or drug discount program.

LD 1726 An Act To Require Criminal History Checks Prior to Placement of ONTP
Children by the Department of Human Services

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

LD 1726 proposed to require a person with whom a child in the custody or care of the Department of Human Services is to be placed to undergo a criminal history record check. As proposed, the department would be

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responsible for ensuring the completion of the record check. The bill proposed that a child may not be placed with a person who has a history of abuse or neglect, defined in the Maine Revised Statutes, Title 22, section 4002, subsection 1 as "a threat to a child's health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these, by a person responsible for the child."

LD 1739 An Act To Clarify the Requirements of the Behavioral Treatment PUBLIC 564
and Safety Device Review Teams for Persons with Mental
Retardation or Autism

<u>Sponsor(s)</u> O'BRIEN J		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-720
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LD 1739 proposed to establish a review team and requirements for prior approval of a behavioral treatment program involving the use of aversive or severely intrusive techniques for a child under 18 years of age with mental retardation or autism.

Committee Amendment "A" (H-720) proposed to replace the bill. The amendment proposed to retain the provision of the bill that establishes a review team and requirements for prior approval of a behavioral treatment program involving the use of aversive or severely intrusive techniques for a child under 18 years of age with mental retardation or autism. The amendment proposed to add a provision that establishes the same review team and requirements for prior approval of the use of safety devices for a child under 18 years of age with mental retardation or autism.

Enacted Law Summary

Public Law 2003, chapter 564 establishes a review team and requirements for prior approval of a behavioral treatment program involving the use of aversive or severely intrusive techniques for a child under 18 years of age with mental retardation or autism and for prior approval of the use of safety devices for a child under 18 years of age with mental retardation or autism.

LD 1747 An Act To Amend the Medicaid Drug Rebate Program and the PUBLIC 611
Elderly Low-cost Drug Program

<u>Sponsor(s)</u> CRAVEN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-778
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LD 1747 proposed to make changes to the Medicaid drug rebate program and to the elderly low-cost drug program to clarify the out-of-pocket cost to participating members.

Committee Amendment "A" (H-778) proposed to reorganize the law regarding basic, supplemental and catastrophic benefits in the elderly low-cost drug program. It proposed to add \$2 to the recipient's copayment in the catastrophic program.

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Enacted Law Summary

Public Law 2003, chapter 611 makes changes to the Medicaid drug rebate program and to the elderly low-cost drug program to clarify the out-of-pocket cost to participating members and adds \$2 to the recipient's copayment in the catastrophic program.

LD 1748

An Act To Amend the Rule-making Authority of the Department of Human Services to Ensure Cost-effective Operation of State Medical Services Programs and Compliance with Federal Requirements

**PUBLIC 612
EMERGENCY**

Sponsor(s)
O'NEIL

Committee Report
OTP-AM

Amendments Adopted
H-777

LD 1748 proposed to provide the authority for 2 bureaus in the Department of Human Services to adopt rules having retroactive application. It proposed to allow the Bureau of Medical Services to do so to maximize revenue sources and to meet deappropriations. It proposed to allow the Bureau of Family Independence to do so to comply with federal regulations or to conform to the state plan as filed with the Federal Government.

Committee Amendment "A" (H-777) proposed to provide the authority for 2 bureaus in the Department of Human Services, the Bureau of Medical Services and the Bureau of Family Independence, to adopt rules having retroactive application in certain specific circumstances for a period up to 8 calendar quarters. It proposed to allow the Bureau of Medical Services to do so to maximize available federal revenue sources through the federal Medicaid program or to conform to the state Medicaid plan. It proposed to allow both bureaus to make retroactive rules regarding the MaineCare, Temporary Assistance for Needy Families and food stamp programs to comply with federal regulations and to conform to the state plan as filed with the Federal Government. The rules, as proposed, would not be allowed to reduce or otherwise negatively affect reimbursement or other payments to providers that they are entitled to receive under previously applicable rules. Reimbursement or payment under the new rules would have to be equal to or greater than reimbursement under the old rules. The rules would not be allowed to reduce or otherwise negatively affect reimbursement or other payments, benefits or services that beneficiaries are entitled to have covered or paid under the old rules. Reimbursement or other payments, benefits or services under the amended rules would have to be equal to or greater than under the prior rules. The amendment proposed to require legislative approval for retroactive application of any rule that has an adverse financial impact on any MaineCare provider or member, Temporary Assistance for Needy Families program or food stamp recipient or beneficiary or recipient of any other program administered by the department. The amendment proposed to designate the rules as routine technical rules unless the underlying statutory authority for the rule already designates the rule as a major substantive rule. The amendment proposed to require the department to report on implementation and the effect of implementation by January 15, 2005 and 2006. Under the amendment, the authority to adopt rules having a retroactive application would be repealed on July 1, 2006.

Enacted Law Summary

Public Law 2003, chapter 612 provides authority for 2 bureaus in the Department of Human Services, the Bureau of Medical Services and the Bureau of Family Independence, to adopt rules having retroactive application in certain specific circumstances for a period up to 8 calendar quarters. The Bureau of Medical Services may do so to maximize available federal revenue sources through the federal Medicaid program or to conform to the state Medicaid plan. Both bureaus may make retroactive rules regarding the MaineCare, Temporary Assistance for

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Needy Families and food stamp programs to comply with federal regulations and to conform to the state plan as filed with the Federal Government. The rules may not reduce or otherwise negatively affect reimbursement or other payments to providers that they are entitled to receive under previously applicable rules. Reimbursement or payment under the new rules must be equal to or greater than reimbursement under the old rules. The rules may not reduce or otherwise negatively affect reimbursement or other payments, benefits or services that beneficiaries are entitled to have covered or paid under the old rules. Reimbursement or other payments, benefits or services under the amended rules must be equal to or greater than under the prior rules. The law requires legislative approval for retroactive application of any rule that has an adverse financial impact on any MaineCare provider or member, Temporary Assistance for Needy Families program or food stamp recipient or beneficiary or recipient of any other program administered by the department. The law designates the rules as routine technical rules unless the underlying statutory authority for the rule already designates the rule as a major substantive rule. The law requires the department to report on implementation and the effect of implementation by January 15, 2005 and 2006. Under the law, the authority to adopt rules having a retroactive application is repealed on July 1, 2006.

Public Law 2003, chapter 612 was enacted as an emergency measure, effective April 9, 2004.

LD 1753

An Act To Improve Quality and Safety in Long-term Care

PUBLIC 634

<u>Sponsor(s)</u> ANDREWS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-817
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LD 1753 proposed to require personal care agencies, adult day care programs and assisted housing programs to obtain criminal history record information and to prohibit these entities from hiring individuals as unlicensed assistive personnel if those individuals have been the subject of a complaint of abuse, neglect or misappropriation of property that has been substantiated by the state survey agency or have been convicted of certain crimes.

Committee Amendment "A" (H-817) proposed to replace the bill and change the title. It proposed to require personal care agencies, home health care providers and adult day care programs to obtain criminal history record information about applicants for positions as unlicensed assistive personnel and prohibit these entities from hiring individuals who have worked as certified nursing assistants and have been the subject of a complaint of abuse, neglect or misappropriation of property that has been substantiated by the state survey agency or who have been convicted of certain crimes. It proposed to prohibit licensed assisted housing programs from hiring as unlicensed assistive personnel persons who are prohibited from employment as certified nursing assistants under the Maine Revised Statutes, Title 22, section 1812-G, subsections 6 and 7. It proposed to provide penalties for a personal care agency that violates the employment requirements contained in the amendment. The amendment proposed to make 3 corrections to long-term care facility law to update language on assisted living programs and residential care facilities. It proposed to direct the Long-term Care Oversight Committee to report by March 1, 2005 to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding conducting criminal history record checks for direct care workers and the establishment of a registry.

Enacted Law Summary

Public Law 2003, chapter 634 requires personal care agencies, home health care providers and adult day care programs to obtain criminal history record information about applicants for positions as unlicensed assistive personnel and prohibits these entities from hiring individuals who have worked as certified nursing assistants and have been the subject of a complaint of abuse, neglect or misappropriation of property that has been substantiated by the state survey agency or who have been convicted of certain crimes. It prohibits licensed assisted housing programs from hiring as unlicensed assistive personnel persons who are prohibited from employment as certified nursing assistants under the Maine Revised Statutes, Title 22, section 1812-G, subsections 6 and 7. It provides

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penalties for a personal care agency that violates the employment requirements contained in the amendment. The law makes 3 corrections to long-term care facility law to update language on assisted living programs and residential care facilities. It directs the Long-term Care Oversight Committee to report by March 1, 2005 to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding conducting criminal history record checks for direct care workers and the establishment of a registry.

LD 1772

An Act To Revise the Frequency of Home Health Licensing Surveys

PUBLIC 548

<u>Sponsor(s)</u> COLWELL EDMONDS	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1772 proposed to allow home health care providers to be licensed on a biennial basis. It proposed to direct the Department of Human Services to adopt rules regarding terms of licenses. The bill also proposed to repeal an obsolete provision of law providing for the staggering of terms of licenses during the 2-year period commencing July 1, 1984.

Enacted Law Summary

Public Law 2003, chapter 548 allows home health care providers to be licensed on a biennial basis. It directs the Department of Human Services to adopt rules regarding terms of licenses. The law also repeals an obsolete provision of law providing for the staggering of terms of licenses during the 2-year period commencing July 1, 1984.

LD 1811

Resolve, To Ensure Access to Life-sustaining Pharmaceuticals

ONTP

<u>Sponsor(s)</u> DUDLEY BRENNAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1811 proposed to direct the Department of Human Services to adopt rules for the MaineCare program to provide access to certain prescribed drugs, without requiring completion of a prior authorization process, for persons with acquired immune deficiency syndrome and for persons with certain severe and persistent mental illnesses.

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LD 1823 Resolve, Extending the Reporting Deadline for the Commission To INDEF PP
Study Public Health

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

LD 1823 proposed to extend the reporting deadline for the Commission to Study Public Health until November 3, 2004 and to apply this extension retroactively from the original reporting deadline of December 3, 2003. This resolve also proposed to direct the commission to submit its report to the First Regular Session of the 122nd Legislature and to clarify that the commission's report would include recommendations for legislative action. The resolve proposed to allow unexpended funds appropriated for use in fiscal year 2003-04 to be used in fiscal year 2004-05.

Although LD 1823 was not enacted, the Commission to Study Public Health was extended to November 3, 2004 by vote of the Legislative Council.

LD 1826 An Act To Encourage the Proper Disposal of Unused PUBLIC 679
Pharmaceuticals

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM MAJ	S-474
LEMOINE	ONTP MIN	S-506 BRENNAN

LD 1826 proposed to create the Unused Pharmaceutical Disposal Program, administered by the Maine Drug Enforcement Agency, to provide for the safe, effective and proper disposal of unused or expired prescription drugs. The program would involve the use of prepaid mailers to be made available and used by the public to mail unused or expired prescription drugs to a single collection location. The drugs received would be handled only by agency officers and must be disposed of in a manner that ensures the safety of the public and the environment. The director of the Maine Drug Enforcement Agency would be authorized to accept funding from public and private sources to carry out the purposes of the program.

Committee Amendment "A" (S-474) was the majority report of the committee. It proposed to replace the bill and change the title. The amendment proposed to delete authorization for the Unused Pharmaceutical Disposal Program to accept public funding. The amendment also proposed to require the joint standing committee of the Legislature having jurisdiction over health and human services matters to approve the Unused Pharmaceutical Disposal Program prior to its implementation and add a program start date of July 1, 2005. The amendment proposed to allow the Maine Drug Enforcement Agency to randomly assess materials received under the program. The amendment proposed to deem return of pharmaceuticals under the program to be for law enforcement purposes. The amendment proposed to establish the Maine Drug Return Implementation Group to study and make recommendations on implementation of the program and provide for membership of the implementation group. The amendment proposed to authorize the joint standing committee of the Legislature having jurisdiction over health and human services matters to report out legislation to the First Regular Session of the 122nd Legislature.

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The amendment also proposed to remove the emergency language from the bill.

Senate Amendment "A" to Committee Amendment "A" (S-506) proposed to amend the majority report of the committee. It proposed to rewrite the provisions establishing the Maine Drug Return Implementation Group to conform to the study guidelines of the Legislature. It proposed to add provisions requiring outside funding. It proposed to remove the requirement of committee approval prior to implementation and to remove the contingent effective date, making the bill take effect on July 1, 2005.

Enacted Law Summary

Public Law 2003, chapter 679 creates the Unused Pharmaceutical Disposal Program, administered by the Maine Drug Enforcement Agency, to provide for the safe, effective and proper disposal of unused or expired prescription drugs. The program involves the use of prepaid mailers to be made available and used by the public to mail unused or expired prescription drugs to a single collection location. The drugs received may be handled only by agency officers and must be disposed of in a manner that ensures the safety of the public and the environment. The director of the Maine Drug Enforcement Agency is authorized to accept funding from private sources to carry out the purposes of the program. The law prohibits the use of public funding for the program or for the Maine Drug Return Implementation Group.

The law allows the Maine Drug Enforcement Agency to randomly assess materials received under the program. The law deems return of pharmaceuticals under the program to be for law enforcement purposes. The law establishes the Maine Drug Return Implementation Group to study and make recommendations on implementation of the program and provides for membership of the implementation group. The law authorizes the joint standing committee of the Legislature having jurisdiction over health and human services matters to report out legislation to the First Regular Session of the 122nd Legislature. The law takes effect on July 1, 2005.

LD 1829

An Act To Amend the Membership of the Children's Cabinet

PUBLIC 576

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

LD 1829 proposed to expand the Children's Cabinet to include the Commissioner of Labor and, at the discretion of the Governor, a member of the public appointed by the Governor.

Enacted Law Summary

Public Law 2003, chapter 576 expands the Children's Cabinet to include the Commissioner of Labor and, at the discretion of the Governor, a member of the public appointed by the Governor.

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LD 1830 **Resolve, Regarding Legislative Review of Portions of Chapter 16: Foster Home Licensing Rule Regarding Smoking by Foster Parents, a Major Substantive Rule of the Department of Human Services** **RESOLVE 134**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-798 S-493 BRENNAN

LD 1830 proposed to provide for legislative review of Portions of Chapter 16: Foster Home Licensing Rule Regarding Smoking by Foster Parents, a major substantive rule of the Department of Human Services.

Committee Amendment "A" (H-798) proposed to change the 24-hour time periods in the provisionally adopted rule to 12-hour time periods.

Senate Amendment "A" (S-493) proposed to remove the emergency preamble and clause.

Enacted Law Summary

Resolve 2003, chapter 134 completes the legislative review of portions of Chapter 16: Foster Home Licensing Rule Regarding Smoking by Foster Parents, a major substantive rule of the Department of Human Services.

This resolve requires the 24-hour time periods in the provisionally adopted rule be changed to 12-hour time periods prior to final adoption.

LD 1867 **Resolve, Regarding Legislative Review of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-medical Institution Services, a Major Substantive Rule of the Department of Human Services** **RESOLVE 135
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-882

LD 1867 proposed to provide for legislative review of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-medical Institution Services, a major substantive rule of the Department of Human Services.

Committee Amendment "A" (H-882) proposed to approve the major substantive rules submitted regarding MaineCare rates for private nonmedical institutions provided those rules are amended to use a 25-cent per resident per day rate reduction in the facility-specific routine component of the room-and-board portion of the payment in place of the reduced reimbursement, based on application of a bed-hold day decrease, that had been proposed. The amendment proposed to require wording used to refer to reimbursement related to foreign exchange fellows of professional exchange programs for social workers to be changed: "stipend" must be changed to "contract fee."

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The amendment proposed to require the Department of Human Services to adopt emergency rules to implement the rules as approved by the Legislature.

Enacted Law Summary

Resolve 2003, chapter 135 completes the legislative review of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-medical Institution Services, a major substantive rule of the Department of Human Services.

This resolve approves the major substantive rules submitted regarding MaineCare rates for private nonmedical institutions provided those rules are amended to use a 25-cent per resident per day rate reduction in the facility-specific routine component of the room-and-board portion of the payment in place of the reduced reimbursement, based on application of a bed-hold day decrease, that had been proposed. The resolve requires wording used to refer to reimbursement related to foreign exchange fellows of professional exchange programs for social workers to be changed: "stipend" is changed to "contract fee."

The resolve requires the Department of Human Services to adopt emergency rules to implement the rules as approved by the Legislature.

Resolve 2003, chapter 116 was enacted as an emergency measure effective April 22, 2004.

LD 1884

An Act To Strengthen the Enforcement Provisions of the Maine Health Data Organization

PUBLIC 659

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN	OTP-AM MAJ	S-475
EARLE	ONTP MIN	

LD 1884 proposed to provide that persons who intentionally or knowingly engage in the unauthorized misuse of individually identifiable health information or data obtained from the Maine Health Data Organization are subject to civil fines up to \$250,000, an amount that is commensurate with the provisions of the federal Health Insurance Portability and Accountability Act of 1996 for the knowing wrongful disclosure of individually identifiable health information. This bill proposed to allow the organization to file a complaint with the Department of Professional and Financial Regulation, Bureau of Insurance seeking disciplinary action against any payor who violates the provisions of Title 22, chapter 1683. The bill proposed that the Attorney General be granted authority to seek injunctive relief for violations of the Maine Health Data Organization statutes or rules, in addition to any other remedies the Board of Directors of the Maine Health Data Organization may pursue.

Committee Amendment "A" (S-475) was the majority report of the committee. The amendment proposed to retain all of the provisions of the bill, designate the enforcement rules as major substantive rules and make organizational changes to the section. The amendment proposed to strengthen the enforcement provisions of the Maine Health Data Organization statutes that are outdated or inconsistent with other sections of the Maine Revised Statutes, Title 22, chapter 1683. The amendment proposed to provide that persons who intentionally or knowingly engage in the unauthorized misuse of individually identifiable health information or data obtained from the organization are subject to civil fines up to \$250,000. The amendment proposed to allow the organization to refer failures to comply with the requirements of the chapter to the appropriate department or licensing board or to the Department of Professional and Financial Regulation, Bureau of Insurance or to file a

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complaint in Superior Court. The amendment proposed to allow the Attorney General to pursue injunctions or other appropriate remedies for violations of the chapter.

Enacted Law Summary

Public Law 2003, chapter 659 strengthens the enforcement provisions of the Maine Health Data Organization statutes that are outdated or inconsistent with other sections of the Maine Revised Statutes, Title 22, chapter 1683. The law provides that persons who intentionally or knowingly engage in the unauthorized misuse of individually identifiable health information or data obtained from the organization are subject to civil fines up to \$250,000, an amount that is consistent with the provisions of the federal Health Insurance Portability and Accountability Act of 1996 for the knowing wrongful disclosure of individually identifiable health information. The law allows the organization to refer failures to comply with the requirements of the chapter to the appropriate department or licensing board or to the Department of Professional and Financial Regulation, Bureau of Insurance or to file a complaint in Superior Court. The amendment allows the Attorney General to pursue injunctions or other appropriate remedies for violations of the chapter.

LD 1890

An Act To Ensure Disclosure of Prescription Drug Prices

PUBLIC 667

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM MAJ	S-496
LEMOINE	ONTP MIN	

LD 1890 proposed to require that drug manufacturers doing business in the State report and certify to the Department of Human Services, for each of their drugs, the actual average wholesale price, the wholesale acquisition cost, the average manufacturer price and the best price as defined by federal law.

Committee Amendment "A" (S-496) was the majority report of the committee. It proposed to restrict application of the bill to manufacturers of prescription drugs dispensed in the State under a health program directed or administered by the State. It proposed to add confidentiality language that prohibits disclosure of information by the department, with exceptions for certain court-related situations. The amendment proposed to add enforcement under the Maine Unfair Trade Practices Act. The amendment proposed to prohibit the use of General Fund funds. The amendment proposed to delay the effective date of the bill until 30 days after the Commissioner of Human Services receives notice from the Attorney General that funds are available for the implementation of these provisions, except that the provisions may not take effect before January 1, 2005.

Enacted Law Summary

Public Law 2003, chapter 667 requires that drug manufacturers of prescription drugs dispensed in the State under a health program directed or administered by the State report and certify to the Department of Human Services, for each of their drugs, the actual average wholesale price, the wholesale acquisition cost, the average manufacturer price and the best price as defined by federal law.

The law contains confidentiality language that prohibits disclosure of information by the department, with exceptions for certain court-related situations. The law provides for enforcement under the Maine Unfair Trade Practices Act. The law prohibits the use of General Fund funds. The law contains an effective date that is 30 days after the Commissioner of Human Services receives notice from the Attorney General that funds are available for the implementation of these provisions, except that the provisions may not take effect before January 1, 2005.

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LD 1913

An Act To Establish the Department of Health and Human Services

**PUBLIC 689
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE MARTIN	OTP-AM	H-890

LD 1913 proposed to reorganize the delivery of services to adults, children and families by the Department of Human Services and the Department of Behavioral and Developmental Services, establishing the new Department of Health and Human Services. The goals of the reorganization would be to improve services, increase programs and fiscal efficiency and improve relations with consumers and community organizations.

1. The bill proposed to establish the Department of Health and Human Services. The department would assume the duties of the current Department of Human Services and the Department of Behavioral and Developmental Services. Services and programs that would be delivered to children through the new Department of Health and Human Services would include home visiting services for families with newborn children; mental health and behavioral health services; mental retardation and developmental disability services; substance abuse prevention and treatment services; maternal and child health services; Head Start and child care services; child welfare services; physical health services; establishment of paternity and child support; economic assistance to needy families, TANF, and employment-related services, ASPIRE; residential and long-term care services for children with disabilities; health planning for children's services; and health data and program management.

Services and programs that would be delivered to adults through the new Department of Health and Human Services include physical health programs; public health and health engineering; long-term care services for adults; adult protective services; mental health and behavioral health services for adults; mental retardation and developmental disability services for adults; health data and program management; assistance services, including, but not limited to, general assistance, food stamps, and disability determination; and substance abuse prevention and treatment services.

2. This bill proposed to establish a Health and Human Services Advisory Board to advise the commissioner of the department. The board membership would consist of 9 members appointed by the Governor.
3. This bill proposed to provide transition language to enable the affected departments to plan for an orderly transition to the new Department of Health and Human Services.

Committee Amendment "A" (H-890) proposed to replace the bill. Consistent with the bill, the amendment proposed to reorganize the delivery of services to adults, children and families by the Department of Human Services and the Department of Behavioral and Developmental Services through the establishment of the new Department of Health and Human Services. The amendment proposed to do the following.

1. Add an emergency preamble and an emergency clause that provide for an effective date of July 1, 2004.
2. Retain the provisions of the bill that establish the new Department of Health and Human Services; clarify the mission of the department and the programs and services provided by the department; and add guiding principles for the department, drawing those principles from the "Report of the Advisory Council for the

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Reorganization and Unification of the Department of Human Services and the Department of Behavioral and Developmental Services."

3. Set forth qualification requirements for bureau directors and delay the adoption of a bureau structure until one is approved by the Legislature.
4. Remove the provision of the bill that establishes a permanent Health and Human Services Advisory Board to advise the Commissioner of Health and Human Services and instead require the establishment of working groups to advise the commissioner on planning and implementation issues through December 2005.
5. Retain the provisions of the bill that provide for orderly transition from the Department of Human Services and the Department of Behavioral and Developmental Services to the new Department of Health and Human Services.
6. Retain the provision of the bill that transfers the Commissioner of Human Services to the position of Commissioner of Health and Human Services without need of appointment or confirmation and add a statement of legislative intent to this provision.
7. Clarify the provision of the bill regarding the rights of employees of the new department who were employees of the Department of Human Services and the Department of Behavioral and Developmental Services.
8. Retain the provision of the bill that requires the commissioner to consolidate certain administrative components of the Department of Health and Human Services, including auditing, financial management, human resources and information technology.
9. Retain the requirement that the Commissioner of Health and Human Services consolidate adult protective functions, but delay the consolidation of guardianship and conservatorship functions.
10. Clarify the provision of the bill that requires the Commissioner of Health and Human Services to submit a report with recommendations and legislation by January 31, 2005 to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The amendment proposed to require the report to include recommendations on the following issues related to the establishment and implementation of the new department: bureau structure, administrative structure and functions, program and service delivery functions, advisory boards and the child welfare ombudsman program. The amendment also proposed to require the commissioner to convene working groups of consumers, providers, advocates and members of the public to advise the commissioner on these issues. The amendment proposed to authorize the committee to report out legislation to the 122nd Legislature following review of the commissioner's report and recommendations.
11. Retain the provision of the bill that requires the Commissioner of Health and Human Services to review and report on the delivery of child development services and juvenile justice services.
12. Clarify the provisions of the bill regarding the interpretation of conflicting laws and rules by the Commissioner of Health and Human Services and adoption of rules to settle those conflicts.
13. Clarify the provision of the bill that requires the joint standing committee of the Legislature having jurisdiction over health and human services matters and the Commissioner of Health and Human Services to agree on a format and organization of the Maine Revised Statutes, Title 22-A by November 30, 2005 and submit necessary legislation by November 30, 2006.

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14. Add a provision that authorizes the joint standing committee of the Legislature having jurisdiction over health and human services matters to meet at least 3 times during the 2004 legislative interim to review planning and implementation issues and authorize the committee to report out legislation to the First Regular Session of the 122nd Legislature.
15. Retain the provisions of the bill that establish the salary range for the Commissioner of Health and Human Services and the Director of the Bureau of Medical Services within the Department of Human Services.

Enacted Law Summary

Public Law 2003, chapter 689 reorganizes the delivery of services to adults, children and families by the Department of Human Services and the Department of Behavioral and Developmental Services, establishing the new Department of Health and Human Services. The goals of the reorganization are to improve services, increase programs and fiscal efficiency and improve relations with consumers and community organizations.

1. The law establishes the Department of Health and Human Services. The department assumes the duties of the current Department of Human Services and the Department of Behavioral and Developmental Services.
2. The law contains a statement of mission for the department and the programs and services provided by the department and adds guiding principles for the department, drawing those principles from the "Report of the Advisory Council for the Reorganization and Unification of the Department of Human Services and the Department of Behavioral and Developmental Services."
3. The law sets forth qualification requirements for bureau directors and delays the adoption of a bureau structure until one is approved by the Legislature.
4. The law contains provisions for the orderly transition from the Department of Human Services and the Department of Behavioral and Developmental Services to the new Department of Health and Human Services.
5. The law transfers the Commissioner of Human Services to the position of Commissioner of Health and Human Services without need of appointment or confirmation and adds a statement of legislative intent to this provision.
6. The law contains a provision regarding the rights of employees of the new department who were employees of the Department of Human Services and the Department of Behavioral and Developmental Services.
7. The law requires the commissioner to consolidate certain administrative components of the Department of Health and Human Services, including auditing, financial management, human resources and information technology.
8. The law requires the Commissioner of Health and Human Services to consolidate adult protective functions, but delays the consolidation of guardianship and conservatorship functions.
9. The law requires the Commissioner of Health and Human Services to submit a report with recommendations and legislation by January 31, 2005 to the joint standing committee of the Legislature having jurisdiction over health and human services matters. It requires the report to include recommendations on the following issues related to the establishment and implementation of the new department: bureau structure, administrative structure and functions, program and service delivery functions, advisory boards and the child welfare ombudsman program. The law requires the commissioner to convene working groups of consumers, providers, advocates and members of the public to advise the commissioner on these issues. The law

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authorizes the committee to report out legislation to the 122nd Legislature following review of the commissioner's report and recommendations.

10. The law requires the Commissioner of Health and Human Services to review and report on the delivery of child development services and juvenile justice services.
11. The law provides for interpretation of conflicting laws and rules by the Commissioner of Health and Human Services and adoption of rules to settle those conflicts.
12. The law requires the joint standing committee of the Legislature having jurisdiction over health and human services matters and the Commissioner of Health and Human Services to agree on a format and organization of the Maine Revised Statutes, Title 22-A by November 30, 2005 and submit necessary legislation by November 30, 2006.
13. The law authorizes the joint standing committee of the Legislature having jurisdiction over health and human services matters to meet at least 3 times during the 2004 legislative interim to review planning and implementation issues and authorizes the committee to report out legislation to the First Regular Session of the 122nd Legislature.
14. The law establishes salary ranges for the Commissioner of Health and Human Services and the Director of the Bureau of Medical Services within the Department of Human Services.

Public Law 2003, chapter 689 was enacted as an emergency effective July 1, 2004.

LD 1940

An Act To Clarify Departmental Reporting Requirements for Developmental Disability Prevention Activities

PUBLIC 602

Sponsor(s)

Committee Report

Amendments Adopted

LD 1940 proposed to implement the recommendations of the Maine Developmental Disabilities Council regarding prevention of developmental disabilities. The bill proposed to amend the reporting requirements for the Department of Human Services, the Department of Behavioral and Developmental Services and the Department of Education relating to the prevention of developmental disabilities and to clarify the scope of the annual report. The bill proposed to enact definitions of developmental disabilities and mental and physical impairments for the purposes of reporting requirements. It also proposed to prohibit the definitions and reporting requirements from expanding or otherwise affecting the requirements of the Department of Behavioral and Developmental Services to provide services to children and families.

Enacted law summary

Public Law 2003, chapter 602, implements the recommendations of the Maine Developmental Disabilities Council regarding prevention of developmental disabilities. The law amends the reporting requirements for the Department of Human Services, the Department of Behavioral and Developmental Services and the Department of Education relating to the prevention of developmental disabilities and clarifies the scope of the annual report. The law enacts definitions of developmental disabilities and mental and physical impairments for the purposes of reporting requirements, and it prohibits the definitions and reporting requirements from expanding or otherwise

Joint Standing Committee on Health and Human Services

affecting the requirements of the Department of Behavioral and Developmental Services to provide services to children and families.

*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Select Committee
on
Health Care Reform*

May 2004

Staff:

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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. H. Sawin Millett, Jr.
Rep. Kevin J. Glynn
Rep. Thomas F. Shields
Rep. Florence T. Young*

**JOINT SELECT COMMITTEE ON
HEALTH CARE REFORM**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	0	0.0%	0.0%
<u><i>Bills Carried Over from previous session</i></u>	<u>1</u>	<u>100.0%</u>	<u>0.2%</u>
Total Bills referred	1	100.0%	0.2%
B. Bills reported out by law or joint order			
	0	0.0%	0.0%
Total Bills considered by Committee	1	100.0%	0.2%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS			
	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	0	0.0%	0.0%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total unanimous reports	0	0.0%	0.0%
B. Divided committee reports			
<i>Two-way reports</i>	0	0.0%	0.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	0	0.0%	0.0%
Total committee reports	0¹	0.0%	0.0%
III. CONFIRMATION HEARINGS			
	0	N/A	N/A
IV. FINAL DISPOSITION			
	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	0	0.0%	0.0%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	0	0.0%	0.0%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

¹ Total does not include LD1612, which was removed from the committee without a committee report.

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

Joint Select Committee on Health Care Reform

LD 1612

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Preserve the Fund for a Healthy Maine**

**DIED ON
ADJOURNMENT**

Sponsor(s)
COLWELL
YOUNGBLOOD

Committee Report
RECEIVED BY
CLERK PUR TO
JT. RULE 309

Amendments Adopted

LD 1612 proposed to amend the Constitution of Maine to ensure that the Fund for a Healthy Maine is used for health-related purposes only. The resolution proposed to prevent the tobacco settlement money from being used to replace existing funds outside of the Fund for a Healthy Maine.

*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Insurance and Financial Services*

May 2004

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:

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**JOINT STANDING COMMITTEE ON
INSURANCE AND FINANCIAL SERVICES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	15	60.0%	3.0%
<u><i>Bills Carried Over from previous session</i></u>	<u>10</u>	<u>40.0%</u>	<u>2.0%</u>
Total Bills referred	25	100.0%	5.1%
B. Bills reported out by law or joint order			
	0	0.0%	0.0%
Total Bills considered by Committee	25	100.0%	5.1%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	1	4.0%	0.2%
<i>Ought to Pass as Amended</i>	9	36.0%	1.9%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>7</u>	<u>28.0%</u>	<u>1.5%</u>
Total unanimous reports	17	68.0%	3.6%
B. Divided committee reports			
<i>Two-way reports</i>	7	28.0%	1.5%
<i>Three-way reports</i>	1	4.0%	0.2%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	8	32.0%	1.7%
Total committee reports	25	100.0%	5.3%
III. CONFIRMATION HEARINGS	6	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	9	36.0%	1.8%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	2	8.0%	0.4%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	11	44.0%	2.2%
B. Resolves to authorize major substantive rules			
<i>Rules authorized without legislative changes</i>	1	50.0%	7.1%
<i>Rules authorized with legislative changes</i>	1	50.0%	7.1%
<u><i>Rules not authorized by the Legislature</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	2	100.0%	14.3%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

Prepared by the Office of Policy and Legal Analysis
121st Legislature, Second Regular and Second Special Sessions

Joint Standing Committee on Insurance and Financial Services

SUBJECT INDEX

Banking and Credit Unions

Enacted

LD 1717	An Act To Clarify Membership on Boards of Directors for Maine Financial Institutions	PUBLIC 528 EMERGENCY	Page 265
LD 1802	An Act To Permit the Photocopying of Driver's Licenses in Financial Transactions	PUBLIC 568 EMERGENCY	Page 266
LD 1854	An Act To Conform to Federal Law Regarding Electronically Printed Credit and Debit Card Receipts and To Delay Enforcement of Civil Penalties	PUBLIC 586 EMERGENCY	Page 271

Not Enacted

LD 1898	An Act To Prohibit Financial Institutions from Requiring a Fingerprint or Thumbprint To Complete a Transaction	ONTP	Page 274
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Consumer Credit

Enacted

LD 1638	An Act To Amend the Maine Consumer Credit Code Regarding Balloon Payments	PUBLIC 543 EMERGENCY	Page 263
LD 1854	An Act To Conform to Federal Law Regarding Electronically Printed Credit and Debit Card Receipts and To Delay Enforcement of Civil Penalties	PUBLIC 586 EMERGENCY	Page 271
LD 1910	An Act To Implement the Recommendations of the Committee To Study the Revenue Sources of the Office of Consumer Credit Regulation	PUBLIC 654	Page 275

Not Enacted

None

Insurance, Health

Enacted

LD 1353	An Act To Ensure Women's Health Care Coverage for All Maine Women	PUBLIC 517 EMERGENCY	Page 262
LD 1859	Resolve, Regarding Legislative Review of Portions of Chapter 850: Health Plan Accountability, a Major Substantive Rule of the Bureau of Insurance	RESOLVE 120 EMERGENCY	Page 271
LD 1865	Resolve, Regarding Legislative Review of Chapter 755: Health Insurance Classifications, Disclosure and Minimum Standards, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance	RESOLVE 131 EMERGENCY	Page 272

Not Enacted

LD 213	An Act To Assist Maine's Infertile Citizens	ONTP	Page 258
LD 428	An Act To Eliminate the Department of Professional and Financial Regulation, Bureau of Insurance Travel Restrictions for Obtaining Health Care	ONTP	Page 258
LD 497	Resolve, To Study the Feasibility and Effectiveness of Providing Consumers with Consumer Reports on Health Care Services	ONTP	Page 259
LD 1087	An Act To Require All Health Insurers To Cover the Costs of Hearing Aids	DIED BETWEEN BODIES	Page 260
LD 1181	An Act To Provide Fair Hearings in Health Insurance Rate Proceedings	ONTP	Page 261
LD 1190	An Act To Create the Comprehensive Health Insurance Risk Pool Association	ONTP	Page 261
LD 1239	An Act Concerning Universal Health Insurance	ONTP	Page 262

Insurance, Regulation and Practices

Enacted

LD 1698	An Act To Join the Interstate Insurance Product Regulation Compact	PUBLIC 680	Page 265
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LD 1853 **An Act To Amend the Laws Relating to Property and Casualty Insurance and To Authorize the Superintendent of Insurance To Establish a Mandatory Market Assistance Program** **PUBLIC 671 Page 268**

LD 1907 **An Act To Govern and Regulate Life Settlements** **PUBLIC 636 Page 274**

Not Enacted

LD 667 **An Act To Amend the Maine Insurance Code** **ONTP Page 259**

LD 1181 **An Act To Provide Fair Hearings in Health Insurance Rate Proceedings** **ONTP Page 261**

LD 1190 **An Act To Create the Comprehensive Health Insurance Risk Pool Association** **ONTP Page 261**

LD 1601 **An Act To Authorize the Superintendent of Insurance To Establish a Fair Access to Insurance Requirements Plan** **ONTP Page 263**

LD 1665 **An Act To Require Owners and Operators of Snowmobiles and All-terrain Vehicles To Carry Liability Insurance** **ONTP Page 264**

LD 1678 **An Act To Guarantee That Consumers Receive Notification of Insurance Policy Cancellation** **ONTP Page 264**

LD 1793 **An Act To Amend the Law Relating to Insurance Contracts** **ONTP Page 266**

LD 1939 **An Act To Decrease Insurance Fraud in This State** **ONTP Page 276**

Joint Standing Committee on Insurance and Financial Services

LD 213

An Act To Assist Maine's Infertile Citizens

ONTP

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

LD 213, which was carried over from the First Regular Session, proposed 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.

Committee Amendment "A" (H-629) is the minority report of the committee and proposed to replace the bill. The amendment would require group health insurance policies, contracts and certificates to include coverage for infertility treatment based on the current benefit provided to state employees. Coverage would be required for women between ages 21 and 45, if referred by a primary care provider, for 80% of the charges for infertility diagnosis and treatment up to a maximum lifetime limit of \$20,000. Under the proposed amendment, a religious employer may request an exemption if providing the coverage conflicts with the employer's bona fide religious beliefs and practices.

The proposed amendment would apply to all group policies, contracts and certificates issued or renewed on or after January 1, 2005. It would require group insurers and health maintenance organizations to report claims experience and cost impact of infertility coverage for calendar years 2005, 2006 and 2007 no later than February 15, 2008 and direct the Superintendent of Insurance to compile this information in a report to the Legislature by April 1, 2008. The amendment also proposed to repeal the provision on July 1, 2008. Committee Amendment "A" was not adopted.

LD 428

An Act To Eliminate the Department of Professional and Financial Regulation, Bureau of Insurance Travel Restrictions for Obtaining Health Care

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	ONTP MAJ	
O'NEIL	OTP-AM MIN	

LD 428, which was carried over from the First Regular Session, 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.

Committee Amendment "A" (S-354) is the minority report of the committee and replaced the bill. The amendment proposed to repeal the changes made to the geographic access standards in the Dirigo Health law, Public Law 2003, chapter 469. The amendment proposed to clarify that the geographic access standards for managed care plans under the Maine Insurance Code and Bureau of Insurance Rule Chapter 850 do not prohibit health insurers and health maintenance organizations from developing health plans that give financial incentives to enrollees who elect to use certain designated providers in a health plan's provider network. Committee Amendment "A" was not adopted.

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** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	ONTP MAJ	
O'NEIL	OTP-AM MIN	

LD 497, which was carried over from the First Regular Session, proposed 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.

Committee Amendment "A" (S-357) is the minority report of the committee. The amendment proposed to modify the duties of the Commission to Study Reports for Consumers of Health Care Services to include recommendations for public access to health insurance rate comparisons. Committee Amendment "A" was not adopted.

LD 667 **An Act To Amend the Maine Insurance Code** **ONTP**

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

LD 667, which was carried over from the First Regular Session, proposed to require the Superintendent of Insurance to expedite the review and approval of rate filings. It also 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.

Joint Standing Committee on Insurance and Financial Services

See related bill LD 1853, which was enacted as Public Law 2003, chapter 671 and incorporated several of LD 667's provisions.

LD 1087 **An Act To Require All Health Insurers To Cover the Costs of Hearing Aids** **DIED BETWEEN BODIES**

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

LD 1087, which was carried over from the First Regular Session, proposed 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.

Committee Amendment "A" (S-358) is the minority report and replaced the bill. It proposed to require health insurance policies, contracts and certificates to provide coverage for hearing aids for persons 21 years of age and under. The provisions would apply to all policies, contracts and certificates issued or renewed on or after January 1, 2005. Committee Amendment "A" was not adopted and LD 1087 was recommitted to the Committee on Insurance and Financial Services.

Committee Amendment "B" (S-394) replaced the bill and is the majority report of the committee. It proposed to require health insurance policies, contracts and certificates to provide coverage for hearing aids for persons 18 years of age and under. The amendment would allow insurance policies to limit coverage to \$1,400 per hearing aid every 36 months. The provisions would apply to all policies, contracts and certificates issued or renewed on or after January 1, 2005.

The amendment also added an appropriations section to cover additional costs for the state employee health insurance program and added language authorizing additional expenditures if costs of providing coverage of hearing aids to state employees and their dependents exceed legislative allocations. Committee Amendment "B" was adopted in the Senate, but was not adopted in the House.

Committee Amendment "C" (S-395) replaced the bill and is the minority report of the committee. It proposed to establish a mandated offer for coverage for hearing aids under individual and group health insurance policies. The amendment would allow insurance policies to limit coverage to \$1,400 per hearing aid every 36 months. The provisions would apply to all policies, contracts and certificates issued or renewed on or after January 1, 2005. Committee Amendment "C" was not adopted.

Joint Standing Committee on Insurance and Financial Services

LD 1181 **An Act To Provide Fair Hearings in Health Insurance Rate Proceedings** **ONTP**

<u>Sponsor(s)</u> TREAT KANE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1181, which was carried over from the First Regular Session, proposed to require that the Bureau of Insurance hold a hearing before approving any proposed change in individual and group health insurance rates that exceed the Consumer Price Index by 100%. The bill also would require that the hearing be held before an impartial administrative hearing officer who is not employed by the Bureau of Insurance and that actuarial staff at the Bureau of Insurance prepare a report for use in the hearing.

LD 1181 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.

LD 1190 **An Act To Create the Comprehensive Health Insurance Risk Pool Association** **ONTP**

<u>Sponsor(s)</u> LAFOUNTAIN		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1190, which was carried over from the First Regular Session, proposed to create the Comprehensive Health Insurance Risk Pool Association to provide coverage for high-risk individuals. The bill would fund the high-risk pool through an assessment on all health insurers. The bill proposed to require the State to submit an application to the Federal Government for federal assistance to create a high-risk pool.

LD 1190 would also remove the guaranteed issuance requirement for individual health plans effective October 1, 2004.

Committee Amendment "A" (S-384) is the minority report of the committee. The proposed amendment retains the Comprehensive Health Insurance Risk Pool Association to provide coverage for high-risk individuals and spread the cost of that coverage among all health insurance carriers doing business in the State. The amendment proposed to partially fund the high-risk pool by requiring health insurance carriers to pay an assessment based on the number of persons covered by that carrier. An individual insured through the high-risk pool may be charged a premium up to 150% of the average premium rates charged by carriers for similar health insurance plans.

The amendment would repeal the guaranteed issuance requirement in the individual health insurance market. The amendment also proposed to broaden the community rating laws to allow carriers to vary premiums on the basis of age within a maximum rate differential on a ratio of 4 to 1 and on the basis of health status and tobacco use within a maximum rate differential on a ratio of 1.5 to 1. The provisions relating to guaranteed issuance and community rating take effect February 1, 2005. Committee Amendment "A" was not adopted.

Joint Standing Committee on Insurance and Financial Services

LD 1239 An Act Concerning Universal Health Insurance

ONTP

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

LD 1239, which was carried over from the First Regular Session, proposed to establish the Maine Universal Health Care Plan and the Maine Universal Health Care Agency, as an independent agency, to administer the plan. Under the proposed plan, enrollees are provided health care coverage after the policy limits of their primary health care policy have been reached. Coverage would be 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. The bill proposed to establish a 5% payroll tax on wages and earnings, including self-employed earnings, and dedicate that tax revenue to the Maine Universal Health Care Fund.

LD 1239 also proposed to establish a new nonprofit hospital and medical service organization to compete with other carriers in Maine's health insurance market. The bill would require that the organization be organized in accordance with the Maine Revised Statutes, Title 24.

LD 1353 An Act To Ensure Women's Health Care Coverage for All Maine Women

**PUBLIC 517
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J EDMONDS	OTP-AM	H-648

LD 1353, which was carried over from the First Regular Session, proposed to ensure that Maine's women's health care coverage insurance mandates provide coverage to 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.

Committee Amendment "A" (H-648) replaced the bill. Part A proposed to extend the application of certain mandated health insurance benefits to certificates providing coverage to Maine residents that are issued by an out-of-state group health plan. These mandated benefits are coverage for newborns from the moment of birth, coverage for screening Pap tests, coverage for a self-referred annual gynecological exam and coverage for diabetic equipment and supplies. Part A would apply to all policies, contracts and certificates issued or renewed on or after July 1, 2004.

Part B of the amendment proposed to clarify the application of currently mandated benefits to certificates.

Joint Standing Committee on Insurance and Financial Services

Enacted Law Summary

Public Law 2003, chapter 517 extends the application of certain mandated health insurance benefits to Maine residents covered by certificates that are issued by an out-of-state group health plan. These mandated benefits are coverage for newborns from the moment of birth, coverage for screening Pap tests, coverage for a self-referred annual gynecological exam and coverage for diabetic equipment and supplies. The law applies to all policies, contracts and certificates issued or renewed on or after July 1, 2004.

Public Law 2003, chapter 517 also clarifies the application of currently mandated benefits to certificates.

Public Law 2003, chapter 517 was enacted as an emergency measure effective February 19, 2004.

LD 1601 **An Act To Authorize the Superintendent of Insurance To Establish a Fair Access to Insurance Requirements Plan** **ONTP**

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

LD 1601, which was carried over from the First Regular Session, proposed 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 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.

See related bill, LD 1853, which was enacted as Public Law 2003, chapter 671 and included a provision to authorize the Superintendent of Insurance to establish a mandatory market assistance program for residential property insurance.

LD 1638 **An Act To Amend the Maine Consumer Credit Code Regarding Balloon Payments** **PUBLIC 543
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	OTP-AM	H-706 O'NEIL S-378

LD 1638 proposed to clarify that a motor vehicle lease or loan is not subject to the minimum 48-month rule for balloon payments.

Joint Standing Committee on Insurance and Financial Services

Committee Amendment "A" (S-378) replaced the bill. The amendment proposed to clarify that a motor vehicle lease or loan is not subject to the 4-year minimum term for consumer credit transactions with balloon payments if the lease or loan gives consumers the right to refinance the final payment or transfer the motor vehicle back to the creditor in lieu of the final payment.

The amendment also added an emergency preamble and emergency clause.

House Amendment "A" to Committee Amendment "A" (H-706) proposed to clarify the ability of a creditor to assess reasonable charges against a consumer when a motor vehicle is returned to the creditor in lieu of a final payment on a consumer credit transaction.

Enacted Law Summary

Public Law 2003, chapter 543 clarifies that a motor vehicle lease or loan is not subject to the 4-year minimum term for consumer credit transactions with balloon payments if the lease or loan gives consumers the right to refinance the final payment or transfer the motor vehicle back to the creditor in lieu of the final payment.

Public Law 2003, chapter 543 was enacted as an emergency measure effective March 10, 2004.

LD 1665 **An Act To Require Owners and Operators of Snowmobiles and All-terrain Vehicles To Carry Liability Insurance** **ONTP**

<u>Sponsor(s)</u> COLLINS DAGGETT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1665 proposed to require an owner or operator of a snowmobile or an all-terrain vehicle to carry liability insurance in an amount equal to the amount required for an owner or operator of a motor vehicle.

LD 1678 **An Act To Guarantee That Consumers Receive Notification of Insurance Policy Cancellation** **ONTP**

<u>Sponsor(s)</u> HALL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1678 proposed to require all insurance companies to send cancellation notices by certified mail, return receipt requested for all lines of insurance, except workers' compensation.

Joint Standing Committee on Insurance and Financial Services

LD 1698

An Act To Join the Interstate Insurance Product Regulation Compact

PUBLIC 680

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN O'NEIL	OTP-AM	S-389 S-565 CATHCART

LD 1698 proposed to establish the Interstate Insurance Product Regulation Compact and the Interstate Product Regulation Commission to facilitate the regulation of individual and group annuity, life, disability income and long-term care insurance products.

Committee Amendment "A" (S-389) proposed to clarify an inconsistency in the bill relating to the legal status of the proposed Interstate Insurance Product Regulation Compact Commission and add a section appropriating funds to cover any expenses of legislators who may serve on an advisory committee to the Interstate Product Regulation Commission.

Senate Amendment "A" to Committee Amendment "A" (S-565) removed the appropriations section.

Enacted Law Summary

Public Law 2003, chapter 680 authorizes the State of Maine's membership in the Multi-state Insurance Product Regulation Compact. The law establishes the Compact to facilitate the regulation of individual and group annuity, life, disability income and long-term care insurance products. Under the Compact, the compacting states will establish a joint public agency, the Interstate Insurance Product Regulation Commission, to develop uniform standards for insurance products and to provide a single-point entry for filing of insurance products and rates.

LD 1717

An Act To Clarify Membership on Boards of Directors for Maine Financial Institutions

**PUBLIC 528
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO PINGREE	OTP-AM	S-376

LD 1717 proposed to make requirements for membership on boards of directors of Maine financial institutions consistent with membership requirements in the Maine Business Corporation Act.

Committee Amendment "A" (S-376) replaced the substantive provisions of the bill but retained the emergency preamble and emergency clause. The amendment proposed to remove the requirement that a member of the board of directors of a financial institution be a resident of the financial institution's geographic area, making the law consistent with requirements for other business entities under the Maine Business Corporation Act. The amendment also proposed to clarify that boards of financial institutions must be managed and operated as permitted under chapter 8 of the Maine Business Corporation Act and make other technical changes.

Joint Standing Committee on Insurance and Financial Services

Enacted Law Summary

Public Law 2003, chapter 528 makes requirements for membership on boards of directors of Maine financial institutions consistent with membership requirements in the Maine Business Corporation Act. The law removes the requirement that a member of the board of directors of a financial institution be a resident of the financial institution's geographic area. The law also clarifies that boards of financial institutions must be managed and operated as permitted under chapter 8 of the Maine Business Corporation Act.

Public Law 2003, chapter 528 was enacted as an emergency measure effective March 3, 2004.

LD 1793

An Act To Amend the Law Relating to Insurance Contracts

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	ONTP MAJ	
MAYO	OTP-AM MIN	

LD 1793 proposed to include terrorism as a noncovered peril under the State's standard fire insurance policy laws.

Committee Amendment "A" (H-694) is the minority report of the committee. The amendment proposed to clarify that the exclusion for terrorism applies only to commercial fire insurance policies. It would also limit the exclusion to acts of international terrorism as defined under federal law. Committee Amendment "A" was not adopted.

LD 1802

An Act To Permit the Photocopying of Driver's Licenses in Financial Transactions

PUBLIC 568
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWLES	OTP-AM MAJ	H-683
DAVIS P	OTP-AM MIN	

Current law prohibits the photocopying of a driver's license without the permission of the Secretary of State. LD 1802 proposed to allow the photocopying of a driver's license when done for proof of identification during the consummation of a major financial transaction, as determined by the Secretary of State through rulemaking.

Committee Amendment "A" (H-683) replaced the bill and is the majority report of the committee. The amendment proposed to authorize a person to make a photocopy of a driver's license without the written consent of the Secretary of State if the photocopy is made solely for identification purposes to consummate a financial transaction, for verification that a commercial driver's license has been issued or for motor vehicle loaner and demonstration purposes. The amendment also proposed to restrict the further disclosure of the photocopy unless permitted by another applicable law.

The amendment added an emergency preamble and emergency clause.

Joint Standing Committee on Insurance and Financial Services

Committee Amendment "B" (H-684) replaced the bill and is the minority report of the committee. The amendment proposed to authorize a person to make a photocopy of a driver's license without the written consent of the Secretary of State if the person obtains the written consent of the holder of the driver's license. The amendment also proposed to restrict the further disclosure of the photocopy or electronic file unless permitted by another applicable law.

The amendment added an emergency preamble and emergency clause. Committee Amendment "B" was not adopted.

House Amendment "A" to Committee Amendment "A" (H-707) proposed to limit the exemption of the requirement that the Secretary of State consent in writing to the photocopying of a driver's license to instances when the photocopy is being made solely for identification purposes to consummate a financial transaction with a financial services entity regulated pursuant to the Maine Revised Statutes, Title 9-A, the Maine Consumer Credit Code, or Title 9-B, which concerns financial institutions. This amendment also proposed to clarify that any reproduction of a driver's license or certificate of registration permitted under that subsection of law must be kept secure and may not be published or reproduced. House Amendment "A" to Committee Amendment "A" was not adopted.

House Amendment "B" to Committee Amendment "A" (H-726) proposed to limit the exemption of the requirement that the Secretary of State consent in writing to the photocopying of a driver's license to instances when the photocopy is being made solely for identification purposes to consummate a financial transaction with a financial services entity or its subsidiary regulated pursuant to the Maine Revised Statutes, Title 9-A, the Maine Consumer Credit Code, or Title 9-B, which concerns financial institutions. This amendment also proposed to clarify that any reproduction of a driver's license or certificate of registration permitted under that subsection of law must be kept secure and may not be published or reproduced. House Amendment "B" to Committee Amendment "A" was not adopted.

House Amendment "C" to Committee Amendment "A" (H-736) proposed to provide that a person who makes a photocopy of a driver's license without the written consent of the Secretary of State does not commit a crime. The amendment also requires that, beginning in 2006, all driver's licenses must contain a warning related to disclosure of personal information displayed on a license. House Amendment "C" to Committee Amendment "A" was not adopted.

House Amendment "D" to Committee Amendment "A" (H-747) proposed to limit the exemption of the requirement that the Secretary of State consent in writing to the photocopying of a driver's license to instances when the photocopy is being made solely for identification purposes to consummate a financial transaction with a financial services entity or its subsidiary regulated pursuant to the Maine Revised Statutes, Title 9-A, the Maine Consumer Credit Code, or Title 9-B, which concerns financial institutions. This amendment also proposed to clarify that any reproduction of a driver's license or certificate of registration permitted under that subsection of law must be kept secure and may not be published or reproduced. House Amendment "D" to Committee Amendment "A" was not adopted.

Enacted Law Summary

Public Law 2003, chapter 568 authorizes a person to make a photocopy of a driver's license without the written consent of the Secretary of State if the photocopy is made solely for identification purposes to consummate a financial transaction, for verification that a commercial driver's license has been issued or for motor vehicle loaner and demonstration purposes. The law also restricts the further disclosure of the photocopy unless permitted by another applicable law.

Public Law 2003, chapter 568 was enacted as an emergency measure effective March 24, 2004.

Joint Standing Committee on Insurance and Financial Services

LD 1853

An Act To Amend the Laws Relating to Property and Casualty Insurance and To Authorize the Superintendent of Insurance To Establish a Mandatory Market Assistance Program

PUBLIC 671

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT PERRY A	OTP-AM	H-908 O'NEIL S-489

LD 1853 proposed to prohibit an insurer from canceling or refusing to issue or renew a property insurance policy subject to the Maine Revised Statutes, Title 24-A, chapter 41, subchapter 5, the so-called "Maine Property Insurance Cancellation Control Act," solely on the basis of the age of the dwelling. The bill proposed to prohibit an insurer from declining to insure a property subject to the Maine Property Insurance Cancellation Control Act on the basis that a previous owner of the property submitted claims for losses to the property. The bill proposed to prohibit insurers from increasing the stated value of a property insured under a policy governed by the Maine Property Insurance Cancellation Control Act at any time other than at renewal. The bill also proposed to require insurers to provide notice to the named insured explaining the reason for any increase in premium associated with an increase in stated value and disclose how an insured may obtain additional information that led to the increase in value. The bill would require an insurer to provide advance notice of needed property repairs to a policyholder and to allow for a reasonable time for the policyholder to complete the repairs before issuing a nonrenewal notice based on lack of necessary repairs for a property insurance policy subject to the Maine Property Insurance Cancellation Control Act. Finally, the bill proposed to amend the hearing section of the Maine Property Insurance Cancellation Control Act to clarify the proof required by an insurer to establish that its reason to nonrenew a policy is a good faith reason and rationally related to the insurability of the property.

Committee Amendment "A" (S-489) replaced the bill and changed the title.

Part A of the amendment proposed to do the following.

1. It removes the authority for the Superintendent of Insurance to delay the effective date of property and casualty insurance rate filings made electronically and requires the superintendent to approve or disapprove policy form filings made electronically for lines of insurance other than life, health and annuity.
2. It clarifies the current law that permits the cancellation of homeowner's insurance on the basis of fraud or material misrepresentation by the named insured or the insured's representative.
3. It adds new grounds for the cancellation of property insurance subject to the "Maine Property Insurance Cancellation Control Act," the Maine Revised Statutes, Title 24-A, chapter 41, subchapter 5, including the presence of a trampoline, the presence of a swimming pool not properly fenced in, a loss occasioned by a dog bite and the fact that a property is vacant without adequate custodial care.
4. It requires insurers to provide at least 90 days' notice to the named insured to comply with reasonable loss control recommendations before a cancellation notice or notice of nonrenewal may be issued.
5. It amends the hearing section of the Maine Property Insurance Cancellation Control Act to clarify that an insurer must provide proof or evidence that its reason for nonrenewal of a policy is a good faith reason and rationally related to the insurability of the property if the reason for nonrenewal is not based on a statutorily permissible ground for cancellation. The amendment also clarifies that a statement from the insurer that a risk

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does not meet the insurer's underwriting guidelines alone is not considered sufficient proof or evidence of its reason for nonrenewal in a hearing before the Superintendent of Insurance.

6. It prohibits an insurer from canceling or refusing to issue or renew a property insurance policy solely on the basis of the age of the dwelling.
7. It prohibits an insurer from declining to insure a property on the basis that a previous owner of the property submitted claims for losses to the property.
8. It prohibits insurers from increasing the stated value of a property insured under a policy governed by the Maine Property Insurance Cancellation Control Act at any time other than at renewal. The amendment also requires insurers to provide notice to the named insured explaining the reason for any increase in premium associated with an increase in stated value and disclosing how an insured may obtain additional information concerning the reasons for the increase in the stated value. The amendment also clarifies that this provision does not apply to routinely scheduled increases in valuation or to increases in stated value agreed to by the insured.
9. It makes technical changes to the laws governing workers' compensation group self-insurance reinsurance accounts related to the legal and tax status of the account.

Part B of the amendment proposed to authorize the Superintendent of Insurance to establish a mandatory property and casualty insurance market assistance program to provide basic property and casualty insurance to underserved areas or risk types in Maine. Prior to establishing the program, the superintendent must establish a voluntary market assistance plan pursuant to the Maine Revised Statutes, Title 24-A, section 2325-A and find that either the number of insurers participating in the voluntary market assistance plan is insufficient or that a sufficient number of risks has not been written through the voluntary market assistance plan. If a mandatory program is established, any insurer authorized to write basic property and casualty insurance and actually writing such insurance in Maine must cooperate in organizing the program and remain a member of the program as long as that insurer has net direct premiums on basic property and casualty insurance in Maine. The amendment authorizes the superintendent to appoint a governing committee to oversee the program and to develop a plan of operation subject to the approval of the superintendent. It also authorizes the superintendent to adopt rules to implement the requirements of the program, including the designation of underserved areas or risk types, the creation of reasonable limitations on underwriting guidelines and rates for insurance written through the program and provisions to govern the suspension or termination of the program.

House Amendment "A" to Committee Amendment "A" (H-908) proposed to clarify legislative intent in response to a decision of the Law Court, York Ins. Co. of Maine, Inc. v. Supt. of Ins., 2004 ME 45, April 7, 2004. Under the provisions of the Maine Property Insurance Cancellation Control Act, current law, as reflected in Committee Amendment "A," requires that an insurer base its decision to nonrenew an insurance policy subject to the Act on one or more good faith reasons "rationally related" to the insurability of the property. In the recent decision, York Ins. Co. of Maine, Inc. v. Supt. of Ins., 2004 ME 45, April 7, 2004, the Law Court interpreted the term "rationally related" in discussing what standard should be applied to determine whether an insurance company has met its burden of proof to establish that its decision to nonrenew a homeowner's insurance policy was rationally related to the insurability of the property. In the York decision, the Law Court concluded that the Legislature intended "rationally related" to mean that the insurance company need only prove "a reasonably conceivable state of facts that could provide a rational basis" for the company's nonrenewal decision.

House Amendment "A" to Committee Amendment "A" (H-908) proposed to strike the word "rationally" to clarify legislative intent that a reason for nonrenewal must be related to the insurability of the property. The purpose of this amendment is to clarify the appropriate standard to apply in determining whether an insurance company's decision to nonrenew a homeowner's insurance policy complies with the law. The change in language

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is intended to maintain the Bureau of Insurance's ability to exercise its statutory authority in hearings to determine when an insurance company has established the existence of proof or evidence for its reason for nonrenewal. Without the amendment, the recent York decision may be construed to provide insurers with a lower standard upon which to establish their burden of proof for nonrenewal decisions.

The amendment is not intended to affect the application of the remainder of the Law Court's analysis in York, including its conclusion that an insurance company's decision not to renew a homeowner's insurance policy is not per se irrational because it was not supported by empirical data.

Enacted Law Summary

Public Law 2003, chapter 671 amends the laws relating to property and casualty insurance.

Part A of the law does the following.

1. It requires the Superintendent of Insurance to act on property and casualty insurance rate filings made electronically within 30 days and to approve or disapprove policy form filings made electronically within 30 days for lines of insurance other than life or health insurance or annuity products.
2. It clarifies the current law that permits the cancellation of homeowner's insurance on the basis of fraud or material misrepresentation by the named insured or the insured's representative.
3. It adds new grounds for the cancellation of homeowner's insurance, including the presence of a trampoline, the presence of a swimming pool not properly fenced in, a loss occasioned by a dog bite and the fact that a property is vacant without adequate custodial care.
4. It requires insurers to provide at least 90 days' notice to the named insured to comply with reasonable loss control recommendations before a cancellation notice or notice of nonremoval may be issued.
5. It amends the hearing section of the Maine Property Insurance Cancellation and Control Act to clarify legislative intent that a reason for nonrenewal must be related to the insurability of the property. The law strikes the word "rationally" in response to a recent Law Court decision, *York Ins. Co. of Maine, Inc. v. Supt. of Ins.*, 2004 ME 45 (April 7, 2004) to clarify the appropriate standard to apply in determining whether an insurance company's decision to nonrenew a homeowners insurance is a good faith reason and related to the insurability of the property if the reason for nonrenewal is not a statutorily permissible ground for cancellation. The law also clarifies that a statement from the insurer that a risk does not meet the insurer's underwriting guidelines alone is not considered proof or evidence of its reason for nonrenewal in a hearing before the Superintendent of Insurance.
6. It prohibits an insurer from canceling or refusing to issue or renew a property insurance policy solely on the basis of the age of a dwelling.
7. It prohibits an insurer from declining to insure a property on the basis that a previous owner of the property submitted claims for losses to the property.
8. It prohibits insurers from increasing the stated value of a property at any time other than renewal. At least 30 days before the renewal date of the policy, the law requires that insurers provide notice to the insured explaining the reason for any increase in premium associated with an increase in stated value and disclose how an insured may obtain additional information concerning the reasons for the increase in stated value.

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9. It makes technical changes to the laws governing worker's compensation group self-insurance reinsurance accounts related to the legal and tax status of the account.

Part B of Public Law 2003, chapter 671 authorizes the Superintendent of Insurance to establish a mandatory property and casualty insurance market assistance program to provide basic property and casualty insurance to underserved areas or risk types in the State. Prior to establishing the program, the Superintendent must establish a voluntary market assistance plan pursuant to law and find that either the number of insurers participating in the voluntary market assistance plan is insufficient or that a sufficient number of risks has not been written through the voluntary market assistance plan. If a mandatory program is established, any insurer authorized and actually writing basic property and casualty insurance in the State must participate as a member of the program.

LD 1854

An Act To Conform to Federal Law Regarding Electronically Printed Credit and Debit Card Receipts and To Delay Enforcement of Civil Penalties

**PUBLIC 586
EMERGENCY**

Sponsor(s)
DAVIS P
O'BRIEN J

Committee Report
OTP-AM

Amendments Adopted
S-420

LD 1854 proposed to delay for one year the implementation of the law that prohibits businesses from printing more than the last 5 numbers of a credit card or debit card account on an electronically produced receipt.

Committee Amendment "A" (S-420) replaced the bill and changed the title. The amendment proposed to bring current law into conformity with recent changes made to the federal Fair Credit Reporting Act to prevent inconsistency between state and federal law. The amendment also proposed to delay any assessment of civil penalties for a person who is not in compliance with the law until January 1, 2005.

Enacted Law Summary

Public Law 2003, chapter 586 brings current law into conformity with recent changes made to the federal Fair Credit Reporting Act regarding the prohibition on printing more than the last 5 numbers of a credit card or debit card and on printing the account's expiration date. The law also delays any assessment of civil penalties for a person who is not in compliance with the law until January 1, 2005.

Public Law 2003, chapter 586 was enacted as an emergency measure effective March 30, 2004.

LD 1859

Resolve, Regarding Legislative Review of Portions of Chapter 850: Health Plan Accountability, a Major Substantive Rule of the Bureau of Insurance

**RESOLVE 120
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 1859, a resolve, proposed to provide for legislative review of portions of Chapter 850: Health Plan Accountability, a major substantive rule of the Bureau of Insurance.

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Enacted Law Summary

Resolve 2003, chapter 120 authorizes final adoption of portions of Chapter 850: Health Plan Accountability, a major substantive rule of the Department of Professional and Financial Regulation, Bureau of Insurance.

Resolve 2003, chapter 120 was enacted as an emergency measure effective April 6, 2004.

LD 1865 **Resolve, Regarding Legislative Review of Chapter 755: Health Insurance Classifications, Disclosure and Minimum Standards, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance** **RESOLVE 131 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-797

LD 1865, a resolve, proposed to provide for legislative review of Chapter 755: Health Insurance Classifications, Disclosure and Minimum Standards, a major substantive rule of the Department of Professional and Financial Regulation, Bureau of Insurance.

Committee Amendment "A" (H-797) proposed to authorize final adoption of Chapter 755: Health Insurance Classifications, Disclosure and Minimum Standards, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance provided that these specified changes are made.

1. With regard to the definition of preexisting condition exclusion, the look-back period is changed from 12 months to 24 months.
2. With regard to prohibited policy provisions, language is added to clarify that the section is not intended to restrict the use of elimination periods for disability income benefits.
3. With regard to minimum standards for health insurance benefits generally, language is added to permit an insurer to void or contest a policy or deny claims for a sickness first manifested before the effective date of the policy that was fraudulently not disclosed or fraudulently misrepresented in an application for coverage.
4. With regard to minimum standards for health insurance benefits generally, the maximum time period between the date of an accident and the date of loss is shortened from 180 days to 90 days for accidental death and dismemberment benefits and from 90 days to 30 days for disability coverage.
5. With regard to minimum standards for individual disability income protection coverage, the maximum elimination period is changed from 365 days to 730 days in cases of coverage having a benefit period of more than 2 years, and the shortest permissible maximum benefit period is changed from 6 months to 3 months.
6. With regard to specified disease coverage, language is added to provide an exception for lump-sum benefits based on diagnosis of a specified disease.
7. With regard to specified disease coverage, language is added to permit the Superintendent of Insurance to approve different minimum benefits for cancer coverage on an expense-incurred basis or a per diem indemnity basis if the superintendent determines that the minimum benefits are in the interest of the consumer.

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The amendment also changed the title of the resolve and clarified the language to reflect that all of Chapter 755 required legislative review.

Enacted Law Summary

Resolve 2003, chapter 131 provides for legislative approval of Chapter 755: Health Insurance Classifications, Disclosure and Minimum Standards, a major substantive rule of the Department of Professional and Financial Regulation, Bureau of Insurance.

The resolve authorizes final adoption of the rule provided that these specified changes are made.

1. With regard to the definition of preexisting condition exclusion, the look-back period is changed from 12 months to 24 months.
2. With regard to prohibited policy provisions, language is added to clarify that the section is not intended to restrict the use of elimination periods for disability income benefits.
3. With regard to minimum standards for health insurance benefits generally, language is added to permit an insurer to void or contest a policy or deny claims for a sickness first manifested before the effective date of the policy that was fraudulently not disclosed or fraudulently misrepresented in an application for coverage.
4. With regard to minimum standards for health insurance benefits generally, the maximum time period between the date of an accident and the date of loss is shortened from 180 days to 90 days for accidental death and dismemberment benefits and from 90 days to 30 days for disability coverage.
5. With regard to minimum standards for individual disability income protection coverage, the maximum elimination period is changed from 365 days to 730 days in cases of coverage having a benefit period of more than 2 years, and the shortest permissible maximum benefit period is changed from 6 months to 3 months.
6. With regard to specified disease coverage, language is added to provide an exception for lump-sum benefits based on diagnosis of a specified disease.
7. With regard to specified disease coverage, language is added to permit the Superintendent of Insurance to approve different minimum benefits for cancer coverage on an expense-incurred basis or a per diem indemnity basis if the superintendent determines that the minimum benefits are in the interest of the consumer.

Resolve 2003, chapter 131 was enacted as an emergency measure effective April 14, 2004.

Joint Standing Committee on Insurance and Financial Services

LD 1898 **An Act To Prohibit Financial Institutions from Requiring a Fingerprint or Thumbprint To Complete a Transaction** **ONTP**

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

LD 1898 proposed to prohibit a financial institution or check cashing business from requiring a person presenting a check for cash to be fingerprinted or thumbprinted.

LD 1907 **An Act To Govern and Regulate Life Settlements** **PUBLIC 636**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL MAYO	OTP-AM	H-796 H-849 O'NEIL

LD 1907 was submitted pursuant to Public Law 2003, chapter 320, which directed the Superintendent of Insurance to convene a working group to review current law on viatical settlement contracts and to submit recommended legislation to specifically permit life settlement contracts and to make any other necessary changes to the laws regulating viatical settlement contracts. Maine law currently permits the use of viatical settlements but does not permit life settlements. While both settlements involve the sale of a life insurance policy or certificate for consideration, viatical settlements may be entered into only when the insured is either chronically or terminally ill, whereas, under a life settlement contract, these criteria need not be present. LD 1907 proposed to amend Maine's current law on viatical settlement contracts to expressly permit life settlement contracts in accordance with requirements similar to those applicable to viatical settlements. The bill also makes other technical changes consistent with the most recently adopted National Association of Insurance Commissioners Viatical Settlements Model Act.

Committee Amendment "A" (H-796) proposed to make the following changes to the bill.

1. It deletes language referring to an award of attorney's fees and costs to a prevailing party in a tort action arising out of activities related to the regulation of viatical or life settlements.
2. It makes a change to the definition of settlement provider to correct a reference to supervised lenders and to delete a reference to a settlement purchaser.
3. It corrects 2 inadvertent references to a viatical settlement.
4. It requires the Bureau of Insurance to submit a report by February 1, 2006 to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters on the market conditions for life settlements and any problems related to the regulation of life settlements.

House Amendment "A" (H-849) proposed to clarify that the Viatical Settlements Act does not preempt the regulatory requirements in the Revised Maine Securities Act.

Joint Standing Committee on Insurance and Financial Services

Enacted Law Summary

Maine law currently permits the use of viatical settlements but does not permit life settlements. While both settlements involve the sale of a life insurance policy or certificate for consideration, viatical settlements may be entered into only when the insured is either chronically or terminally ill, whereas, under a life settlement contract, these criteria need not be present. Public Law 2003, chapter 636 amends Maine's current law on viatical settlement contracts to expressly permit life settlement contracts in accordance with requirements similar to those applicable to viatical settlements. The law also makes other statutory changes that are consistent with the most recently adopted National Association of Insurance Commissioners Viatical Settlements Model Act.

LD 1910

An Act To Implement the Recommendations of the Committee To
Study the Revenue Sources of the Office of Consumer Credit
Regulation

PUBLIC 654

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
S-488

LD 1910 proposed to permit the Director of the Office of Consumer Credit Regulation within the Department of Professional and Financial Regulation to adjust the volume fee rate for creditors and lenders by regulation, subject to a rate cap at the current statutory levels. The bill also directed the Office of Consumer Credit Regulation to review the license and registration fees assessed by the office.

Committee Amendment "A" (S-488) proposed to add a provision to the bill to require that the volume fee for mortgage lenders be reduced by \$5 per \$100,000 of debt for the current year if the surplus in the dedicated fund balance for the Office of Consumer Credit Regulation as of October 1st of the preceding calendar year exceeded 125% of the office's annual budget for operating expenses.

The amendment also proposed to clarify that the recommendations of the Office of Consumer Credit Regulation regarding licensing and registration fees must be submitted to the Joint Standing Committee on Insurance and Financial Services and the Joint Standing Committee on Business, Research and Economic Development.

Enacted Law Summary

Public Law 2003, chapter 654 requires the Director of the Office of Consumer Credit Regulation within the Department of Professional and Financial Regulation to reduce the volume fee for mortgage lenders by \$5 per \$100,000 of debt for the current year if the surplus in the dedicated fund balance for the Office of Consumer Credit Regulation as of October 1st of the preceding calendar year exceeds 125% of the office's annual budget for operating expenses.

The law also directs the Office of Consumer Credit Regulation to review its licensing and registration fees and make recommendations to the Legislature by January 5, 2005 as to how to assess those fees in an equitable manner.

Joint Standing Committee on Insurance and Financial Services

LD 1939

An Act To Decrease Insurance Fraud in This State

ONTP

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

Current law requires insurers to develop and implement an antifraud plan to prevent, detect and investigate all forms of insurance fraud. LD 1939 proposed to expand the antifraud provisions by: (1) establishing within the Department of Professional and Financial Regulation, Bureau of Insurance a new Insurance Fraud Investigative Unit, which must include 3 full-time staff members; (2) requiring insurers to create special investigative units within their companies, using fraud investigators, who may be employees of the insurers or independent contractors; and (3) implementing an assessment on insurers of up to 0.1% of direct premiums written in the State to fund the Insurance Fraud Investigative Unit.

*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Inland Fisheries and Wildlife*

May 2004

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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>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	14	66.7%	2.8%
<i><u>Bills Carried Over from previous session</u></i>	<u>7</u>	<u>33.3%</u>	<u>1.4%</u>
Total Bills referred	21	100.0%	4.3%
B. Bills reported out by law or joint order			
	0	0.0%	0.0%
Total Bills considered by Committee	21	100.0%	4.3%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i><u>Orders and Resolutions Carried Over</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	1	4.8%	0.2%
<i>Ought to Pass as Amended</i>	9	42.9%	1.9%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>9</u>	<u>42.9%</u>	<u>1.9%</u>
Total unanimous reports	19	90.5%	4.0%
B. Divided committee reports			
<i>Two-way reports</i>	2	9.5%	0.4%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	2	9.5%	0.4%
Total committee reports	21	100.0%	4.4%
III. CONFIRMATION HEARINGS	7	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	9	42.9%	1.8%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	4.8%	0.2%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	10	47.6%	2.0%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

Prepared by the Office of Policy and Legal Analysis
121st Legislature, Second Regular and Second Special Sessions

Joint Standing Committee on Inland Fisheries and Wildlife

SUBJECT INDEX

ATVs

Enacted

LD 1912	An Act To Implement Certain Recommendations of the Governor's Task Force on ATV Issues	PUBLIC 695 Page 292 EMERGENCY
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Not Enacted

LD 854	An Act To Amend the Laws Governing the Operation of All-terrain Vehicles	ONTP Page 284
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LD 1708	An Act Regarding the Operation of All-terrain Vehicles on Private Roads	ONTP Page 290
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Bear

Enacted

None

Not Enacted

LD 446	An Act Regarding Bear Hunting	ONTP Page 284
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LD 1938	An Act Prohibiting Certain Bear Hunting Practices	ONTP Page 298
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Boats

Enacted

None

Not Enacted

LD 1675	An Act To Reestablish the Great Ponds Act	DIED BETWEEN BODIES	Page 287
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Department and Agency Fees

Enacted

None

Not Enacted

LD 158	An Act to Limit Agent Fees to the Number of Transactions	ONTP	Page 282
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Fish and Fishing

Enacted

LD 173	Resolve, Regarding the Condition and Operation of the Little River Dam	RESOLVE 103	Page 282
LD 1932	An Act To Establish Family Fishing Days	PUBLIC 662 EMERGENCY	Page 297

Not Enacted

LD 1646	Resolve, To Establish a Demonstration Project To Introduce Grass Carp to Inland Waters	ONTP	Page 285
LD 1774	Resolve, To Increase the Types of Legal Fishing on Fish River	ONTP	Page 291

Hunting

Enacted

LD 408	An Act Regarding the Presumption of Violations of the Hunting-on-Sunday Prohibition	PUBLIC 511	Page 283
LD 1660	An Act To Clarify the Law Pertaining to the Discharge of a Firearm near a Dwelling	PUBLIC 527	Page 285

LD 1662 **An Act To Strengthen the Prohibition against Night Hunting** **PUBLIC 592 Page 286**

LD 1697 **An Act To Clarify Certain Provisions Contained in the Recodified Hunting, Fishing and Trapping Laws** **PUBLIC 552 Page 288**

Not Enacted

LD 388 **An Act To Permit Small Game Hunting on Private Property on Sunday in Unorganized Territory** **DIED BETWEEN BODIES Page 282**

LD 1658 **Resolve, Requiring the Department of Inland Fisheries and Wildlife To Publish Legal Shooting Times** **ONTP Page 285**

Miscellaneous

Enacted

LD 827 **An Act Regarding Wildlife Habitat Conservation** **PUBLIC 619 Page 284**

LD 1743 **An Act To Make Technical Corrections to Maine's Fish and Wildlife Laws** **PUBLIC 614 Page 290 EMERGENCY**

LD 1920 **An Act To Revise the Fish and Wildlife Laws To Complement the Recodification of Those Laws** **PUBLIC 655 Page 296**

Not Enacted

None

Moose

Enacted

None

Not Enacted

LD 1796 **An Act To Authorize the Commissioner of Inland Fisheries and Wildlife To Increase the Number of Moose Permits in High-accident Areas** **ONTP Page 292**

Wildlife Management Areas

Enacted

LD 1842

**An Act To Remove the Designation of the Lake
Christopher Wildlife Management Area as a Wildlife
Management Area**

PUBLIC 587 Page 292

Not Enacted

None

Joint Standing Committee on Inland Fisheries and Wildlife

LD 158 **An Act to Limit Agent Fees to the Number of Transactions** ONTP

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

LD 158 proposed to limit the transaction fee that could 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 **Resolve, Regarding the Condition and Operation of the Little River Dam** **RESOLVE 103**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE	OTP-AM	H-677

LD 173 proposed to require the Department of Inland Fisheries and Wildlife to construct a fishway on Little River Dam located near the Town of Scarborough and proposed to manage that dam in a manner that would not contribute to flooding in the Town of Old Orchard Beach.

Committee Amendment "A" (H-677) proposed to replace the bill with a resolve. It also proposed to require the Department of Inland Fisheries and Wildlife to monitor the dam on the Little River located near the Town of Scarborough for problems with flooding or with the effective operation of the dam's fishway and fish trap. The amendment proposed to require the Commissioner of Inland Fisheries and Wildlife to report back the department's finding along with any recommended legislation to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by January 1, 2006.

Enacted Law Summary

Resolve 2003, chapter 103 requires the Department of Inland Fisheries and Wildlife to monitor the dam on the Little River located near the Town of Scarborough for problems with flooding or with the effective operation of the dam's fishway and fish trap. The resolve requires the Commissioner of Inland Fisheries and Wildlife to report back the department's finding along with any recommended legislation to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by January 1, 2006.

LD 388 **An Act To Permit Small Game Hunting on Private Property on Sunday in Unorganized Territory** **DIED BETWEEN BODIES**

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

LD 388 proposed to allow the Department of Inland Fisheries and Wildlife to authorize a private landowner owning a continuous piece of property that was greater than 500 acres and located entirely within unorganized

Joint Standing Committee on Inland Fisheries and Wildlife

territory to open that property on Sunday to hunters with Sunday hunting permits. The Commissioner of Inland Fisheries and Wildlife could not authorize private property for Sunday hunting if the property owner did not keep that property open to hunting by the public. The commissioner could issue Sunday hunting permits to hunt rabbit and grouse on authorized private property during the regular open season. The commissioner could not authorize private property for Sunday hunting if that property adjoined certain public property. The proposed fee for a Sunday hunting permit was \$15.

The bill also proposed to set an effective date of January 1, 2004 and a repeal date of January 1, 2006.

Committee Amendment "A" (H-623), the majority report, proposed to replace the bill. The amendment proposed to allow Sunday hunting in wildlife management districts 1, 2, 4 and 5 for ruffed grouse, rabbit, squirrel and woodcock during the regular open season for those species. (not adopted)

This amendment proposed to set an effective date of January 1, 2005 and a repeal date of January 1, 2007.

LD 408

An Act Regarding the Presumption of Violations of the Hunting-on-Sunday Prohibition

PUBLIC 511

Sponsor(s)
JACKSON
KNEELAND

Committee Report
OTP-AM

Amendments Adopted
H-625

LD 408 proposed 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 Sunday hunting law. The bill also proposed to add an exception to the Sunday hunting prohibition to allow carrying of hunting equipment for protection while engaged in activities such as bear baiting.

Committee Amendment "A" (H-625) proposed to replace the bill. Like the bill, it proposed to remove the language from the law 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 Sunday-hunting law. Additionally, it proposed to repeal the law that makes possessing a loaded firearm on or near a public paved way prima facie evidence of hunting.

Enacted Law Summary

Public Law 2003, chapter 511 repeals the provision of the law 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 Sunday-hunting laws. Public Law 2003, chapter 511 also repeals the provision of the law that makes possessing a loaded firearm on or near a public paved way or within the right-of-way of a controlled access highway prima facie evidence of hunting.

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LD 446 **An Act Regarding Bear Hunting** **ONTP**

<u>Sponsor(s)</u> DUNLAP		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 446, a concept draft, proposed to amend the current law to make changes to the bear hunting seasons.

LD 827 **An Act Regarding Wildlife Habitat Conservation** **PUBLIC 619**

<u>Sponsor(s)</u> DUNLAP EDMONDS		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-799
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LD 827 was carried over from the First Regular Session by the Joint Standing Committee on Inland Fisheries and Wildlife and rereferred jointly to the Joint Standing Committees on Taxation and Inland Fisheries and Wildlife. The bill proposed 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 could include a provision that exempted 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, no more than 15% of that landowner's holdings in the unorganized territory could be the subject of an agreement to manage the land as wildlife habitat.

Committee Amendment "A" (H-799) proposed to replace the bill. It proposed to clarify the meaning of "wildlife habitat" for purposes of the farm and open space tax law and require assessors to consider whether there was a written agreement for the protection of wildlife habitat when determining eligibility for classification under that law.

Enacted Law Summary

Public Law 2003, chapter 619 clarifies the meaning of "wildlife habitat" for purposes of the farm and open space tax law and requires assessors to consider whether there is a written agreement for the protection of wildlife habitat when determining eligibility for classification under that law.

LD 854 **An Act To Amend the Laws Governing the Operation of All-terrain Vehicles** **ONTP**

<u>Sponsor(s)</u> LANDRY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 854 proposed to do the following:

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;

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- 3. Increase the resident registration fee for ATVs to \$25, unless that person belonged to an ATV club or organization, in which case the fee would be \$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 1646 Resolve, To Establish a Demonstration Project To Introduce Grass Carp to Inland Waters ONTP

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

LD 1646 proposed to direct the Commissioner of Inland Fisheries and Wildlife to design and implement a demonstration project to introduce grass carp into a test site within the inland waters of the State in order to study the effects of grass carp on milfoil.

LD 1658 Resolve, Requiring the Department of Inland Fisheries and Wildlife To Publish Legal Shooting Times ONTP

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

LD 1658 proposed to require the Department of Inland Fisheries and Wildlife to publish the legal shooting times for hunting in its annual publication of the hunting and trapping laws and rules.

LD 1660 An Act To Clarify the Law Pertaining to the Discharge of a Firearm near a Dwelling PUBLIC 527

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN HALL	OTP-AM	H-679

LD 1660 proposed to clarify that the term “residential dwelling” includes livestock barns in the law that prohibits the discharging of a firearm within 100 yards of a dwelling.

Committee Amendment "A" (H-679) proposed to replace the bill and to prohibit a person from discharging a firearm within 100 yards of a farm building used for sheltering livestock, machines or harvested crops.

Joint Standing Committee on Inland Fisheries and Wildlife

Enacted Law Summary

Public Law 2003, chapter 527 prohibits a person from discharging a firearm within 100 yards of a farm building used for sheltering livestock, machines or harvested crops.

LD 1662

An Act To Strengthen the Prohibition against Night Hunting

PUBLIC 592

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP BRYANT	OTP-AM	H-692 H-762 DUNLAP

LD 1662 proposed to make possession of night vision equipment an aggravating factor in the determination of a sentence and fine for night hunting, doubling the current penalty and mandating forfeiture of all equipment associated with the violation.

Committee Amendment "A" (H-692) proposed to replace the bill. It proposed to double the mandatory minimum penalty for night hunting in cases where night vision equipment was involved. It also proposed to exempt night vision equipment seized in connection with a night hunting violation from libel proceedings and proposed to clarify that the current exemption from libel proceedings for fishing equipment seized in connection with certain fishing violations would not include motorboats or motor vehicles. Additionally, this amendment proposed to incorporate changes made by Public Law 2003, chapter 333 in order to incorporate those changes into the new Maine Revised Statutes, Title 12, Part 13. Finally, the amendment proposed to clarify that raccoons may be hunted at night during the open season.

House Amendment "A" to Committee Amendment "A" (H-762) proposed to provide that a person who is guilty of night hunting and is in possession of night vision equipment commits a Class D crime for which the court would impose a sentencing alternative of not less than 3 days for the first offense, none of which could be suspended. It would also require that the court impose a fine of not less than \$2,000, none of which could be suspended. The amendment also proposed that a person who is guilty of night hunting, is in possession of night vision equipment and has been convicted of a Class D crime within the past 10 years under the fish and wildlife laws commits a Class D crime for which the court would impose a sentencing alternative of not less than 6 days for the first offense, none of which could be suspended, and of not less than 10 days for each succeeding offense, none of which could be suspended. This amendment would also require the court to impose a fine of not less than \$2,000, none of which could be suspended.

Additionally, the amendment proposed that a hunting license of a person who is guilty of night hunting and found to have been in possession of night vision equipment at the time of the offense must be revoked, and that person would be ineligible to obtain a hunting license for a period of 5 years from the date of conviction.

Finally, the amendment proposed to change the definition of "night vision equipment" provided in the bill.

Enacted Law Summary

Public Law 2003, chapter 592 does the following:

1. It provides that a person who is guilty of night hunting and is in possession of night vision equipment commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first

Joint Standing Committee on Inland Fisheries and Wildlife

offense, none of which may be suspended. The court must also impose a fine of not less than \$2,000, none of which may be suspended. It also provides that a person who is guilty of night hunting, is in possession of night vision equipment and has been convicted of a Class D crime within the past 10 years under the fish and wildlife laws commits a Class D crime for which the court shall impose a sentencing alternative of not less than 6 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended. The court must also impose a fine of not less than \$2,000, none of which may be suspended;

2. It requires the hunting license of a person who is convicted of night hunting and found to have been in possession of night vision equipment at the time of the offense be revoked, and that person is ineligible to obtain a hunting license for a period of 5 years from the date of conviction;
3. It exempts night vision equipment seized in connection with a night hunting violation from libel proceedings;
4. It clarifies that the current exemption from libel proceedings for fishing equipment seized in connection with certain fishing violations does not include motorboats or motor vehicles;
5. It incorporates changes made by Public Law 2003, chapter 333 in order to incorporate those changes into the new Maine Revised Statutes, Title 12, Part 13; and
6. It clarifies that raccoons may be hunted at night during the open season.

LD 1675

An Act To Reestablish the Great Ponds Act

DIED BETWEEN BODIES

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

LD 1675 proposed to establish a process for the review of recommendations submitted to the Commissioner of Inland Fisheries and Wildlife 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.

House Amendment "A" (H-876) proposed to make the following changes to the bill:

1. Require that nonresident taxpayers have notice of recommendations for regulation and that such nonresident taxpayers be afforded an opportunity to comment on those recommendations at a public forum;
2. Clarify that recommendations for regulation include limits on horsepower, vessel draft and type of watercraft and may apply to limited sections of the affected water body;
3. Authorize the Maine Land Use Regulation Commission to take into consideration, when assessing wildlife habitat and environmental values, any demonstration of threat to wildlife habitat not addressed by current law;
4. Strike that section of the bill that would enact a section of law that will be repealed as a result of Public Law 2003, chapter 414;

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5. Establish an effective date of April 1, 2005 for that section of this legislation that would establish the process for review of recommendations regarding the restriction of watercraft on great ponds; and
6. Direct the Department of Inland Fisheries and Wildlife and the Office of Policy and Legal Analysis to develop an informational packet for municipalities to aid them in implementing the process that would be established for regulating watercraft on great ponds.

LD 1697 An Act To Clarify Certain Provisions Contained in the Recodified PUBLIC 552
Hunting, Fishing and Trapping Laws

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT DUNLAP	OTP-AM	H-729 DUNLAP S-388

LD 1697 proposed to clarify certain parts of the recently recodified Maine Revised Statutes, Title 12 regarding moose permits and sentencing guidelines for permit violations. It proposed to clarify the number of turkeys a person may harvest during a turkey hunting season and penalties for violations. It also proposed to define "dipnet."

Committee Amendment "A" (S-388) proposed to do the following:

1. Make hunting or possessing a wild turkey without a valid permit a Class E crime with a minimum fine of \$500 plus \$500 for each turkey possessed in violation of this prohibition;
2. Make the penalty for a closed season violation involving a bear or moose the same as a closed season violation involving deer;
3. Make the penalty for a violation of the prohibition against hunting or trapping a bear after having killed one or exceeding the bag limit on bear the same as the penalty for other big game animals;
4. Clarify that a person may not possess more than one deer in a calendar year or hunt a deer after having killed one in the same calendar year unless otherwise provided in law or rule;
5. Prohibit a person from hunting moose after that person has killed or registered one during the open season of the same calendar year and makes a violation of that provision a Class D crime;
6. Restructure the provisions regarding the illegal possession or hunting of wild turkey to accord with similar big game provisions; and
7. Change the penalty for possessing a wild turkey in violation of a rule from a Class E crime with a mandatory fine of not less than \$500 plus \$500 for each turkey unlawfully possessed to a straight Class E crime.

House Amendment "A" to Committee Amendment "A" (H-729) proposed to clarify current law that a person may keep more than one legally obtained bear, deer or wild turkey in that person's home at any time.

Joint Standing Committee on Inland Fisheries and Wildlife

Enacted Law Summary

Public Law 2003, chapter 552 clarifies certain parts of the recently recodified Maine Revised Statutes, Title 12 as follows:

1. It defines "dipnet;"
2. It clarifies that a person may not hunt wild turkey after having killed or registered one during an open turkey season of that calendar year;
3. It makes hunting or possessing a wild turkey without a valid permit a Class E crime with a minimum fine of \$500 plus \$500 for each turkey possessed in violation of this prohibition;
4. It authorizes the Commissioner of Inland Fisheries and Wildlife to establish legal hunting times for wild turkey by rule;
5. It makes the penalty for a closed season violation involving a bear or moose the same as a closed season violation involving deer;
6. It makes the penalty for violating the prohibition against hunting or trapping a bear after having killed one or exceeding the bag limit on bear the same as the penalty for other big game animals;
7. It clarifies that a person may not possess more than one deer in a calendar year or hunt a deer after having killed one in the same calendar year unless otherwise provided in law or rule;
8. It prohibits a person from hunting moose after that person has killed or registered one during the open season of the same calendar year and makes a violation of that provision a Class D crime;
9. It restructures the provisions regarding the illegal possession or hunting of wild turkey to accord with similar big game provisions;
10. It changes the penalty for possessing a wild turkey in violation of a rule from a Class E crime with a mandatory fine of not less than \$500 plus \$500 for each turkey unlawfully possessed to a straight Class E crime;
11. It clarifies current law that a person may keep more than one legally obtained bear, deer or wild turkey in that person's home at any time;
12. It reduces the penalty for certain moose hunting violations regarding permittees and subpermittees from a Class D crime to a Class E crime; and
13. It repeals certain provisions of the recodified Maine Revised Statutes, Title 12 to reflect changes enacted in Public Law 2003, chapter 655.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 1708

An Act Regarding the Operation of All-terrain Vehicles on Private Roads

ONTP

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

LD 1708 proposed to permit a landowner to:

1. Require that an operator of an ATV on a private road be a licensed driver;
2. Require that an operator of an ATV on a private road obey all the applicable rules of the road that other motor vehicles on that private road must obey, including, but not limited to, speed limits, rules governing lane usage and rules governing yielding the right-of-way; and
3. Place restrictions on the number of ATVs that may travel together in a group and the distance that groups must maintain between one another.

It also proposed to provide that if a landowner prohibits the operation of ATVs on a private road that landowner also must prohibit the operation of similar recreational vehicles on that private road.

LD 1743

An Act To Make Technical Corrections to Maine's Fish and Wildlife Laws

**PUBLIC 614
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP BRYANT	OTP-AM	H-781 H-834 DUNLAP S-464 BRYANT

LD 1743 proposed to make the following changes to the laws governing inland fisheries and wildlife:

1. Restrict the muzzle-loading open season on deer to hunting with a muzzle-loading firearm that is 40 caliber or greater and capable of firing only a single charge;
2. Repeal the provision that authorizes hunting deer with unconventional weapons;
3. Specify that the requirement that bait or baitfish be sold in biodegradable containers takes effect beginning January 1, 2005; and
4. Clarify that a new lake and river protection sticker must be obtained annually in order to be valid.

Committee Amendment "A" (H-781) proposed to prohibit the operation of motor vehicles on Pickerel Pond located in Township 32 Middle Division except for authorized emergency vehicles and motor vehicles of the Department of Inland Fisheries and Wildlife. It proposed to allow the sale of baitfish in containers composed in whole or in part of polystyrene foam plastic. Additionally, it proposed to change the effective date for Public Law

Joint Standing Committee on Inland Fisheries and Wildlife

2003, chapter 414 from 90 days after adjournment of the Second Regular Session of the 121st Legislature to August 31, 2004. Finally, the amendment proposed to add an emergency preamble and emergency clause to the bill that would make it effective upon approval.

House Amendment "A" (H-834) proposed to provide that social security numbers in the possession of the Department of Inland Fisheries and Wildlife are not public records.

Senate Amendment "A" (S-480) proposed to provide that social security numbers in the possession of the Department of Inland Fisheries and Wildlife are not public records. (not adopted)

Senate Amendment "A" to Committee Amendment "A" (S-464) proposed to make Public Law 2003, chapter 511 effective on August 31, 2004.

Enacted Law Summary

Public Law 2003, chapter 614 makes the following changes to the laws governing inland fisheries and wildlife:

1. It restricts the muzzle-loading open season on deer to hunting with a muzzle-loading firearm that is 40 caliber or greater and capable of firing only a single charge;
2. It repeals the provision that authorizes hunting deer with unconventional weapons;
3. It clarifies that a new lake and river protection sticker must be obtained annually in order to be valid;
4. It prohibits the operation of motor vehicles on Pickerel Pond located in Township 32 Middle Division except for authorized emergency vehicles and motor vehicles of the Department of Inland Fisheries and Wildlife;
5. It permits the sale of baitfish in containers composed in whole or in part of polystyrene foam plastic;
6. It changes the effective date for Public Law 2003, chapter 414 from 90 days after adjournment of the Second Regular Session of the 121st Legislature to August 31, 2004;
7. It provides that social security numbers in the possession of the Department of Inland Fisheries and Wildlife are not public records; and
8. It makes Public Law 2003, chapter 511 effective on August 31, 2004.

Public Law 2003, chapter 614 was enacted as an emergency measure effective April 12, 2004.

LD 1774

Resolve, To Increase the Types of Legal Fishing on Fish River

ONTP

Sponsor(s)
JACKSON
BRYANT

Committee Report
ONTP

Amendments Adopted

LD 1774 proposed to direct the Department of Inland Fisheries and Wildlife to adopt rules allowing fly fishing and the use of artificial lures and single-baited hooks for fishing in Fish River in the Town of Fort Kent.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 1796 **An Act To Authorize the Commissioner of Inland Fisheries and Wildlife To Increase the Number of Moose Permits in High-accident Areas** **ONTP**

<u>Sponsor(s)</u> PARADIS BRYANT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1796 proposed to give the Commissioner of Inland Fisheries and Wildlife the authority to forgo the rule-making procedure when responding to the need to increase the moose harvest due to an increase in moose-related vehicle accidents.

LD 1842 **An Act To Remove the Designation of the Lake Christopher Wildlife Management Area as a Wildlife Management Area** **PUBLIC 587**

<u>Sponsor(s)</u> BRYANT GAGNE-FRIEL		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1842 proposed to remove the Lake Christopher wildlife management area from the list of areas that are classified as wildlife management areas.

House Amendment "A" (H-760) proposed to remove the Peaks Island wildlife management area from the list of areas that are classified as state-owned wildlife management areas.

Enacted Law Summary

Public Law 2003, chapter 587 removes the Lake Christopher wildlife management area from the list of areas that are classified as wildlife management areas.

LD 1912 **An Act To Implement Certain Recommendations of the Governor's Task Force on ATV Issues** **PUBLIC 695
EMERGENCY**

<u>Sponsor(s)</u> LANDRY BRYANT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-881 S-509 BRYANT
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LD 1912 included the recommendations of the Governor's task force on ATV issues. It proposed specific statutory language for one recommendation regarding landowner permission for operating an ATV on the land of another. The bill also proposed to authorize the Joint Standing Committee on Inland Fisheries and Wildlife to submit legislation to the Second Special Session of the 121st Legislature to accomplish one or more of the other recommendations of the task force, which were listed in the bill in concept form.

Joint Standing Committee on Inland Fisheries and Wildlife

Committee Amendment "A" (H-881) proposed to replace the bill. This amendment proposed to accomplish, with some refinement, a number of the recommendations of the Governor's task force on ATV issues.

1. It proposed to broaden the purpose of the ATV Recreational Management Fund to allow for purchase or lease of real estate and acquisition of easements for ATV trails or sport-riding facility acquisition and permit its use for grants-in-aid to organizations for the purchase of ATV-related equipment.
2. It proposed to create an ATV law enforcement grant program to make enforcement grants to the warden service as well as to other enforcement agencies and to dedicate the Department of Inland Fisheries and Wildlife's ATV gas tax revenues under the Maine Revised Statutes, Title 36, section 2903-D to the ATV law enforcement grant program. It proposed to authorize the program to accept and disburse donated materials and equipment.
3. It proposed to increase the penalty for failure of an ATV operator to stop for a law enforcement officer to a Class D crime with a mandatory \$1,000 fine. It proposed to provide that attempting to elude a law enforcement officer is subject to the same penalties.
4. It proposed to require the suspension of all licenses and permits issued by the Department of Inland Fisheries and Wildlife and allow suspension of registrations issued by the department for certain violations of ATV laws (operating an ATV on a temporarily closed trail, abuse of another person's property, operating under the influence under 21 years of age, operating to endanger, reckless operation, operating on land of another without permission, failure to stop or attempting to elude an officer) and proposed to require the violator to complete mandatory training in order to have the suspension lifted.
5. It proposed to change the law regarding payment of sales and use tax on ATV purchases by nonresidents to parallel provisions relating to snowmobiles: it proposed to eliminate the requirement that non-residents pay a sales and use tax (currently they must pay a tax if they use the ATV in the State for more that 30 days in any 12 month period).
6. Current law is ambiguous as to the areas where children under 10 years of age or unaccompanied children under 16 years of age who have not completed required training may operate an ATV; the bill proposed to clarify the law and to add safety-training sites to the list of areas where operation by such children is permitted. Specifically it proposed to provide that a child under 10 years of age or an unaccompanied child under 16 years of age who has not completed required training may operate an ATV only on land on which the child is domiciled, land owned or leased by the child's parent or guardian or in a safety-training site approved by the department.
7. It proposed to prohibit snorkel kits and similar kits designed to allow ATV use in deep water, except at racing events. Violation of this provision would be a civil violation subject to a \$100 to \$500 fine.
8. It proposed to require a parent or guardian to attend ATV training with children under 16 years of age.
9. It proposed to require visible identification on both the front and rear of all ATVs in the form of a sticker. Violation of this provision would be a civil violation subject to a \$100 to \$500 fine.
10. It proposed to establish a legislative finding that abusive use of ATVs places access to private property for recreation at risk.
11. It proposed to prohibit operating an ATV on the land of another without the permission of the landowner or lessee. It proposed to create a presumption of permission on posted ATV trails and land open to ATVs by

Joint Standing Committee on Inland Fisheries and Wildlife

landowner policy. It proposed to require written permission on cropland, pastureland and orchard (currently written permission is required on cropland and pastureland only).

12. It proposed to repeal the law providing for a special 15-month registration fee; it proposed to provide that registrations issued prior to July 1st (the beginning of the normal registration period) but after May 1st would be valid from the date of issuance through June 31st of the following year.
13. It proposed to prohibit operation of an ATV on a portion of trail posted as temporarily closed. Violation of this provision would be a civil violation subject to a \$100 to \$500 fine.
14. It proposed to change the maximum allowable ATV sound level to 96 decibels in a 20-inch test, to reflect national standards.
15. It proposed to add rivers, brooks, streams, great ponds, nonforested wetlands, vernal pools and source water protection areas of public drinking water supplies to the list of areas where ATV operation is prohibited when the ground is not frozen. It proposed to provide exceptions for designated trails and for certain maintenance and inspection activities and for governmental officials performing their duties provided certain conditions are met.
16. It proposed to add destruction of signs and posted notices to the current provision prohibiting abuse of another person's property by an ATV operator.

Senate Amendment "A" to Committee Amendment "A" (S-509) proposed to add an emergency preamble and emergency clause to the amendment. It proposed to make the provisions of the bill relating to ATV trail closures effective upon approval. It proposed to change the effective date of the remaining sections to August 31, 2004 to coincide with the effective date of the recodification of the fish and wildlife laws.

Enacted Law Summary

Public Law 2003, chapter 695 accomplishes, with some refinement, many of the recommendations of the Governor's task force on ATV issues.

1. It broadens the purpose of the ATV Recreational Management Fund to allow for purchase or lease of real estate and acquisition of easements for ATV trails or sport-riding facility acquisition and permits its use for grants-in-aid to organizations for the purchase of ATV-related equipment.
2. It creates an ATV law enforcement grant program to make enforcement grants to the warden service as well as to other enforcement agencies and dedicates the Department of Inland Fisheries and Wildlife's ATV gas tax revenues under the Maine Revised Statutes, Title 36, section 2903-D to the ATV law enforcement grant program. It authorizes the program to accept and disburse donated materials and equipment.
3. It increases the penalty for failure of an ATV operator to stop for a law enforcement officer to a Class D crime with a mandatory \$1,000 fine. It provides that attempting to elude a law enforcement officer is subject to the same penalties.
4. It requires the suspension of all licenses and permits issued by the Department of Inland Fisheries and Wildlife and allows suspension of registrations issued by the department for certain violations of ATV laws (operating an ATV on a temporarily closed trail, abuse of another person's property, operating under the influence under 21 years of age, operating to endanger, reckless operation, operating on land of another without permission, failure to stop or attempting to elude an officer). It requires the violator to complete mandatory training in order to have the suspension lifted.

Joint Standing Committee on Inland Fisheries and Wildlife

5. It changes the law regarding payment of sales and use tax on ATV purchases by nonresidents to parallel the law relating to snowmobiles: it eliminates the requirement that non-residents pay a sales and use tax (currently they must pay the tax if they use the ATV in the State for more than 30 days in any 12 month period).
6. Current law is ambiguous as to the areas where children under 10 years of age or unaccompanied children under 16 years of age who have not completed required training may operate an ATV; Public Law 2003, chapter 695 clarifies the law and adds safety-training sites to the list of areas where operation by such children is permitted. Specifically it provides that a child under 10 years of age or an unaccompanied child under 16 years of age who has not completed required training may operate an ATV only on land on which the child is domiciled, land owned or leased by the child's parent or guardian or in a safety-training site approved by the department.
7. It prohibits snorkel kits and similar kits designed to allow ATV use in deep water, except at racing events. Violation of this provision is a civil violation subject to a \$100 to \$500 fine.
8. It requires a parent or guardian to attend ATV training with children under 16 years of age.
9. It requires visible identification on both the front and rear of all ATVs in the form of a sticker. Violation of this provision is a civil violation subject to a \$100 to \$500 fine.
10. It establishes a legislative finding that abusive use of ATVs places access to private property for recreation at risk.
11. It prohibits operating an ATV on the land of another without the permission of the landowner or lessee. It creates a presumption of permission on posted ATV trails and on land open to ATVs by landowner policy. It requires written permission on cropland, pastureland and orchard (currently written permission is required on cropland and pastureland only).
12. It repeals the law providing for a special 15-month registration fee; it provides that registrations issued prior to July 1st (the beginning of the normal registration period) but after May 1st are valid from the date of issuance through June 31st of the following year.
13. It prohibits operation of an ATV on a portion of trail posted as temporarily closed. Violation of this provision is a civil violation subject to a \$100 to \$500 fine.
14. It changes the maximum allowable ATV sound level to 96 decibels in a 20-inch test, to reflect national standards.
15. It adds rivers, brooks, streams, great ponds, nonforested wetlands, vernal pools and source water protection areas of public drinking water supplies to the list of areas where ATV operation is prohibited when the ground is not frozen. It provides exceptions for designated trails and for certain maintenance and inspection activities and for governmental officials performing their duties provided certain conditions are met.
16. It adds destruction of signs and posted notices to the current provision prohibiting abuse of another person's property by an ATV operator.

Public Law 2003, chapter 695 was enacted as an emergency measure effective May 7, 2004. Only the portion of the law relating to temporary closures of ATV trails takes effect on that date. All other portions of the law have an effective date of August 31, the date the recodification of the fisheries and wildlife laws take effect.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 1920

**An Act To Revise the Fish and Wildlife Laws To Complement the
Recodification of Those Laws**

PUBLIC 655

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-858 H-915 DUNLAP

LD 1920 proposed to complement the Recodification of the laws relating to the Department of Fisheries and Wildlife accomplished in the First Regular Session of the 121st Legislature. The bill proposed to make various changes to ensure consistency in those laws, bring penalty provisions into compliance with current drafting standards and otherwise increase the clarity of those laws. The bill also proposed to make the various substantive changes to address issues, mainly ambiguities and inconsistencies in the law, identified during the Recodification process.

Committee Amendment "A" (H-858) proposed to amend the bill to make it effective on August 31, 2004. The Recodification was originally to take effect 90 days after the adjournment of the 2nd Regular Session; this was changed by Public Law 2003, chapter 614 to August 31, 2004. This amendment proposed to make this bill effective at the same time as the Recodification.

House Amendment "A" to Committee Amendment "A" (H-915) proposed to incorporate changes to the Recodification enacted during the 2nd Regular and 2nd Special Sessions to avoid conflicts between those laws and this bill. It also proposed to make the following changes:

1. Allow a person on a hunting trip in an unorganized township and staying at a temporary place of lodging to keep an unregistered bear, deer, moose or wild turkey at the temporary place of lodging for up to 7 days or until that person leaves the woods, whichever comes first. Additionally, it would require that an unregistered bear, deer, moose or wild turkey be transported in open view until the animal is registered. The amendment would define "open view" to mean that the animal can be readily observed in whole or in part from outside of the vehicle or trailer being used to transport the animal;
3. Amend the Maine Revised Statutes, Title 12, section 10502, subsection 2, dealing with property exempt from libel proceedings, to clarify that the exempt property is forfeited to the State upon conviction or adjudication of a violation under Title 12, section 10502, subsection 2.
4. Correct the standard fee for the resident combination hunting and fishing license to make it consistent with the current fee established under Title 12, section 7101;
5. Add an effective date the laws enacted during the 2nd Regular and 2nd Special Sessions that made changes to the Recodification (Public Law 2003, chapters 527, 552, 573, 587 and 592) so that those changes take effect on the same date as this bill (August 31, 2004);
6. Add an emergency preamble and emergency clause to the bill and make clarifications enacted by Public Law, Chapter 614 regarding lake and river protection sticker requirements effective upon approval of this Act (all other proportions would remain effective on August 31, 2004).

Joint Standing Committee on Inland Fisheries and Wildlife

Enacted Law Summary

Public Law 2003, chapter 655 complements the Recodification of the laws relating to the Department of Inland Fisheries and Wildlife accomplished in the First Regular Session of the 121st Legislature: Public Law 2003, chapter 414. That Recodification also directed the Department of Inland Fisheries and Wildlife to work with the Office of Policy and Legal Analysis to develop recommendations to address legal ambiguities and other issues identified by the Office of Policy and Legal Analysis in its work on the Recodification that could not be addressed in Recodification and to submit a bill to the 2nd Regular Session of the 121st Legislature to resolve those issues. Public Law 2003, chapter 655 is the result of that work. Public Law 2003, chapter 655:

1. Resolves legal and substantive ambiguities in accordance with recommendations made by the Department of Inland Fisheries and Wildlife in areas including but not limited to definitions, the duties and powers of the Commissioner of Inland Fisheries and Wildlife, the operating and financial affairs of the Department of Inland Fisheries and Wildlife, wardens, enforcement, licenses, hunting, trapping, commercial shooting areas, fishing, bait dealers, taxidermy, guides and trip leaders, whitewater rafting, wildlife importation, nuisance wildlife, wildlife sanctuaries, fish management, watercraft, snowmobiles and ATVs;
2. Resolves penalty ambiguities in accordance with recommendations made by the Department of Inland Fisheries and Wildlife and brings penalty provisions into compliance with current drafting standards and the requirements of the Maine Criminal Justice Information System (i.e., all prohibited acts drafted so that each sanctionable offense is in its own discreet provision with its own discreet penalty provision);
3. Makes technical changes to further increase clarity and readability; and
4. Amends the effective date of laws passed in the Second Regular Session and Second Special Session of the 121st Legislature that affect the recodified laws (Public Law 2003, chapters 527, 552, 573, 587 and 592) to make these effective on the same date as the Recodification. The Recodification originally had an effective date of 90 days after the adjournment of Second Regular Session of the 121st Legislature, however, the Legislature adjourned on January 30, 2004 ending the Second Regular Session earlier than anticipated necessitating a change to the effective date of the Recodification to avoid conflicts and unintended consequences. Public Law 2003, chapter 614 changed the effective date of the Recodification to August 31, 2004.

Public Law 2003, chapter 655 was enacted as an emergency. Those portions of Public Law 2003, chapter 655 that amended the effective dates of laws passed in the Second Regular Session and Second Special Session of the 121st Legislature took effect on April 22, 2004. All other provisions of Public Law 2003, chapter 655 have an effective date of August 31, 2004.

LD 1932

An Act To Establish Family Fishing Days

**PUBLIC 662
EMERGENCY**

Sponsor(s)
DAVIS P

Committee Report
OTP-AM

Amendments Adopted
S-485

LD 1932 proposed to create a free fishing weekend for Mother's Day that would mirror the free fishing weekend for Father's Day.

Joint Standing Committee on Inland Fisheries and Wildlife

Committee Amendment "A" (S-485) proposed to replace the bill and the title of the bill. It proposed to establish "Family Fishing Days" as free fishing days and proposed to repeal the language making Father's Day weekend a free fishing weekend.

Enacted Law Summary

Public Law 2003, chapter 662 creates "Family Fishing Days" as free fishing days and repeals the provision of law that makes Father's Day weekend a free fishing weekend.

Public Law 2003, chapter 662 was enacted as an emergency measure effective April 22, 2004.

LD 1938

An Act Prohibiting Certain Bear Hunting Practices

ONTP

Sponsor(s)

Committee Report
ONTP

Amendments Adopted

LD 1938 is an initiated bill and proposed to prohibit the use of bait to hunt or attract bear, the use of a dog to hunt or pursue bear and the use or setting of a trap to hunt or capture bear except under certain circumstances. It proposed to allow the use of bait, a dog or a trap for certain scientific purposes or if undertaken by state or federal employees to kill or capture a specific animal that threatened livestock, domestic animals, threatened or endangered wildlife, property or public safety. The bill also proposed to allow baiting if used in conjunction with the operation of a feeding station for bear by owners or operators of commercial timberland or their employees in order to prevent damage to commercial timberland.

*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Judiciary*

May 2004

Members:

Sen. Peggy A. Pendleton, Chair

Sen. Mary R. Cathcart

Sen. Chandler E. Woodcock

Rep. William S. Norbert, Chair

Rep. Thomas D. Bull

Rep. Deborah L. Simpson

Rep. Philip R. Bennett, Jr.

Rep. Stan Gerzofsky

Rep. Janet T. Mills

Rep. Roger L. Sherman

Rep. Roderick W. Carr

Rep. Brian M. Duprey

Rep. Joan Bryant-Deschenes

Rep. Donna M. Loring

Staff:

Margaret J. Reinsch, Senior Analyst

Office of Policy and Legal Analysis

13 State House Station

Augusta, ME 04333

(207) 287-1670

**JOINT STANDING COMMITTEE ON
JUDICIARY**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	23	71.9%	4.7%
<i>Bills Carried Over from previous session</i>	8	25.0%	1.6%
Total Bills referred	31	96.9%	6.3%
B. Bills reported out by law or joint order	1	3.1%	0.2%
Total Bills considered by Committee	32	100.0%	6.5%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	3	9.4%	0.6%
<i>Ought to Pass as Amended</i>	10	31.3%	2.1%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	<u>14</u>	<u>43.8%</u>	<u>2.9%</u>
Total unanimous reports	27	84.4%	5.7%
B. Divided committee reports			
<i>Two-way reports</i>	4	12.5%	0.8%
<i>Three-way reports</i>	1	3.1%	0.2%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	5	15.6%	1.1%
Total committee reports	32	100.0%	6.7%
III. CONFIRMATION HEARINGS	4	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	16	50.0%	3.2%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	16	50.0%	3.2%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<i>Rules not authorized by the Legislature</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i>Held by the Governor</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

Prepared by the Office of Policy and Legal Analysis
121st Legislature, Second Regular and Second Special Sessions

Joint Standing Committee on Judiciary

SUBJECT INDEX

Business and Nonprofit Organizations

Enacted

LD 1761	An Act To Amend the Laws Relating to Nonprofit Corporations	PUBLIC 523 Page 314
LD 1767	An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships	PUBLIC 631 Page 315 EMERGENCY

Not Enacted

LD 1737	Resolve, Directing the Secretary of State To Review Model Legislation To Prevent Fraudulent Filings under the Uniform Commercial Code	ONTP Page 313
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Child and Adult Protection

Enacted

LD 1754	An Act To Permit Background Checks on Prospective Adoptive Parents	PUBLIC 575 Page 313
LD 1765	An Act To Clarify the Responsibilities under the Adult Protective Services Act	PUBLIC 653 Page 314

Not Enacted

LD 1669	An Act To Abrogate the Hearsay Rule in Cases Involving Custody or Protection of Children	ONTP Page 312
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Civil Procedure and Evidence

Enacted

LD 1652	An Act Regarding the Number of Jurors Required To Render a Verdict in a Civil Trial	PUBLIC 525 Page 312 EMERGENCY
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Not Enacted

LD 1295	An Act To Enact the Uniform Mediation Act	ONTP Page 309
LD 1669	An Act To Abrogate the Hearsay Rule in Cases Involving Custody or Protection of Children	ONTP Page 312

Courts

Enacted

LD 1652	An Act Regarding the Number of Jurors Required To Render a Verdict in a Civil Trial	PUBLIC 525 Page 312 EMERGENCY
LD 1906	An Act To Amend the Protection from Harassment Laws	PUBLIC 658 Page 320

Not Enacted

LD 999	An Act To Ensure Fairness in Payment of Superior Court Witness Fees by Counties	ONTP Page 308
LD 1070	An Act To Increase Traffic Fines and Apportion a Part of the Increase to the Issuing Jurisdiction	ONTP Page 308

Domestic Relations

Enacted

LD 1579	An Act To Promote the Financial Security of Maine's Families and Children	PUBLIC 672 Page 310
LD 1754	An Act To Permit Background Checks on Prospective Adoptive Parents	PUBLIC 575 Page 313
LD 1771	An Act Regarding Child Support Collection Practices	PUBLIC 562 Page 316

Not Enacted

LD 1669	An Act To Abrogate the Hearsay Rule in Cases Involving Custody or Protection of Children	ONTP Page 312
LD 1800	An Act To Discourage Misuse of Protection-from-abuse Proceedings	ONTP Page 319

LD 1851 An Act To Implement the Recommendations of the ONTP Page 319
Family Law Advisory Commission with Regard to
the Uniform Parentage Act

Freedom of Access

Enacted

LD 1957 An Act To Implement the Recommendations of the PUBLIC 709 Page 323
Committee to Study Compliance with Maine's
Freedom of Access Laws

Not Enacted

LD 1525 An Act To Clarify the Freedom of Access Laws as ONTP Page 309
They Pertain to the Penobscot Nation

LD 1727 An Act To Amend the "Freedom of Access Laws" To ONTP Page 313
Exclude Public Employees' Home Addresses

LD 1822 An Act To Increase Access of Domestic Violence ONTP Page 319
Victim Support Agencies to Certain Information

Human Rights/Medical Rights

Enacted

None

Not Enacted

LD 1775 An Act To Require Written Notice of Revocation of ONTP Page 317
Durable Powers of Attorney

LD 1778 An Act To Prohibit Female Genital Mutilation ONTP Page 317

Native Americans

Enacted

None

Not Enacted

LD 1039	An Act Concerning Passamaquoddy Indian Territory in Washington County	ONTP Page 308
LD 1525	An Act To Clarify the Freedom of Access Laws as They Pertain to the Penobscot Nation	ONTP Page 309

Probate

Enacted

LD 921	An Act To Enact the Uniform Trust Code	PUBLIC 618 Page 307
LD 1579	An Act To Promote the Financial Security of Maine's Families and Children	PUBLIC 672 Page 310
LD 1754	An Act To Permit Background Checks on Prospective Adoptive Parents	PUBLIC 575 Page 313
LD 1797	An Act To Clarify the Standards for Granting a Name Change	PUBLIC 538 Page 318

Not Enacted

LD 1775	An Act To Require Written Notice of Revocation of Durable Powers of Attorney	ONTP Page 317
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Property/Real Estate

Enacted

None

Not Enacted

LD 1473	An Act To Amend the Laws Governing Public Easements	ONTP Page 309
LD 1712	An Act To Promote Equity in Property Ownership	ONTP Page 312
LD 1781	An Act To Amend the Laws Governing Mechanics' Liens	ONTP Page 317

Protection from Abuse/Harassment

Enacted

LD 1906	An Act To Amend the Protection from Harassment Laws	PUBLIC 658 Page 320
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Not Enacted

LD 1800	An Act To Discourage Misuse of Protection-from-abuse Proceedings	ONTP Page 319
LD 1822	An Act To Increase Access of Domestic Violence Victim Support Agencies to Certain Information	ONTP Page 319

Statutes/Uniform Laws

Enacted

LD 274	An Act to Correct Errors and Inconsistencies in the Laws of Maine	PUBLIC 510 Page 306 EMERGENCY
LD 921	An Act To Enact the Uniform Trust Code	PUBLIC 618 Page 307
LD 1756	An Act To Amend the Uniform Federal Lien Registration Act	PUBLIC 518 Page 314
LD 1786	An Act Making Amendments to the Uniform Commercial Code Covering Provisions Dealing with Negotiable Instruments and Bank Deposits and Collections	PUBLIC 594 Page 318
LD 1897	An Act To Make Emergency Changes to Recent Law	PUBLIC 599 Page 320 EMERGENCY
LD 1916	An Act To Correct Errors and Inconsistencies in the Laws of Maine	PUBLIC 688 Page 321 EMERGENCY

Not Enacted

LD 1295	An Act To Enact the Uniform Mediation Act	ONTP Page 309
LD 1737	Resolve, Directing the Secretary of State To Review Model Legislation To Prevent Fraudulent Filings under the Uniform Commercial Code	ONTP Page 313

LD 1851

**An Act To Implement the Recommendations of the
Family Law Advisory Commission with Regard to
the Uniform Parentage Act**

ONTP Page 319

Torts

Enacted

LD 787

**An Act To Clarify the Landowner Liability Law with
Regard to Construction and Maintenance of
Snowmobile and Other Trails for Recreational Use**

**PUBLIC 509 Page 306
EMERGENCY**

Not Enacted

None

Other

Enacted

None

Not Enacted

LD 1781

**An Act To Amend the Laws Governing Mechanics'
Liens**

ONTP Page 317

Joint Standing Committee on Judiciary

LD 274

**An Act to Correct Errors and Inconsistencies in the Laws of
Maine**

**PUBLIC 510
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-593 H-596 NORBERT

LD 274 proposed to correct technical errors and inconsistencies in Maine laws.

Committee Amendment "A" (H-593) proposed to make technical changes in Part A, Part B and Part E. The amendment proposed changes that would or could be interpreted as substantive changes in Part C and Part F. Part D proposed technical corrections of conflicts in the retirement benefit laws.

House Amendment "A" to Committee Amendment "A" (H-596) proposed to provide that a residential care facility with 4 beds whose residents have prompt evacuation capability must comply with the one-family and 2-family dwellings chapter of the Life Safety Code if the facility is licensed after September 30, 2002.

Senate Amendment "A" to Committee Amendment "A" (S-342) proposed to authorize the Commissioner of Inland Fisheries and Wildlife to restrict moose hunting to a particular section or sections within any moose hunting area. (Proposed in the Second Regular Session; not adopted.)

Senate Amendment "B" to Committee Amendment "A" (S-343) proposed to correct an erroneous repeal of the law prohibiting the buying and selling of moose. (Proposed in the Second Regular Session; not adopted.)

LD 274, as amended, was presented to the Governor for his signature on June 14, 2003, but was not signed. It became effective January 11, 2004 pursuant to the Maine Constitution, Article IV, Part Third, Sec. 2.

Enacted Law Summary

Public Law 2003, chapter 510, became law without the Governor's signature on January 11, 2004. It corrected technical errors and inconsistencies, and made several substantive corrections. See also LD 1897 for corrections to chapter 510.

LD 787

**An Act To Clarify the Landowner Liability Law with Regard to
Construction and Maintenance of Snowmobile and Other Trails
for Recreational Use**

**PUBLIC 509
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P CARR	OTP-AM	S-356

LD 787 proposed to limit the liability of a snowmobile club to \$100,000 for damages resulting from an accident incident to the club's trail-grooming activities.

Committee Amendment "A" (S-356) proposed to replace the bill and amend the title. It proposed to add the definition of "occupant" to the current law that provides limited liability for recreational or harvesting activities.

Joint Standing Committee on Judiciary

The amendment proposed to define "occupant" to include an individual, corporation, partnership, association or other legal entity that constructs or maintains trails or other improvements for public recreational use.

The amendment proposed to add an emergency preamble and an emergency clause to make the bill take effect immediately to ensure that the clarification of the law applies to the current snowmobiling season.

Enacted Law Summary

Public Law 2003, chapter 509 amends the landowner liability law to provide protection to any legal entity that constructs or maintains trails or other improvements for public recreational use. The language is not limited to snowmobile trails and covers any type of recreational trail.

Public Law 2003, chapter 509 was enacted as an emergency measure effective January 9, 2004.

LD 921

An Act To Enact the Uniform Trust Code

PUBLIC 618

Sponsor(s)
MILLS P

Committee Report
OTP-AM

Amendments Adopted
H-795

LD 921 was a concept draft pursuant to Joint Rule 208.

Committee Amendment "A" (H-795) proposed to replace the bill.

Part A proposed to enact the Maine Uniform Trust Code, effective July 1, 2005.

Part B proposed to repeal superseded sections of the Probate Code and update cross-references, effective July 1, 2005.

Part C proposed to amend 3 sections of the Probate Code concerning different forms of health care powers of attorney to ensure that health care providers are not limited in the medical information they provide to the agent by the federal Health Insurance Portability and Accountability Act of 1996.

Enacted Law Summary

Public Law 2003, chapter 618 amends the State's trust laws adopting a slightly revised version of the Uniform Trust Code. Uniform Comments and Maine Comments are included.

The Maine Uniform Trust Code is effective July 1, 2005.

Chapter 618 also amends the Probate Code concerning different forms of health care powers of attorney to ensure that health care providers are not limited in the medical information they provide to the agent by the federal Health Insurance Portability and Accountability Act of 1996.

Joint Standing Committee on Judiciary

LD 999 **An Act To Ensure Fairness in Payment of Superior Court Witness Fees by Counties** **ONTP**

<u>Sponsor(s)</u> SAVAGE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 999 proposed to require the Law Enforcement Agency Reimbursement Fund to reimburse the employer of a law enforcement officer a flat fee of \$50 per day or part of a day for an officer who testifies at a pretrial hearing in Superior Court for a Class D or Class E crime. See also LD 1070.

LD 1039 **An Act Concerning Passamaquoddy Indian Territory in Washington County** **ONTP**

<u>Sponsor(s)</u> MOORE F	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1039 proposed to extend the date from January 1, 2001 to January 1, 2020, by which the Secretary of the Interior of the United States may acquire land in Washington County for the benefit of the Passamaquoddy Tribe.

LD 1070 **An Act To Increase Traffic Fines and Apportion a Part of the Increase to the Issuing Jurisdiction** **ONTP**

<u>Sponsor(s)</u> SUSLOVIC STRIMLING	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1070 proposed to increase traffic fines by 5% every 2 years from January 1, 2004 through January 1, 2012. The bill also proposed to remit a percentage of the fines collected for traffic infractions to the law enforcement agency that issued the summons and complaint. Beginning January 1, 2004, the percentage remitted to the law enforcement agency would increase by 10% every 2 years with the last increase on January 1, 2012.

Committee Amendment "A" (H-646) was the minority report of the Joint Standing Committee on Transportation.

This amendment proposed to rename and replace the bill and increase the amount reimbursed to a municipality from the Law Enforcement Agency Reimbursement Fund from \$50 to \$75 per day or part of a day for any officer employed by that municipality who is physically present for a scheduled trial in District Court. The amendment also proposed to require the Law Enforcement Agency Reimbursement Fund to be used to reimburse a municipality a flat fee of \$75 per day or part of a day for any officer employed by that municipality who is physically present for a scheduled pretrial hearing for a Class D or Class E crime in Superior Court.

Joint Standing Committee on Judiciary

LD 1070 was carried over by the Transportation Committee from the First Regular Session. It was then re-referred to the Judiciary Committee. See also LD 999.

LD 1295 An Act To Enact the Uniform Mediation Act ONTP

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1295 proposed to enact the Uniform Mediation Act, effective January 1, 2004.

LD 1473 An Act To Amend the Laws Governing Public Easements ONTP

<u>Sponsor(s)</u> MCKEE KNEELAND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1473 proposed to allow a person who is directly benefited by a public easement to collect funds to maintain that easement and proposed that a municipality may only retain a public easement in a discontinued road by stating in the discontinuance order that a public easement is retained.

LD 1525 An Act To Clarify the Freedom of Access Laws as They Pertain to the Penobscot Nation ONTP

<u>Sponsor(s)</u> LORING CATHCART		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1525 proposed to provide that the Freedom of Access laws concerning public proceedings and public records do not apply to the Penobscot Nation.

Committee Amendment "A" (H-626) was the minority report and proposed to amend the bill to provide that the freedom of access laws concerning public records do not apply to the Passamaquoddy Tribe. (Not adopted)

Joint Standing Committee on Judiciary

LD 1579

An Act To Promote the Financial Security of Maine's Families and Children

PUBLIC 672

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY	OTP-AM A	H-774
DAGGETT	ONTP B	H-871 MILLS P
	OTP-AM C	

LD 1579 proposed to provide for domestic partners in certain provisions of the Probate Code and in the laws governing the custody of remains of deceased persons.

Committee Amendment "A" (H-774) proposed to replace the bill to amend certain provisions of the Probate Code and laws governing the custody of remains of deceased persons, governing conservators and guardians and governing domestic violence to extend to domestic partners provisions that currently apply to spouses.

This amendment proposed to create a separate account to provide funds for the registers of probate to pay for the reprinting of probate forms necessitated by this amendment. The amendment proposed to authorize the State Court Administrator to accept gifts and donations to the account to offset the costs of funding the local mandate created by this amendment.

Committee Amendment "B" (H-775) proposed to strike and replace the bill, removing the part of the bill that authorizes a statewide domestic partnership registry and the part that affects intestate succession. At the same time, the amendment proposed to clarify that a long-standing domestic partner is a person entitled to have priority for appointment as a personal representative, guardian or conservator for an estate or as custodian of the remains of a deceased individual.

This amendment proposed to create a separate account to provide funds for the registers of probate to pay for the reprinting of probate forms necessitated by this amendment. The amendment proposed to authorize the State Court Administrator to accept gifts and donations to the account to offset the costs of funding the local mandate created by this amendment. (Not adopted)

House Amendment "A" to Committee Amendment "A" (H-782) proposed to add the definition of "domestic partner" to the statutes governing protective orders between family members. It also proposed to add the definition to the Probate Code and to the statutes governing death certificates and the responsibility for the remains of the deceased. The definition proposed to clarify that the 2 partners must have been legally domiciled together for the immediately preceding 12 months and that joint financial arrangements and joint property ownership must have existed for the same period. It proposed to delete amendments to laws for protection from abuse.

This amendment proposed to delete cross-references to the "domestic partner" provisions in the Maine Revised Statutes, Title 24. (Not adopted)

House Amendment "B" to Committee Amendment "A" (H-871) proposed to incorporate the substance of Senate Amendment "B" to Committee Amendment "A," except that this amendment proposed to provide a new definition of domestic partner and establish a domestic partner registry in the Department of Human Services, including a termination process.

Joint Standing Committee on Judiciary

Senate Amendment "A" to Committee Amendment "A" (S-472) proposed to establish a domestic partnership registry in the Office of Health Data and Program Management in the Department of Human Services, Bureau of Health. Domestic partners who meet the criteria may register as a domestic partnership by filing a notarized form with the registry. A fee that covers the cost of processing may be charged.

This amendment proposed to provide for a process of registering the termination of a domestic partnership.

This amendment proposed to make all references to "domestic partner" consistent with the Maine Revised Statutes, Title 22, section 2710.

Senate Amendment "B" to Committee Amendment "A" (S-476) proposed to establish a domestic partnership registry in the Office of Health Data and Program Management in the Department of Human Services, Bureau of Health. Domestic partners who meet the criteria may register as a domestic partnership by filing a notarized form with the registry. A fee that covers the cost of processing may be charged.

This amendment proposed to provide for a process of registering the termination of a domestic partnership.

This amendment proposed to make all references to "domestic partner" consistent with the Maine Revised Statutes, Title 22, section 2710. (Not adopted)

Senate Amendment "C" to Committee Amendment "A" (S-501) was the same as House Amendment "B" to Committee Amendment "A." (Not adopted)

Enacted Law Summary

Public Law 2003, chapter 672 provides for domestic partners in certain provisions of the Probate Code governing intestate succession, conservators and guardians, to extend to domestic partners provisions that currently apply to spouses in the laws governing protective orders and in the laws governing the custody of remains of deceased persons.

Chapter 672 does the following.

1. It defines "domestic partners" as 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.
2. It allows domestic partners to register with the Department of Human Services, Office of Health Data and Program Management, becoming "registered domestic partners."
3. It includes as a requirement that a registered domestic partnership can not be terminated unless both partners consent to the termination or a partner wishing to terminate the partnership provides a written notice, in hand, to the other partner.
4. It requires that the declaration of domestic partnership form must contain a warning in bold type explaining that the declaration may have a significant effect on property or inheritance rights and that registration is not a substitute for a will or a formal partnership agreement.
5. It clarifies that a domestic partner is a person entitled to have priority for appointment as a personal representative, guardian or conservator for an estate or as custodian of the remains of a deceased individual.
6. It clarifies that a registered domestic partner is entitled to priority in case of intestacy of the other registered domestic partner.

Joint Standing Committee on Judiciary

LD 1652 **An Act Regarding the Number of Jurors Required To Render a Verdict in a Civil Trial** **PUBLIC 525
EMERGENCY**

<u>Sponsor(s)</u> MILLS P		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-673
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LD 1652 proposed to require that at least 2/3 of the jurors participating must unanimously agree in the verdict.

Committee Amendment "A" (H-673) proposed to add an emergency preamble and emergency clause to make the bill take effect immediately.

Enacted Law Summary

Public Law 2003, chapter 525 requires that at least 2/3 of the jurors participating must unanimously agree in the verdict in a civil trial. Only in the event that the jury is reduced to 7 members would a verdict be decided by the unanimous votes of fewer than 6 jurors.

Public Law 2003, chapter 525 was enacted as an emergency measure effective March 3, 2004.

LD 1669 **An Act To Abrogate the Hearsay Rule in Cases Involving Custody or Protection of Children** **ONTP**

<u>Sponsor(s)</u> GOODWIN SHOREY		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1669 proposed to allow the admission into evidence in certain civil actions of out-of-court statements by minors that would otherwise be excluded on the basis of hearsay. The cases in which the hearsay rule would be abrogated are those involving the custody or protection of children in any parental rights and responsibilities matter, protection from abuse and protection from harassment actions on behalf of the minor and guardianship actions under the Probate Code.

Committee Amendment "A" (H-688) is the minority report of the Joint Standing Committee on Judiciary. It proposed to add an appropriations and allocations section. (Not adopted.)

LD 1712 **An Act To Promote Equity in Property Ownership** **ONTP**

<u>Sponsor(s)</u> STANLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1712 proposed to require a lease between a person who owns land in territory under the jurisdiction of the Maine Land Use Regulation Commission and a person who owns one or more buildings on that land to include

Joint Standing Committee on Judiciary

certain specific terms and conditions. The bill proposed that such a lease must contain, in clear and understandable language, agreed-to terms regarding the lease and other fees, road and maintenance responsibilities and the designated contact person for the lessor.

LD 1727 **An Act To Amend the "Freedom of Access Laws" To Exclude** **ONTP**
Public Employees' Home Addresses

<u>Sponsor(s)</u> STRIMLING	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1727 proposed to exempt from the definition of public records subject to the so-called "freedom of access laws" the home addresses of employees of the State or a political subdivision, such as a town, city or county. The concept was incorporated in the extension of the Freedom of Access Study as included in the Committee Amendment to LD 1957.

LD 1737 **Resolve, Directing the Secretary of State To Review Model** **ONTP**
Legislation To Prevent Fraudulent Filings under the Uniform
Commercial Code

<u>Sponsor(s)</u> MILLS J	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1737 proposed to direct the Secretary of State to review model legislation designed to prevent fraudulent filings under the Uniform Commercial Code and submit recommendations to the joint standing committee of the Legislature having jurisdiction over judiciary matters.

LD 1754 **An Act To Permit Background Checks on Prospective Adoptive** **PUBLIC 575**
Parents

<u>Sponsor(s)</u> CURLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-728
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LD 1754 proposed to authorize the Department of Human Services to conduct background checks for each prospective adoptive parent at any time before the filing of a petition for adoption.

Committee Amendment "A" (H-728) proposed to replace the bill and give DHS the authority to request background checks, including a fingerprint-based national criminal history record check, earlier in the adoption process.

Enacted Law Summary

Public Law 2003, chapter 575 gives the Department of Human Services the authority to use the same basic procedure available to the Probate Court to conduct background checks earlier in the adoption process.

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LD 1756

An Act To Amend the Uniform Federal Lien Registration Act

PUBLIC 518

<u>Sponsor(s)</u> SIMPSON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u> S-375 PENDLETON
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LD 1756 proposed to make the necessary changes to the Uniform Federal Lien Registration Act as requested by the Internal Revenue Service to update and clarify outdated language and to allow the Internal Revenue Service to file notices of federal tax liens electronically with the Secretary of State.

Senate Amendment "A" (S-375) proposed to incorporate a fiscal note.

Enacted Law Summary

Public Law 2003, chapter 518 makes the necessary changes to the Uniform Federal Lien Registration Act as requested by the Internal Revenue Service to update and clarify outdated language and to allow the Internal Revenue Service to file notices of federal tax liens electronically with the Secretary of State.

LD 1761

An Act To Amend the Laws Relating to Nonprofit Corporations

PUBLIC 523

<u>Sponsor(s)</u> BULL		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1761 proposed to eliminate duplicate filings with the Registry of Deeds for documents filed by nonprofit corporations formed under the Maine Revised Statutes, Title 13, chapters 81 and 93. This bill also proposed to streamline the filing requirements with the Secretary of State to be consistent with the filing requirements for other nonprofit corporations formed under Title 13-B.

Enacted Law Summary

Public Law 2003, chapter 523 eliminates duplicate filings with the Registry of Deeds for documents filed by nonprofit corporations formed under the Maine Revised Statutes, Title 13, chapters 81 and 93. Public Law 2003, chapter 523 also streamlines the filing requirements with the Secretary of State to be consistent with the filing requirements for other nonprofit corporations formed under Title 13-B.

LD 1765

An Act To Clarify the Responsibilities under the Adult Protective Services Act

PUBLIC 653

<u>Sponsor(s)</u> NORBERT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-887
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LD 1765 proposed to clarify the reporting requirements under the Adult Protective Services Act by making the reporting requirements individual to the reporter, similar to the requirements that currently exist for the reporting

Joint Standing Committee on Judiciary

of abuse, neglect and exploitation in facilities. It also proposed to clarify the relationship between the Adult Protective Services Act and other state and local laws regarding confidential or privileged information and specify the types of information the department may receive as part of an investigation or protective proceeding. It also proposed to revise definitions to better reflect the population served by the Adult Protective Services Act.

Committee Amendment "A" (H-887) proposed to add language to the adult protective services program policy and legislative intent provisions to make it clear that federal confidentiality protections supersede conflicting state requirements to report abuse, neglect or exploitation of incapacitated or dependent adults.

The amendment proposed to extend a professional's discretion to report in situations in which the individual being treated is the known or suspected victim of the abuse, neglect or exploitation, and the individual is not incapacitated.

The amendment proposed to abrogate certain confidentiality requirements to the extent authorized under federal law in relation to required reporting or cooperating with the department in an investigative or other protective activity.

Enacted Law Summary

Public Law 2003, chapter 653 amends the Adult Protective Services Act regarding reporting requirements, the relationship between the Adult Protective Services Act and other state and local laws regarding confidential or privileged information and the types of information the department may receive as part of an investigation or protective proceeding.

Chapter 653 clarifies that federal confidentiality protections supersede conflicting state requirements to report abuse, neglect or exploitation of incapacitated or dependent adults. It abrogates the confidential quality of communications provided by statute with regard to hospitals, health maintenance organizations, dentists and social workers to the extent authorized under federal law in relation to required reporting or cooperating with the department in an investigative or other protective activity.

LD 1767

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

**PUBLIC 631
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORTON	OTP-AM MAJ ONTP MIN	H-771 H-819 NORBERT

LD 1767 proposed to make changes to the laws relating to nonprofit corporations, limited partnerships, limited liability companies and limited liability partnerships that are consistent with recent changes made to the business corporation laws in the Maine Revised Statutes, Title 13-C. Additionally, certain fees in the limited entities laws would be increased to be the same as the fees in Title 13-C.

Committee Amendment "A" (H-771) proposed to make additional clarifications and corrections in the laws governing nonprofit corporations, limited partnerships, limited liability companies, limited liability partnerships and business corporations.

Joint Standing Committee on Judiciary

House Amendment "A" (H-819) proposed to delete fee increases proposed in the bill for certain filings for limited partnerships, limited liability companies and limited liability partnerships.

This amendment proposed to reduce the proposed fee for the new filing of an amended annual report for nonprofit corporations, limited partnerships, limited liability companies and limited liability partnerships.

This amendment proposed to repeal the law authorizing a \$5 fee for an information request concerning limited liability partnerships, consistent with changes to the laws applicable to other entities.

Enacted Law Summary

Public Law 2003, chapter 631 makes changes to the laws relating to nonprofit corporations, limited partnerships, limited liability companies and limited liability partnerships that are consistent with recent changes made to the business corporation laws in the Maine Revised Statutes, Title 13-C.

Public Law 2003, chapter 631 was enacted as an emergency measure effective April 14, 2004.

LD 1771

An Act Regarding Child Support Collection Practices

PUBLIC 562

Sponsor(s)
SIMPSON
HATCH PH

Committee Report
OTP-AM

Amendments Adopted
H-721

LD 1771 proposed to place limitations on a person who enters into an agreement with another to collect child support from charging a fee based upon future child support.

Committee Amendment "A" (H-721) proposed to replace the bill. The amendment proposed to clarify the restrictions on contracts to collect child support.

Enacted Law Summary

Public Law 2003, chapter 562 prohibits a person who enters into an agreement with another to collect child support from charging a fee based upon current or future child support payments. Under a contract for the collection of child support that provides for a contingent fee, the fee may be based only upon unpaid past child support arrearages that are unpaid at the time when the contract is signed. It also provides that a person who enters into an agreement with another to collect child support is subject to the provisions of the Maine Fair Debt Collection Practices Act. It requires a detailed written contract between a support obligee and a private collector and prohibits penalties if the support obligee terminates the contract. It provides that a person who enters into an agreement with another to collect child support can not collect a fee for payments collected primarily through the efforts of a governmental agency.

Joint Standing Committee on Judiciary

LD 1775 **An Act To Require Written Notice of Revocation of Durable Powers of Attorney** **ONTP**

<u>Sponsor(s)</u> MCKEE MAYO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1775 proposed to require that if a person who has signed a durable power of attorney wants to revoke it, that person must provide notice in writing to the attorney-in-fact designated in the power of attorney. If the attorney-in-fact questions the competency of the person to revoke the power of attorney, the attorney-in-fact may petition the court for an opportunity to produce evidence bearing on the person's competency.

LD 1778 **An Act To Prohibit Female Genital Mutilation** **ONTP**

<u>Sponsor(s)</u> SIMPSON DOUGLASS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1778 proposed to prohibit the practice of female genital mutilation. The bill also proposed to direct the Department of Human Services to establish and implement education and outreach activities focusing on new immigrant populations that traditionally practice female genital mutilation.

LD 1781 **An Act To Amend the Laws Governing Mechanics' Liens** **ONTP**

<u>Sponsor(s)</u> PELLON STANLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1781 proposed to amend the laws governing mechanics' liens regarding when such a lien dissolves and when such a lien may be preserved and enforced by action against the debtor and owner of the property affected.

Joint Standing Committee on Judiciary

LD 1786

**An Act Making Amendments to the Uniform Commercial Code
Covering Provisions Dealing with Negotiable Instruments and
Bank Deposits and Collections**

PUBLIC 594

<u>Sponsor(s)</u> O'NEIL MAYO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-772
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LD 1786 proposed to amend Articles 3-A and 4 of the Maine Uniform Commercial Code to include warranties concerning the responsibility for unauthorized telephone-generated checks. The warranties would be limited to items that are drawn on a consumer account and would not bear a manual signature. The language has been adopted by the National Conference of Commissioners on Uniform State Laws (NCCUSL).

Committee Amendment "A" (H-772) proposed to replace the bill by defining a new class of payment instrument, drawn on a bank customer's account without an authorized signature, and shifting the risk of loss for processing this instrument to the depository-collecting bank, which is in the best position to prevent its introduction into the check collection system.

Enacted Law Summary

Public Law 2003, chapter 594 amends Articles 3-A and 4 of the Maine Uniform Commercial Code to include warranties concerning "telephonic" and other checks that do not bear the consumer's signature. Chapter 594 shifts the risk of loss for processing this instrument to the depository-collecting bank, which is in the best position to prevent introduction into the check collection system.

LD 1797

An Act To Clarify the Standards for Granting a Name Change

PUBLIC 538

<u>Sponsor(s)</u> MILLS J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-682
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LD 1797 proposed to allow a judge to require a criminal history record check, motor vehicle record check or credit check for any person who seeks a name change and to assess the cost of any such check against the person. The bill also proposed to prohibit a name change if the judge has reason to believe the change is for fraudulent purposes or against the public interest.

Committee Amendment "A" (H-682) proposed to clarify that the Probate Court judge has authority to require certain background checks of any person seeking a name change.

Enacted Law Summary

Public Law 2003, chapter 538 allows a probate judge to require a criminal history record check, motor vehicle record check or credit check for any person who seeks a name change and to assess the cost of any such check against the person. It also prohibits a name change if the judge has reason to believe the change is for fraudulent purposes or against the public interest.

Joint Standing Committee on Judiciary

Chapter 538 is consistent with In re Reben, 342 A.2d 688 (Me. 1975) and is not intended to restrict the authority of the Probate Court.

LD 1800 **An Act To Discourage Misuse of Protection-from-abuse Proceedings** **ONTP**

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

LD 1800 proposed to remove the requirement that evidence of a parent's prior willful misuse of the protection-from-abuse process may only be considered if the willful misuse tends to show that the acting parent will in the future have a lessened ability and willingness to cooperate with the other parent in their shared responsibility for their child.

LD 1822 **An Act To Increase Access of Domestic Violence Victim Support Agencies to Certain Information** **ONTP**

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

LD 1822 proposed to permit a criminal justice agency to disclose criminal history record information to an agency that provides services to victims of domestic violence in order to assist that agency in providing those services.

LD 1851 **An Act To Implement the Recommendations of the Family Law Advisory Commission with Regard to the Uniform Parentage Act** **ONTP**

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

LD 1851 proposed to enact the Uniform Parentage Act with changes recommended by the Family Law Advisory Commission.

Joint Standing Committee on Judiciary

LD 1897

An Act To Make Emergency Changes to Recent Law

PUBLIC 599
EMERGENCY

<u>Sponsor(s)</u> NORBERT PENDLETON		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1897 proposed to make corrections to recent Maine laws in the nature of an Errors Bill.

Senate Amendment "A" (S-416) proposed to amend the new pharmacy benefits management law concerning confidentiality of PBM information and the application of the law. (Not adopted) See LD 1916, Committee Amendment.

Enacted law Summary

Public Law 2003, chapter 599 corrects errors and inconsistencies in the laws of Maine, some of which were created by the delayed effective date of the First Regular Session Errors Bill, LD 274, now Public Law 2003, Chapter 510. Although the bill was not referred to a committee, the Judiciary Committee reviewed its content.

Non-technical changes include amendments to the CNA laws.

Public Law 2003, chapter 599 was enacted as an emergency measure effective April 6, 2004.

LD 1906

An Act To Amend the Protection from Harassment Laws

PUBLIC 658

<u>Sponsor(s)</u> MILLS J PENDLETON		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-840 H-889 MILLS J
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LD 1906 proposed to amend the Protection from Harassment laws to rename the petition a "complaint", require the plaintiff to file a report with the appropriate law enforcement agency and to present evidence of that report when filing a complaint for protection from harassment, and to remove the requirement that the hearing on the complaint for protection from harassment be held within 21 days of the filing of the complaint. It proposed to allow the judge to require the parties to engage in alternative dispute resolution.

Finally, the bill proposed to allow a court to require a plaintiff to pay court costs and attorney's fees if the complaint is dismissed.

Committee Amendment "A" (H-840) proposed to delete from the bill the requirement that a plaintiff first report the harassment to a law enforcement agency before seeking a protection from harassment order, language concerning case management conferences and alternative dispute resolution and the authorization to charge the plaintiff for court costs and attorney's fees.

House Amendment "A" (H-889) proposed to remove the emergency preamble and the emergency clause.

Joint Standing Committee on Judiciary

Enacted Law Summary

Public Law 2003, chapter 658 amends the Protection From Harassment laws to remove the requirement that the hearing on the complaint be held within 21 days.

LD 1916

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

PUBLIC 688
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-907
		H-923 NORBERT
		H-946 NORBERT
		H-947 NORBERT
		H-950 NORBERT
		H-952 NORBERT
		H-953 NORBERT
		S-552 PENDLETON
		S-555 PENDLETON
		S-559 PENDLETON

LD 1916 proposed to correct technical errors and inconsistencies in the laws of Maine.

Committee Amendment "A" (H-907) proposed to label the sections of the bill as Part A, and add Part B, consisting of technical changes, Part C, consisting of changes that are or may be considered substantive, Part D, correcting a conflict involving the Pine Tree Development Zones, Part E amending the bottle redemption law to refer to vintners, and Part F, amending the law governing prosecution of civil and criminal inland fisheries and wildlife violations.

House Amendment "A" to Committee Amendment "A" (H-923) proposed to require the Department of Human Services to start the rule-making process for the Community Health Access Program no later than January 1, 2007.

House Amendment "B" to Committee Amendment "A" (H-946) proposed to correct cross-references to the laws governing Pine Tree Development Zones.

House Amendment "C" to Committee Amendment "A" (H-947) proposed to change the definition of "net operating revenue" in the laws governing the hospital tax to provide that bad debts may not be deducted from gross charges in the calculation of net operating revenue.

House Amendment "D" to Committee Amendment "A" (H-950) proposed to remove language from the optional form for power of attorney for health care that provides the agent the authority to serve as personal representative for all purposes of the federal Health Insurance Portability and Accountability Act of 1996, also known as "HIPAA."

House Amendment "E" to Committee Amendment "A" (H-952) proposed to make corrections in the language to reflect the intent of the Joint Standing Committee on Education and Cultural Affairs concerning educational technicians in private schools.

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House Amendment "F" to Committee Amendment "A" (H-953) proposed to change the statute pertaining to the challenge of voter qualifications to reflect the change in age for persons voting in primary elections made by Public Law 2003, chapter 577.

Senate Amendment "A" to Committee Amendment "A" (S-552) proposed to correct an erroneous repeal in the utility laws.

Senate Amendment "B" to Committee Amendment "A" (S-555) proposed to repeal a cross-reference and remove the conflicting and inconsistent compulsory attendance provision.

Senate Amendment "C" to Committee Amendment "A" (S-559) proposed to provide that benefits for prosthetic devices under health plans issued for use in connection with health savings accounts as authorized under Title XII of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 may be subject to the same deductibles and out-of-pocket limits that apply to overall benefits under the contract.

Enacted Law Summary

Public Law 2003, chapter 688 makes technical and substantive corrections to the laws of Maine. Parts A and B make technical corrections.

Part C makes corrections that are or may be considered substantive concerning the following:

1. The authority of family case management officers;
2. Assessments to be paid by certain towns and plantations to the General Fund to support the work of the Maine Land Use Regulation Commission;
3. Changes to Title 12 that Public Law 2003, chapter 614 made to the recodified inland fisheries and wildlife laws;
4. The number of civil jurors;
5. Temporary interim non-administrative space in schools;
6. Enforcement of Medicaid laws;
7. The reporting period and the reporting date for the reporting of prescription drug marketing costs;
8. Pharmacy benefit managers;
9. The definition of "assisted living services";
10. Violations of motor vehicle inspection standards;
11. The Lincoln and Sagadahoc multicounty jail authority;
12. Adult entertainment ordinances;
13. Certified public accountants; and
14. The name of the Northern Maine General Hospital.

Joint Standing Committee on Judiciary

PART D corrects conflicts concerning Pine Tree Development Zones.

PART E includes vintners within the exemption to commingling requirements and handling fee increases.

PART F provides flexibility to the District Court to handle civil and criminal prosecutions of inland fisheries and wildlife violations by authorizing prosecutions in the District Court division nearest the location of the alleged violation.

Part K requires the Department of Human Services to start the rule-making process for the Community Health Access Program no later than January 1, 2007.

Part L changes the definition of "net operating revenue" in the laws governing the hospital tax to provide that bad debts may not be deducted from gross charges in the calculation of net operating revenue.

Part M removes language from the optional form for power of attorney for health care that provides the agent the authority to serve as personal representative for all purposes of the federal Health Insurance Portability and Accountability Act of 1996, also known as "HIPAA."

Part J makes corrections concerning educational technicians in private schools.

Part G corrects an erroneous repeal in the utility laws.

Part H repeals a cross-reference and removes a conflict and inconsistent compulsory attendance provision.

Part I provides that benefits for prosthetic devices under health plans issued for use in connection with health savings accounts as authorized under Title XII of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 may be subject to the same deductibles and out-of-pocket limits that apply to overall benefits under the contract.

Public Law 2003, chapter 688 was enacted as an emergency measure effective May 6, 2004, except as otherwise specifically provided.

LD 1957

An Act To Implement the Recommendations of the Committee to Study Compliance with Maine's Freedom of Access Laws

PUBLIC 709

Sponsor(s)

Committee Report
OTP

Amendments Adopted
H-866 RINES
S-502 PENDLETON

LD 1957 is the report of the Joint Standing Committee on Judiciary pursuant to Resolve 2003, chapter 83, which established the Committee to Study Compliance with Maine's Freedom of Access Laws. LD 1957 proposed to make changes in Maine's Freedom of Access laws concerning the following:

1. Motions to go into executive session;
2. Charges associated with providing copies of requests for public records; and

Joint Standing Committee on Judiciary

3. Exceptions from the definition of "public record".

It also proposed to extend the Committee to Study Compliance with Maine's Freedom of Access Laws and add to its duties.

House Amendment "A" (H-866) proposed to correct the enactment and amendment of unallocated law.

Senate amendment "A" (S-502) proposed to clarify that all the elements of completing a request for a public record must be considered in estimating the cost and determining whether to require payment in advance.

Senate Amendment "B" (S-573) proposed to add an emergency preamble, an emergency clause and an effective date section to the bill to allow the Committee to Study Compliance with Maine's Freedom of Access Laws to resume its work immediately. The other sections of the bill amending the Maine Revised Statutes were proposed to take effect 90 days after adjournment of the Second Special Session of the 121st Legislature. (Not adopted)

Enacted law Summary

Public Law 2003, chapter 709 is the report of the Joint Standing Committee on Judiciary pursuant to Resolve 2003, chapter 83, which established the Committee to Study Compliance with Maine's Freedom of Access Laws. The study committee submitted its report and presented recommended legislation.

Chapter 709 amends Maine's Freedom of Access laws concerning executive sessions, charges for responding to request for public records and the management and review of exceptions to the definition of "public record." It also extends the work of the Committee to Study Compliance with Maine's Freedom of Access Laws, requiring a report in November 2004.

Chapter 709 amends the executive session law to require that the motion to enter executive session must include a citation of one or more sources of statutory or other authority permitting the executive session for the nature of the business stated in the motion.

The current law on the public's right to inspect and copy public records at the location of the records or the record custodian is repealed and replaced to clarify certain provisions and to ensure reasonable costs for copies of public records. New language is added to clarify that the agency or official must provide the public record requested within a reasonable period of time after the request. Inspection, copying and translation into usable form may be scheduled to occur when the regular activities of the agency or official will not be delayed or inconvenienced. The law is clarified to provide that only a reasonable fee may be charged for copies of public records. New to the law are provisions governing the recoupment of costs of searching for, retrieving and compiling records to satisfy a request. After the first hour of staff time to search for, retrieve and compile records, the agency or official may charge up to \$10 per hour for such staff services for each request. Compiling a public record includes reviewing the record and redacting confidential information.

Chapter 709 requires the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes to produce a bill that lists in the freedom of access laws all the public records exceptions that exist in the Maine Revised Statutes. Chapter 709 also requires that provisions excepting records from the definition of "public records" be reviewed to determine if the exceptions should be continued, modified or repealed. A cyclical review process is established for a legislative review committee, the joint standing committee of the Legislature having jurisdiction over judiciary matters, to review and evaluate all the identified exceptions at least once every 10 years. Criteria are established for the review and evaluation. The legislative committees of jurisdiction will have an opportunity to participate in the review and evaluation process. The review committee is authorized to report out legislation that carries out the review committee's recommendations to continue, modify or repeal each exception reviewed and evaluated.

Joint Standing Committee on Judiciary

Chapter 709 amends Resolve 2003, chapter 83 to extend the reporting date of the Committee to Study Compliance with Maine's Freedom of Access Laws to November 3, 2004. Four additional meetings are authorized. The unexpended balance of the money originally appropriated for the study committee will be used to fund the completion of the study. The duties of the study committee are expanded to include several issues identified by the study committee. The issue of whether public employees' home contact information should be kept confidential, as proposed by Legislative Document 1727, is added as an issue for the study committee to review.

**JOINT STANDING COMMITTEE ON
LABOR**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	15	53.6%	3.0%
<u><i>Bills Carried Over from previous session</i></u>	<u>13</u>	<u>46.4%</u>	<u>2.6%</u>
Total Bills referred	28	100.0%	5.7%
B. Bills reported out by law or joint order	0	0.0%	0.0%
Total Bills considered by Committee	28	100.0%	5.7%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	10	35.7%	2.1%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>8</u>	<u>28.6%</u>	<u>1.7%</u>
Total unanimous reports	18	64.3%	3.8%
B. Divided committee reports			
<i>Two-way reports</i>	10	35.7%	2.1%
<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>
Total divided reports	10	35.7%	2.1%
Total committee reports	28	100.0%	5.9%
III. CONFIRMATION HEARINGS	3	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	12	42.9%	2.4%
<i>Private and Special Laws</i>	1	3.6%	0.2%
<i>Resolves</i>	2	7.1%	0.4%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	15	53.6%	3.0%
B. Resolves to authorize major substantive rules			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<u><i>Rules not authorized by the Legislature</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

Prepared by the Office of Policy and Legal Analysis
121st Legislature, Second Regular and Second Special Sessions

*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Labor*

May 2004

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Members:

*Sen. Betheda G. Edmonds, Chair
Sen. Stephen S. Stanley
Sen. Kenneth Blais*

*Rep. William J. Smith, Chair
Rep. Deborah J. Hutton
Rep. Paul R. Hatch
Rep. John L. Patrick
Rep. Thomas R. Watson
Rep. Troy D. Jackson
Rep. Russell P. Treadwell
Rep. Philip A. Cressey, Jr.
Rep. Robert W. Nutting
Rep. Theodore H. Heidrich*

Joint Standing Committee on Labor

SUBJECT INDEX

Employment Conditions

Enacted

None

Not Enacted

LD 561	An Act To Improve Standards for Public Assistance to Employers in the State	DIED ON ADJOURNMENT	Page 332
LD 752	Resolve, Directing the Department of Labor To Develop the Family Security Fund To Implement the Recommendations of the Committee to Continue to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families	ONTP	Page 334
LD 919	An Act To Require Public Improvement Projects Contractors and Subcontractors To Meet Certain Criteria	ONTP	Page 335
LD 1150	An Act To Protect the Rights of State Workers	ONTP	Page 336
SP 673	Joint Order to Report Out a Bill Relating to Permissible Uses of Sick Leave and Establishing a Minimum Sick Leave Benefit	PASSED	Page 349

Labor Relations

Enacted

None

Not Enacted

LD 71	An Act to Ban Strikebreakers	ONTP	Page 332
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Loggers and Other Forestry Workers

Enacted

LD 1318 **An Act To Promote the Public Interest by Providing for Reasonable Rates of Compensation for Forest Products Harvesting and Hauling Services** PUBLIC 670 Page 336

LD 1380 **An Act To Promote Safety and Fair Labor Practices for Forestry Workers** PUBLIC 616 Page 337

LD 1964 **An Act to Protect Forest Products, Loggers and Haulers** PUBLIC 674 Page 349

Not Enacted

None

Rehabilitation Services

Enacted

LD 1688 **An Act To Clarify the Law Regarding Interpreting Services for People Who Are Deaf or Hard-of-hearing** PUBLIC 685 Page 340

LD 1919 **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, 2004 and June 30, 2005 (Parts Q, UU, DDD and WW)** PUBLIC 673 Page 348

Not Enacted

LD 1904 **Resolve, To Increase Eligibility for Consumer-directed Personal Care Assistance Services To Promote Independence for Maine Citizens** INDEF PP Page 347

Retirement

Enacted

LD 1656	An Act To Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2005	P & S 34 EMERGENCY Page 339
LD 1687	An Act To Protect the Privacy of Home Information of Maine State Retirement System Members, Benefit Recipients and Staff	PUBLIC 632 Page 339
LD 1810	An Act To Amend the Laws Concerning Optional Membership for Participating Local Districts in the Maine State Retirement System	PUBLIC 630 Page 343
LD 1814	An Act Concerning Disability Retirement Benefits under the Maine State Retirement System	PUBLIC 675 Page 344
LD 1836	An Act To Amend the Laws Governing Purchase of Military Time Served under the Maine State Retirement System	PUBLIC 693 Page 346
LD 1919	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, 2004 and June 30, 2005 (Parts Q, UU, DDD and WW)	PUBLIC 673 Page 348

Not Enacted

LD 718	An Act To Create a New Pension System for Newly Hired Teachers and State Employees	ONTP Page 334
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Substance Abuse

Enacted

LD 1760	An Act To Amend the Random Drug Testing Laws	PUBLIC 547 Page 342
LD 1792	Resolve, Directing the Department of Labor and the Department of Behavioral and Developmental Services, Office of Substance Abuse To Study the Prevalence of Drug and Substance Abuse	RESOLVE 106 Page 343

Not Enacted

None

Unemployment Insurance

Enacted

LD 880 Resolve, Directing the Department of Labor to RESOLVE 111 Page 335
Collect Certain Data Involving Retirees Receiving
Social Security or Other Pensions

Not Enacted

None
LD 1618 An Act To Clarify the Employment Status of Court ONTP Page 339
Reporters, Stenographers and Videographers

Wages and Severance Pay

Enacted

LD 673 An Act To Increase Maine's Minimum Wage PUBLIC 697 Page 333

LD 1318 An Act To Promote the Public Interest by Providing PUBLIC 670 Page 336
for Reasonable Rates of Compensation for Forest
Products Harvesting and Hauling Services

LD 1733 An Act To Clarify the Severance Pay Law PUBLIC 624 Page 341

LD 1964 An Act to Protect Forest Products, Loggers and PUBLIC 674 Page 349
Haulers

Not Enacted

LD 1722 An Act To Clarify the Prevailing Wage Law ONTP Page 341

Workers' Compensation

Enacted

LD 1909 An Act To Promote Decision Making Within the PUBLIC 608 Page 347
Workers' Compensation Board EMERGENCY

Not Enacted

LD 550	An Act Regarding Employment of Workers' Compensation Board Hearing Officers and Mediators	ONTP Page 332
LD 575	An Act To Encourage Workers' Compensation Dispute Resolutions	INDEF PP Page 333
LD 1721	An Act To Amend the Fees Paid to Attorneys for Lump-sum Settlements in Workers' Compensation Cases	ONTP Page 341
LD 1817	An Act To Notify MaineCare of Workers' Compensation Settlements	ONTP Page 345

Miscellaneous

Enacted

LD 1815	An Act To Establish the Maine Jobs, Trade and Democracy Act	PUBLIC 699 Page 344
LD 1919	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, 2004 and June 30, 2005 (Parts Q, UU, DDD and WW)	PUBLIC 673 Page 348

Not Enacted

None

Joint Standing Committee on Labor

LD 71 **An Act to Ban Strikebreakers** **ONTP**

<u>Sponsor(s)</u> PINEAU		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 71 proposed to require that a contract between an employer and replacement workers must include a statement that when the strike is settled or employees offer unconditionally to return to work, the replacement workers will not be retained in preference to the returning workers.

LD 71 was reported out of committee during the 1st Regular Session with a divided report (OTP-AM; ONTP), then referred back to the Labor Committee and carried over. During the 2nd Regular Session, a majority committee amendment based on a 1991 bill (LD 511) was proposed. The amendment would have required inspection of certain industrial worksites that contain hazardous materials or equipment if more than 50% of the workforce at the site had less than 6 months of experience on the job. The committee voted OTP-AM; ONTP on the proposal, but later reconsidered and voted ONTP unanimously.

LD 550 **An Act Regarding Employment of Workers' Compensation Board
Hearing Officers and Mediators** **ONTP**

<u>Sponsor(s)</u> EDMONDS SMITH W		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 550 proposed to transfer the authority to hire workers' compensation hearing officers and mediators from the Workers' Compensation Board to the board's Executive Director.

See LD 1909 (Public Law 2003, chapter 608), which restructures the Workers' Compensation Board to a 7-member board, including the Executive Director as a member. The odd number of members is designed to prevent deadlock on board decisions including decisions on appointing or reappointing hearing officers.

LD 561 **An Act To Improve Standards for Public Assistance to Employers
in the State** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> HUTTON EDMONDS		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u>
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LD 561 proposed to require recipients of certain state and local economic development incentives to meet certain criteria regarding wages, benefits and compliance with federal, state and local laws. The economic development incentive programs include tax increment financing, tax credits or tax reimbursement for investments and creation of jobs, and grants under the Governor's Training Initiative. Recipients under some of the programs would be required to pay a living wage to employees and provide retirement and health insurance benefits. Recipients

Joint Standing Committee on Labor

under other programs would be required to give all their employees the same wages and benefits as they give to qualified employees (employees whose hiring qualifies the employer for the economic development incentive).

Committee Amendment "A" (H-820) proposed to move the language to a more appropriate location in the Maine Revised Statutes. The amendment proposed to define "living wage" as a wage that would provide sufficient funds to meet the annual basic needs budget developed pursuant to law by the State Planning Office. It also proposed to require that the group health insurance provided by a business receiving an economic development incentive must be at least as comprehensive and beneficial as Dirigo Health Insurance. The amendment proposed to add a requirement that businesses must allow employees to return to their jobs following a strike or lockout. The amendment proposed to add a provision to the law governing the Business Equipment Tax Reimbursement program to deny reimbursement to a company that is in bankruptcy.

LD 575 **An Act To Encourage Workers' Compensation Dispute Resolutions** **INDEF PP**

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

LD 575 proposed to authorize the Workers' Compensation Board to levy a \$500 surcharge on an employer if, at the conclusion of mediation, the employee obtained or retained more benefits than the employer had offered prior to mediation. It also proposed to authorize a \$1,500 surcharge on an employer if, at the conclusion of a formal hearing, the employee obtained or retained more benefits than the employer had offered prior to the hearing. The surcharges would be deposited in a dedicated fund to be used to defray the costs of the workers' compensation advocate program.

Committee Amendment "B" (H-639) proposed to delete language allowing the Workers' Compensation Board to impose surcharges on employers who do not prevail at mediation sessions or formal hearings. Instead, the amendment proposed to require the Board to assess a \$1,000 user fee against an employer if, following a formal hearing, the employee obtained or retained more benefits than the employer offered prior to the formal hearing.

LD 673 **An Act To Increase Maine's Minimum Wage** **PUBLIC 697**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PH	OTP-AM MAJ	S-359
PATRICK	ONTP MIN	S-491 HATCH PH
		S-563 CATHCART

LD 673 proposed to increase the state minimum wage to \$6.65 per hour beginning October 1, 2003 and to \$7 per hour beginning October 1, 2004. The state minimum wage is currently \$6.25 per hour.

Committee Amendment "A" (S-359) proposed to change the starting date for increases in the minimum wage. The amendment proposed to increase the minimum wage to \$6.65 on October 1, 2004 and to \$7 on October 1, 2005.

Joint Standing Committee on Labor

Senate Amendment "A" (S-491) proposed to replace the bill. It proposed to increase the minimum wage to \$6.35 per hour beginning October 1, 2004 and \$6.50 per hour beginning October 1, 2005.

Senate Amendment "A" to Committee Amendment "A" (S-563) proposed that the Department of Labor not reprint the regulation of employment poster immediately to reflect the change in the minimum wage. It proposed to allow the Department to modify and redistribute the printed notice when it becomes necessary to print additional notices due to an insufficient supply of such notices or due to future changes in law.

House Amendment "A" (H-843) proposed to require that employees under 19 years of age must be paid at a rate no lower than 75% of regular minimum wage. (Not adopted)

House Amendment "B" (H-870) proposed to require that employees under 19 years of age must be paid at a rate no lower than the federal minimum wage. (Not adopted)

Enacted Law Summary

Public Law 2003, chapter 697 increases the state minimum wage from \$6.25 per hour to \$6.35 per hour beginning October 1, 2004 and \$6.50 per hour beginning October 1, 2005.

LD 718 **An Act To Create a New Pension System for Newly Hired Teachers and State Employees** **ONTP**

<u>Sponsor(s)</u> MILLS P	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 718 was a concept draft that proposed to create a new retirement program for teachers and state employees hired on or after January 1, 2004. Instead of being covered by the existing state employee and teacher plan of the Maine State Retirement System, new hires would be required to participate in Social Security and would also be covered by a newly created defined benefit plan.

LD 752 **Resolve, Directing the Department of Labor To Develop the Family Security Fund To Implement the Recommendations of the Committee to Continue to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 752 was based on the recommendations of the Committee to Continue to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families. It proposed to require the Department of Labor to develop the Family Security Fund, an insurance program for temporary disabilities.

See the description of Joint Order, S.P. 673, which authorized the Labor Committee to report out legislation regarding sick leave benefits.

Joint Standing Committee on Labor

LD 880

Resolve, Directing the Department of Labor to Collect Certain Data Involving Retirees Receiving Social Security or Other Pensions

RESOLVE 111

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON	OTP-AM MAJ	H-633
EDMONDS	ONTP MIN	H-715 HUTTON

LD 880 proposed to eliminate the pension offset against unemployment benefits for persons who receive Social Security or other pensions, provided the person contributed at least 50% of the contributions to that pension. If the person contributed some amount to the pension, but not 50%, the offset would be made in proportion to the employee's contribution.

Committee Amendment "B" (H-633) proposed to clarify that a Social Security benefit is included among the category of pensions that are not offset against unemployment compensation benefits.

House Amendment "A" to Committee Amendment "B" (H-715) proposed to change the bill to a resolve directing the Department of Labor to collect data on the number of persons whose unemployment benefits are reduced as a result of the pension offset.

Enacted Law Summary

Resolve 2003, chapter 111 directs the Department of Labor to collect data on the number of persons who are affected by the so-called "pension offset" against unemployment benefits, i.e., the reduction of unemployment benefits for a person who receives Social Security benefits or certain other pensions or annuities. The Resolve requires the Department to report the data to the Joint Standing Committee on Labor by November 30, 2004.

LD 919

An Act To Require Public Improvement Projects Contractors and Subcontractors To Meet Certain Criteria

ONTP

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

LD 919 proposed to enact criteria that must be met by any contractor or subcontractor performing work on a public improvement project. The bill proposed to require that the contractor or subcontractor comply with prevailing wage laws, provide employer-paid health and hospitalization benefits to employees, maintain apprenticeship programs and properly classify employees for purposes of workers' compensation, unemployment and other tax purposes.

Joint Standing Committee on Labor

LD 1150

An Act To Protect the Rights of State Workers

ONTP

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

LD 1150 proposed to extend to workers hired by the State through long-term contracts or long-term grants the same benefits as state employees receive.

Committee Amendment "A" (S-460) proposed to change the rules for implementing the new requirement from "routine technical" to "major substantive." It also proposed to require the Department of Administrative and Financial Services, Bureau of Human Resources to provisionally adopt the rules by February 15, 2005 so that they may be submitted to the Legislature for review.

LD 1318

An Act To Promote the Public Interest by Providing for Reasonable Rates of Compensation for Forest Products Harvesting and Hauling Services

PUBLIC 670

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH W	OTP-AM MAJ	H-848
MARTIN	ONTP MIN	H-864 SMITH W

LD 1318 proposed to allow harvesters and haulers of forest products to collectively bargain with forest landowners over compensation and the terms of contracts under which the harvesters and haulers perform services for the landowners. It proposed to require a forest landowner to bargain in good faith with associations representing 51% or more of the harvesters or haulers that have a prior course of dealing with the forest landowner. The bill proposed to create a Forest Products Bargaining Board to implement the Act, set forth a procedure for mediation and arbitration if the parties cannot agree on their own and list prohibited unfair practices. The bill was based on existing law allowing agricultural producers to form associations to bargain with handlers of agricultural products.

LD 1318 was reported out of committee during the 1st Regular Session with a divided report (OTP-AM; ONTP), but was recommitted to committee and carried over to the 2nd Regular Session. In the 2nd Session, LD 1318 was again reported out of committee on a divided report and recommitted to committee. The majority report was **Committee Amendment "B" (H-440)**. Finally, LD 1318 was reported out of committee with a divided report, with **Committee Amendment "C"** described below as the majority report. Committee Amendment "C" was adopted, and further amended by House Amendment "A".

Committee Amendment "C" (H-848) proposed to replace the bill. Rather than allowing harvesters and haulers to collectively bargain with forest landowners to establish rates of compensation, this amendment proposed to require a state forestry rate proceeding panel to establish rates of compensation, based on factors set forth in the statute. The amendment proposed to authorize forest products haulers and harvesters to organize associations and to negotiate collectively with certain landowners, provided their activities are preparatory to and for the purpose of an authorized rate-setting proceeding and provided that any tentative agreement was reviewed and approved by the rate-setting panel. A forest landowner or any group of 3 or more harvesters or haulers would be permitted to

Joint Standing Committee on Labor

file a petition for determination of rates. The proposal would apply to landowners that own at least 400,000 acres in a labor market area.

House Amendment "A" to Committee Amendment "C" (H-864) proposed to clarify that rates set by the forestry rate proceedings panel apply only to a forest landowner, as defined in Committee Amendment "C," not to other owners of forest land.

See also LD 1964, Public Law 2003, chapter 674, which limits application of the rate-setting process.

Enacted Law Summary

Public Law 2003, chapter 670 establishes a process by which a state panel, upon petition, sets rates of compensation for harvesting and hauling services provided under contract on certain forestlands in the State. The rate-setting procedure applies only to services performed on lands owned by entities that own or control more than 400,000 acres of forest land in a labor market area. (See also, LD 1964, PL chapter 674 which further limits application of the law)

Chapter 670 sets forth legislative findings to support the need for the State to displace existing market forces in such situations, where overwhelming market power of such landowners results in the absence of a sufficiently competitive market.

A forest landowner subject to the law, or a group of 3 or more harvesters or haulers may begin a rate-setting process by filing a petition with the forestry rate proceeding panel created in the law. The panel is established under the State Board of Arbitration and Conciliation, and consists of 3 members: one neutral member who is a representative of the public on the State Board of Arbitration and Conciliation, one member representing the interests of forest landowners and one member representing the interests of harvesters and haulers. Members are appointed by the Governor. The cost of panel proceedings will be borne equally by parties to the rate-setting process. Panel decisions are subject to judicial review in the same manner as for other final agency actions. The law sets forth a list of factors for the panel to consider in setting rates, e.g., the impact of the rates on the competitive position of the landowner, harvester and hauler expenses, fair rates of return on investment, species of tree and method of harvesting, and environmental laws.

The law authorizes harvesters and haulers to form associations to participate in the rate determination proceedings. Those associations may also negotiate with forest landowners prior to the rate determination proceeding, but any tentative agreement reached in those negotiations must be reviewed and approved by the rate-setting panel.

LD 1380

An Act To Promote Safety and Fair Labor Practices for Forestry Workers

PUBLIC 616

Sponsor(s)
FAIRCLOTH
EDMONDS

Committee Report
OTP-AM

Amendments Adopted
H-810

LD 1380 proposed to enact provisions relating to safety and working conditions for forestry workers engaged on a temporary or seasonal basis to perform reforestation activities in the Maine woods, such as clearing brush and thinning and planting trees.

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The bill proposed to require employers to offer housing, at no cost to the worker, near the work site to any forestry worker whose permanent residence is more than 50 miles from the work site and proposed to prohibit employers and others from making unjust or unreasonable profits by selling goods or services to workers in employer-provided housing. The bill proposed to require employers to provide safe transportation to and from the work site, at no cost to the worker, and require that the transportation meet certain safety standards. The bill proposed to require the employer to provide and pay for protective clothing and gear and the equipment necessary to perform the work.

The bill proposed to prohibit any person from discriminating or retaliating against any person who exercises the rights or protections provided by the new law or who files a complaint or participates in a proceeding under the law. The bill proposed civil penalties of up to \$2,500 per violation of the law, and up to \$50,000 for egregious violations. The bill also proposed to provide a private right of action for aggrieved persons and declare void any attempt to waive or modify the workers' rights under the law. All persons who are considered employers of a worker would be jointly and severally liable for violations of the law.

Committee Amendment "A" (H-810) proposed to remove provisions of the bill that imposed requirements regarding housing and equipment and retain provisions relating to transportation. It proposed to modify the definition of "employer" and modify the safety provisions of the bill.

The amendment proposed to add a requirement that the forestry industry report on a safety program to the joint standing committee of the Legislature having jurisdiction over labor matters. Finally, it proposed to require the Commissioner of Labor to convene a working group of interested persons to develop a system of collecting and reporting data for the purpose of improving the safety of forestry workers.

Enacted Law Summary

Public Law 2003, chapter 616 requires employers to provide safe transportation of certain forestry workers from their lodgings to their work sites, at no cost to the workers. The law applies to workers engaged on a temporary or seasonal basis to perform reforestation activities, such as clearing brush and thinning and planting trees. The transportation must meet the standards provided in the federal Migrant and Seasonal Agricultural Worker Protection Act, as well as additional standards, including a requirement for seat belts, first aid kits and emergency communication equipment. It limits the amount of time a worker can drive, prohibits use of vehicles other than buses that carry more than 11 persons, and prohibits attachment of equipment that interferes with operation of the vehicle.

Public Law 2003, chapter 616 prohibits discrimination or retaliation against any person who exercises the rights or protections provided by the new law or who files a complaint or participates in a proceeding under the law. It provides for civil penalties of up to \$1,000 per violation, enforceable by the Attorney General.

Public Law 2003, chapter 616 also requires the forestry industry to report on a safety program to the joint standing committee of the Legislature having jurisdiction over labor matters. Finally, it requires the Commissioner of Labor to convene a working group of interested persons to develop a system of collecting and reporting data for the purpose of improving the safety of forestry workers.

Joint Standing Committee on Labor

LD 1618 **An Act To Clarify the Employment Status of Court Reporters, Stenographers and Videographers** **ONTP**

<u>Sponsor(s)</u> WATSON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1618 proposed to add court reporters, stenographers and videographers to the list of persons whose services are not covered by the unemployment compensation law.

LD 1656 **An Act To Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2005** **P & S 34
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-665
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LD 1656 proposed to allocate \$9,959,245 for administrative operating expenses for the Maine State Retirement System for fiscal year 2004-05 and to approve collective bargaining agreements between the MSRS and 3 bargaining units of the Maine State Employees Association for the period November 1, 2003 to October 30, 2006.

Committee Amendment "A" (H-665) proposed to incorporate a fiscal note.

Enacted Law Summary

Private and Special Law 2003, chapter 34 allocates \$9,959,245 for administrative operating expenses for the Maine State Retirement System for fiscal year 2004-05. MSRS operating costs are paid for through contributions from the General Fund, non-General Fund accounts and Participating Local Districts such as municipalities. P&SL 2003, chapter 34 also approves collective bargaining agreements between the MSRS and 3 bargaining units of the Maine State Employees Association for the period November 1, 2003 to October 30, 2006.

LD 1687 **An Act To Protect the Privacy of Home Information of Maine State Retirement System Members, Benefit Recipients and Staff** **PUBLIC 632**

<u>Sponsor(s)</u> EDMONDS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-442
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LD 1687 proposed to provide that records in the possession of the Maine State Retirement System containing home contact information, such as home addresses and telephone numbers, of its members, benefit recipients, trustees, nontrustee members of board committees and staff are confidential and not subject to disclosure as a public record.

Joint Standing Committee on Labor

Committee Amendment "A" (S-442) proposed to remove members of the Board of Trustees of the Maine State Retirement System and nontrustee members of board committees from the language making home contact information confidential. It also proposed to make home contact information of a member or benefit recipient a public record if the member or benefit recipient has signed a waiver of the confidentiality of that information.

Enacted Law Summary

Public Law 2003, chapter 632 provides that records in the possession of the Maine State Retirement System containing home contact information, such as home addresses and telephone numbers, of its members, benefit recipients and staff are confidential and not subject to disclosure as a public record, except that home contact information of a member or benefit recipient may be disclosed if the member or benefit recipient signs a confidentiality waiver.

LD 1688

An Act To Clarify the Law Regarding Interpreting Services for People Who Are Deaf or Hard-of-hearing

PUBLIC 685

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS NORBERT	OTP-AM	S-430

LD 1688 proposed to clarify the law regarding interpreting services that are available for people who are deaf or hard-of-hearing, when they are involved in legal proceedings.

Committee Amendment "A" (S-430) proposed to rewrite the substantive section of the bill to clarify the qualifications required for persons who interpret for the deaf or hard-of-hearing in legal settings. It proposed a transitional period within which interpreters can achieve the qualifications to be considered qualified legal interpreters. It also proposed to change the fiscal year in which funds are transferred to the Judicial Department from fiscal year 2003-04 to fiscal year 2004-05.

Enacted Law Summary

Public Law 2003, chapter 685 clarifies the requirement for courts and governmental agencies to provide qualified legal interpreters for persons who are deaf or hard-of-hearing, when the personal or property interest of the deaf or hard-of-hearing person is at issue in a court or agency proceeding. It requires the presiding officer of the legal proceeding to appoint qualified legal interpreters to meet the needs of the deaf or hard-of-hearing person, sets forth the standards for an interpreter to be considered qualified to interpret in legal settings and requires the court or agency to pay the costs of the interpreter. It also makes confidential certain communications between a legal interpreter and the interpreter's client, and requires the interpreter to take an oath regarding true interpretation of communications. The law requires the Bureau of Rehabilitation Services within the Department of Labor to maintain a list of qualified legal interpreters.

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LD 1721 **An Act To Amend the Fees Paid to Attorneys for Lump-sum Settlements in Workers' Compensation Cases** **ONTP**

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

LD 1721 proposed to amend the limit on attorney's fees for lump-sum settlements in workers' compensation. Under current law, the limit is a graduated percentage of the settlement ranging from 5 to 10 percent of the amount. LD 1721 proposed to limit the amount to 25% of the settlement.

LD 1722 **An Act To Clarify the Prevailing Wage Law** **ONTP**

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

LD 1722 proposed that the prevailing wage rate that must be paid on publicly funded construction projects under the jurisdiction of the Davis-Bacon or other federal act is the higher of the federal and state prevailing wage rates.

Committee Amendment "A" (S-413) proposed to delay the effective date of the bill until July 1, 2005.

LD 1733 **An Act To Clarify the Severance Pay Law** **PUBLIC 624**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK DAVIS P	OTP-AM	H-815

LD 1733 was a concept draft that proposed to ensure that severance pay is paid to the former employees of Great Northern Paper Company, which filed for Chapter 11 bankruptcy protection on January 9, 2003.

Committee Amendment "A" (H-815) proposed to amend the severance pay law to clarify that severance pay liability imposed by state law is mitigated as a result of a contract providing for severance pay only if the contractual severance pay has actually been paid pursuant to the terms of the contract. The amendment proposed to apply to all claims for severance pay that have not been paid, adjudicated or finally resolved and to those claims that are pending on the date of enactment, including, but not limited to, claims by the former employees of Great Northern Paper Company.

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Enacted Law Summary

Public Law 2003, chapter 624 clarifies that severance pay liability imposed by state law is mitigated when a person is entitled to severance pay under a collective bargaining agreement or other contract only if the contractual severance pay has actually been paid.

LD 1760

An Act To Amend the Random Drug Testing Laws

PUBLIC 547

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO MARTIN	OTP-AM	H-711

LD 1760 proposed to amend the laws regarding random or arbitrary substance abuse testing of employees. It proposed that, in workplaces with 50 or more employees, if the employer chooses to require random or arbitrary substance abuse testing, then all employees of the employer who are not covered under a collective bargaining agreement would be subject to the random or arbitrary testing. Such employers would be required to form an employee committee to establish testing policies, and the Department of Labor would select employees to be tested.

Committee Amendment "A" (H-711) proposed to replace the bill. It proposed to allow employers of 50 or more employees to impose random or arbitrary testing programs that apply to all employees, except those covered by a collective bargaining agreement, as an alternative to other random or arbitrary testing programs. If an employer chooses to exercise the option, the employer would be required to form an employee committee to establish policies for the testing program, which must include a medical professional trained in substance abuse testing. A person or entity independent from employer influence, such as a medical review officer, would make the determination of which employees would be tested at any one time. Unionized employees would be included in such a testing program only if inclusion is part of their collective bargaining agreement.

Enacted Law Summary

Public Law 2003, chapter 547 amends the State's workplace substance abuse testing laws to provide employers of 50 or more nonunionized employees a 3rd option for establishing a random or arbitrary substance abuse testing program. Under current law, random or arbitrary testing programs may be imposed only on persons in safety-sensitive positions or pursuant to a collective bargaining agreement. This law allows certain employers a 3rd option: a random or arbitrary substance abuse testing program that applies to all employees, regardless of position. Unionized employees are included in such a testing program only if inclusion is part of their collective bargaining agreement. Employers are required to form an employee committee to write the policies regarding this type of testing program. Selection of individuals to be tested must be made by an entity independent from employer influence.

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LD 1792 **Resolve, Directing the Department of Labor and the Department of Behavioral and Developmental Services, Office of Substance Abuse To Study the Prevalence of Drug and Substance Abuse** **RESOLVE 106**

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

LD 1792 proposed to direct the Department of Labor and the Department of Behavioral and Developmental Services, Office of Substance Abuse to conduct a study to determine the extent of drug, alcohol and substance abuse among the adult population of Maine and report back to the Legislature no later than November 3, 2004.

Enacted Law Summary

Resolves 2003, chapter 106 directs the Department of Labor and the Department of Behavioral and Developmental Services, Office of Substance Abuse to conduct a study to determine the extent of drug, alcohol and substance abuse among the adult population of this State and report back to the Legislature no later than November 3, 2004.

LD 1810 **An Act To Amend the Laws Concerning Optional Membership for Participating Local Districts in the Maine State Retirement System** **PUBLIC 630**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J	OTP-AM	H-790
EDMONDS		H-818 SMITH W

LD 1810 proposed to amend the laws concerning optional membership for participating local districts in the Maine State Retirement System to parallel changes made for state employees in the system in 2003.

Committee Amendment "A" (H-790) proposed to replace the bill with language that more accurately achieves the purpose of the original bill. It proposed to make the law regarding purchase of service credit for optional members the same for participating local district optional members as it is for optional members in the other retirement programs administered by the Maine State Retirement System.

House Amendment "A" to Committee Amendment "A" (H-818) proposed to make a technical correction and to reformat the subsection to improve readability.

Enacted Law Summary

Public Law 2003, chapter 630 amends the laws concerning the purchase of service credit by employees whose membership in the Maine State Retirement System (MSRS) is optional ("optional employees"), to remove limitations on such purchases. It gives optional employees of participating local districts (PLDs) the same rights as other optional employees to purchase credit for the time during which they elected not to join the MSRS. The PLD employee will be required to pay the full actuarial cost of the additional service credit, except in specified circumstances.

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Public Law 2003, chapter 630 also clarifies that optional employees who are teachers, state employees or PLD employees who withdraw from the MSRS may withdraw their accumulated contributions, regardless of whether they have terminated employment. If those members later rejoin the Maine State Retirement System, they may repurchase service credit by repaying their accumulated contributions plus interest. Chapter 630 deletes the current 2-year waiting period before persons may repay withdrawn contributions.

LD 1814 An Act Concerning Disability Retirement Benefits under the PUBLIC 675 Maine State Retirement System

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY	OTP-AM	H-710

LD 1814 proposed to amend the laws regarding disability retirement benefits under the Maine State Retirement System to state that disability retirement benefits cease when a person performs work resulting in annual earnings that exceed \$20,000 or 80% of the recipient's average final compensation at retirement, whichever is greater. Under current law, disability retirement benefits are discontinued after a certain number of years if the person receiving the benefit has the ability to engage in work that would result in earnings of the 80% figure, regardless of whether the person is actually performing such work.

Committee Amendment "A" (H-710) proposed to change the language to preserve the original method of making the determination, i.e., basing it on the ability to perform work, not the actual performance. The amendment proposed to clarify the language in the bill that changes the amount of earnings that indicate the ability to engage in substantially gainful activity. Under the bill, as amended, that amount would be \$20,000 or 80% of the person's average final compensation at retirement, whichever is greater, adjusted for increases in the cost-of-living. Finally, the amendment proposed to remove the retroactivity provision.

Enacted Law Summary

Public Law 2003, chapter 675 amends the law regarding disability retirement benefits for the state and teacher retirement plan and the participating local district plan of the Maine State Retirement System. It provides that, after receipt of benefits for 5 years, disability retirement benefits are discontinued if the person has the ability to perform work resulting in the greater of \$20,000 per year or 80% of the person's average final compensation, adjusted for increases in the cost of living. Currently, such benefits are discontinued when the person is able to earn the 80% amount, even if that amount is less than \$20,000.

LD 1815 An Act To Establish the Maine Jobs, Trade and Democracy Act PUBLIC 699

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL	OTP-AM MAJ	H-783
EDMONDS	OTP-AM MIN	H-801 SMITH W

LD 1815 proposed to create the Citizen Trade Policy Commission to assess the legal and economic impact of international trade agreements, hold public hearings throughout the State, interact with elected leaders in Maine and other states and make recommendations to the Legislature, the congressional delegation and United States trade negotiators. The Commission would be a permanent 17-member commission including legislators, the

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Attorney General and representatives of the public. LD 1815 proposed that the commission conduct public hearings in at least 5 different locations in its first year and 3 in each subsequent year.

Committee Amendment "A" (H-783) proposed to change 3 of the members of the Citizen Trade Policy Commission and add 5 ex officio nonvoting members to the commission. It proposed to allow members to appoint alternate members to serve on a temporary basis. The amendment proposed to reduce the number of required public hearings to 2 each year. It proposed to specify cochairs of the commission. It also proposed to change compensation so that Legislators receive per diem and expenses for attendance at meetings and other members receive reimbursement of expenses if they are not otherwise reimbursed for those costs. The amendment proposed to allow the commission to seek and accept outside funding to assist the commission in carrying out its assigned duties.

House Amendment "A" (H-801) proposed to remove the emergency preamble and emergency clause from the bill.

Committee Amendment "B" (H-784), the minority report of the committee, proposed to change the membership of the Citizen Trade Policy Commission. It proposed to reduce the number of Legislators from 6 to 4 and reduce the number of other members from 11 to 7. It proposed to allow members to appoint alternate members to serve on a temporary basis. The amendment proposed to reduce the number of required public hearings to 2 each year instead of 5 in the first year and 3 in subsequent years. It also proposed to change compensation so that Legislators receive per diem and expenses for attendance at meetings, and other members receive reimbursement of expenses if they are not otherwise reimbursed for those costs. (Not adopted)

Enacted Law Summary

Public Law 2003, chapter 699 creates the Citizen Trade Policy Commission, a 22-member commission to assess and monitor the legal and economic impacts of trade agreements on state and local laws, working conditions and the business environments, to receive public comment on impacts and to make policy recommendations regarding such impacts.

LD 1817

An Act To Notify MaineCare of Workers' Compensation Settlements

ONTP

Sponsor(s)
BRENNAN

Committee Report
ONTP

Amendments Adopted

LD 1817 proposed to add claims for reimbursement of medical expenses paid by Medicaid to the list of workers' compensation claims that are assignable and subject to attachment.

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LD 1836

An Act To Amend the Laws Governing Purchase of Military Time
Served under the Maine State Retirement System

PUBLIC 693

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY G STANLEY	OTP-AM	H-839

LD 1836 proposed to allow a member of the Maine State Retirement System who was awarded an Armed Forces Expeditionary Medal to purchase service credit by paying the contribution rate in effect during the member's period of service in the United States Armed Forces, rather than by paying the full actuarial cost of the service credit. LD 1836 also proposed to replace a reference to "federally recognized period of conflict," which was contained in a section of law that was repealed.

Committee Amendment "A" (H-839) proposed to replace the bill. Under current law, a Maine State Retirement System member can purchase service credit for military service by paying the contributions that would have been paid at that time, plus interest (a subsidized rate) if the person served during a federally recognized period of conflict. The term "federally recognized period of conflict" was contained in the Maine Revised Statutes, Title 37-B and served as the definition for purposes of the retirement laws. In 1999, that definition was repealed in Title 37-B. This amendment proposed to enact a definition similar to that from Title 37-B as amended immediately prior to its repeal.

The amendment also proposed to allow recipients of the Armed Forces Expeditionary Medal and several other campaign and expeditionary medals and awards to purchase service credit at the subsidized rate, but only if an appropriation is made to the retirement system to cover the subsidy. The retirement system would report annually to the Legislature on the amounts needed to subsidize purchases by members who have applied and been determined eligible during the prior calendar year to make such a purchase.

The amendment proposed to clarify the intent of legislation enacted last session regarding the maximum amount of service credit that may be granted for periods of service in the armed forces.

Enacted Law Summary

Public Law 2003, chapter 693 clarifies and amends the law setting forth the cost of purchasing retirement service credit for periods of military service prior to a person becoming a member of the Maine State Retirement System. It expands the list of persons who can purchase service credit at a subsidized rate (lower than the actuarial cost) to include persons who received certain types of combat awards, regardless of whether the person served during a "period of federally recognized conflict," such as the Vietnam War or the Gulf War. Such award recipients may purchase service credit under the new provision only if funds have been appropriated to the MSRS to cover the cost of the subsidy. The law requires the MSRS to report annually to the Legislature on the funds needed to subsidize purchases for persons who applied under the new provision in the prior calendar year.

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LD 1904 **Resolve, To Increase Eligibility for Consumer-directed Personal Care Assistance Services To Promote Independence for Maine Citizens** **INDEF PP**

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

LD 1904 proposed to direct the Department of Labor, Bureau of Rehabilitation Services to adopt rules by July 1, 2004 to increase eligibility for and access to the consumer-directed personal care assistance services program. It proposed to require the rules to provide for services at 3 levels, encourage the use of consumer-directed programs through incentives and marketing, allow for surrogate decision-makers, increase wages for direct-care workers and provide access to Dirigo Health Insurance and provide for 3rd-party review of consumer evaluations, as well as requiring the rules to include other matters.

Committee Amendment "A" (S-465) proposed to direct the Department of Labor to make rules only for the state-funded part of the consumer-directed personal care assistance program, not for the Medicaid-funded part of the program.

The Supplemental Budget bill, LD 1919, PL 2003, chapter 673 moved the Medicaid-funded portions of the CD-PAS program to the Department of Human Services and incorporated many of the provisions of LD 1904.

LD 1909 **An Act To Promote Decision Making Within the Workers' Compensation Board** **PUBLIC 608 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-458
TREADWELL		

LD 1909 proposed to change the Workers' Compensation Board from an 8-member Board evenly divided between representatives of labor and management, to a 7-member Board. The bill proposed that the Board consist of 3 representatives of labor; 3 representatives of management; and the executive director of the board. The executive director would be appointed by the Governor subject to confirmation by the Legislature and would serve at the pleasure of the Governor. The executive director also would serve as chair of the board.

Committee Amendment "A" (S-458) proposed to add a fiscal note to the bill.

Enacted Law Summary

Public Law 2003, chapter 608 amends the structure of the Workers' Compensation Board. Under current law, the board has 8 members – 4 representing labor and 4 representing management. PL 2003, chapter 608 provides for a 7-member board – 3 representing labor, 3 representing management and the Executive Director of the Board. The Executive Director of the Board will be appointed by the Governor, subject to confirmation by the Legislature and will serve at the pleasure of the Governor. Under current law, the Workers' Compensation Board appoints the

Joint Standing Committee on Labor

Executive Director. The law provides for transition from the current board structure to the new structure. This law was enacted as an emergency measure effective April 8, 2004.

LD 1919 **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, 2004 and June 30, 2005 (Parts Q, UU, DDD and WW)** **PUBLIC 673**

<u>Sponsor(s)</u> BRANNIGAN CATHCART	<u>Committee Report</u> See AFA Comm. Summary	<u>Amendments Adopted</u> See AFA Comm. Summary
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LD 1919, a Supplemental Appropriations bill for fiscal years 2003-04 and 2004-05, proposed the following Parts relating to labor and retirement:

1. Part Q relates to the Occupational Safety Loan program, through which loans and grants may be made to employers to finance safety improvements. Funding for the program was repealed in prior appropriations bills; LD 1919 proposed to repeal the language establishing the program and to specify that funds resulting from repayment of outstanding loans must be deposited in the Safety Education and Training Fund at the Department of Labor. It also proposed to provide for payment of administrative costs for the remaining outstanding loans.
2. Parts UU and DDDD relate to health insurance for retired state employees and others.

Part UU proposed that retiree health insurance for state employees and teachers be administered on a cost-reimbursement basis of funding and accounting, rather than a pre-funded actuarial basis, beginning June 30, 2005. It proposed that the excess equity in the fund resulting from efforts to actuarially fund retiree health insurance be distributed back to the General Fund and other funds that made contributions resulting in that excess equity.

Part DDDD proposed that the State makes a solemn contractual commitment to certain state and local employees that (1) eligibility criteria for retired employees and their family members to participate in the state's group health plan would be no more restrictive during retirement than at the time the employee vested; (2) the State contribution toward the cost of retiree health insurance, as a percentage of total cost, would be no less than the percentage offered at the time of vesting; and (3) the group health plan offered by the State to retirees will be substantially similar to that offered at the same time to active employees. The provision does not propose to require that health insurance be offered, but if health insurance is offered to active employees, a substantially similar package must be offered to retirees.

3. Part WW proposed to transfer the 2 Medicaid-funded programs for consumer-directed personal care assistance (CD-PAS) from the Department of Labor to the Department of Human Services. The state-funded CD-PAS program remains with the Department of Labor. Part WW proposed transition provisions to govern the transfer and proposed to require both departments to adopt program rules including specified provisions such as a provision for independent assessment and reassessment of consumer eligibility and service needs by an entity selected by the respective department. It also proposed that the departments jointly review their CD-PAS programs and report to the legislative oversight committees on their review and recommendations. It proposed to specify that the report

Joint Standing Committee on Labor

must include recommendations regarding the use of surrogates to manage personal care assistants. It also proposed that the existing department group reviewing recruitment and retention of long-term care workers include representatives of CD-PAS service providers and consumers and address issues related to consumer-directed personal care services.

Parts Q, UU, DDDD and WW were enacted as part of Public Law 2003, chapter 673.

LD 1964

An Act To Protect Forest Products, Loggers and Haulers

PUBLIC 674

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

LD 1964 was enacted without reference to a committee. It proposed to amend the recently-enacted law requiring a state panel, upon request, to set compensation rates for harvesters and haulers of forest products on certain lands (LD 1318, PL 2003, chapter 670). That law as enacted was limited to landowners that own or control more than 400,000 acres in a labor market area. LD 1964 proposed to add an additional limitation: the law would apply only if the land owned by that landowner constitutes more than 30% of the total land area in that labor market area. The bill also proposed to clarify that the term "person" as defined in Title 26, chapter 18 is meant to include all forms of business organization.

Enacted Law Summary

Public Law 2003, chapter 674 limits the applicability of the rate-setting process for forest products harvesting and hauling services created by Public Law 2003, chapter 670. (See LD 1318, PL 2003, chapter 670). The law will apply to forest landowners who own or control more than 400,000 acres in a labor market area only if the acreage owned by that landowner constitutes more than 30% of the total land area in that labor market area. It also clarifies that the term "person" in the rate-setting law includes all forms of business organization.

SP 673

Joint Order To Report Out a Bill Relating To Permissible Uses of Sick Leave and Establishing a Minimum Sick Leave Benefit

PASSED

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

SP 673 was a joint order to the Joint Standing Committee on Labor to report out a bill relating to permissible uses of sick leave and establishing a minimum sick leave benefit. The committee held a public hearing on a proposal to require all employers to allow their employees to use any sick leave to which they are entitled for the purpose of taking care of an ill family member. It also proposed to require employers with 15 or more employees to grant a minimum of 3.33 hours of paid sick leave per month to employees who work at least 25 hours per week and a proportional amount of leave for employees who work fewer than 25 hours. It proposed to prohibit discrimination against employees who exercise rights under the law and specified the Department of Labor as the enforcing agency.

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Following the public hearing, the committee decided not to report out legislation. Instead, some members of the committee have asked the Department of Labor to report to the committee next year on data the department is collecting that may provide additional information on the provision of paid sick leave to employees in Maine.

*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Legal and Veterans' Affairs*

May 2004

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Rep. Patricia A. Blanchette
Rep. Marilyn E. Canavan
Rep. Rodney C. Jennings
Rep. Roger A. Landry
Rep. Gary W. Moore
Rep. Kevin J. Glynn
Rep. Richard B. Brown
Rep. Randy E. Hotham*

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

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	12	48.0%	2.4%
<u><i>Bills Carried Over from previous session</i></u>	<u>13</u>	<u>52.0%</u>	<u>2.6%</u>
Total Bills referred	25	100.0%	5.1%
B. Bills reported out by law or joint order			
	0	0.0%	0.0%
Total Bills considered by Committee	25	100.0%	5.1%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS			
	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	7	29.2%	1.5%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>5</u>	<u>20.8%</u>	<u>1.1%</u>
Total unanimous reports	12	50.0%	2.5%
B. Divided committee reports			
<i>Two-way reports</i>	12	50.0%	2.5%
<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>
Total divided reports	12	50.0%	2.5%
Total committee reports	24 ¹	96.0%	5.0%
III. CONFIRMATION HEARINGS			
	4	N/A	N/A
IV. FINAL DISPOSITION			
	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	12	48.0%	2.4%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	2	8.0%	0.4%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	14	56.0%	2.8%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	1	100.0%	7.1%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	1	100.0%	7.1%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

¹ Total does not include LD1361, which was removed from the committee without a committee report.

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

Joint Standing Committee on Legal and Veterans' Affairs

SUBJECT INDEX

Campaign Finance

Enacted

LD 1339	An Act To Amend the Laws Governing Campaign Finance	PUBLIC 615	Page 360
LD 1728	An Act To Amend the Penalty Provisions and Reporting Deadlines of the Campaign Reports and Finances Laws	PUBLIC 628	Page 368
LD 1868	Resolve, Regarding Legislative Review of Portions of Chapter 1: Procedures and Portions of Chapter 3: Maine Clean Election Act and Related Provisions, Major Substantive Rules of the Commission on Governmental Ethics and Election Practices	RESOLVE 136	Page 377

Not Enacted

None

Claims Against The State

Enacted

None

Not Enacted

LD 507	Resolve, To Allow the Town of Dennysville To Sue the State and the Atlantic Salmon Commission for Breach of Contract	ONTP	Page 356
LD 1603	Resolve, Authorizing Michaela Corbin-Bumford To Sue the State	ONTP	Page 365
LD 1613	Resolve, Authorizing Germaine Bell To Sue the State	DIED ON ADJOURNMENT	Page 365

Defense and Emergency Management

Enacted

None

Not Enacted

LD 1690 An Act To Authorize the STARBASE Program PUBLIC 590 Page 366

Election Laws

Enacted

LD 212 Resolve, Directing the Secretary of State To Study RESOLVE 117 Page 356
the Feasibility of Instant Run-off Voting

LD 640 An Act To Reduce the Voting Age Qualification for PUBLIC 577 Page 357
State Primary Elections for Voters Who Will Reach
18 Years of Age by the Time of the General Election

LD 1639 An Act To Make Polling Places More Convenient PUBLIC 569 Page 366

LD 1755 An Act To Amend the Election Laws PUBLIC 584 Page 370

LD 1759 An Act To Ensure the Accurate Counting of Votes PUBLIC 651 Page 371

Not Enacted

LD 1027 Resolve, Directing the Commission on Governmental ONTP Page 359
Ethics and Election Practices To Adopt Rules
Regarding Certain Election Practices

LD 1710 An Act To Allow Towns To Consolidate for the ONTP Page 367
Purpose of Establishing a Voting Place

Harness Racing

Enacted

LD 1820 An Act To Establish the Gambling Control Board To PUBLIC 687 Page 372
License and Regulate Slot Machines at Commercial
Harness Racing Tracks

Not Enacted

LD 642	An Act To Ensure the Economic Viability of the Harness Racing Industry	DIED IN CONCURRENCE	Page 358
LD 1361	An Act To Support Harness Horse Racing in Maine, Equine Agriculture in Maine, Maine Agricultural Fairs and the General Fund of the State	INDEF PP	Page 364

Liquor Laws

Enacted

LD 656	An Act to Allow Beverage Sales from Mobile Service Bars on Golf Courses	PUBLIC 579	Page 359
LD 1643	An Act To Promote Fairness for Small Businesses That Serve Alcoholic Beverages	ONTP	Page 366
LD 1881	An Act To Amend the Law Governing the Storage of Spirits	PUBLIC 639	Page 379

Not Enacted

None

Lottery/Gaming/Gambling

Enacted

LD 578	An Act To Increase the Sale of Lottery Tickets To Benefit Conservation and Wildlife	PUBLIC 516	Page 357
LD 1820	An Act To Establish the Gambling Control Board To License and Regulate Slot Machines at Commercial Harness Racing Tracks	PUBLIC 687	Page 372

Not Enacted

LD 642	An Act To Ensure the Economic Viability of the Harness Racing Industry	DIED IN CONCURRENCE	Page 358
LD 1242	An Act To Recognize the Regional Impact of Casino-style Gambling Facilities	ONTP	Page 360

LD 1354	An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations	DIED BETWEEN BODIES	Page 361
LD 1361	An Act To Support Harness Horse Racing in Maine, Equine Agriculture in Maine, Maine Agricultural Fairs and the General Fund of the State	INDEF PP	Page 364
LD 1536	An Act To Authorize the State to Establish a Multijurisdictional Lottery or Lottery Games	ONTP	Page 365

Maine National Guard/Military

Enacted

LD 1699	An Act To Establish the Maine Military Family Relief Fund	INDEF PP	Page 367
LD 1752	An Act To Update Laws Affecting the Military	PUBLIC 583	Page 369

Not Enacted

None

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LD 212

Resolve, Directing the Secretary of State To Study the Feasibility of Instant Run-off Voting

RESOLVE 117

Sponsor(s)	Committee Report	Amendments Adopted
BULL DAGGETT	OTP-AM MAJ ONTP MIN	H-751

LD 212 proposed to create the instant run-off voting method of determining winners in elections for President, Vice President, United States Senator, United States Representative to Congress, Governor, state Senator and state Representative. The method would simulate the ballot counts that would occur if all voters participated in a series of run-off elections that allows a voter to rank candidates according to that voter's preferences. Each voter would have only one vote for each office, and the ballot count would be the same as if voters participated in a series of run-off elections, with the weakest candidate eliminated after each round of counting. There would be an initial round of counting. If more than 2 candidates receive votes after the initial round, the Secretary of State would conduct an instant run-off round. In this instant run-off round, the Secretary of State would eliminate the candidate with the fewest votes. A ballot that would rank this eliminated candidate as the highest-ranked candidate would be counted as a vote for the highest-ranked, advancing candidate on that ballot. An advancing candidate would be a candidate who has not been eliminated. This process of counting votes and eliminating the candidate with the fewest votes would continue until 2 candidates remain. The candidate with the most votes would be declared the winner.

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

Committee Amendment "A" (H-751) proposed to replace the bill and create a resolve that would direct the Secretary of State to study the feasibility of implementing a system of instant run-off voting for the conduct of elections in the State.

Enacted Law Summary

Resolve 2003, chapter 117 directs the Secretary of State to study the feasibility of implementing a system of instant run-off voting for the conduct of elections in the State.

LD 507

Resolve, To Allow the Town of Dennysville To Sue the State and the Atlantic Salmon Commission for Breach of Contract

ONTP

Sponsor(s)	Committee Report	Amendments Adopted
GOODWIN	ONTP	

LD 507 proposed to authorize the Town of Dennysville to sue the State for damages resulting from the Atlantic Salmon Commission's failure to ensure that after placing the weir in the Dennysville River water would be able to be drawn from the dry hydrant.

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LD 578

An Act To Increase the Sale of Lottery Tickets To Benefit Conservation and Wildlife

PUBLIC 516

Sponsor(s)	Committee Report	Amendments Adopted
DUPLESSIE	OTP-AM MAJ	H-635
BRYANT	ONTP MIN	

LD 578 proposed to require the Department of Administrative and Financial Services, State Liquor and Lottery Commission to issue \$2, \$3 and \$5 wildlife lottery game tickets, in addition to the \$1 tickets currently offered, to benefit the Maine Outdoor Heritage Fund. The bill proposed to establish requirements for lottery agents regarding the sale of wildlife lottery game tickets. The requirements proposed would specify the number of different wildlife lottery game tickets the agent must offer based on the number of different instant tickets offered by the agent. The bill also proposed that a portion of revenues from the sale of wildlife lottery game tickets to promote the sale of those tickets.

Committee Amendment "A" (H-635) The amendment proposed to replace the bill and to increase the sales commission paid to agents for the sale of wildlife lottery tickets so that it would be one percentage point higher than the sales commission paid to agents for the sale of other instant tickets.

Enacted Law Summary

Public Law 2003, chapter 516 increases the sales commission paid to agents for the sale of wildlife lottery game tickets to benefit the Maine Outdoor Heritage Fund so that it is one percentage point higher than the sales commission paid to lottery agents for the sale of other instant tickets.

LD 640

An Act To Reduce the Voting Age Qualification for State Primary Elections for Voters Who Will Reach 18 Years of Age by the Time of the General Election

PUBLIC 577

Sponsor(s)	Committee Report	Amendments Adopted
CUMMINGS	OTP-AM MAJ	H-637
GAGNON	ONTP MIN	

LD 640 is a constitutional resolution that proposed to reduce the voting age qualifications by 12 months, subject to approval at referendum.

Committee Amendment "A" (H-637) proposed to replace the resolution. It proposed to amend current law to allow someone who is not yet 18 years of age, but will be at the time of a general election, to vote in the immediately preceding primary election for the selection of candidates.

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Enacted Law Summary

Public Law 2003, chapter 577 amends current law to allow someone who is not yet 18 years of age, but will be at the time of a general election, to vote in the immediately preceding primary election for the selection of candidates.

LD 642

An Act To Ensure the Economic Viability of the Harness Racing Industry

DIED IN CONCURRENCE

Sponsor(s)	Committee Report	Amendments Adopted
USHER	ONTP MAJ	
PENDLETON	OTP-AM MIN	

LD 642 proposed to expand wagering opportunities at racetracks in the State. This bill proposed to accomplish the following:

1. It would authorize the sale of pari-mutuel pools on live, simulcast or replayed horse races by commercial tracks; and
2. It would authorize the issuance to commercial tracks of licenses to conduct high-stakes beano.

Committee Amendment "A" (H-906) which was not adopted, proposed to replace the bill and would authorize the Chief of the State Police to issue a license to conduct high-stakes beano on non-Indian Territory to a federally recognized Maine tribe that is currently eligible but not operating high-stakes beano. The location of the games would be required to be within 45 miles of the tribe's land and at least 75 miles from the land of any other tribe conducting high-stakes beano. This amendment was not intended to allow the operation of games on land owned by the Passamaquoddy tribe in Albany Township.

House Amendment "A" to Committee Amendment "A" (H-912) which was not adopted, proposed to specify that smoking would be prohibited in public places where high-stakes beano is being conducted by a federally recognized Maine tribe on non-Indian Territory.

House Amendment "B" to Committee Amendment "A" (H-942) which was not adopted, proposed to remove the restriction that would prevent the Penobscot Nation from operating high-stakes beano on nontribal land.

House Amendment "C" to Committee Amendment "A" (H-945) which was not adopted, proposed to authorize the sale of pari-mutuel pools on live, simulcast or replayed horse races by commercial tracks. This amendment also proposed to authorize the sale of lucky seven or similar sealed tickets during those times when a commercial track is licensed to accept pari-mutuel wagers.

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LD 656 **An Act to Allow Beverage Sales from Mobile Service Bars on Golf Courses** **PUBLIC 579**

Sponsor(s)	Committee Report	Amendments Adopted
BROWNE	OTP-AM MAJ	H-636
MAYO	ONTP MIN	

LD 656 proposed to permit the Department of Public Safety, Bureau of Liquor Enforcement to license golf courses to serve liquor on courses from mobile service bars. The bill would establish the annual license fee for a mobile service bar at \$100 and limit sales from a mobile service bar to just malt liquor. It also proposed to require that a licensee ensure that malt liquor be served to only those engaged in a round of golf and that the operator of a mobile service bar successfully complete an alcohol server education course approved by the Bureau of Liquor Enforcement within the Department of Public Safety. The bill also proposed to require that the bureau revoke a license for a mobile service bar for violation of the liquor laws or any rule adopted by the bureau. The bill would provide for the repeal of the mobile service bar license provisions on January 1, 2006.

Committee Amendment "A" (H-636) proposed to specify that an operator of a mobile service bar must be at least 21 years of age and must have the ability to immediately contact the golf course's on-premises establishment for assistance when needed. The amendment would also specify that a patron of the golf course who operates a golf cart may not transport open containers of liquor across a public way.

House Amendment "A" to Committee Amendment "A" (H-773) which was not adopted, proposed to provide that malt liquor may be sold, served or dispensed from a mobile service bar only during a golf tournament in which all the players are 21 years of age or older.

Enacted Law Summary

Public Law 2003, chapter 579 permits the Department of Public Safety, to license golf courses to serve malt liquor on courses from mobile service bars. The annual license fee for a mobile service bar is \$100. It requires that a licensee ensure that malt liquor is served to only those engaged in a round of golf and that the operator of a mobile service bar successfully complete an alcohol server education course. Chapter 656 requires that the department revoke a license for a mobile service bar for violation of the liquor laws or any rule adopted by the department. The law also specifies that an operator of a mobile service bar must be at least 21 years of age, must have the ability to immediately contact the golf course's on-premises establishment for assistance when needed and specifies that a patron of the golf course who operates a golf cart may not transport open containers of malt liquor across a public way. Chapter 656 is repealed on January 1, 2006.

LD 1027 **Resolve, Directing the Commission on Governmental Ethics and Election Practices To Adopt Rules Regarding Certain Election Practices** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
LEMOINE	ONTP	

LD 1027 proposed to amend the law regarding disclosure of campaign communications, specifically automated telephone calls and mass mailings made by or on behalf of a candidate in the 2 weeks before an election. The resolve proposed to direct the Commission on Governmental Ethics and Election Practices to adopt rules

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requiring that a copy of the transcript of the automated telephone call or a copy of the mass mailing be filed with the commission before the telephone call or the mailing is conducted, when that communication is conducted in the 2 weeks before an election. The resolve proposed to require the commission to make the transcript of the telephone call or copy of the mailing available for public inspection.

LD 1242 An Act To Recognize the Regional Impact of Casino-style ONTP
Gambling Facilities

Sponsor(s)	Committee Report	Amendments Adopted
LEMOINE	ONTP MAJ	
	OTP-AM MIN	

LD 1242 proposed to provide that before a facility at which casino-style gambling is conducted, the operation of such a facility must be approved by the legislative body or voters of the municipality in which the facility is to be located and the legislative body or voters of each municipality that abuts the municipality in which the facility is to be located.

LD 1339 An Act To Amend the Laws Governing Campaign Finance PUBLIC 615

Sponsor(s)	Committee Report	Amendments Adopted
CANAVAN	OTP-AM	H-828
GAGNON		

LD 1339 proposed to amend the campaign finance laws by:

1. Requiring a political advertisement broadcast on television or radio to contain an image, if on television, and statement regarding the sponsorship of the ad, spoken by the candidate, treasurer of the candidate's authorized political committee, candidate's party committee or their agents or, if sponsored by a political action committee, the chief decision maker or treasurer of that political action committee or, if sponsored by an individual without any connection to the candidate or political action committee, that individual;
2. Defining a payment made to a 3rd party, not an employee of the candidate, candidate's political committee or party committee or political action committee, as an expenditure for the purposes of reporting and requiring expenditures made to that person to be itemized by the amount, reason and date of the expenditure; and
3. Requiring reports made by candidates, political action committees and independent expenditures regarding contributions to contain, in addition to the name of the contributor, the occupation and place of business of the contributor. This requirement already exists for party committees.

Committee Amendment "A" (H-828) was the majority report of the committee and proposed to retain only the provision in the bill that defined a payment made to a 3rd party who is not an employee of the candidate, the candidate's political committee, the party committee or the political action committee as an expenditure for the purpose of reporting and the provision that requires expenditures made to such a person to be itemized by the amount of, reason for and date of the expenditure. The amendment proposed to strike a provision in current law that prohibits a broadcasting station within this State from broadcasting a communication made by a political action committee expressly advocating the election or defeat of a candidate unless that communication includes a

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statement that indicates that a copy of the report is available from the Commission on Governmental Ethics and Elections Practices. The communication would still be required to include the name and address of the political action committee that financed the communication.

Enacted Law Summary

Public Law 2003, chapter 615 defines payment made to a 3rd party who is not an employee of a candidate, a candidate's political committee, a party committee or a political action committee as expenditures for the purpose of reporting and requires that expenditures made to such a person be itemized by the amount of, reason for and date of the expenditure. Chapter 615 strikes a provision in current law that prohibits a broadcasting station within this State from broadcasting a communication made by a political action committee expressly advocating the election or defeat of a candidate unless that communication includes a statement that indicates that a copy of the report is available from the Commission on Governmental Ethics and Elections Practices. The communication is still required to include the name and address of the political action committee that financed the communication.

LD 1354

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

**DIED BETWEEN
BODIES**

Sponsor(s)	Committee Report	Amendments Adopted
THOMPSON	OTP-AM MAJ	
GAGNON	ONTP MIN	

LD 1354 proposed to allow the operation of video gaming terminals by nonprofit organizations that are eligible for games of chance licenses and that are exempt from federal tax under Internal Revenue Code, Section 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10) or 501(c)(19). These sections of the tax code refer to charitable organizations, civic leagues, fraternal benefit societies, domestic fraternal societies and associations and veterans' organizations. Organizations that currently have licenses for electronic video machines but do not qualify under one of those code sections would be permitted to apply for an initial license while they seek the required federal tax status. The organization applying for the license must own or lease the premises on which the terminals would be placed and must use the premises for its charitable or nonprofit purpose. Video gaming terminal manufacturers, wholesalers and operators would be required to be licensed by the Chief of the State Police, following background investigations of the applicants and their major business partners. Local approval would be required for a license to operate video gaming terminals.

The bill proposes that the license specify the number of terminals allowed on the premises, and the maximum number of terminals allowed would be 5 per licensee. Terminals would be required to be licensed by the Chief of the State Police and would be required to be connected to a computer system operated by the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services. By the end of a 5-year phase-in period, this computer system would provide continuous on-line monitoring of video gaming terminal activity. Persons under 21 years of age would not be allowed to use the machines. Only members of the organization and their guests would be allowed to play. The maximum dollar amount for each play would be \$5 and the maximum payout would be \$1,250. Each game on each machine would be required to return at least 80% of wagers to players, calculated on an annual basis.

Net terminal income, which is income after payback to players, would be divided as follows: 8% to the State for payment into the Video Gaming Fund for administrative expenses, municipal revenue sharing and Public Education Fund revenue; 2% to the Compulsive Gambler Rehabilitation Fund; and 90% to the licensee.

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Licenses would be issued for one year. Applicants for an initial license would pay the actual costs of processing the application and performing the background investigation.

Committee Amendment "A" (H-546) which was not adopted, proposed to restrict the types of nonprofit organizations eligible for a license to operate video gaming terminals. It proposed to remove from eligibility organizations that are exempt from federal tax under Internal Revenue Code, Sections 501(c)(3) and 501(c)(4). It would maintain organizations that are eligible for games of chance licenses and that are exempt from federal tax under Internal Revenue Code, Section 501(c)(8), 501(c)(10) or 501(c)(19). These sections of the tax code refer to fraternal benefit societies, domestic fraternal societies and associations and veterans' organizations. The organization applying for the license would be required to own or lease the premises on which the terminals would be placed and would be required to use the premises for its charitable or nonprofit purpose.

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

The license would specify the number of terminals allowed on the premises; the maximum number of terminals allowed would be 5 per licensee. Terminals would be connected to a computer system operated by the Director of the Bureau of Alcoholic Beverages and Lottery Operations. Persons under 21 years of age would not be allowed to use the machines. The amendment proposed to specify that if an organization's liquor license is suspended, the license to operate video gaming terminals would be suspended until the liquor license is reinstated. Only members of the organization and their guests would be allowed to play. The maximum dollar amount for each play would be \$5 and the maximum payout is \$1,250. Each game on each machine would be required to return at least 80% of wagers to players, calculated on an annual basis.

Net terminal income, which is income after payback to players, would be divided among the state, the municipalities, a compulsive gambling fund for prevention and treatment of compulsive gambling and the charitable organization. Two percent of the net terminal income would go to the Compulsive Gambler Rehabilitation Fund and 75% to the licensee. Twenty-three percent of the income would go to the State for payment into the Video Gaming Fund for administrative expenses not to exceed 2%; the rest of the Video Gaming Fund would be divided between municipal revenue sharing and the municipalities that host the organizations that operate video lottery terminals. Host municipalities would receive their share in proportion to the amount of revenue that would be generated by video gaming terminals in their municipality.

Licenses would be issued for one year. Applicants for an initial license would pay the actual costs of processing the application and performing the background investigation.

The amendment also proposed to specify that any rules put forth by the Bureau of Alcoholic Beverages and Lottery Operations and the Chief of the State Police to administer and enforce the laws related to video gaming by nonprofits would be major substantive rules.

The amendment also proposed to add an appropriations and allocations section.

Committee Amendment "B" (H-814) which was not adopted, was a revised version of the original committee amendment and proposed changes to the distribution of net terminal income, noted later in this summary.

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This amendment proposed to restrict the types of nonprofit organizations eligible for a license to operate video gaming terminals. It would remove from eligibility, organizations that are exempt from federal tax under Internal Revenue Code, Sections 501(c)(3) and 501(c)(4). It would maintain organizations that would be eligible for games of chance licenses and that would be exempt from federal tax under Internal Revenue Code, Section 501(c)(8), 501(c)(10) or 501(c)(19). These sections of the tax code refer to fraternal benefit societies, domestic fraternal societies and associations and veterans' organizations. The organization applying for the license would be required to own or lease the premises on which the terminals would be placed and would be required to use the premises for its charitable or nonprofit purpose.

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

The license would specify the number of terminals allowed on the premises; the maximum number of terminals allowed is 5 per licensee. Terminals would be connected to a computer system operated by the Director of the Bureau of Alcoholic Beverages and Lottery Operations. Persons under 21 years of age would not be allowed to use the machines. The amendment proposed to specify that if an organization's liquor license is suspended, the license to operate video gaming terminals is also suspended until the liquor license is reinstated. Only members of the organization and their guests would be allowed to play. The maximum dollar amount for each play would be \$5 and the maximum payout would be \$1,250. Each game on each machine would be required to return at least 80% of wagers to players, calculated on an annual basis.

Net terminal income, which is income after payback to players, would be divided among the state, the municipalities, a compulsive gambling fund for prevention and treatment of compulsive gambling and the charitable organization. The revised amendment provides that 23% of the income would go to the State for payment into the Video Gaming Fund for administrative expenses not to exceed 10%; the rest of the Video Gaming Fund would be divided between municipal revenue sharing and the municipalities that host the organizations that operate video lottery terminals. Host municipalities receive their share in proportion to the amount of revenue that is generated by video gaming terminals in their municipality.

Licenses would be issued for one year. The amendment proposed to reduce the fees proposed by the bill. The license fee for wholesalers, manufacturers and operators would be \$3,500. Applicants for an initial license would pay the actual costs of processing the application and performing the background investigation.

The amendment also proposed to specify that any rules put forth by the Bureau of Alcoholic Beverages and Lottery Operations and the Chief of the State Police to administer and enforce the laws related to video gaming by nonprofits would be major substantive rules.

The amendment also proposed to add an appropriations and allocations section.

House Amendment "A" to Committee Amendment "B" (H-830) which was not adopted, proposed to make 2 technical changes to ensure that the committee amendment would be internally consistent.

The first change would remove a reference to a phase-in period that was removed by Committee Amendment "B" and the 2nd change would clarify record-keeping concerning illegal machines and monetary control.

Joint Standing Committee on Legal and Veterans' Affairs

House Amendment "B" to Committee Amendment "B" (H-922) which was not adopted, proposed to require approval by the voters of a municipality or, in the case of an unincorporated place, approval by the voters of a county for the operation of video gaming terminals.

LD 1361 **An Act To Support Harness Horse Racing in Maine, Equine Agriculture in Maine, Maine Agricultural Fairs and the General Fund of the State** **INDEF PP**

Sponsor(s) GAGNON CLARK	Committee Report RECEIVED BY SECRETARY PUR TO JT. RULE 309	Amendments Adopted
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LD 1361 proposed to allow limited numbers of video lottery terminals to be placed at licensed commercial racetracks and licensed off-track wagering facilities in the State. Terminal revenues would support the State's General Fund, harness racing purses, the Agricultural Fair Support Fund, the local municipalities where the terminals would be located, the licensee and the prevention and treatment of problem gambling. Broad enforcement and rule-making authority would be assigned to the Maine State Lottery Commission and the Maine State Police.

Committee Amendment "A" (S-256) which was not adopted, proposed to change the bill by striking a commercial track as an entity eligible for a video lottery terminal license. If a commercial track operates an off-track betting facility, that facility would be eligible to be licensed to operate video lottery terminals. Under the amendment, commercial tracks would have first right of refusal for any new off-track betting facility license. Off-track betting facilities would still be eligible for video lottery terminal licenses under this amendment. Under this amendment, an off-track betting facility would be permitted to change its location within 10 miles of its current location with the consent of all off-track betting facilities and commercial tracks within 50 miles.

House Amendment "A" to Committee Amendment "A" (H-561) which was not adopted, proposed to prohibit video lottery terminal distributors, video lottery terminal manufacturers and video lottery terminal wholesalers from being licensed as operators. This amendment proposed to remove language that would have granted commercial tracks the right of first refusal for any new off-track betting facility license. The amendment proposed to require that a video lottery terminal be linked to the central computer system prior to the commercial operation of that video lottery terminal.

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LD 1536 **An Act To Authorize the State to Establish a Multijurisdictional Lottery or Lottery Games** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
GAGNON	ONTP	

LD 1536 proposed to authorize the Director of the Bureau of Alcoholic Beverages and Lottery Operations, with the approval of the State Liquor and Lottery Commission, to enter into an agreement with a multijurisdictional lottery association to operate, market and promote a joint lottery or lottery games with other jurisdictions.

Although LD 1536 was not enacted, the substance of this bill was included in budget bill LD 1919.

LD 1603 **Resolve, Authorizing Michaela Corbin-Bumford To Sue the State** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

This resolve proposed to authorize Michaela Corbin-Bumford to sue the State for damages resulting from alleged wrongful removal from her home by the Department of Human Services. The maximum amount of any recovery in the lawsuit would be limited to \$400,000.

LD 1613 **Resolve, Authorizing Germaine Bell To Sue the State** **DIED ON
ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
GAGNON	OTP-AM MAJ ONTP MIN	

LD 1613 proposed to authorize Germaine Bell to bring a civil action against the State for damages in connection with services she received from the Department of Human Services.

Committee Amendment "A" (S-360) proposed to replace the resolve. The amendment proposed to clarify that the resolve authorizes a suit against the Department of Human Services and constitutes a waiver of the State's defense of sovereign immunity. The amendment would also clarify that the maximum amount of any recovery would be \$400,000, pursuant to the limits of the Maine Tort Claims Act. The amendment proposed to direct the Attorney General and the Department of Human Services to conduct settlement negotiations to resolve the dispute to the extent possible.

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LD 1639

An Act To Make Polling Places More Convenient

PUBLIC 569

Sponsor(s) PERCY	Committee Report OTP-AM	Amendments Adopted
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The purpose of this proposed bill was to provide a town with the option to conduct an election at the usual locations instead of at a single location when a town meeting is being conducted for the exclusive purpose of voting by secret ballot. A change was not proposed for secret ballot voting occurring in conjunction with a town meeting for other purposes. This procedure, as proposed, would be optional, so that no town would be required to assume additional cost.

Committee Amendment "A" (H-698) which was not adopted, proposed to add an emergency preamble and clause to the bill.

Enacted Law Summary

Public Law 2003, chapter 569 provides a town with the option to conduct an election at the usual locations instead of at a single location when a town meeting is being conducted for the exclusive purpose of voting by secret ballot.

LD 1643

An Act To Promote Fairness for Small Businesses That Serve Alcoholic Beverages

ONTP

Sponsor(s) BRUNO	Committee Report ONTP	Amendments Adopted
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LD 1643 proposed to allow a restaurant that has been licensed to sell spirits, wine or malt liquor for consumption on the premises of the restaurant to obtain a license to also sell wine and malt liquor to be consumed off the premises of the restaurant.

LD 1690

An Act To Authorize the STARBASE Program

PUBLIC 590

Sponsor(s) DOUGLASS	Committee Report OTP-AM	Amendments Adopted S-423
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LD 1690 proposed to authorize the establishment of a STARBASE program in this State. STARBASE is a science, mathematics and technology academic enrichment program funded by the federal Department of Defense.

Committee Amendment "A" (S-423) proposed to replace the bill. The amendment proposed to retain the provision of the bill that establishes the STARBASE program. The amendment proposed to remove the provision of the bill that authorizes the Adjutant General to contract with public and private entities to operate the program.

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The amendment proposed to retain and clarify the provision of the bill that authorizes the Adjutant General to hire a director and other employees to operate the program. The amendment proposed to remove the retroactivity clause from the bill.

Enacted Law Summary

Public Law 2003, chapter 590 authorizes the establishment of a STARBASE program in this State. STARBASE is a science, mathematics and technology academic enrichment program funded by the federal Department of Defense. The law authorizes the Adjutant General to hire a director and other employees to operate the program.

LD 1699 An Act To Establish the Maine Military Family Relief Fund INDEF PP

Sponsor(s) GAGNON LANDRY	Committee Report OTP-AM	Amendments Adopted S-438
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LD 1699 proposed to establish the Maine Military Family Relief Fund through a voluntary income tax check off to provide grants to families of members of the Maine National Guard or Reserves of the Armed Forces of the United States who have been called to duty. The bill proposed to authorize the Adjutant General to adopt rules to administer the fund according to rules adopted by the commissioner.

Committee Amendment "A" (S-438) proposed to add a \$1 contribution option for the Maine Military Family Relief Fund to the income tax return form. The amendment proposed to change the start of the fund from the 2005 tax year to the 2004 tax year. The amendment also proposed to specify that the Governor as Commander in Chief has rulemaking authority for the fund.

Although LD 1699 was not enacted, the substance of this bill was incorporated in LD 1724.

**LD 1710 An Act To Allow Towns To Consolidate for the Purpose of
Establishing a Voting Place ONTP**

Sponsor(s) STANLEY MCLAUGHLIN	Committee Report ONTP	Amendments Adopted
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LD 1710 proposed to allow towns with populations of 4,000 or less to consolidate for the purposes of establishing one voting place for all the consolidated towns.

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LD 1728

**An Act To Amend the Penalty Provisions and Reporting Deadlines
of the Campaign Reports and Finances Laws**

PUBLIC 628

Sponsor(s)	Committee Report	Amendments Adopted
GAGNON	OTP-AM MAJ	S-470
	OTP-AM MIN	

LD 1728

Part A of this bill provides greater flexibility to the Commission on Governmental Ethics and Election Practices to reduce the statutory penalties for the late filing of campaign finance reports. In addition, the bill authorizes the commission to assess penalties for certain violations for which current law prescribes only criminal sanctions.

Part B of this bill shortens the deadline for the reporting of large campaign contributions and expenditures from within 48 hours of the contribution or expenditure to within 24 hours.

Committee Amendment "A" (S-470) This amendment proposed to remove the Class E crime designation to the failure of a candidate or treasurer to file required campaign finance reports. It proposed to replace that provision by stating that the failure to file a report is subject to the same penalties as for failing to file a report on time. The amendment also proposed to make technical changes to the bill to clarify penalty provisions for party committees that fail to file a report or fail to file a report on time by correcting cross-references. It would also amend the bill to reinstate a schedule for municipal, district and county party committees to file campaign finance reports that was inadvertently repealed in a bill passed during the First Regular Session of the 121st Legislature.

Committee Amendment "B" (S-471) This amendment proposed to make technical changes to the bill to clarify penalty provisions for party committees that fail to file a report or fail to file a report on time by correcting cross-references. It also proposed to reinstate a schedule for municipal, district and county party committees to file campaign finance reports that was inadvertently repealed in a bill passed during the First Regular Session of the 121st Legislature.

Enacted Law Summary

Public Law 2003, chapter 628 provides greater flexibility to the Commission on Governmental Ethics and Election Practices to reduce the statutory penalties for the late filing of campaign finance reports. It removes the Class E crime designation from the failure of a candidate or treasurer to file required campaign finance reports. It replaces that provision by stating that the failure to file a report is subject to the same penalties as for failing to file a report on time. It also makes technical changes to the bill to clarify penalty provisions for party committees that fail to file a report or fail to file a report on time by correcting cross-references. It also reinstates a schedule for municipal, district and county party committees to file campaign finance reports that was inadvertently repealed in a bill passed during the First Regular Session of the 121st Legislature. Finally, chapter 628 shortens the deadline for the reporting of large campaign contributions and expenditures from within 48 hours of the contribution or expenditure to within 24 hours.

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LD 1752

An Act To Update Laws Affecting the Military

PUBLIC 583

Sponsor(s) CLARK CANAVAN	Committee Report OTP-AM	Amendments Adopted H-752
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LD 1752 proposed to make the following changes to laws pertaining to the Department of Defense, Veterans and Emergency Management.

1. Change the number of consecutive days of active state service required for Maine National Guard members to be eligible to participate in the Maine State Retirement System from 15 to 5.
2. Provide for the extension of temporary guardianship until 30 days after active duty orders expire for a child whose parent is a member of the Reserves, is on active duty for more than 30 days, and has been ordered to duty without consent or ordered to duty during a period of war or national emergency.
3. Repeal the law that allows a commissioned officer of the National Guard to retire from service at one grade higher than the grade that he or she earned.
4. Repeal the authority of a commanding officer of troops to order the closing of a place where intoxicating beverages, arms, ammunition, or explosives are sold.
5. Amend the law regarding tax exemptions for property owned or leased by the military bureau.
6. Amend the law regarding paid leave provided to state employees who are members of the National Guard or the Reserves, so that eligibility criteria for the paid leave specifies that the member is performing military duty rather than military training.

Committee Amendment "A" (H-752) proposed to clarify that the provision of the bill regarding extension of temporary guardianship applies to members of the National Guard as well as members of the Reserves of the United States Armed Forces. The amendment also proposed to add a provision to make the same clarification in the provision of law regarding extension of power of attorney. The amendment proposed to eliminate the provision of the bill that amends the tax exemption for military property.

Enacted Law Summary

Public Law 2003, chapter 583 makes the following changes to laws pertaining to the Department of Defense, Veterans and Emergency Management.

1. Changes the number of consecutive days of active state service required for Maine National Guard members to be eligible to participate in the Maine State Retirement System from 15 to 5.
2. Provides for the extension of temporary guardianship until 30 days after active duty orders expire for a child whose parent is a member of the National Guard or the Reserves of the United States Armed Forces, is on active duty for more than 30 days, and has been ordered to duty without consent or ordered to duty during a period of war or national emergency.
3. Clarifies that the extension of power of attorney until 30 days after active duty orders expire for a child who is on active duty for more than 30 days, and has been ordered to duty without consent or ordered to duty during

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a period of war or national emergency, applies to members of the National Guard as well as members of the Reserves of the United States Armed Forces.

4. Repeals the law that allows a commissioned officer of the National Guard to retire from service at one grade higher than the grade that he or she earned.
5. Repeals the authority of a commanding officer of troops to order the closing of a place where intoxicating beverages, arms, ammunition, or explosives are sold.
6. Amends the law regarding paid leave provided to state employees who are members of the Guard or the Reserves, so that eligibility criteria for the paid leave specifies that the member is performing military duty rather than military training.

LD 1755

An Act To Amend the Election Laws

PUBLIC 584

Sponsor(s)
CLARK

Committee Report
OTP-AM

Amendments Adopted
H-753

LD 1755 proposed to designate a voter's signature and identification number, which are used as unique identifiers in the centralized voter registration system, as nonpublic records that would be available for inspection only by certain persons. The bill proposed to decrease from 5 years to 2 years the time that voter registration records must be kept for a voter whose name has been removed from the voting list. LD 1755 proposed to clarify that voters who register in person before the municipal registrar of voters must complete an application that contains the information required in the Maine Revised Statutes, Title 21-A, section 152 or 154. The bill would remove the restriction that a student election clerk may assist a voter only if the voter specifically requests assistance from the student election clerk. It would remove obsolete language specifying the format of the write-in spaces for a presidential preference primary ballot and delete the requirement that nominees' names must appear on a ballot in block capital letters. LD 1755 proposed to add a requirement that the notice of election must be posted at the polls on election day, in compliance with the federal Help America Vote Act of 2002. The bill proposed to allow the election officials to open the packages of official ballots one hour before the polls open, instead of the 1/2 hour that is currently specified, and would clarify that the election clerk in charge of the incoming voting list may make a horizontal red line beside the voter's name on the voting list to indicate that a voter has voted. Finally, the bill proposed to remove an obsolete reference to a repealed provision of law.

Committee Amendment "A" (H-753) proposed to strike a section in the bill that states that voter signatures and identification numbers are not public records. The amendment proposed that voter signatures and identification numbers and associated records are not public records in electronic format but are public records when in a printed hard-copy format.

Enacted Law Summary

Public Law 2003, chapter 584 designates the electronic form of a voter's signature and identification number, which are used as unique identifiers in the centralized voter registration system, as nonpublic records that will be available for inspection only by certain persons. Hard copies of voter signatures and identification numbers and associated records are public records. Chapter 584 decreases from 5 years to 2 years the time that voter registration records must be kept for a voter whose name has been removed from the voting list. It clarifies that voters who register in person before the municipal registrar of voters must complete an application that contains the information required in the Maine Revised Statutes, Title 21-A, section 152 or 154. The law

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removes the restriction that a student election clerk may assist a voter only if the voter specifically requests assistance from the student election clerk and removes obsolete language specifying the format of the write-in spaces for a presidential preference primary ballot and deletes the requirement that nominees' names must appear on a ballot in block capital letters. Chapter 584 adds a requirement that the notice of election must be posted at the polls on election day, in compliance with the federal Help America Vote Act of 2002. The law allows election officials to open the packages of official ballots one hour before the polls open, instead of the 1/2 hour that is currently specified and clarifies that the election clerk in charge of the incoming voting list may make a horizontal red line beside the voter's name on the voting list to indicate that a voter has voted.

LD 1759

An Act To Ensure the Accurate Counting of Votes

PUBLIC 651

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	OTP-AM MAJ	H-842
MAYO	ONTP MIN	

LD 1759 proposed to set standards for voting machines and would provide that each statewide election may be followed within 120 hours of the closing of polls by a manual vote recount of up to 2% of voting places that use voting machines, selected at random, to be performed as an audit of the accuracy of the machines. The bill proposed to prohibit the connection of any voting district via the Internet to central vote collection equipment and prohibit the use of the Internet for the casting of votes online.

Committee Amendment "A" (H-842) proposed to replace the bill. It would define "direct recording electronic voting machine," "mechanical lever voting machine" and "punch card voting machine." The amendment would require that any voting machine used in the State produce a paper audit trail. It also proposed to ban the use of mechanical lever voting machines and punch card voting machines. The amendment proposed to further prohibit the networking of voting machines and prohibits Internet voting.

The amendment proposed to require the Secretary of State to report to the joint standing committee of the Legislature having jurisdiction over statewide election matters by January 15, 2005 on the progress made to implement the accessible voting equipment requirements of the federal Help America Vote Act of 2002. The amendment would also place a moratorium on the purchase and approval of direct recording electronic voting machines, or other voting systems equipped for individuals with disabilities, until March 1, 2005.

Enacted Law Summary

Public Law 2003, chapter 651 defines "direct recording electronic voting machine," "mechanical lever voting machine" and "punch card voting machine." It requires that any voting machine used in the State produce a paper audit trail. It also bans the use of mechanical lever voting machines and punch card voting machines. Chapter 651 further prohibits the networking of voting machines and prohibits Internet voting. This law requires the Secretary of State to report to the joint standing committee of the Legislature having jurisdiction over statewide election matters by January 15, 2005 on the progress made to implement the accessible voting equipment requirements of the federal Help America Vote Act of 2002. It also places a moratorium on the purchase and approval of direct recording electronic voting machines, or other voting systems equipped for individuals with disabilities, until March 1, 2005.

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LD 1820

An Act To Establish the Gambling Control Board To License and Regulate Slot Machines at Commercial Harness Racing Tracks

PUBLIC 687

Sponsor(s)	Committee Report	Amendments Adopted
LEMOINE	OTP-AM MAJ	H-868
GAGNON	OTP-AM MIN	S-515 MAYO S-519 MAYO

LD 1820 proposed to effectively amend Initiated Bill 2003, chapter 1 as approved by the voters at referendum in November 2003, which allowed for the operation of slot machines by certain persons licensed to operate commercial harness horse racing tracks.

Part A of the bill proposed to establish the Gambling Control Board within the Department of Public Safety to regulate the operation, distribution and maintenance of slot machines and the facilities at which those slot machines are located. The Gambling Control Board would consist of 5 members who would serve staggered 3-year terms and who would be appointed by the Governor. The bill would maintain the eligibility criteria for slot machine operators, but would also establish licensing criteria applicable to all potential slot machine operators, thereby eliminating the initiated bill's automatic licensing provisions. The bill proposed to strengthen the harness horse track transfer regulations contained in the initiated bill. The bill would create a framework through which the Gambling Control Board would regulate and monitor slot machine operators, distributors and gambling-related vendors and service providers.

Part A proposed to maintain the distribution of the gross income from slot machines, which is income after payback to players, as proposed in the initiated bill. However, the bill proposed to allow the Commissioner of Administration and Financial Services to establish a "compensation percentage." The compensation percentage would be defined as a percentage of the gross income necessary to compensate the State for all administrative, regulatory and economic costs associated with slot machine operations. In addition, the Commissioner of Administration and Financial Services would be permitted to award "impact fees" to off-track betting and high-stakes beano operators that demonstrate adverse effects on their businesses as a direct result of the introduction of slot machine operations.

Part A would restrict the number of slot machines to that required to maintain the vitality of Maine's harness horse racing industry, as determined by the Gambling Control Board. The number would be limited to 1,500 slot machines at any one location and 3,000 slot machines statewide. The bill proposed to require slot machine operators to continue harness horse racing for the term of their licenses.

Part A proposed to establish a minimum payback percentage of 90% and to require that a person under 21 years of age be prohibited from playing a slot machine.

Part A further proposed to specify that slot machines and associated equipment, as those terms are defined, would be exempt from inclusion in the Business Equipment Tax Reimbursement program established in Title 36, chapter 915.

Part B of this bill proposed to extinguish any rights that may have arisen under Initiated Bill 2003, chapter 1 retroactive to January 3, 2004, the effective date of the initiated bill.

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Committee Amendment "A" (H-868) was the majority report of the committee. This amendment proposed to require that membership qualifications of the Department of Public Safety, Gambling Control Board as proposed in the bill include experience in the harness racing industry. It would provide for municipal approval for the renewal of a slot machine license. Municipal decisions would be subject to appeal to the Gambling Control Board. The requirement that nongambling service vendors and their employees be licensed by the Gambling Control Board would be removed under this amendment. The amendment also proposed to strengthen the on-line monitoring of slot machines required in the bill by specifying that slot machines be controlled by a central site computer system operated by the State. The amendment would require, as a condition of the slot machine operator license, that the operator enter into an agreement with the host municipality that provides for revenue sharing and a security plan for the licensed slot machine facility. The amendment proposed to establish initial application fees for slot machine operators and distributors of \$200,000 and for registration of slot machines of \$100. Renewal fees would be determined by the board to cover costs of administration of licensing and registrations. For slot machine operators, there would be an additional renewal fee of \$75,000, \$25,000 of which would go directly to the host municipality, with the remainder going to the General Fund. The amendment also proposed to require that the Gambling Control Board take final action on applications for slot machine licenses no later than September 30, 2004. It proposed to reduce the payback percentage to players from 90% to 89% and would allocate the 1% to the General Fund for administrative costs of the board. It proposed to reduce the total number of slot machines that may be registered in the State to 1,500 slot machines. Finally, the amendment changes the allocation of gross slot machine income so that the operator retains 61% and the remaining 39% is distributed as follows:

1. Three percent to the General Fund for administrative expenses of the board, including gambling addiction counseling services;
2. Ten percent to supplement harness racing purses;
3. Three percent to the Sire Stakes Fund;
4. Three percent to the Agricultural Fair Support Fund;
5. Ten percent to the Fund for a Healthy Maine for prescription drug benefits;
6. Two percent for University of Maine System scholarships;
7. One percent for Maine Community College System scholarships;
8. Four percent to the Fund to Encourage Racing at Maine's Commercial Tracks;
9. Two percent to the Fund to Stabilize Off-track Betting Facilities, to be reduced to 1% after 4 years with the remaining 1% going back to the General Fund; and
10. One percent to the host municipality.

Committee Amendment "B" (H-869) was the minority report of the committee and was not adopted. This amendment adopted most of the provisions of the majority amendment with some exceptions. This amendment proposed to require that membership qualifications of the Department of Public Safety, Gambling Control Board as proposed in the bill include experience in the harness racing industry. It would provide for municipal approval for the renewal of a slot machine license. Municipal decisions would be subject to appeal to the Gambling Control Board. The requirement that nongambling service vendors and their employees be licensed by the Gambling Control Board would be removed in this amendment. The amendment would also strengthen the on-line monitoring of slot machines required in the bill by specifying that slot machines be controlled by a central

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site computer system operated by the State. The amendment proposed to require, as a condition of the slot machine operator license, that the operator enter into an agreement with the host municipality that provides for revenue sharing and a security plan for the licensed slot machine facility. The amendment would establish initial application fees for slot machine operators and distributors of \$200,000 and for registration of slot machines of \$100. Renewal fees would be determined by the board to cover costs of administration of licensing and registrations. For slot machine operators, there would be an additional renewal fee of \$75,000, \$25,000 of which would go directly to the host municipality, with the remainder going to the General Fund. The amendment also proposed to require that the Gambling Control Board take final action on applications for slot machine licenses no later than September 30, 2004.

This amendment differs from the majority report in that it would require that commercial tracks conduct a minimum number of race dates as a condition of maintaining the operation of slot machines. It proposed to remove the provision of the bill that required gambling services vendor employees to be licensed by the Gambling Control Board and instead authorized the board to issue work permits to employees per rules adopted by the board. It also proposed to reduce the statewide limit on the number of slot machines to be licensed in the State as proposed in the bill from 3,000 to 1,500. Finally, the amendment would change the allocation of gross slot machine income so that the operator retains 63% and the remaining 37% would be distributed as follows:

1. Four percent to the General Fund for administrative expenses of the board, including gambling addiction counseling services;
2. Seven percent to supplement harness racing purses;
3. One percent to the Sire Stakes Fund;
4. Three percent to the Agricultural Fair Support Fund;
5. Fourteen percent to the Fund for a Healthy Maine for prescription drug benefits;
6. Four percent for University of Maine System scholarships; and
7. Four percent for Maine Community College System scholarships.

House Amendment "A" (H-891) which was not adopted, proposed to change the bill in 2 ways.

1. It would add Part D, that proposed to allow the voters of Maine at referendum to determine whether they want:
 - A. Slot machines at commercial harness racing tracks as amended by LD 1820 and any accompanying amendments;
 - B. Slot machines at commercial harness racing tracks as enacted by citizen's initiative approved by the voters of Maine on November 4, 2003 and without the changes proposed in LD 1820 and any accompanying amendments; or
 - C. No slot machines at commercial harness racing tracks by repealing the law enacted by citizen's initiative.
2. It proposed to add a new Part C to the bill that would repeal all the authorization for slot machines at commercial harness racing tracks. Part C would take effect only if Question C passed.

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House Amendment "A" to Committee Amendment "A" (H-879) which was not adopted, proposed to create a new fund, the Harness Racing Stabilization Fund, into which 6% of the total gross slot machine income would be deposited. The new fund would serve as a source of revenue for licensed commercial tracks and off-track betting facilities who apply to the Gambling Control Board for financial assistance payments. The board, by major substantive rulemaking, would be required to establish criteria that the commercial track or off-track betting facility must meet in order to be eligible for financial assistance payments. One criterion that an off-track betting facility must meet would be a showing of loss of revenue due to the presence of licensed slot machines in the State. The board would determine whether the track or off-track betting facility has met the criteria and the amount of the financial assistance payment. The commercial track or off-track betting facility would be required to apply annually for a financial assistance payment.

Under this proposed amendment, the financial assistance payments cease when all commercial tracks and off-track betting facilities have slot machines, including electronic video machines, or the board determines that financial assistance payments are no longer necessary, whichever occurs first. When the financial assistance payments cease, or if the amount of payments to the fund exceeds the amount of financial assistance payments, the money allocated to the fund would lapse to the General Fund.

House Amendment "B" to Committee Amendment "A" (H-893) which was not adopted, proposed to reduce the maximum number of slot machines that may be registered in the State from 1,500 as proposed in Committee Amendment A to 50. This amendment proposed to increase the maximum number of slot machines to 1,500 beginning January 1, 2005 if the increase is approved at a referendum to be held in November 2004.

House Amendment "C" to Committee Amendment "A" (H-894) which was not adopted, proposed to remove the Fund to stabilize off-track betting facilities and instead distribute that 2% of the gross slot machine income to the Maine Tribal Fund, to be administered by the Department of Economic and Community Development in consultation with the council of the Penobscot Nation, the Joint Tribal Council of the Passamaquoddy Tribe and the council of the Houlton Band of Maliseet Indians to expand housing and access to health care for Maine's Indian tribes and economic development of the territories of Maine's Indian tribes.

House Amendment "D" to Committee Amendment "A" (H-895) which was not adopted, proposed to change the allocation of the total gross slot machine income by reducing the amount retained by slot machine operators by 3%, increasing to 42% the percentage of total gross slot machine income that slot machine operators would be required to distribute. The additional 3% would be distributed evenly between the Maine Residents Property Tax Program and municipal general assistance programs.

House Amendment "E" to Committee Amendment "A" (H-896) which was not adopted, proposed to create the Fund to Encourage Racing at Maine's Commercial Tracks and distribute 4% of the gross slot machine income to this fund.

This amendment proposed to remove the fund and the distribution to that fund and instead increase the distribution to the University of Maine System Scholarship Fund by one percent to 3% and the Maine Community College System to fund scholarships by one percent to 2%. The balance, 2%, would be distributed to the program established to provide low-cost prescription and nonprescription drugs, medication and medical supplies to disadvantaged, elderly and disabled individuals.

House Amendment "F" to Committee Amendment "A" (H-897) which was not adopted, proposed to provide for an additional distribution of 4% of the total gross slot machine income, which would be required to be deposited in the General Fund, thus increasing the percentage of the total gross slot machine income distributed by slot machine operators to 43%.

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House Amendment "G" to Committee Amendment "A" (H-898) which was not adopted, proposed to reduce the allocation to the Fund to Stabilize Off-track Betting Facilities to 1% and allocate the other 1% to the Governor Baxter School for the Deaf Compensation Fund.

The amendment would also add an appropriations and allocations section.

Senate Amendment "A" (S-519) which was adopted, proposed to prohibit the use of a credit card or debit card to play slot machines.

Senate Amendment "C" to Committee Amendment "A" (S-515) which was adopted, proposed to require the Gambling Control Board to use a central site monitoring system that, in addition to having other features determined necessary by the board, would have the ability to support all slot machines licensed for operation in the State, including progressive slot machines, use a widely accepted gaming industry protocol to facilitate slot machine manufacturers' ability to communicate with the central site monitoring system, allow the slot machine operator to install independent player tracking systems and have backup components. In selecting the central site monitoring system, the board would be required to select the system with the lowest overall cost that meets these requirements. As proposed in this amendment, if the board contracts with a 3rd party to operate the central site monitoring system, that 3rd party must meet the same suitability requirements as others seeking to obtain a license for gambling-related activities.

Enacted Law Summary

Public Law 2003 chapter 687 amends Initiated Bill 2003, chapter 1 as approved by the voters at referendum in November 2003, which allowed for the operation of slot machines at commercial harness racing tracks.

Public Law 2003, chapter 687 provides that commercial tracks are eligible for a slot machine license if the municipality where the slots will be operated approved the operation of slot machines at referendum by December 31, 2003. Under this law, a commercial track with a slot machine license must continue to conduct harness racing as a condition of operating slot machines. The initial license for slot machine operators and distributors is \$200,000 with an additional fee for operators of \$75,000, \$25,000 of which goes directly to the host municipality. This law provides for municipal approval for the renewal of a slot machine license requires the slot machine operator to enter into an agreement with the host municipality that provides for the revenue sharing and security plan for the licensed facility.

Public Law 2003, chapter 687 creates a five-member Gambling Control Board within the Department of Public Safety to regulate the operation, distribution, maintenance and licensing of slot machines at commercial harness racing tracks. Members of the Gambling Control Board are appointed by the Governor and approved by the Senate. This law creates a framework through which the board will regulate and monitor slot machine operators, distributors and gambling service providers and their employees. The board must employ a central site monitoring system that allows only the board or its contractors to program the machines as part of the regulatory framework. This system must be compatible with all slot machines licensed for operation in the state and use widely accepted gaming industry protocol to facilitate the slot machine manufacturers ability to communicate with the central monitoring system.

Under this law the total number of slot machines that may be registered in the state is 1500. The payback percentage to the players must be 89% and the use of credit or debit cards to play slot machines is prohibited. One percent of the amount deposited by persons playing the slot machines, the "coin-in", must be allocated to the General Fund for the administrative costs of the Gambling Control Board. The remaining 10%, the total gross slot machine income, is divided as follows:

Sixty-one percent to the slot machine operator;

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Three percent to the General Fund for administrative expenses of the board, including gambling addiction counseling services;

Ten percent to supplement harness racing purses;

Three percent to the Sire Stakes Fund;

Three percent to the Agricultural Fair Support Fund;

Ten percent to the Fund for a Healthy Maine for prescription drug benefits;

Two percent for University of Maine System scholarships;

One percent for Maine Community College System scholarships;

Four percent to the Fund to Encourage Racing at Maine's Commercial Tracks;

Two percent to the Fund to Stabilize Off-track Betting Facilities, to be reduced to 1% after 4 years with the remaining 1% going back to the General Fund; and

One percent to the host municipality.

LD 1868	Resolve, Regarding Legislative Review of Portions of Chapter 1: Procedures and Portions of Chapter 3: Maine Clean Election Act and Related Provisions, Major Substantive Rules of the Commission on Governmental Ethics and Election Practices	RESOLVE 136
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Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM MAJ	H-835
	OTP-AM MIN	S-503 GAGNON
		S-504 MAYO

LD 1868 proposed to provide for legislative review of portions of Chapter 1: Procedures and portions of Chapter 3: Maine Clean Election Act and Related Provisions, major substantive rules of the Commission on Governmental Ethics and Election Practices.

Committee Amendment "A" (H-835) was the majority report of the committee and proposed to authorize final adoption of portions of Chapter 1: Procedures and portions of Chapter 3: Maine Clean Election Act and Related Provisions with the following changes.

1. In Chapter 1, section 5, with regard the to the advance purchases of goods and services, the language must be changed to require that consulting services or the design, printing or distribution of campaign literature or advertising contracted or paid for prior to the primary election must be received prior to the primary election. The provision must also require that if a preponderance of the items purchased during the primary election cycle are used during the general election cycle, then the candidate or any other person required to file a report to the Commission on Governmental and Ethics and Election Practices shall report these as expenditures made during the general election cycle.

Joint Standing Committee on Legal and Veterans' Affairs

2. In Chapter 3, section 6, subsection 4, with regard to distribution of funds to certified Maine Clean Election Act candidates, subparagraphs (1) and (2) under paragraph A must be changed to state that if the preponderance of consulting services or the design, printing or distribution of campaign literature and advertising purchased prior to the primary election by an opponent of a certified Maine Clean Election Act candidate are used for the general election, then the certified Maine Clean Election Act candidate is entitled to a corresponding amount of matching funds.

Committee Amendment "B" (H-836) was the minority report of the committee and was not adopted. It proposed to authorize final adoption of the major substantive portions of Chapter 1: Procedures and portions of Chapter 3: Maine Clean Election Act and Related Provisions with the following changes:

1. In Chapter 1, section 5, with regard to the advance purchases of goods and services, the language must be changed to require that consulting services or the design, printing or distribution of campaign literature or advertising contracted or paid for prior to the primary election must be received prior to the primary election. The provision must also require that if a preponderance of the items purchased during the primary election cycle are used during the general election cycle, then the candidate or any other person required to file a report to the Commission on Governmental Ethics and Election Practices shall report these purchases as expenditures made during the general election cycle. This reporting requirement would also apply to certified Maine Clean Election Act candidates.
2. In Chapter 3, section 6, subsection 4, with regard to distribution of funds to certified Maine Clean Election Act candidates, subparagraphs (1) and (2) under paragraph A must be changed to state that if the preponderance of consulting services or the design, printing or distribution of campaign literature and advertising purchased prior to the primary election by an opponent of a certified Maine Clean Election Act candidate are used for the general election, then the certified Maine Clean Election Act candidate is entitled to a corresponding amount of matching funds. The language must also require that if a certified Maine Clean Election Act candidate uses a preponderance of the goods and services purchased prior to the primary election during the general election, then that candidate's initial General Fund distribution must be reduced by that amount.
3. The commission shall include in the rules that when reporting expenditures for fund-raising activities, a report must indicate the net proceeds of those activities. With regard to matching funds to a certified Maine Clean Election Act candidate, only the net proceeds of fund-raising activities may be used to calculate matching funds.
4. The effective date of rules adopted in accordance with this resolve may not be until after the 2004 general election.

Senate Amendment "A" (S-503) proposed to remove the emergency preamble and the emergency clause.

Senate Amendment "A" to Committee Amendment "A" (S-504) proposed to specify that the effective date of the rules adopted in accordance with this resolve may not be until January 1, 2005.

Enacted Law Summary

Resolve 2003, chapter 136 authorizes final adoption and directs the Commission on Governmental Ethics and Election Practices to make the following changes to its major substantive rules:

1. In Chapter 1, section 5, with regard to the advance purchases of goods and services, the language must be changed to require that consulting services or the design, printing or distribution of campaign literature or advertising contracted or paid for prior to the primary election must be received prior to the primary election.

Joint Standing Committee on Legal and Veterans' Affairs

The provision must also require that if a preponderance of the items purchased during the primary election cycle are used during the general election cycle, then the candidate or any other person required to file a report to the Commission on Governmental and Ethics and Election Practices shall report these as expenditures made during the general election cycle.

2. In Chapter 3, section 6, subsection 4, with regard to distribution of funds to certified Maine Clean Election Act candidates, subparagraphs (1) and (2) under paragraph A must be changed to state that if the preponderance of consulting services or the design, printing or distribution of campaign literature and advertising purchased prior to the primary election by an opponent of a certified Maine Clean Election Act candidate are used for the general election, then the certified Maine Clean Election Act candidate is entitled to a corresponding amount of matching funds.

Chapter 136 further specifies that the effective date of the rules adopted in accordance with this resolve may not be until after January 1, 2005.

LD 1881

An Act To Amend the Law Governing the Storage of Spirits

PUBLIC 639

Sponsor(s)	Committee Report	Amendments Adopted
MAYO	OTP-AM	S-469
CLARK		

LD 1881 proposed to establish an off-site storage facility license to allow an agency liquor store with a federal and state license permitting the agency liquor store to sell spirits to an on-premise licensee licensed for on-premises consumption to maintain a facility for the storage of spirits. The facility would be permitted to be used only for the storage of spirits and other reselling-related activities. Such an agency liquor store would be permitted to maintain only one off-site storage facility.

Committee Amendment "A" (S-469) proposed to specify that an off-site storage facility may be used only for the storage of spirits and that the sale of spirits to on-premises licensees must be transacted at the retail store location. It also proposed to provide that a licensed reselling agent's off-site storage facility must be located within 30 miles of the retail store location.

Enacted Law Summary

Public Law 2003, chapter 639 establishes an off-site storage facility license to an agency liquor store with a federal and state license permitting the agency liquor store to sell spirits to an on-premise licensee licensed for on-premises consumption. It specifies that an off-site storage facility may be used only for the storage of spirits and that the sale of spirits to on-premises licensees must be transacted at the retail store location. It also requires that a licensed reselling agent's off-site storage facility must be located within 30 miles of the retail store location. Such an agency liquor store may maintain only one off-site storage facility.

*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Marine Resources*

May 2004

Members:

Sen. Dennis Damon, Chair

Sen. Peggy A. Pendleton

Sen. Richard A. Bennett

Rep. Thomas D. Bull, Chair

Rep. Nancy B. Sullivan

Rep. Walter E. Ash, Jr.

Rep. Edward R. Dugay

Rep. Leila J. Percy

Rep. Kevin M. Muse

Rep. Deborah K. McNeil

Rep. Jeff Kaelin

Rep. Leonard Earl Bierman

Rep. Christopher Rector

Rep. Frederick J. Moore III

Staff:

Curtis C. Bentley, Legislative Analyst

Office of Policy and Legal Analysis

13 State House Station

Augusta, ME 04333

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**JOINT STANDING COMMITTEE ON
MARINE RESOURCES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	10	71.4%	2.0%
<i><u>Bills Carried Over from previous session</u></i>	<u>3</u>	<u>21.4%</u>	<u>0.6%</u>
Total Bills referred	13	92.9%	2.6%
B. Bills reported out by law or joint order	1	7.1%	0.2%
Total Bills considered by Committee	14	100.0%	2.8%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i><u>Orders and Resolutions Carried Over</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	2	14.3%	0.4%
<i>Ought to Pass as Amended</i>	3	21.4%	0.6%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>3</u>	<u>21.4%</u>	<u>0.6%</u>
Total unanimous reports	8	57.1%	1.7%
B. Divided committee reports			
<i>Two-way reports</i>	6	42.9%	1.3%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	6	42.9%	1.3%
Total committee reports	14	100.0%	2.9%
III. CONFIRMATION HEARINGS	2	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	5	35.7%	1.0%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	2	14.3%	0.4%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	7	50.0%	1.4%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	1	100.0%	7.1%
Rules authorized with legislative changes	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	1	100.0%	7.1%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

Prepared by the Office of Policy and Legal Analysis
121st Legislature, Second Regular and Second Special Sessions

Joint Standing Committee on Marine Resources

SUBJECT INDEX

Aquaculture

Enacted

LD 1857 An Act To Implement the Recommendations of the Task Force on the Planning and Development of Marine Aquaculture in Maine PUBLIC 660 Page 392

Not Enacted

LD 939 An Act To Repeal the Fee on Aquacultural Salmon Production ONTP Page 384

LD 1279 Resolve, Related to Aquaculture Leases in Blue Hill Bay DIED BETWEEN BODIES Page 385

Endangered and Threatened Marine Species

Enacted

LD 1702 An Act To Provide for Department of Marine Resources Jurisdiction Over Certain Sections of the State's Endangered Species Program PUBLIC 573 Page 387
EMERGENCY

Not Enacted

None

Lobster

Enacted

None

Not Enacted

LD 276	An Act to Allow the Sale of Lobster and Crab Fishing Licenses	ONTP Page 384
LD 1667	An Act To Repeal the Exception Provision for Certain Imported Lobster under the Laws Governing Lobster Measurement	ONTP Page 385
LD 1905	An Act To Establish Reciprocity in Laws Governing the Transportation of Lobsters by Nonresidents	ONTP Page 396
LD 1954	An Act To Create a Nonresident Lobster and Crab Fishing License	INDEF PP Page 396

Mahogany Quahogs

Enacted

LD 1749	An Act To Provide for the Assessment of the Mahogany Quahog Resource	PUBLIC 593 Page 389 EMERGENCY
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Not Enacted

None

Major Substantive Rules

Enacted

LD 1834	Resolve, Regarding Legislative Review of Chapter 25.20: Protected Resources, a Major Substantive Rule of the Department of Marine Resources	RESOLVE 114 Page 391 EMERGENCY
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Not Enacted

None

Marine Patrol Officers and Harbor Masters

Enacted

LD 1689	An Act To Provide Reciprocal Authority to New Hampshire Marine Patrol Officers To Investigate Potential Terrorist Activities in Maine Waters	PUBLIC 519 Page 386 EMERGENCY
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Not Enacted

LD 1680	An Act To Establish Harbor Master Standards and Course Requirements	ONTP Page 385
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Miscellaneous

Enacted

LD 1758	An Act To Correct Certain Errors and Inconsistencies in Marine Resources Laws	PUBLIC 520 Page 390
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LD 1955	Resolve, Directing the Commissioner of Marine Resources To Review the Licensing Requirements for the Harvest of Certain Marine Resources	RESOLVE 139 Page 396
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Not Enacted

None

Special Licenses

Enacted

None

Not Enacted

LD 1701	An Act To Amend the Fees of Special Licenses under the Marine Resources Laws	ONTP Page 387
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Joint Standing Committee on Marine Resources

LD 276

An Act to Allow the Sale of Lobster and Crab Fishing Licenses

ONTP

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

LD 276 proposed to allow a person to sell that person's lobster and crab fishing license to a person approved by the Department of Marine Resources to purchase that license.

Committee Amendment "A" (H-628) was the minority report and proposed to replace the bill. It proposed to authorize a person holding a Class I, Class II or Class III lobster and crab-fishing license to sale that license under the following circumstances:

1. The seller must have fished under that license for at least 5 years and derived at least 51% of that person's net annual income from lobster fishing;
2. The seller could sell the license only as part of the sale of that seller's boat and gear;
3. The buyer must have passed a lobster fishing exam administered by the Department of Marine Resources before the purchase of the license; and
4. A person could not have purchased a license if that person already held a Class I, Class II or Class III lobster and crab fishing license.
5. A person could not sell a suspended or revoked license.

Additionally, the amendment proposed to authorize the department to set the purchase price of the license between \$5,000 and \$10,000 and proposed to require that the revenues generated from the sale of the license go to the department. The seller would retain the revenues from the sale of the boat and gear. Finally, the amendment proposed to establish a 5% surcharge on the purchase price of the license, boat and gear to be paid jointly by the buyer and seller. Revenues generated by this surcharge would be deposited in the Lobster Promotion Fund. (not adopted)

LD 939

An Act To Repeal the Fee on Aquacultural Salmon Production

ONTP

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

LD 939 proposed to repeal the Salmon Aquaculture Monitoring, Research and Development Fund, including the 1¢ per pound fee on whole fish harvested paid by the salmon aquaculture industry, and proposed to require the commission to refund any remaining balance in the fund to persons who had paid money into the fund since January 1, 2001. Additionally, the bill proposed to repeal the authority language for the Maine Salmon Aquaculture Advisory Council, whose purpose was to provide guidance on expenditures from the Salmon Aquaculture Monitoring, Research and Development Fund.

Joint Standing Committee on Marine Resources

LD 1279 **Resolve, Related to Aquaculture Leases in Blue Hill Bay** **DIED BETWEEN BODIES**

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

LD 1279 proposed to direct the Commissioner of Marine Resources to establish a zone in Blue Hill Bay in which finfish aquaculture leases would be excluded.

LD 1667 **An Act To Repeal the Exception Provision for Certain Imported Lobster under the Laws Governing Lobster Measurement** **ONTP**

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

LD 1667 proposed to repeal the provision of law that allowed certain imported lobster to be exempt from the laws governing lobster measurement.

Committee Amendment "A" (H-789), the minority report, proposed to replace the emergency preamble of the bill to more accurately reflect the legislative intent of the bill. (not adopted)

LD 1680 **An Act To Establish Harbor Master Standards and Course Requirements** **ONTP**

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

LD 1680 proposed to require a municipality to conduct a background check on a person prior to appointing the person as a harbormaster. This bill also proposed to require harbormasters to complete harbormaster courses offered by the Maine Harbor Masters Association or its successor organization. The bill also proposed to define the term harbormaster.

Committee Amendment "A" (S-483), the minority report, proposed to replace the bill. The amendment proposed to prohibit a person from serving as a harbormaster unless the person had been certified by the Maine Criminal Justice Academy as having completed a basic harbormaster training course within one year of January 1, 2005 or one year after the person had been appointed a harbormaster. The amendment also proposed to require a certified harbormaster to become recertified every 3 years. The amendment proposed to direct the Department of Marine Resources in consultation with the Department of Inland Fisheries and Wildlife and the Maine Criminal

Joint Standing Committee on Marine Resources

Justice Academy and a statewide harbormasters' association to develop the basic and recertification harbormaster training courses by January 1, 2005. (not adopted)

LD 1689

**An Act To Provide Reciprocal Authority to New Hampshire
Marine Patrol Officers To Investigate Potential Terrorist
Activities in Maine Waters**

**PUBLIC 519
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON BULL	OTP-AM	S-364

Public Law 2003, chapter 519 proposed to give New Hampshire marine patrol officers the authority to investigate potential terrorist activities in Maine waters in the Piscataqua River or Portsmouth Harbor. This bill would have taken effect when reciprocal authority was granted to the Maine marine patrol officers in New Hampshire waters.

Committee Amendment "A" (S-364) proposed to add an emergency measure and clarify that when New Hampshire marine patrol officers are investigating potential terrorist activities in Maine waters of the Piscataqua River or Portsmouth Harbor those officers would be entitled to the same immunities granted to Maine marine patrol officers. The amendment also proposed a conditional repealer that would take effect if New Hampshire repealed its reciprocal statutory language. Finally, the amendment proposed to require the Commissioner of Marine Resources to notify the Secretary of State of New Hampshire if this section of law was repealed or amended to significantly alter its application.

Enacted Law Summary

Public 2003, chapter 519 grants New Hampshire marine patrol officers the authority to investigate potential terrorist activities in Maine waters in the Piscataqua River or Portsmouth Harbor and are provided the same immunities granted to Maine marine patrol officers during the course of those activities.

Public 2003, chapter 519 will only take effect if New Hampshire enacts reciprocal authority to the Maine marine patrol officers, in order that they may investigate potential terrorist activities in New Hampshire waters. It also provides that the provisions of this law are repealed if New Hampshire should repeal its reciprocal statutory language.

Public 2003, chapter 519 requires the Commissioner of Marine Resources to notify the Secretary of State of New Hampshire if this section of law is repealed or amended to significantly alter its application.

Public 2003, chapter 519 was enacted as an emergency measure effective February 19, 2004.

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LD 1701 **An Act To Amend the Fees of Special Licenses under the Marine Resources Laws** **ONTP**

<u>Sponsor(s)</u> DAMON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1701 proposed to increase the filing fee for applying for a special license from \$50 to \$100, and the annual fee for a special license from \$25 to \$50. The bill proposed to strike language that waived the application-filing fee for a special license for raising and selling Pacific salmon. In addition, it proposed to change the way that license holders were charged for additional names on the license, from a per-individual charge to a flat fee for up to a given number of names. Currently, the Commissioner of Marine Resources may waive the filing fee for state-funded institutions; this bill proposed to add the same language to allow the commissioner to also waive the annual fee for such institutions. This bill also proposed to add a penalty provision creating a civil violation, which is in addition to the general authority of the Department of Marine Resources to suspend licenses.

LD 1702 **An Act To Provide for Department of Marine Resources Jurisdiction Over Certain Sections of the State's Endangered Species Program** **PUBLIC 573 EMERGENCY**

<u>Sponsor(s)</u> DAMON		<u>Committee Report</u> OTP-AM MAJ OTP-AM MIN		<u>Amendments Adopted</u> H-741 BULL S-403
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LD 1702 proposed to give the Commissioner of Marine Resources the authority to recommend endangered or threatened marine species to the Legislature for designation on the state endangered or state threatened species list.

The bill also proposed to give the commissioner temporary authority to designate a marine species found in the State as a state endangered or state threatened species if that species was listed as an endangered or threatened species by the United States Secretary of the Interior.

Committee Amendment "A" (S-403), the majority report, proposed to replace the bill. It proposed to give the Commissioner of Marine Resources authority over the State's endangered or threatened marine species. The amendment proposed to establish the state endangered or state threatened marine species list and to designate as endangered or threatened 8 marine species that are already federally listed as endangered or threatened species. Additionally, it proposed to give the Commissioner of Marine Resources the authority to recommend to the Legislature that a marine species be listed if that species was already federally listed as an endangered or threatened species. The amendment proposed to give the Legislature the exclusive ability to list a marine species as a state-listed endangered or threaten. Additionally, this amendment proposed to authorize the Commissioner of Marine Resources to establish programs necessary for the protection of state-listed endangered or threatened marine species and to enter into agreements with other governmental and nongovernmental entities for such purposes. Finally, the amendment proposed to add an emergency preamble and emergency clause.

Committee Amendment "B" (S-404), the minority report, proposed to replace the bill. It proposed to give the Commissioner of Marine Resources authority over the State's endangered or threatened marine species. It

Joint Standing Committee on Marine Resources

proposed to establish the state endangered or state threatened marine species list and add 8 marine species that are already federally listed as endangered or threatened species to that list. Additionally, it proposed to give the Commissioner of Marine Resources the authority to designate a marine species as state endangered or state threatened if the Commissioner of Marine Resources determined, based on a criteria set out in statute, that the marine species needed protection. This amendment also proposed authorize the Commissioner of Marine Resources to establish programs necessary for the protection of listed state endangered or state threatened marine species and to enter into agreements with other governmental and nongovernmental entities for such purposes. Finally, the amendment proposed to add an emergency preamble and emergency clause. (not adopted)

House Amendment "A" to Committee Amendment "A" (H-741) proposes to require the Commissioner of Marine Resources to submit a written report by January 1st of each year to the joint standing committee of the Legislature having jurisdiction over marine resources matters and the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters describing the status of all current and planned programs, activities and rules of the department pertaining to the conservation or management of state endangered or state threatened marine species. Additionally, it proposed to require the Commissioner of Inland Fisheries and Wildlife to include the joint standing committee of the Legislature having jurisdiction over marine resources matters when that commissioner submits an annual report on threatened and endangered species to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters, as required by current law. Finally, it proposed to require both commissioners to send notice to the Legislature by January 1st of each year that the reports have been delivered.

Enacted Law Summary

Public Law 2003, chapter 573 does the following:

1. Gives the Commissioner of Marine Resources authority over the State's endangered or threatened marine species. It establishes the state endangered or state threatened marine species list and designates as endangered or threatened 8 marine species that are already federally listed as endangered or threatened species;
2. Authorizes the Commissioner of Marine Resources to recommend to the Legislature that a marine species be listed if that species is already federally listed as an endangered or threatened species. It provides that the Legislature has sole authority to include a marine species in or remove a marine species from the list;
3. Authorizes the Commissioner of Marine Resources to establish programs necessary for the protection of state-listed endangered or threatened marine species and to enter into agreements with other governmental and nongovernmental entities for such purposes;
4. Requires the Commissioner of Marine Resources to submit a written report by January 1st of each year to the joint standing committee of the Legislature having jurisdiction over marine resources matters and the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters describing the status of all current and planned programs, activities and rules of the department pertaining to the conservation or management of state endangered or state threatened marine species; and
5. Requires the Commissioner of Inland Fisheries and Wildlife to include the joint standing committee of the Legislature having jurisdiction over marine resources matters when the commissioner submits the commissioner's annual report on threatened and endangered species to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters, as required by current law and requires both commissioners to send notice to the Legislature by January 1st of each year that the reports have been delivered.

Joint Standing Committee on Marine Resources

Public Law 2003, chapter 573 was enacted an emergency measure effective on March 24, 2004 except those sections of the Act that amend the Maine Revised Statutes, Title 12, sections 12801 and 12803 that are effective on July 30, 2004.

LD 1749

An Act To Provide for the Assessment of the Mahogany Quahog Resource

**PUBLIC 593
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL DAMON	OTP-AM	H-769

LD 1749 proposed to change the name of the Toxin Monitoring Fund to the "Mahogany Quahog Monitoring Fund" and would expand the allowable uses of the fund to include conducting stock assessments of the mahogany quahog resource.

Committee Amendment "A" (H-769) proposed that beginning July 1, 2004, 58% of the total revenue from the \$1.20 per bushel fee for mahogany quahogs or \$56,000, whichever is greater, be credited to the Mahogany Quahog Monitoring Fund and 42% or the remainder, as applicable, to the General Fund. It also proposed to require the Department of Marine Resources to conduct mahogany quahog stock assessments starting no later than January 1, 2005 and to report biennially to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the progress of the stock assessments and the status of the Mahogany Quahog Monitoring Fund starting January 1, 2006.

Enacted Law Summary

Public Law 2003, chapter 593 changes the name of the Toxin Monitoring Fund to the "Mahogany Quahog Monitoring Fund" and expands the allowable uses of the fund to include conducting stock assessments of the mahogany quahog resource.

Public Law 2003, chapter 593 provides that, beginning July 1, 2004, 58% of the total revenue from the \$1.20 per bushel fee for mahogany quahogs or \$56,000, whichever is greater, must be credited to the Mahogany Quahog Monitoring Fund and 42% or the remainder, as applicable, to the General Fund.

Public Law 2003, chapter 593 also requires the Department of Marine Resources to conduct mahogany quahog stock assessments starting no later than January 1, 2005 and to report biennially to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the progress of the stock assessments and the status of the Mahogany Quahog Monitoring Fund starting January 1, 2006.

Public Law 2003, chapter 593 was enacted as an emergency measure effective April 6, 2004.

Joint Standing Committee on Marine Resources

LD 1758

An Act To Correct Certain Errors and Inconsistencies in Marine Resources Laws

PUBLIC 520

<u>Sponsor(s)</u> BULL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-647
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LD 1758 proposed to do the following:

1. Change the name of the Aquarium and Resource Center at West Boothbay Harbor Fund to the Department of Marine Resources Educational Fund;
2. Create the Marine Fisheries Research and Development Fund;
3. Create a reinstatement fee of \$25 in order for the Department of Marine Resources to rescind a license suspension that is the result of failing to comply with a court order of support;
4. Clarify that it is unlawful to fish for or take lobster from any platform other than a vessel;
5. State that only the licensed owner may use lobster traps, warps, buoys or cars for fishing unless that person has written permission from the Commissioner of Marine Resources;
6. Correct the inadvertent omission of the allocation of one type of lobster license fee;
7. Clarify that it is unlawful for a person to possess, as well as to fish for or take, striped bass except for personal use.
8. Strike an exemption on the prohibition of washing or holding shellfish in closed areas;
9. Reallocate section 6728-A to section 6721-A;
10. Strike language that was repealed during the First Regular Session of the 121st Legislature, but was inadvertently restored in a subsequent bill;
11. Allow the transfer of funds from the Aquarium and Resource Center at West Boothbay Harbor Fund to the Department of Marine Resources Educational Fund and allow the transfer of funds from the gas tax fund to the newly created Marine Fisheries Research and Development Fund.

Committee Amendment "A" (H-647) proposed to strike the provision from the bill that prohibits the possession of striped bass except for personal use. Additionally, the amendment proposed to strike language that allows a person under certain conditions to wash or keep mussels in closed waters.

Enacted Law Summary

Public Law 2003, chapter 520 does the following:

1. Changes the name of the Aquarium and Resource Center at West Boothbay Harbor Fund to the Department of Marine Resources Educational Fund;

Joint Standing Committee on Marine Resources

2. Creates the Marine Fisheries Research and Development Fund;
3. Creates a reinstatement fee of \$25 in order for the Department of Marine Resources to rescind a license suspension that is the result of failing to comply with a court order of support;
4. Clarifies that it is unlawful to fish for or take lobster from any platform other than a vessel;
5. States that lobster traps, warps, buoys or cars may not be used for fishing by any person other than the licensed owner unless with written permission from the Commissioner of Marine Resources;
6. Corrects the inadvertent omission of the allocation of one type of lobster license fee;
8. Strikes an exemption on the prohibition of washing or holding shellfish in closed areas;
9. Reallocates section 6728-A to section 6721-A;
10. Strikes language that was repealed during the First Regular Session of the 121st Legislature, but was inadvertently restored in a subsequent bill;
11. Allows the transfer of funds from the Aquarium and Resource Center at West Boothbay Harbor Fund to the Department of Marine Resources Educational Fund and allows the transfer of funds from the gas tax fund to the newly created Marine Fisheries Research and Development Fund; and
12. Strikes language that allows a person under certain conditions to wash or keep mussels in closed waters.

LD 1834

**Resolve, Regarding Legislative Review of Chapter 25.20:
Protected Resources, a Major Substantive Rule of the Department
of Marine Resources**

**RESOLVE 114
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 1834 would provide for legislative review of Chapter 25.20: Protected Resources, a major substantive rule of the Department of Marine Resources.

Enacted Law Summary

Resolve 2003, chapter 114 authorizes final adoption of Chapter 25.20: Protected Resources, a major substantive rule of the Department of Marine Resources.

Resolve 2001, chapter 114 was passed as an emergency measure effective March 24, 2004.

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LD 1857

An Act To Implement the Recommendations of the Task Force on the Planning and Development of Marine Aquaculture in Maine

PUBLIC 660

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-844
	OTP-AM MIN	H-847 BULL

LD 1857 proposed to implement the recommendations of the Task Force on the Planning and Development of Marine Aquaculture in Maine.

The bill proposed to do the following:

1. Clarify that the Commissioner of Marine Resources shall provide notice of a proposed lease renewal or transfer in the same manner as required for the original lease;
2. Give the commissioner authority to hold a public hearing on a proposed lease renewal or transfer;
3. Require the commissioner to hold a public scoping session if 5 or more persons request a hearing;
4. Expand a municipality's authority to grant a lease; and
5. List guidelines by which a municipality may approve a lease.

Committee Amendment "A" (H-844), the majority report, proposed to replace the bill. This amendment proposed to:

1. Remove the Department of Marine Resources as the primary agency responsible for the promotion and marketing of the aquaculture industry;
2. Define agricultural products to include aquaculture products;
3. Increase the number of lease acres a person may be a tenant of from 250 to 300 and authorize the Commissioner of Marine Resources to allow a person to exceed the 300-acre lease limit if that person provides a fallowing plan to the commissioner identifying lease sites that will remain fallow for at least 12 months. It also proposed to limit the total amount of active and fallowed lease acreage that may be held by one person to 500 acres, of which only 300 may be active;
4. Require the commissioner to consider as part of the criteria for granting a lease certain "conserved lands" that include governmental land held in fee to protect important ecological, recreational, scenic, cultural or historic attributes of that property;
5. Authorize the commissioner to consider more than one lease renewal application at a public hearing;
6. Make technical changes to reflect requirements in Maine Pollution Discharge Elimination System permits and to facilitate the transition from the finfish aquaculture monitoring program to the Maine Pollution Discharge Elimination System permit and to require finfish aquaculture leaseholders to get approval from the department of contractors to be used by leaseholders for data collection required by law;

Joint Standing Committee on Marine Resources

7. Grant a municipality that has a shellfish conservation program the authority to issue a municipal shellfish aquaculture permit ("permit") for mud flats within its jurisdiction. It would require the municipality to publish a summary of the proposed permit and would allow for public comment for 30 days after the publication of the application summary. It would also require a municipality to adopt ordinances that establish procedures for consideration of a permit and would require the municipality to hold a public hearing prior to the granting of the permit if requested by 5 or more people in writing. This amendment would provide the decision criteria a municipality must consider when making a decision on a proposed permit and would require the municipality put its findings in writing. Additionally, it would require the municipality to forward an approved permit to the department and would provide that a municipality may not charge more than \$50 an acre for a permit. It would give the municipality authority to put conditions and limits on a permit and would cap the length of a lease at 10 years, renewable upon application of the permit holder. Finally, it would require a municipality to hold a public hearing on a permit renewal application if requested in writing by 5 or more people and provide that a permit renewal must be granted if it continues to meet the decision criteria;
8. Establish the Aquaculture Management Fund to develop and manage water quality licensing and monitoring criteria for aquaculture and to analyze collected data, process license applications and make information about aquaculture available to the public;
9. Increase certain aquaculture fees and establish new fees related to aquaculture leases. Revenues raised pursuant to these fees would be dedicated to the Aquaculture Management Fund;
10. Repeal the tax of 1¢ per pound assessed on finfish;
11. Provide that municipalities may not charge a mooring fee for and do not have jurisdiction over siting or specifications of structural moorings used to secure aquaculture equipment. It would grant authority to municipalities for boat and vessel moorings inside the boundaries of an aquaculture lease site. It would prohibit a municipality from charging a mooring fee for such moorings that is inconsistent with other mooring fees for commercial vessels;
12. Require the Land and Water Resources Council to undertake a study of bay management. The intent of this study would be to explore and document potential new and innovative concepts for the management of Maine's embayments through a 2-year pilot initiative. It would require the council to begin this study no later than September 1, 2004 and to submit an interim report by January 15, 2006 and a final report by January 15, 2007 to the joint standing committee of the Legislature having jurisdiction over marine resources matters. The study would need to be carried out under the direction of the council with work performed by an interagency staff work group with input of a project steering committee consisting of members of the public with expertise in relevant fields of interest. It would also direct the council to create one or more pilot projects of limited duration in a representative region or regions of the State. The amendment would authorize the interagency staff work group to meet as necessary to fulfill its duties and specifies that meetings of the council are open to the public. It would further direct the Executive Department, State Planning Office and the Department of Marine Resources to provide staff services to the council and would require that the Director of the State Planning Office use funds from the State Planning Office's existing resources and other outside sources to cover the costs associated with this study; and
13. Set forth vision and principles statements as guidance for the future of aquaculture in Maine.

Committee Amendment "B" (H-845), the minority report, proposed to replace the bill. This amendment mirrors the majority amendment except that it proposed to expand the decision criteria the Commissioner of Marine Resources must consider for a new lease to include private beaches, parks and docking facilities. It also

Joint Standing Committee on Marine Resources

proposed to require the commissioner to consider whether a proposed lease would interfere with certain "conserved lands" that include governmental land held in fee to protect important ecological, recreational, scenic, cultural or historic attributes of that property and land that has been protected through fee ownership or conservation easement with funding from the Land For Maine's Future Fund. (not adopted)

House Amendment "A" to Committee Amendment "A" (H-847) proposed to clarify that a municipality may issue a municipal shellfish aquaculture permit and not a lease for the exclusive use of shellfish aquaculture in a designated area in the intertidal zone within the municipality. Current law uses the term "lease," which does not accurately reflect the interest conveyed by a municipality to a person granted the authority to exclusively pursue shellfish aquaculture activities in a designated area within the intertidal zone. This amendment also proposed to make it a civil violation for a person to knowingly interfere with the ability of a person who holds a municipal shellfish aquaculture permit to conduct activities allowed under that permit.

Enacted Law Summary

Public Law 2003, chapter 660 implements the recommendations of the Task Force on the Planning and Development of Marine Aquaculture in Maine.

The bill does the following:

1. Removes the Department of Marine Resources as the primary agency responsible for the promotion and marketing of the aquaculture industry;
2. Defines agricultural products to include aquaculture products;
3. Increases the number of lease acres a person may be a tenant of from 250 to 300 and authorizes the Commissioner of Marine Resources to allow a person to exceed the 300-acre lease limit if that person provides a fallowing plan to the commissioner identifying lease sites that will remain fallow for at least 12 months. It also limits the total amount of active and fallowed lease acreage that may be held by one person to 500 acres, of which only 300 may be active;
4. Requires the commissioner to consider as part of the criteria for granting a lease certain "conserved lands" that include governmental land held in fee to protect important ecological, recreational, scenic, cultural or historic attributes of that property;
5. Authorizes the commissioner to consider more than one lease renewal application at a public hearing;
6. Makes technical changes to reflect requirements in Maine Pollution Discharge Elimination System permits and to facilitate the transition from the finfish aquaculture monitoring program to the Maine Pollution Discharge Elimination System permit and to require finfish aquaculture leaseholders to get approval from the department of contractors to be used by leaseholders for data collection required by law;
7. Grants a municipality that has a shellfish conservation program the authority to issue a municipal shellfish aquaculture permit ("permit") for mud flats within its jurisdiction. It requires the municipality to publish a summary of the proposed permit and allows for public comment for 30 days after the publication of the application summary. It also requires a municipality to adopt ordinances that establish procedures for consideration of a permit and requires the municipality to hold a public hearing prior to the granting of the permit if requested by 5 or more people in writing. This amendment provides the decision criteria a municipality must consider when making a decision on a proposed permit and requires that the municipality put its findings in writing. Additionally, it requires the municipality to forward an approved permit to the department and provides that a municipality may not charge more than \$50 an acre for a permit. It gives the

Joint Standing Committee on Marine Resources

municipality authority to put conditions and limits on a permit and caps the length of a permit at 10 years, renewable upon application of the permit holder. Finally, it requires a municipality to hold a public hearing on a permit renewal application if requested in writing by 5 or more people and provides that a permit renewal must be granted if it continues to meet the decision criteria;

8. Establishes the Aquaculture Management Fund to develop and manage water quality licensing and monitoring criteria for aquaculture and to analyze collected data, process license applications and make information about aquaculture available to the public;
9. Increases certain aquaculture fees and establishes new fees related to aquaculture leases. Revenues raised pursuant to these fees are dedicated to the Aquaculture Management Fund;
10. Repeals the tax of 1¢ per pound assessed on finfish;
11. Provides that municipalities may not charge a mooring fee for and do not have jurisdiction over siting or specifications of structural moorings used to secure aquaculture equipment. It grants authority to municipalities for boat and vessel moorings inside the boundaries of an aquaculture lease site. It prohibits a municipality from charging a mooring fee for such moorings that is inconsistent with other mooring fees for commercial vessels;
12. Requires the Land and Water Resources Council to undertake a study of bay management. The intent of this study is to explore and document potential new and innovative concepts for the management of Maine's embayments through a 2-year pilot initiative. It requires the council to begin this study no later than September 1, 2004 and to submit an interim report by January 15, 2006 and a final report by January 15, 2007 to the joint standing committee of the Legislature having jurisdiction over marine resources matters. The study must be carried out under the direction of the council with work performed by an interagency staff work group with input of a project steering committee consisting of members of the public with expertise in relevant fields of interest. It also directs the council to create one or more pilot projects of limited duration in a representative region or regions of the State and authorizes the interagency staff work group to meet as necessary to fulfill its duties and specifies that meetings of the council are open to the public. It further directs the Executive Department, State Planning Office and the Department of Marine Resources to provide staff services to the council and requires that the Director of the State Planning Office use funds from the State Planning Office's existing resources and other outside sources to cover the costs associated with this study;
13. Sets forth vision and principles statements as guidance for the future of aquaculture in Maine;
14. Clarifies that a municipality may issue a municipal shellfish aquaculture permit and not a lease for the exclusive use of shellfish aquaculture in a designated area in the intertidal zone within the municipality. Current law uses the term "lease," which does not accurately reflect the interest conveyed by a municipality to a person granted the authority to exclusively pursue shellfish aquaculture activities in a designated area within the intertidal zone; and
15. Provides that a person who knowingly interferes with the ability of a person who holds a municipal shellfish aquaculture permit to conduct activities allowed under that permit commits a civil violation.

Joint Standing Committee on Marine Resources

LD 1905 **An Act To Establish Reciprocity in Laws Governing the Transportation of Lobsters by Nonresidents** **ONTP**

<u>Sponsor(s)</u> LEMONT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1905 proposed to allow a person who possesses both a valid out-of-state license to harvest lobster and a wholesale seafood license issued under Maine law to transport lobster, by vehicle or by boat, into the State from outside the state limits. This provision would only apply if the state in which the person resided provided a reciprocal transporting privilege to Maine residents and imposed minimum size restrictions on lobster that were equivalent to those imposed under Maine law.

LD 1954 **An Act To Create a Nonresident Lobster and Crab Fishing License** **INDEF PP**

<u>Sponsor(s)</u> BULL		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1954 proposed to create a nonresident commercial lobster and crab fishing license. This bill was not referenced to committee.

LD 1955 **Resolve, Directing the Commissioner of Marine Resources To Review the Licensing Requirements for the Harvest of Certain Marine Resources** **RESOLVE 139**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u> S-494
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LD 1955 would have directed the Commissioner of Marine Resources to review the issues concerning the issuance of nonresident lobster licenses.

Senate Amendment "A" (S-494) proposed to replace the resolve and change the title. It proposed to required the Commissioner of Marine Resources to review the licensing requirements for the harvest of certain marine resources and to submit the commissioner's report and any recommendations to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than January 3, 2005. The amendment also proposed to authorize the commissioner to submit a bill related to the report to the First Regular Session of the 122nd Legislature.

Joint Standing Committee on Marine Resources

Enacted Law Summary

Resolve 2003, chapter 139 requires the Commissioner of Marine Resources to review the licensing requirements for the harvest of certain marine resources and to submit the commissioner's report and any recommendations to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than January 3, 2005. It also authorizes the commissioner to submit a bill related to the report to the First Regular Session of the 122nd Legislature.

*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Natural Resources*

May 2004

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Sen. Betheda G. Edmonds
Sen. W. Tom Sawyer, Jr.*

*Rep. Theodore Koffman, Chair
Rep. Joanne T. Twomey
Rep. Deborah J. Hutton
Rep. Elaine Makas
Rep. Thomas B. Saviello
Rep. Judd D. Thompson
Rep. Robert A. Daigle
Rep. David L. Tobin
Rep. Henry L. Joy
Rep. James D. Annis*

**JOINT STANDING COMMITTEE ON
NATURAL RESOURCES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	19	90.5%	3.9%
<u><i>Bills Carried Over from previous session</i></u>	<u>2</u> ¹	<u>9.5%</u>	<u>0.4%</u>
Total Bills referred	21	100.0%	4.3%
B. Bills reported out by law or joint order			
	0	0.0%	0.0%
Total Bills considered by Committee	21	100.0%	4.3%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	1	4.8%	0.2%
<i>Ought to Pass as Amended</i>	12	57.1%	2.5%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>1</u>	<u>4.8%</u>	<u>0.2%</u>
Total unanimous reports	14	66.7%	2.9%
B. Divided committee reports			
<i>Two-way reports</i>	5	23.8%	1.1%
<i>Three-way reports</i>	2	9.5%	0.4%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	7	33.3%	1.5%
Total committee reports	21	100.0%	4.4%
III. CONFIRMATION HEARINGS	7	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	18	85.7%	3.7%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	2	9.5%	0.4%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	20	95.2%	4.1%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	1	100.0%	7.1%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	1	100.0%	7.1%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

¹ Total number of carryovers does not include LD 1253 which was carried over by the Natural Resources Committee, but was subsequently re-referred to another committee in the 2nd Regular Session.

Prepared by the Office of Policy and Legal Analysis
121st Legislature, Second Regular and Second Special Sessions

Joint Standing Committee on Natural Resources

SUBJECT INDEX

Department of Environmental Protection

Enacted

LD 1655 An Act To Amend Certain Laws Relating to PUBLIC 551 Page 406
Environmental Protection

Not Enacted

None

Invasive Species

Enacted

LD 1723 An Act To Amend the Laws Regarding Invasive PUBLIC 627 Page 410
Aquatic Species

Not Enacted

None

Land Use

Enacted

LD 1617 An Act To Improve Subdivision Standards PUBLIC 622 Page 405

LD 1668 An Act To Amend the Laws Governing Growth PUBLIC 604 Page 409
Management

LD 1900 An Act To Implement the Recommendations of the PUBLIC 641 Page 423
Community Preservation Advisory Committee EMERGENCY
Regarding the State Planning Office's Review of
Growth Management Programs

Not Enacted

None

Oil and Petroleum Products

Enacted

LD 1863	An Act To Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Handling Facility Site in Plymouth	PUBLIC 596 Page 417 EMERGENCY
LD 1870	An Act To Prohibit the Sale of Gasoline Containing MTBE	PUBLIC 638 Page 418

Not Enacted

None

Protected Natural Resources

Enacted

LD 1837	An Act Relating to the Consideration of the Cumulative Effects on Protected Natural Resources	PUBLIC 554 Page 414
LD 1858	An Act To Change the Point System for Clearing Vegetation Adjacent to Protected Natural Resources	PUBLIC 637 Page 416

Not Enacted

None

Sand Dunes

Enacted

LD 1849	Resolve, Regarding Legislative Review of Chapter 355: Sand Dune Rules, a Major Substantive Rule of the Department of Environmental Protection	RESOLVE 130 Page 415 EMERGENCY
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Not Enacted

None

Stormwater Management

Enacted

LD 1866 An Act Relating to Storm Water Management PUBLIC 607 Page 417

Not Enacted

None

Toxics

Enacted

LD 1790 An Act To Reduce Contamination of Breast Milk and
the Environment from the Release of Brominated
Chemicals in Consumer Products PUBLIC 629 Page 412

Not Enacted

None

Waste - Electronics

Enacted

LD 1892 An Act To Protect Public Health and the
Environment by Providing for a System of Shared
Responsibility for the Safe Collection and Recycling
of Electronic Waste PUBLIC 661 Page 419

Not Enacted

None

Waste – Household Hazardous

Enacted

LD 1806 An Act To Provide for the Safe Disposal of
Household Hazardous Waste PUBLIC 567 Page 413

Not Enacted

None

Waste - Mercury

Enacted

LD 1661	Resolve, Regarding the Sale of Batteries Containing Mercury	RESOLVE 125 Page 409
LD 1901	An Act To Protect Health and the Environment by Improving the System for the Collection and Recovery of Mercury-added Thermostats	PUBLIC 640 Page 424

Not Enacted

None

Water Quality

Enacted

LD 1833	An Act To Amend Water Quality Laws To Aid in Wild Atlantic Salmon Restoration	PUBLIC 574 Page 413
LD 1891	An Act To Reclassify Certain Downeast Waters	PUBLIC 663 Page 418
LD 1899	An Act To Amend the Dissolved Oxygen Standard for Class C Waters	PUBLIC 664 Page 422

Not Enacted

LD 1845	An Act To Amend the Bacteria Standard and Dissolved Oxygen Standard for Certain Waters	ONTP Page 414
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Water Quality – Commercial Vessel Discharge

Enacted

LD 1158	An Act To Protect Maine's Coastal Water	PUBLIC 650 Page 404
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Not Enacted

None

Joint Standing Committee on Natural Resources

LD 1158

An Act To Protect Maine's Coastal Water

PUBLIC 650

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN	OTP-AM MAJ ONTP MIN	S-429 S-497 MARTIN

LD 1158 proposed to establish commercial passenger vessel environmental compliance standards to provide for the terms and conditions of vessel discharges and monitoring and supervision of discharges from commercial passenger vessels through a registration system.

Committee Amendment "A" (S-429) was the majority report. The amendment proposed to do the following:

1. Clarify an existing statutory standard that discharging sludge is not allowed.
2. Provide an exemption for large and small commercial passenger vessels for the discharge of graywater. The exemption for large commercial passenger vessels would sunset January 1, 2006.
3. Exempt from regulation graywater discharges from small commercial passenger vessels. As proposed, the Department of Environmental Protection would report back to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2006 concerning further regulation of graywater discharges from small commercial vessels.
4. Require that large commercial passenger vessels report discharges of blackwater in violation of federal law outside no-discharge zones or any blackwater discharges within a no-discharge zone.
5. Require the reporting of unauthorized discharges of graywater from large commercial passenger vessels to the Department of Environmental Protection beginning in 2006.
6. Require large commercial passenger vessels to annually certify, beginning in 2006, that they will not discharge graywater or a mixture of graywater and blackwater to the coastal waters and will act according to an agreement with the State. If the owner of the vessel does not enter into an agreement with the State, the owner would be required to seek authorization and a license to discharge graywater or a mixture of graywater and blackwater.
7. Make a change specifically to exclude discharges from vessels from the prohibited class of "new discharges of domestic pollutants" untreated by a municipal facility.
8. Allow the Department of Environmental Protection to request authorization from the joint standing committee of the Legislature having jurisdiction over natural resources matters to apply to the federal Environmental Protection Agency for additional "no-discharge zone" designations in the future.
9. Require the Department of Environmental Protection to report back to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2005 concerning air emissions from vessels.

Senate Amendment "A" to Committee Amendment "A" (S-497) proposed to amend Committee Amendment "A." The amendment proposed to prohibit the discharge of graywater or a mixture of graywater and blackwater to coastal waters by owners or operators of large commercial passenger vessels. Under the amendment,

Joint Standing Committee on Natural Resources

beginning January 1, 2006, a vessel that is equipped with an advanced wastewater treatment system may discharge graywater or a mixture of graywater and blackwater if the discharge complies with federal effluent standards and the owner or operator of the vessel complies with record-keeping and sampling and reporting requirements of federal law and is issued a general permit from the Department of Environmental Protection. The amendment also proposed to allow a large commercial passenger vessel that is equipped with a discharge system that requires continuous discharge to discharge graywater or a mixture of graywater and blackwater prior to January 1, 2006 if the vessel is authorized to discharge in Alaskan waters.

Enacted Law Summary

Public Law 2003, chapter 650 prohibits the discharge of graywater or a mixture of graywater and blackwater to coastal waters by owners or operators of large commercial passenger vessels. Beginning January 1, 2006, a large commercial passenger vessel that is equipped with an advanced wastewater treatment system may discharge graywater or a mixture of graywater and blackwater if the discharge complies with federal effluent standards and the owner or operator of the vessel complies with record-keeping and sampling and reporting requirements of federal law and is issued a general permit from the Department of Environmental Protection. Prior to January 1, 2006, a large commercial passenger vessel that is equipped with an advanced wastewater discharge system that requires continuous discharge may discharge graywater or a mixture of graywater and blackwater if the vessel is authorized to discharge in Alaskan waters.

Chapter 650 also directs the Department of Environmental Protection to submit to the Joint Standing Committee on Natural Resources a report concerning graywater discharges from small commercial passenger vessels and a report concerning air emissions from vessels.

LD 1617

An Act To Improve Subdivision Standards

PUBLIC 622

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN MARTIN	OTP-AM MAJ ONTP MIN	H-792

LD 1617 proposed to prohibit subdivisions that convert the primary use of the land from timberland to nontimberland use in situations when the land being subdivided has changed ownership in the 5 years preceding the subdivision application, when the subdivision would convert the primary use of the land from timberland to nontimberland use and when the subdivision exceeds 100 acres alone or in conjunction with other similar divisions created within 5 years out of the same parcel of land that resulted in conversion of the primary use of those subdivisions from timberland to nontimberland use. The bill would apply to subdivisions reviewed by the Maine Land Use Regulation Commission and to subdivisions reviewed by a municipal reviewing authority.

Committee Amendment "A" (H-792) was the majority report. The amendment proposed to replace the bill. It proposed to prohibit a municipality or the Maine Land Use Regulation Commission from approving an application for a subdivision if the parcel has been harvested in violation of rules adopted by the Maine Forest Service to regulate liquidation harvesting. As proposed, the prohibition would end 5 years from the date the parcel was purchased by the landowner responsible for the harvest. This provision would take effect on the same date that the Maine Forest Service rules become effective.

Joint Standing Committee on Natural Resources

Enacted Law Summary

Public Law 2003, chapter 622 prohibits a municipality or the Maine Land Use Regulation Commission from approving an application for a subdivision if the parcel has been harvested in violation of rules adopted by the Maine Forest Service to regulate liquidation harvesting. This prohibition ends 5 years from the date the parcel was purchased by the landowner responsible for the harvest. This provision takes effect on the same date that the Maine Forest Service rules become effective.

LD 1655

An Act To Amend Certain Laws Relating to Environmental Protection

PUBLIC 551

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN KOFFMAN	OTP-AM	S-390

LD 1655 proposed to make the following changes to laws administered by the Department of Environmental Protection. It proposed to:

1. Reduce the frequency of reporting under the Clean Government Initiative;
2. Give the department authority to license categories of subsurface discharges by rule when the discharges will not have a significant adverse effect on the quality or classification of groundwaters of the State;
3. Change the frequency of a public hearing requirement to accord with minimum federal requirements concerning hearings related to the review of water quality standards;
4. Correct an error in the existing statute governing the water quality classification of the Dennys River Basin by designating the correct bridge relative to the location of tidewaters;
5. Amend the "sand supply" standard in the Maine Revised Statutes, Title 38, section 480-D, subsection 7 by adding "or gravel" in order to make it consistent with the definition of "coastal sand dune systems" in Title 38, section 480-B, subsection 1;
6. Make a claimant ineligible to receive 3rd-party damage payments from the Maine Coastal and Inland Surface Oil Clean-up Fund or the Ground Water Oil Clean-up Fund if the claimant caused the oil discharge that resulted in the damages or the claimant otherwise meets the definition of "responsible party" under Maine oil discharge law;
7. Authorize the Commissioner of Environmental Protection to dismiss a claim for damages associated with an oil discharge if the claim is not timely filed, the claimant does not provide the information needed to process the claim or the claimant is found to be responsible for the discharge;
8. Provide that the discovery of oil in drinking water supplies, soil or other locations on the premises of an underground storage facility is evidence of a leak;
9. Allow operators of underground oil storage facilities to forego inventory analysis if the storage tanks are monitored for leaks by a method able to detect a product loss of 0.2 gallons or less per hour;

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10. Repeal obsolete language governing bare steel underground oil storage tanks;
11. Extend the sunset date of the department's authority to enforce federal requirements for spill prevention control and countermeasure plans at aboveground storage facilities;
12. Delete an incongruent reference in the law governing the sale of elemental mercury for manufacturing purposes; and
13. Require prior written consent from public water suppliers before chemical control agents are used on a waterbody that is a public water supply regardless of whether watercraft use had been restricted for the waterbody due to the presence of invasive plants.

Committee Amendment "A" (S-390) proposed to:

1. Change the title of the bill;
2. Exempt wastewater treatment plants from the licensing provisions for electrical installations;
3. Delete references to the Maine Petroleum Association in the laws affecting the memberships of the Board of Underground Storage Tank Installers and the Fund Insurance Review Board;
4. Replace a previously repealed definition of "hospital" in the section of law that exempts hospitals from the prohibition against new biomedical waste disposal facilities. It also proposed to exempt from the prohibition a group of hospitals acting through a hospital association;
5. Clarify that prospective rules governing certain wastewater discharges will be designated as routine technical rules unless they are incorporated within a chapter of rules that are otherwise designated as major substantive rules;
6. Delete the provision in the bill that would extend from 2005 to 2010 the Department of Environmental Protection's authority to administer the aboveground oil storage tank spill prevention control and countermeasure plan program; and
7. Reduce the frequency with which the Mercury Products Advisory Committee must meet.

Enacted Law Summary

Public Law 2003, chapter 551 makes the following changes to laws relating to environmental protection.

1. It reduces the frequency of reporting under the Clean Government Initiative.
2. It gives the department authority to license categories of subsurface discharges by rule when the discharges will not have a significant adverse effect on the quality or classification of groundwaters of the State.
3. It changes the frequency of a public hearing requirement to accord with minimum federal requirements concerning hearings related to the review of water quality standards.
4. It corrects an error in the existing statute governing the water quality classification of the Dennys River Basin by designating the correct bridge relative to the location of tidewaters.

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5. It amends the "sand supply" standard in the Maine Revised Statutes, Title 38, section 480-D, subsection 7 by adding "or gravel" in order to make it consistent with the definition of "coastal sand dune systems" in Title 38, section 480-B, subsection 1.
6. It makes a claimant ineligible to receive 3rd-party damage payments from the Maine Coastal and Inland Surface Oil Clean-up Fund or the Ground Water Oil Clean-up Fund if the claimant caused the oil discharge that resulted in the damages or the claimant otherwise meets the definition of "responsible party" under Maine oil discharge law.
7. It authorizes the Commissioner of Environmental Protection to dismiss a claim for damages associated with an oil discharge if the claim is not timely filed, the claimant does not provide the information needed to process the claim or the claimant is found to be responsible for the discharge.
8. It provides that the discovery of oil in drinking water supplies, soil or other locations on the premises of an underground storage facility is evidence of a leak.
9. It allows operators of underground oil storage facilities to forego inventory analysis if the storage tanks are monitored for leaks by a method able to detect a product loss of 0.2 gallons or less per hour.
10. It repeals obsolete language governing bare steel underground oil storage tanks.
11. It deletes an incongruent reference in the law governing the sale of elemental mercury for manufacturing purposes.
12. It requires prior written consent from public water suppliers before chemical control agents are used on a waterbody that is a public water supply, regardless of whether watercraft use had been restricted for the waterbody due to the presence of invasive plants.
13. It exempts wastewater treatment plants from the licensing provisions for electrical installations.
14. It deletes references to the Maine Petroleum Association in the laws affecting the memberships of the Board of Underground Storage Tank Installers and the Fund Insurance Review Board.
15. It replaces a previously repealed definition of "hospital" in the section of law that exempts hospitals from the prohibition against new biomedical waste disposal facilities. It also exempts from the prohibition a group of hospitals acting through a hospital association.
16. It clarifies that prospective rules governing certain wastewater discharges will be designated as routine technical rules unless they are incorporated within a chapter of rules that are otherwise designated as major substantive rules.
17. It reduces the frequency with which the Mercury Products Advisory Committee must meet.

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LD 1661

Resolve, Regarding the Sale of Batteries Containing Mercury

RESOLVE 125

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER DAMON	OTP-AM	H-780

LD 1661 proposed to ban, after January 1, 2006, the sale in this State of novelties that contain batteries that contain mercury, such as light-up games, cards and adornments.

Committee Amendment "A" (H-780) proposed to replace the bill with a resolve. It proposed to direct the Department of Environmental Protection to study the sale of batteries that contain mercury and to submit a report of its findings to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 14, 2005.

Enacted Law Summary

Resolve 2003, chapter 125 directs the Department of Environmental Protection to study the sale of batteries that contain mercury and to submit a report of its findings to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 14, 2005.

LD 1668

An Act To Amend the Laws Governing Growth Management

PUBLIC 604

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN BROMLEY	OTP-AM MAJ ONTP MIN	H-759 H-766 KOFFMAN

LD 1668 proposed to require a state agency, when awarding grants or making discretionary investments, to give preference first to a municipality that has received a certificate of consistency for its growth management program and has adopted land use ordinances and a capital investment plan and 2nd to a municipality that has adopted land use ordinances and a capital investment plan consistent with its comprehensive plan.

Committee Amendment "A" (H-759), the majority report of the committee, proposed to require a state agency, when awarding grants or making discretionary investments, to give preference first to municipalities that have received a certificate of consistency for a growth management program, then to municipalities that have adopted consistent comprehensive plans and consistent zoning ordinances, then to municipalities that have adopted consistent comprehensive plans and then to municipalities that have adopted comprehensive plans. The amendment also proposed that a municipality could not be penalized if it submitted a comprehensive plan, zoning ordinance or growth management program to the State Planning Office for review, the time for the office to respond has expired and the office has not provided its comments or findings to the municipality. The effective date of the proposed changes would be July 1, 2005.

House Amendment "A" to Committee Amendment "A" (H-766) proposed to change the preference for other state grants and investments as specified in Committee Amendment "A" by eliminating the requirement that the 2nd priority be given to a municipality that is implementing a capital investment plan and eliminating the 4th priority of a municipality that has adopted a comprehensive plan.

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Enacted Law Summary

Public Law 2003, chapter 604 requires a state agency, when awarding grants or making discretionary investments, to give preference first to municipalities that have received a certificate of consistency for a growth management program, then to municipalities that have adopted consistent comprehensive plans and consistent zoning ordinances and then to municipalities that have adopted consistent comprehensive plans. A municipality can not be penalized if it submitted a comprehensive plan, zoning ordinance or growth management program to the State Planning Office for review, the time for the office to respond has expired and the office has not provided its comments or findings to the municipality. Chapter 604 is effective July 1, 2005.

LD 1723

An Act To Amend the Laws Regarding Invasive Aquatic Species

PUBLIC 627

<u>Sponsor(s)</u> MARTIN SAVIELLO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-450
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LD 1723 proposed to require the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife to establish a program to monitor and inspect watercraft at public access points on lakes identified by the State as having invasive aquatic plants. Under the proposed bill, the departments would be jointly required to set times when these public access sites would be open for public use and inspection and the access sites would be secured during closed periods to prevent access. Under the bill, a person who failed to comply with the inspection process or failed to remove an aquatic plant from that person's watercraft, watercraft trailer or outboard motor upon the oral or written request of the inspector would be denied access to the lake until that person complied with the inspector's request. Under the proposal, it would be a Class E crime to use a closed access point or to fail to remove a suspicious aquatic plant from that person's watercraft upon the oral or written request of an inspector. Funding for the program would come from revenues derived from lake and river protection stickers issued under the Maine Revised Statutes, Title 12, section 13058.

Committee Amendment "A" (S-450) proposed to replace the bill and proposed to:

1. Change the title of the bill;
2. Provide that a person may not place a watercraft on inland waters without a lake and river protection sticker;
3. Add the provision that a person who operates a watercraft on inland waters without a sticker commits a civil violation;
4. Remove the restriction that only warnings can be issued for sticker violations when there are other boating law violations;
5. Provide that a person commits a Class E crime if that person places or operates a watercraft on inland waters without a sticker after committing 3 or more violations of inland fisheries and wildlife laws within the last 5 years;
6. Provide that if a person operates, launches or removes a watercraft at a restricted access site or refuses inspection of a watercraft in violation of a surface use restriction order, that person commits a civil violation.

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If that person has committed 3 or more violations of Inland Fisheries and Wildlife laws within 5 years, that person commits a Class E crime;

7. Give a municipality the option of appointing a harbor master to only enforce the invasive species laws;
8. Allow a person to remove aquatic plants or parts of plants from a vehicle, watercraft or trailer; and
9. Allow the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife to restrict access to an infested water body by issuing an emergency order. It also proposed to allow the commissioners to require inspections and cleaning of watercraft and trailers at sites identified in the order. Designated state boat inspectors would conduct the inspections.

Enacted Law Summary

Public Law 2003, chapter 627 does the following:

1. It provides that a person may not place a watercraft on inland waters without a lake and river protection sticker.
2. It adds the provision that a person who operates a watercraft on inland waters without a sticker commits a civil violation.
3. It removes the restriction that only warnings can be issued for sticker violations when there are other boating law violations.
4. It provides that a person commits a Class E crime if that person places or operates a watercraft on inland waters without a sticker after committing 3 or more violations of inland fisheries and wildlife laws within the last 5 years.
5. It provides that if a person operates, launches or removes a watercraft at a restricted access site or refuses inspection of a watercraft in violation of a surface use restriction order, that person commits a civil violation. If that person has committed 3 or more violations of Inland Fisheries and Wildlife laws within 5 years, that person commits a Class E crime.
6. It gives a municipality the option of appointing a harbor master to only enforce the invasive species laws.
7. It requires a person to remove aquatic plants or parts of plants from a vehicle, watercraft or trailer.
8. It allows the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife to restrict access to an infested water body by issuing an emergency order. It also allows the commissioners to require inspections and cleaning of watercraft and trailers at sites identified in the order. Designated state boat inspectors must conduct the inspections.

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LD 1790

An Act To Reduce Contamination of Breast Milk and the Environment from the Release of Brominated Chemicals in Consumer Products

PUBLIC 629

<u>Sponsor(s)</u> PINGREE DAMON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-822
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LD 1790 proposed to regulate the sale of products containing brominated chemicals, require clear labeling of products containing such chemicals and authorize the establishment of fees for the sale of products containing brominated chemicals.

Committee Amendment "A" (H-822) proposed to prohibit the sale and distribution of new products that contain more than 1% of the "penta" or "octa" mixtures of polybrominated diphenyl ethers beginning January 1, 2006. The amendment also proposed to provide that it is the intent of the Legislature to reduce the risk of the "deca" mixture of polybrominated diphenyl ethers by implementing risk management measures or by prohibiting the sale of products containing more than 1% of the "deca" mixture beginning January 1, 2008 if a safer, nationally available alternative is identified. The amendment also proposed to require the Department of Environmental Protection, with the Department of Human Services, Bureau of Health, to review relevant risk assessments in connection with brominated flame retardants and to annually submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report regarding the regulation of brominated flame retardants, including the nationwide availability of safer alternatives to the "deca" mixture. If, after reviewing the recommendations of the department, the committee determines that a safer alternative to the "deca" mixture is nationally available, the amendment proposed to authorize the committee to report out legislation to implement risk management measures or to enact a prohibition on the sale and distribution of products containing the "deca" mixture.

Enacted Law Summary

Public Law 2003, chapter 629 prohibits the sale and distribution of new products that contain more than 1% of the "penta" or "octa" mixtures of polybrominated diphenyl ethers beginning January 1, 2006. It also provides that it is the intent of the Legislature to reduce the risk of the "deca" mixture of polybrominated diphenyl ethers by implementing risk management measures or by prohibiting the sale of products containing more than 1% of the "deca" mixture beginning January 1, 2008 if a safer, nationally available alternative is identified. It also requires the Department of Environmental Protection, with the Department of Human Services, Bureau of Health, to review relevant risk assessments in connection with brominated flame retardants and to annually submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report regarding the regulation of brominated flame retardants, including the nationwide availability of safer alternatives to the "deca" mixture. If, after reviewing the recommendations of the department, the committee determines that a safer alternative to the "deca" mixture is nationally available, the committee may report out legislation to implement risk management measures or to enact a prohibition on the sale and distribution of products containing the "deca" mixture.

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LD 1806

An Act To Provide for the Safe Disposal of Household Hazardous Waste

PUBLIC 567

<u>Sponsor(s)</u> CURLEY DAMON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-732
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LD 1806 proposed to require municipal officials in each county to work together to designate an existing transfer station or recycling center in each county to accept household hazardous waste for disposal by residents of that county on a year-round basis. As proposed, the municipal officials may impose fees for the disposal of such household hazardous waste.

Committee Amendment "A" (H-732) proposed to require state agencies awarding grants or making discretionary investments under certain programs to give preference to a municipality that is part of a household hazardous waste collection region for the purpose of establishing collection centers to accept household hazardous waste for disposal by residents on a year-round basis.

Enacted Law Summary

Public Law 2003, chapter 567 requires state agencies awarding grants or making discretionary investments under certain programs to give preference to a municipality that is part of a household hazardous waste collection region for the purpose of establishing collection centers to accept household hazardous waste for disposal by residents on a year-round basis.

LD 1833

An Act To Amend Water Quality Laws To Aid in Wild Atlantic Salmon Restoration

PUBLIC 574

<u>Sponsor(s)</u> KOFFMAN MARTIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-731
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LD 1833 proposed to aid in the restoration of wild Atlantic salmon in the State by allowing discharges into state waters for the purpose of restoring rivers or tributaries to a state that is closer to their historically natural physical, chemical and biological qualities.

Committee Amendment "A" (H-731) proposed to clarify the exception proposed in the bill for discharges intended to improve the habitat of Atlantic salmon. The amendment proposed to allow discharges to Class AA and Class A waters if the waters are or once were populated by a distinct population segment of Atlantic salmon as determined pursuant to the federal Endangered Species Act. Under the amendment, only 3 discharge licenses could be issued and the licenses could not be effective for more than 5 years from the date of issuance. The amendment also proposed to require the Atlantic Salmon Commission to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters concerning the discharge licenses and the status of Atlantic salmon restoration in connection with those licenses.

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Enacted Law Summary

Public Law 2003, chapter 574 allows discharges to Class AA and Class A waters if the waters are or once were populated by a distinct population segment of Atlantic salmon as determined pursuant to the federal Endangered Species Act. Under chapter 574, only 3 discharge licenses may be issued and the licenses may not be effective for more than 5 years from the date of issuance. Chapter 574 also requires the Atlantic Salmon Commission to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters concerning the discharge licenses and the status of Atlantic salmon restoration in connection with those licenses.

LD 1837 **An Act Relating to the Consideration of the Cumulative Effects on Protected Natural Resources** **PUBLIC 554**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1837 proposed to require Tier 2 freshwater wetland projects to meet all of the standards under the Maine Revised Statutes, Title 38, chapter 3, Article 5-A according to the recommendations of the Department of Environmental Protection submitted pursuant to Resolve 2003, chapter 14.

Enacted Law Summary

Public Law 2003, chapter 554 requires Tier 2 freshwater wetland projects to meet all of the standards under the Maine Revised Statutes, Title 38, chapter 3, Article 5-A according to the recommendations of the Department of Environmental Protection submitted pursuant to Resolve 2003, chapter 14.

LD 1845 **An Act To Amend the Bacteria Standard and Dissolved Oxygen Standard for Certain Waters** **ONTP**

<u>Sponsor(s)</u>		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1845, which was based on the recommendations of the Department of Environmental Protection pursuant to Resolve 2003, chapter 39, proposed to amend the bacteria standard for Class B and Class C waters. It also proposed to amend the dissolved oxygen standard for Class SB and Class SC waters.

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LD 1849

Resolve, Regarding Legislative Review of Chapter 355: Sand Dune Rules, a Major Substantive Rule of the Department of Environmental Protection

**RESOLVE 130
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-805

LD 1849 proposed to provide for legislative review of Chapter 355: Sand Dune Rules, a major substantive rule of the Department of Environmental Protection.

Committee Amendment "A" (H-805) proposed to authorize the adoption of Chapter 355: Sand Dune Rules until April 1, 2006 only if Chapter 355 is amended to provide that elevators that are required for compliance with the requirements of the federal Americans with Disabilities Act are exempt from the requirement that a new structure or addition to an existing structure may not be constructed on or seaward of a frontal dune. The amendment also proposed that the rules must also be amended to provide that elevators or ramps serving buildings required to comply with the federal Americans with Disabilities Act must be designed and constructed so as to minimize intrusion on the frontal dune. The amendment also proposed that the Department of Environmental Protection is not required to hold hearings or conduct other formal proceedings prior to finally adopting this rule in accordance with this resolve. The amendment proposed to direct the Commissioner of Environmental Protection and the Commissioner of Conservation to convene a meeting of stakeholders by May 15, 2004 and it proposed to direct the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the progress of the sand dune stakeholder meetings and to submit draft revised sand dune rules and a statewide beach nourishment policy by January 17, 2005. It proposed to direct the Department of Environmental Protection to submit by January 16, 2006 to the joint standing committee of the Legislature having jurisdiction over natural resources matters recommendations on a state acquisition program, wildlife habitat management initiatives and removal of the existing prohibition of the use of outdated v-zone maps. It also proposed to direct the Department of Environmental Protection to provisionally adopt and submit to the Legislature revised sand dune rules by January 16, 2006.

Enacted Law Summary

Resolve 2003, chapter 130 authorizes the adoption of Chapter 355: Sand Dune Rules until April 1, 2006 only if Chapter 355 is amended to provide that elevators that are required for compliance with the requirements of the federal Americans with Disabilities Act are exempt from the requirement that a new structure or addition to an existing structure may not be constructed on or seaward of a frontal dune. The rules must also be amended to provide that elevators or ramps serving buildings required to comply with the federal Americans with Disabilities Act must be designed and constructed so as to minimize intrusion on the frontal dune. The Department of Environmental Protection is not required to hold hearings or conduct other formal proceedings prior to finally adopting this rule. Chapter 130 directs the Commissioner of Environmental Protection and the Commissioner of Conservation to convene a meeting of stakeholders by May 15, 2004. It directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the progress of the sand dune stakeholder meetings and to submit draft revised sand dune rules and a statewide beach nourishment policy by January 17, 2005. It directs the Department of Environmental Protection to submit by January 16, 2006 to the joint standing committee of the Legislature having jurisdiction over natural resources matters recommendations on a state acquisition program, wildlife habitat management initiatives and removal of the existing prohibition of the use of outdated v-zone maps. It also directs the Department of

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Environmental Protection to provisionally adopt and submit to the Legislature revised sand dune rules by January 16, 2006.

Resolve 2003, chapter 130 was passed as an emergency measure effective April 14, 2004.

LD 1858

**An Act To Change the Point System for Clearing Vegetation
Adjacent to Protected Natural Resources**

PUBLIC 637

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-448

LD 1858 proposed to amend the point system for clearing vegetation adjacent to protected natural resources pursuant to Joint Order 2004, S.P. 684. It proposed to change the definition of "well-distributed stand of trees" by increasing the area from a 25-foot by 25-foot square area to a 25-foot by 50-foot rectangular area and by changing the rating system. The bill also proposed to prohibit a landowner or lessee from aggressively eliminating all woody vegetation that exceeds 3 feet in height.

Committee Amendment "A" (S-448) proposed to require that no more than 50% of the points of a 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter. It also proposed to require that existing vegetation under 3 feet in height and other ground cover and at least 5 saplings less than 2 inches in diameter at 4 1/2 feet above ground level for each 25-foot by 50-foot area must be retained. It also proposed that rules adopted by the Board of Environmental Protection and the Department of Conservation, Maine Land Use Regulation Commission pursuant to this Act are routine technical rules.

Enacted Law Summary

Public Law 2003, chapter 637 amends the point system for clearing vegetation adjacent to protected natural resources pursuant to Joint Order 2004, S.P. 684. It changes the definition of "well-distributed stand of trees" by increasing the area from a 25-foot by 25-foot square area to a 25-foot by 50-foot rectangular area and by changing the rating system. It requires that no more than 50% of the points of a 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter. It also requires that existing vegetation under 3 feet in height and other ground cover and at least 5 saplings less than 2 inches in diameter at 4 1/2 feet above ground level for each 25-foot by 50-foot area must be retained. It also provides that rules adopted by the Board of Environmental Protection and the Department of Conservation, Maine Land Use Regulation Commission pursuant to this Act are routine technical rules.

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LD 1863

An Act To Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Handling Facility Site in Plymouth

**PUBLIC 596
EMERGENCY**

Sponsor(s)
MARTIN
CARR

Committee Report
OTP-AM

Amendments Adopted
S-449

LD 1863 proposed to specify that money in the Waste Oil Clean-up Fund may be used for the costs of remedial design and technical impracticability study in connection with the Plymouth waste oil site.

Committee Amendment "A" (S-449) proposed to add an emergency clause and an emergency preamble to the bill. The amendment also proposed to avoid a conflict with newly enacted Public Law 2003, chapter 537 by striking the section concerning remedial design and technical impracticability study and reformatting that provision as a unique subsection in the statutes.

Enacted Law Summary

Public Law 2003, chapter 596 specifies that money in the Waste Oil Clean-up Fund may be used for the costs of remedial design and a technical impracticability study in connection with the Plymouth waste oil site.

Public Law 2003, chapter 596 was enacted as an emergency measure effective April 6, 2004.

LD 1866

An Act Relating to Storm Water Management

PUBLIC 607

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
S-441

LD 1866 proposed to amend the laws relating to storm water management as recommended by the Department of Environmental Protection pursuant to Public Law 2003, chapter 318. It proposed to require that all projects subject to the storm water laws meet basic water quality protection standards. It proposed to set the permit threshold at one acre of disturbance. It proposed to regulate existing sources in the watershed of impaired waters where they are identified as significant contributors to the cause of impairment.

Committee Amendment "A" (S-441) proposed to replace the bill. It proposed to exempt certain manure storage facilities from storm water management review. It also proposed to direct the Board of Environmental Protection to provisionally adopt rules to regulate storm water management by January 2, 2005 and it proposed to direct the Department of Environmental Protection to submit a bill to the First Regular Session of the 122nd Legislature to resolve inconsistencies between those rules and the Maine Revised Statutes, Title 38, section 420-D.

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Enacted Law Summary

Public Law 2003, chapter 607 exempts certain manure storage facilities from storm water management review. It also directs the Board of Environmental Protection to provisionally adopt rules to regulate storm water management by January 2, 2005 and directs the Department of Environmental Protection to submit a bill to the First Regular Session of the 122nd Legislature to resolve inconsistencies between those rules and the Maine Revised Statutes, Title 38, section 420-D.

LD 1870 **An Act To Prohibit the Sale of Gasoline Containing MTBE** **PUBLIC 638**

<u>Sponsor(s)</u> RINES HALL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-793
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LD 1870 proposed to prohibit the retail sale of automobile gasoline containing MTBE.

Committee Amendment "A" (H-793) proposed to prohibit the sale of gasoline containing more than 1/2 of 1% by volume of the additive known as MTBE by January 1, 2007. It proposed to authorize the Commissioner of Environmental Protection to issue an emergency order that waives the sales prohibition if necessary. It proposed to direct the Department of Environmental Protection to present a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the implementation and status of the sales prohibition by March 1, 2006. It proposed to delete references in current statute to the State's goal of eliminating MTBE in gasoline by January 1, 2003 and it proposed to move a definition from one section of the Maine Revised Statutes, Title 10 to a more appropriate section.

Enacted Law Summary

Public Law 2003, chapter 638 prohibits the sale of gasoline containing more than 1/2 of 1% by volume of the additive known as MTBE by January 1, 2007. It authorizes the Commissioner of Environmental Protection to issue an emergency order that waives the sales prohibition if necessary. It directs the Department of Environmental Protection to present a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the implementation and status of the sales prohibition by March 1, 2006. It deletes references in current statute to the State's goal of eliminating MTBE in gasoline by January 1, 2003. It moves a definition from one section of the Maine Revised Statutes, Title 10 to a more appropriate section.

LD 1891 **An Act To Reclassify Certain Downeast Waters** **PUBLIC 663**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-791
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LD 1891 proposed to reclassify certain Downeast waters that were proposed for reclassification by the Department of Environmental Protection during the First Regular Session of the 121st Legislature but were not included in the report of the Joint Standing Committee on Natural Resources during that session. This bill was submitted pursuant to Public Law 2003, chapter 317.

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Committee Amendment "A" (H-791) was the majority report. It proposed that the segment of Cathance Stream to be upgraded to Class AA in the bill is only the segment in Edmunds Township. It also proposed that when adopting water use standards the Department of Environmental Protection must take into account that it is not the Legislature's intent to prohibit all water use in those waters that are reclassified in the bill.

Enacted Law Summary

Public Law 2003, chapter 663 reclassifies certain Downeast waters that were proposed for reclassification by the Department of Environmental Protection during the First Regular Session of the 121st Legislature but were not included in the report of the Joint Standing Committee on Natural Resources during that session.

It also provides that when adopting water use standards the Department of Environmental Protection must take into account that it is not the Legislature's intent to prohibit all water use in those waters that are reclassified pursuant to Chapter 663.

LD 1892

**An Act To Protect Public Health and the Environment by
Providing for a System of Shared Responsibility for the Safe
Collection and Recycling of Electronic Waste**

PUBLIC 661

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM A	H-861
	ONTP B	S-516 MARTIN
	OTP-AM C	

LD 1892 proposed to establish a system to provide for the collection and recycling of electronic devices in the State as recommended by the Department of Environmental Protection pursuant to Public Law 2003, chapter 150.

Under the bill as proposed:

1. Municipalities would be required to ensure that computer monitors and televisions generated as waste from households within their jurisdiction are delivered to a consolidation facility.
2. Beginning in 2006, consolidation facilities would be required to identify the manufacturer of computer monitors delivered to the facility and to transport those items to recycling and dismantling facilities. Beginning in 2012, consolidation facilities would be required to identify the manufacturer of televisions delivered to the facility and to transport those items to recycling and dismantling facilities.
3. Beginning in 2006, computer manufacturers would be responsible for the handling and recycling of computer monitors received at consolidation facilities and pay for the operational costs of the consolidation facility attributable to the handling of computer monitors. Beginning in 2012, television manufacturers would be responsible for the handling and recycling of all televisions received at consolidation facilities and pay for the operational costs of the consolidation facility attributable to the handling of televisions.
4. Beginning in 2006 and ending on December 31, 2011, the State would be responsible for the cost of handling and recycling orphan waste computer monitors received at consolidation facilities and the State would be required to pay for the operational costs of the consolidation facility attributable to the handling of orphan

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waste computer monitors, costs for transportation from the consolidation facility to a licensed recycling and dismantling facility and the cost of recycling.

5. Manufacturers of computer monitors and televisions would be required to submit plans for the collection and recycling of computer monitors and televisions.
6. A fee would be set on the retail sale of televisions of \$6 for each unit sold. Collection of the fee would start January 1, 2005 and end January 1, 2012. The fee would be deposited into the Maine Solid Waste Management Fund to reimburse:
 - a. Consolidation facilities for expenses incurred prior to January 1, 2012 for operational costs, costs of transportation from the facilities to recycling and dismantling facilities and the costs of recycling;
 - b. Municipalities for expenses incurred prior to January 1, 2012 related to transportation from a municipal collection site to a consolidation facility, if the cost exceeds the current cost of transportation and disposal of an equivalent tonnage of that municipality's municipal solid waste; and
 - c. The Department of Environmental Protection for expenses it incurs for enforcement.

Committee Amendment "A" (H-861) was the majority report. The amendment proposed to replace the bill. The amendment proposed to establish a system to provide for the collection and recycling of computer monitors and televisions in the State.

Under the amendment, municipalities that choose to participate would be required to ensure that computer monitors and televisions generated as waste from households within their jurisdictions are delivered to a consolidation facility.

Beginning in 2006, consolidation facilities would be required to identify the manufacturer of computer monitors and televisions delivered to the facility and to transport those items to recycling and dismantling facilities.

Beginning in 2006, computer manufacturers and television manufacturers would be responsible for the handling and recycling of computer monitors and televisions that are received at consolidation facilities and must pay for the operational costs of the consolidation facilities attributable to the handling of computer monitors and televisions.

The amendment proposed to require manufacturers of computer monitors and televisions to submit plans for the collection and recycling of computer monitors and televisions. It also proposed to establish reporting requirements for manufacturers.

Committee Amendment "B" (H-862) was a minority report. The amendment proposed to replace the bill. The amendment proposed to provide that a manufacturer of computer monitors and televisions may implement and maintain its own collection and recycling system for computer monitors and televisions that it sells. Under the proposed amendment, if a manufacturer does not implement and maintain a collection system for the products it sells, a fee, as determined by the Commissioner of Environmental Protection, would be imposed on the retail sale of that manufacturer's computer monitors and televisions. A retailer would retain 3% of the fee as reimbursement for costs associated with the collection of the fee.

Under the proposed amendment, a municipality would separate and identify computer monitors and televisions that are sold by a manufacturer that maintains its own collection and recycling system, transport those products to the manufacturer and document to the Department of Environmental Protection the products delivered. A municipality that chose to participate in this way would be eligible for reimbursement for certain expenses

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incurred related to the transportation of those products to the manufacturer or the manufacturer's consolidation facility. A municipality that did not choose to participate in this way would be required to otherwise provide for the disposal of computer monitors and televisions in accordance with all applicable federal, state and local laws.

Under the proposed amendment, a consolidation facility would be required to identify the number of computer monitors and televisions delivered to the facility and identify the products delivered that are sold by a manufacturer that maintains its own collection and recycling system. The facility must transport the products of a manufacturer that does not maintain its own collection and recycling system to a recycling and dismantling facility. The consolidation facility may invoice the State for the handling, transportation and recycling costs for the products of a manufacturer that does not maintain a collection and recycling system for its products. The consolidation facility may make arrangements with a manufacturer that maintains its own collection system for the expenses incurred by the facility in connection with that manufacturer's products that are delivered to the consolidation facility.

This amendment was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-516) proposed to make a correction to the date by which manufacturers must implement a plan for the collection and recycling of computer monitors and televisions. The amendment also proposed to direct the Department of Environmental Protection to adopt rules that identify the criteria that consolidation facilities must use when determining the reasonable operational costs that are attributable to the handling of computer monitors and televisions. The amendment also proposed to direct the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on whether the handling and recycling costs that are attributable to abandoned waste should be included in the reasonable operational costs of a consolidation facility.

Senate Amendment "B" to Committee Amendment "A" (S-537) proposed to correct the date by which manufacturers must implement a plan for the collection and recycling of computer monitors and televisions. The amendment also proposed to direct the Department of Environmental Protection to adopt major substantive rules that identify the criteria that consolidation facilities must use when determining the reasonable operational costs that are attributable to the handling of computer monitors and televisions. The amendment also proposed to direct the department to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on whether the handling and recycling costs that are attributable to abandoned waste should be included in the reasonable operational costs of consolidation facilities. The amendment also proposed to authorize the committee to report out legislation to implement the recommendations made in the department's report. This amendment was not adopted.

Enacted Law Summary

Public Law 2003, chapter 661 establishes a system to provide for the collection and recycling of computer monitors and televisions in the State. Under the law, municipalities that choose to participate must ensure that computer monitors and televisions generated as waste from households within their jurisdictions are delivered to a consolidation facility.

Beginning in 2006, consolidation facilities are required to identify the manufacturer of computer monitors and televisions delivered to the facility and to transport those items to recycling and dismantling facilities.

Beginning in 2006, computer manufacturers and television manufacturers are responsible for the handling and recycling of computer monitors and televisions that are received at consolidation facilities and must pay for the operational costs of the consolidation facilities attributable to the handling of computer monitors and televisions.

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Chapter 661 requires manufacturers of computer monitors and televisions to submit plans for the collection and recycling of computer monitors and televisions. It also establishes reporting requirements for manufacturers.

Chapter 661 also directs the Department of Environmental Protection to adopt rules that identify the criteria that consolidation facilities must use when determining the reasonable operational costs that are attributable to the handling of computer monitors and televisions. It also directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on whether the handling and recycling costs that are attributable to abandoned waste should be included in the reasonable operational costs of a consolidation facility.

LD 1899

An Act To Amend the Dissolved Oxygen Standard for Class C Waters

PUBLIC 664

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM MAJ OTP-AM MIN	<u>Amendments Adopted</u> S-467
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LD 1899 proposed to amend the dissolved oxygen standard and the bacteria standard for Class C waters.

Committee Amendment "A" (S-467) was the majority report. The amendment proposed to provide that dischargers to Class C waters that were issued final discharge licenses or water quality certificates prior to March 16, 2004 that are based on a 6.5 parts per million dissolved oxygen criterion must continue to be licensed using a temperature of 24 degrees centigrade or the ambient temperature of the water body, whichever is lower. Under the proposed amendment, final discharge licenses and water quality certificates that were not previously based on a 6.5 parts per million dissolved oxygen criterion must, after March 15, 2004, be based on a 6.5 parts per million dissolved oxygen criterion at a temperature of 22 degrees centigrade or the ambient temperature of the water body, whichever is lower.

Committee Amendment "B" (S-468) was the minority report. The amendment proposed to require all Class C waters to meet a 6.5 parts per million dissolved oxygen monthly average standard whenever the daily water temperature is equal to or less than 24 degrees centigrade or the ambient temperature of the water body, whichever is lower. This amendment was not adopted.

Enacted Law Summary

Public Law 2003, chapter 664 amends the dissolved oxygen standard and the bacteria standard for Class C waters. It provides that dischargers to Class C waters that were issued final discharge licenses or water quality certificates prior to March 16, 2004 that are based on a 6.5 parts per million dissolved oxygen criterion must continue to be licensed using a temperature of 24 degrees centigrade or the ambient temperature of the water body, whichever is lower. Final discharge licenses and water quality certificates that were not previously based on a 6.5 parts per million dissolved oxygen criterion must, after March 15, 2004, be based on a 6.5 parts per million dissolved oxygen criterion at a temperature of 22 degrees centigrade or the ambient temperature of the water body, whichever is lower.

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LD 1900

An Act To Implement the Recommendations of the Community Preservation Advisory Committee Regarding the State Planning Office's Review of Growth Management Programs

**PUBLIC 641
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM A	S-461
	OTP-AM B	
	OTP-AM C	

LD 1900 proposed to:

1. Clarify that growth management related financial aid contracts are allowed to extend beyond a single fiscal year;
2. Clarify that floodplain ordinances that comply with the Federal Flood Insurance Program are exempt from the requirement that ordinances must be consistent with a comprehensive plan;
3. Clarify that the term "under this subchapter" means consistency with the procedures, goals and guidelines established in the growth management law;
4. Provide that a comprehensive plan is valid for 15 years;
5. Amend notice requirements for follow-up public hearings that are held as a result of comments made at an initial public hearing;
6. Provide that the Executive Department, State Planning Office, if requested, may review certain ordinances to determine whether they are consistent with a comprehensive plan without requiring submission of all elements of a growth management program; and
7. Provide that an affirmative finding of consistency by the State Planning Office is required for a municipality to assert jurisdiction regarding state investments.

Committee Amendment "A" (S-461) was the majority report. It proposed that notice for any follow-up hearing concerning a proposed comprehensive plan for a municipality or multimunicipal region must be given as provided for in the Maine Revised Statutes, Title 1, section 406. It proposed to delete the requirement from the bill that a copy of proposed changes to a comprehensive plan must be available for public inspection at least 7 days prior to any follow-up hearing on the plan. It proposed to delete the requirement from the bill that a comprehensive plan is valid for 15 years. It also proposed to delete the provision in the bill that the State Planning Office makes the determination as to whether a zoning ordinance is consistent with a comprehensive plan for purposes of certain state development projects.

Committee Amendment "B" (S-462) was a minority report. It proposed to provide that only an initial public hearing on a proposed comprehensive plan must be posted at least 30 days before the hearing and that notice for any follow-up hearing must be given as provided for in the Maine Revised Statutes, Title 1, section 406. It proposed to delete the requirement from the bill that a comprehensive plan is valid for 15 years. It also proposed to delete the provision in the bill that the State Planning Office makes the determination as to whether a zoning ordinance is consistent with a comprehensive plan for purposes of certain state development projects. The

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difference between this report and the majority report is that this report did not propose to delete the requirement from the bill that a copy of proposed changes to a comprehensive plan must be available for public inspection at least 7 days prior to any follow-up hearing on the plan. This amendment was not adopted.

Committee Amendment "C" (S-463) was a minority report. The amendment proposed to delete the requirement from the bill that a copy of proposed changes to a comprehensive plan must be available for public inspection at least 7 days prior to any follow-up hearing on the plan. It proposed to delete the requirement from the bill that a comprehensive plan is valid for 15 years. It also proposed to delete the provision in the bill that the State Planning Office makes the determination as to whether a zoning ordinance is consistent with a comprehensive plan for purposes of certain state development projects. The difference between this report and the majority report is that this report did not propose to change the law requiring public hearings on proposed comprehensive plans. This amendment was not adopted.

Enacted Law Summary

Public Law 2003, chapter 641 clarifies that growth management related financial aid contracts are allowed to extend beyond a single fiscal year. It clarifies that floodplain ordinances that comply with the Federal Flood Insurance Program are exempt from the requirement that ordinances must be consistent with a comprehensive plan. It clarifies that the term "under this subchapter" means consistency with the procedures, goals and guidelines established in the growth management law. It amends notice requirements for follow-up public hearings that are held as a result of comments made at an initial public hearing. It provides that the Executive Department, State Planning Office, if requested, may review certain ordinances to determine whether they are consistent with a comprehensive plan without requiring submission of all elements of a growth management program.

Public Law 2003, chapter 641 was enacted as an emergency measure effective April 14, 2004.

LD 1901

An Act To Protect Health and the Environment by Improving the System for the Collection and Recovery of Mercury-added Thermostats

PUBLIC 640

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-806

LD 1901 proposed to require manufacturers of mercury-added thermostats sold in the State to participate in a collection and recycling program that includes establishing 100 collection centers in the State. The bill also proposed to require manufacturers of mercury-added thermostats sold in the State to annually report to the Department of Environmental Protection on the progress of the collection and recycling program. The bill also proposed to set a goal of collecting and recycling at least 90% of all mercury-added thermostats removed from buildings and set an interim target for removal of 100 pounds of mercury by December 31, 2005. Finally, the bill proposed to direct the Department of Environmental Protection to submit a report on the effectiveness of the collection and recycling program to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 30, 2006 and, if the target established in the bill is not met, to report on a plan for manufacturers to pay for each mercury-added thermostat returned to a collection center.

Committee Amendment "A" (H-806) proposed to replace the bill. The amendment proposed to prohibit a wholesaler from selling thermostats in the State unless the wholesaler acts as a collection site for thermostats that

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contain mercury either by participating in a manufacturer collection program or by disposing of the collected thermostats in accordance with universal waste rules adopted by the department.

Enacted Law Summary

Public Law 2003, chapter 640 prohibits a wholesaler from selling thermostats in the State unless the wholesaler acts as a collection site for thermostats that contain mercury either by participating in a manufacturer collection program or by disposing of the collected thermostats in accordance with universal waste rules adopted by the department.

*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Select Committee
on
Regionalization and Community Cooperation*

May 2004

Members:

*Sen. Dennis S. Damon, Chair
Sen. Margaret Rotundo
Sen. Chandler E. Woodcock
Sen. Kenneth Blais*

*Rep. Janet L. McLaughlin, Chair
Rep. Phillip R. Bennett, Jr.
Rep. Theodore Koffman
Rep. Christopher R. Barstow*

*Rep. Janet T. Mills
Rep. Edward J. Suslovic
Rep. Lillian LaFontaine O'Brien
Rep. Thomas W. Murphy, Jr.
Rep. Anita Peavey-Haskell
Rep. Stephen Bowen
Rep. Joshua A. Tardy*

Staff:

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**JOINT SELECT COMMITTEE ON
REGIONALIZATION AND COMMUNITY COOPERATION**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	3	100.0%	0.6%
<u><i>Bills Carried Over from previous session</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Bills referred	3	100.0%	0.6%
B. Bills reported out by law or joint order	0	0.0%	0.0%
Total Bills considered by Committee	3	100.0%	0.6%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	0	0.0%	0.0%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>1</u>	<u>33.3%</u>	<u>0.2%</u>
Total unanimous reports	1	33.3%	0.2%
B. Divided committee reports			
<i>Two-way reports</i>	2	66.7%	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>
Total divided reports	2	66.7%	0.4%
Total committee reports	3	100.0%	0.6%
III. CONFIRMATION HEARINGS	0	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	1	33.3%	0.2%
<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>
Total Enacted or Finally Passed	1	33.3%	0.2%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

Prepared by the Office of Policy and Legal Analysis
121st Legislature, Second Regular and Second Special Sessions

Joint Select Committee on Regionalization and Community Cooperation

LD 1210 **Resolve, To Establish the Intergovernmental Advisory Commission** **ONTP**

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

LD 1210 proposed to establish the Intergovernmental Advisory Commission to study ways to reduce duplication among all 3 levels of government in the State as well as within each level of government; promote communications, cooperation and efficient delivery of services; and develop a mechanism to establish a permanent statewide intergovernmental advisory commission.

LD 1921 **An Act To Encourage Voluntary Efficiency in Maine's School Systems and Related Costs Savings** **DIED IN CONCURRENCE**

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

LD 1921 proposed to increase efficiencies, improve equity in delivering educational services and alleviate increasing costs while maintaining the quality of public education from kindergarten to grade 12. This bill proposed to encourage regional delivery of educational services and school administration through voluntary formation of regional school districts and regional cooperatives and the provision of assistance by efficient school units to school administrative units seeking to reduce their education costs. Under the proposed bill, the State would provide monetary incentives for school units choosing to participate in these efforts.

None of the following amendments were adopted:

Committee Amendment "A" (H-888) was the majority report of the committee and proposed to replace the bill. It proposed to amend the certification criteria and performance review criteria for regional school districts, regional cooperatives and consulting school units. It also proposed to amend the financial incentives available to regional school districts, regional cooperatives and consulting school units. The amendment proposed to direct the Commissioner of Education to report to the Legislature on the efficacy of the financial incentives available under the law and to recommend statutory changes that may be needed to encourage efficiencies in delivering education services. Finally, it proposed to direct the State Board of Education to develop rules to permit applications for major school construction projects made jointly by 2 or more school administrative units. This amendment also proposed to add an appropriations and allocations section.

House Amendment "A" to Committee Amendment "A" (H-905) proposed to clarify that the final certification and approval process include bargaining units of employees of the school administrative units and that wages, hours and other conditions of employment are considered when making an agreement.

House Amendment "B" to Committee Amendment "A" (H-939) proposed to require that, prior to approval as a regional cooperative, the school administrative units to be combined to form the regional cooperative have each approved an agreement that addresses continuity of employment and employment benefits and rights of all

Joint Select Committee on Regionalization and Community Cooperation

bargaining units within the proposed regional cooperative. This requirement was proposed to be imposed under Committee Amendment "A" for regional school districts.

House Amendment "C" to Committee Amendment "A" (H-954) proposed to make the following changes to the bill as amended by Committee Amendment "A."

1. Add a phrase that was unintentionally omitted from Committee Amendment "A."
2. Alter the amount to be transferred to the Fund for the Efficient Delivery of Education Services in fiscal year 2004-05 from 1/2 of 1% of the amount appropriated for general purpose aid for local schools to \$1,000,000.
3. Alter the amount to be transferred to the Fund for the Efficient Delivery of Education Services in fiscal year 2006-07 from 2% of the amount appropriated for general purpose aid for local schools to 1 1/2%.

House Amendment "D" to Committee Amendment "A" (H-960) proposed to create the Educational Efficiency Advisory Group to foster communication and cooperation between schools, school administrative units and other units of local and regional government and to promote efficient and cost-effective delivery of educational services for children in Maine.

Senate Amendment "A" to Committee Amendment "A" (S-547) proposed to require that, prior to approval as a regional cooperative, the school administrative units to be combined to form the regional cooperative have each approved an agreement that addresses continuity of employment and employment benefits and rights of all bargaining units within the proposed regional cooperative. This requirement was proposed to be imposed under Committee Amendment "A" for regional school districts.

Senate Amendment "B" to Committee Amendment "A" (S-548) proposed to make the following changes to the bill as amended by Committee Amendment "A."

1. Add a phrase that was unintentionally omitted from Committee Amendment "A."
2. Alter the amount to be transferred to the Fund for the Efficient Delivery of Education Services in fiscal year 2004-05 from 1/2 of 1% of the amount appropriated for general purpose aid for local schools to \$1,000,000.
3. Alter the amount to be transferred to the Fund for the Efficient Delivery of Education Services in fiscal year 2006-07 from 2% of the amount appropriated for general purpose aid for local schools to 1 1/2%.

Senate Amendment "C" to Committee Amendment "A" (S-558) proposed to make the following changes to the bill, as amended by Committee Amendment "A."

1. Remove provisions regarding "consulting school units."
2. Remove provisions regarding incentives and accountability components for regional school districts.
3. Retain provisions regarding incentives and accountability components for regional cooperatives. It proposed to limit the amount of funds that can be dedicated to regional cooperatives to 1/3 of the amount transferred to the Fund for the Efficient Delivery of Education Services in each year.
4. Reduce transfers to the Fund for the Efficient Delivery of Education Services in fiscal year 2004-05 from .5% of general purpose aid for local schools to \$1,000,000.

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5. Reduce transfers to the Fund for the Efficient Delivery of Education Services in fiscal year 2005-06 from 1.0% of general purpose aid for local schools to \$2,000,000.
6. Eliminate the transfers to the Fund for the Efficient Delivery of Education Services specified for fiscal years 2006-07, 2007-08, 2008-09 and 2009-10.
7. Change the date by which the Commissioner of Education must report to the Legislature from January 2007 to January 2005.

**LD 1930 An Act To Promote Intergovernmental Cooperation, Cost Savings PUBLIC 696
and Efficiencies**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	S-510
	ONTP MIN	S-517 DAMON
		S-575 CATHCART

LD 1930 was a concept draft pursuant to Joint Rule 208. It proposed to do the following:

1. Require that each of the state, county and municipal governments pay for those services that it requires be provided. This would not include Federal Government mandates and mandates related to education.
2. Establish the Intergovernmental Advisory Group to study ways to reduce duplication and improve efficiency among all 3 levels of government in the State as well as within each level of government; promote communication, cooperation and efficient delivery of services; provide state resources for guidance, technical support and incentives to regionalize; and work with local and regional entities to design and implement pilot projects that result in cost savings and improved services through regionalization or other efficiency efforts.

The advisory group was proposed to have the following representation:

- A. Five members from State Government, 3 of whom must be commissioners and 2 of whom must be Legislators not of the same political party;
 - B. Five members who must be officials representing regional governments, 3 of whom must be county officials and 2 of whom must represent regional planning agencies, councils of government or other regional bodies; and
 - C. Five members who must be officers representing municipal governments, 3 of whom must be municipal officials and 2 of whom must represent school districts or other special-purpose districts that represent 2 or more municipalities.
3. Encourage the adoption of a county charter by streamlining the procedure for initiating a charter commission and removing all statutory limits on charter powers. The proposed changes to accomplish this included the following:
 - A. Change the language in the Maine Revised Statutes, Title 30-A, chapter 11, subchapter 3 to remove limits on charter powers and to provide that a county that adopts a charter may have home rule. This provision

Joint Select Committee on Regionalization and Community Cooperation

would not change the constitutional requirements regarding the election of county sheriffs and judges and registers of probate. It also would not exempt counties from state mandates; and

- B. Remove the requirement that county residents vote to initiate a charter commission and allow a charter commission to be initiated either by the county commissioners or a citizens' petition. Citizens would still be required to vote on the final adoption of the charter.
4. Increase the real estate transfer tax from \$2.20 per \$1,000 of property value per party to \$3.00 per \$1,000 of property value per party. All additional funds raised through the real estate transfer tax as a result of this increase would be deposited into a dedicated fund to provide grants to promote regional efforts. This fund would be administered by the Intergovernmental Advisory Group, as proposed to be established in this bill. Groups of municipalities, councils of government and regional planning commissions may apply for grants. A county may also apply for a grant if it adopts a charter and if it submits a plan for regional cooperation.
 5. Create tax districts for multiple towns to join together for the purpose of assessing and collecting taxes as a single entity. Under the proposed bill, a county might also serve as a tax district for this purpose. Residents of the towns or the county would vote to decide on whether to create a taxing district. The Intergovernmental Advisory Group would provide grants to assist in the development of a proposed taxing district.
 6. Transfer a portion of the Highway Fund that funds State Police patrol to towns that do not have local police. Under the proposed bill, those towns would then contract with the county for sheriff patrol services. The portion of the Highway Fund to be transferred for this purpose would be based on the following funding formula for each county sheriff's patrol budget: Fifty percent of the budget would be required to be collected from the residents that receive the benefit and 50% would be collected through the Highway Fund.
 7. Encourage counties to work together on regional projects, such as communications centers and regional jails, by amending or clarifying statute to give all political subdivisions of the State broad authority to work together.
 8. Tie the award of transportation funds to municipalities to the development of coherent regional land use policies.
 9. Remove statutory references to:
 - A. Salaries of county officials;
 - B. Directives on how often county boards and commissions hold hearings; and
 - C. Involvement of the legislative delegation in the county budget process.
 10. Initiate 4 pilot projects to:
 - A. Create municipal unions to allow multiple towns to consolidate their administrative functions into a single unit while allowing each town to retain its identity and form of governance. This option would be voluntary;
 - B. Work with state agencies to permit towns to file joint reports and audits when they are working together administratively;
 - C. Promote the use of councils of governments and promote the involvement of councils of governments and regional planning commissions with counties; and

Joint Select Committee on Regionalization and Community Cooperation

- D. Assist the "Beginning with Habitat" program to make more effective use of wildlife information across town boundaries through a regional habitat planning pilot project.

Committee Amendment "A" (S-510) proposed to create the Intergovernmental Advisory Group to improve efficiencies and communication within all 3 branches of government and to provide state assistance to encourage regionalization and cost-effective service delivery. The amendment proposed to remove the requirement for county residents to vote to create a charter commission. It proposed to remove references to county commissioner meeting requirements, salaries for county officials and legislative delegation involvement in the county budget estimate process. This bill also proposed to allow county charters to include provisions for the county budget committee process. Finally, it proposed to clarify that interlocal cooperative agreements may be established among public agencies.

House Amendment "A" to Committee Amendment "A" (H-925) proposed to remove the provision of Committee Amendment "A" that allows a charter commission to be initiated by the county commissioners or by petition by voters. (not adopted)

Senate Amendment "A" to Committee Amendment "A" (S-517) proposed to clarify that the Governor's appointments for the Intergovernmental Advisory Group must include 3 members from each of 3 regions and ensure a geographic diversity of membership from each region.

Senate Amendment "B" to Committee Amendment "A" (S-575) proposed to clarify the staffing responsibility for the Intergovernmental Advisory Group by assigning that function to the Executive Department, State Planning Office and limit the number of meetings of the advisory group to 4 per year.

Senate Amendment "C" to Committee Amendment "A" (S-582) proposed to remove the provisions of Committee Amendment "A" that would allow a charter commission to be initiated by the county commissioners or by petition by voters. Under this proposed amendment, the question of whether to establish a county charter commission would still be submitted to the voters. (not adopted)

Enacted Law Summary

Public Law 2003, chapter 696 creates the Intergovernmental Advisory Group to improve efficiencies and communication within all 3 branches of government and to provide state assistance to encourage regionalization and cost-effective service delivery. The law removes the requirement for county residents to vote to create a charter commission. It also removes references to county commissioner meeting requirements, salaries for county officials and legislative delegation involvement in the county budget estimate process. It allows county charters to include provisions for the county budget committee process. It also clarifies that interlocal cooperative agreements may be established among public agencies.

*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
State and Local Government*

May 2004

Members:

Sen. Margaret Rotundo, Chair

Sen. Lloyd P. LaFountain III

Sen. Carolyn M. Gilman

Rep. Janet L. McLaughlin, Chair

Rep. George H. Bunker, Jr.

Rep. Christopher R. Barstow

Rep. Susanne P. Ketterer

Rep. Edward J. Suslovic

Rep. Anita Peavey-Haskell

Rep. Robert H. Crosthwaite

Rep. Stephen Bowen

Rep. Oscar C. Stone

Rep. Gary E. Sukeforth

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**JOINT STANDING COMMITTEE ON
STATE AND LOCAL GOVERNMENT**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	14	51.9%	2.8%
<u><i>Bills Carried Over from previous session</i></u>	<u>11</u>	<u>40.7%</u>	<u>2.2%</u>
Total Bills referred	25	92.6%	5.1%
B. Bills reported out by law or joint order			
	2	7.4%	0.4%
Total Bills considered by Committee	27	100.0%	5.5%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	5	18.5%	1.1%
<i>Ought to Pass as Amended</i>	6	22.2%	1.3%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>7</u>	<u>25.9%</u>	<u>1.5%</u>
Total unanimous reports	18	66.7%	3.8%
B. Divided committee reports			
<i>Two-way reports</i>	9	33.3%	1.9%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	9	33.3%	1.9%
Total committee reports	27	100.0%	5.7%
III. CONFIRMATION HEARINGS	0	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	8	29.6%	1.6%
<i>Private and Special Laws</i>	2	7.4%	0.4%
<i>Resolves</i>	5	18.5%	1.0%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	15	55.6%	3.0%
B. Resolves to authorize major substantive rules			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<u><i>Rules not authorized by the Legislature</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

Prepared by the Office of Policy and Legal Analysis
121st Legislature, Second Regular and Second Special Sessions

Joint Standing Committee on State and Local Government

SUBJECT INDEX

Capitol Area/Capitol Complex

Enacted

LD 1725 Resolve, To Commission a Portrait of the Honorable RESOLVE 142 Page 445
George J. Mitchell To Hang in the State House

Not Enacted

None

County Government

Enacted

LD 1637 An Act To Provide a Clear Transition for the County PUBLIC 508 Page 442
Commissioner Districts as Apportioned by Public EMERGENCY
Law 2003, Chapter 43 and as Codified by Public Law
2003, Chapter 291

Not Enacted

LD 103 An Act to Establish the Regional County Corrections ONTP Page 438
Construction Authority

Departments and Agencies of State Government

Enacted

None

Not Enacted

LD 91 Resolve, to Create the Department of Fisheries and ONTP Page 438
Wildlife

LD 942 An Act To Create Guidelines To Promote Good INDEF PP Page 439
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LD 962	An Act to Consolidate the Advocacies of the Various State Agencies into an Executive Department and Establish the Office of Inspector General	ONTP	Page 440
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LD 1963	An Act To Provide a Consistent Deadline for Filing Regulatory Agendas	DIED BETWEEN BODIES	Page 455

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Enacted

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LD 1848	An Act To Amend the Apportionment of Legislative House Districts 76 and 77	PUBLIC 532 EMERGENCY	Page 450
LD 1961	An Act To Clarify Legislative Pay	PUBLIC 691	Page 454

Not Enacted

LD 1840	Resolve, Concerning Payments to Legislators during Special Session	DIED IN CONCURRENCE	Page 450
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Miscellaneous

Enacted

LD 1725	Resolve, To Commission a Portrait of the Honorable George J. Mitchell To Hang in the State House	RESOLVE 142	Page 445
LD 1950	An Act To Repeal Certain Boards and Commissions	PUBLIC 643	Page 453

Not Enacted

LD 103	An Act to Establish the Regional County Corrections Construction Authority	ONTP	Page 438
LD 419	Resolve, To Establish the Municipal and Educational Mandate Audit Commission	DIED IN CONCURRENCE	Page 438

LD 1332 An Act To Recognize the Maine Rural Development Council ONTP Page 440

Municipalities and Quasi-Municipalities

Enacted

LD 1653 An Act To Authorize the Town of Verona To Change Its Name PUBLIC 534 Page 442
EMERGENCY

LD 1779 An Act Concerning the Boundary Line of the Town of Unity P & S 37 Page 446

LD 1780 Resolve, To Promote Transparency in Budgeting RESOLVE 133 Page 446

LD 1872 An Act To Extend the Deadline for Reconsideration by Boards of Appeals PUBLIC 635 Page 451

LD 1896 Resolve, Authorizing the Town of Eustis To Exchange a Certain Parcel of Land RESOLVE 122 Page 452

Not Enacted

LD 419 Resolve, To Establish the Municipal and Educational Mandate Audit Commission DIED IN Page 438
CONCURRENCE

LD 1873 An Act To Amend the Requirements for Status as Publisher of Legal Notices ONTP Page 451

LD 1941 An Act To Authorize the Town of Millinocket To Annex a Certain Parcel of Land ONTP Page 453

State Contracts and Fiscal Procedures

Enacted

LD 1504 An Act To Clarify the Work Center Purchases Committee Requirements for Work Centers and Competitive Bidding PUBLIC 515 Page 441

LD 1783 An Act To Clarify Prequalification Criteria for Public Improvements PUBLIC 589 Page 447

Not Enacted

LD 608 **An Act to Support Domestic Businesses in Publicly Funded Construction Projects** INDEF PP Page 439

State Government-General

Enacted

LD 1686 **An Act To Encourage Cost Savings by State Employees** PUBLIC 692 Page 443

LD 1926 **An Act To Implement the Recommendations of the Joint Standing Committee on State and Local Government Pursuant to the State Government Evaluation Act** PUBLIC 600 Page 453

LD 1950 **An Act To Repeal Certain Boards and Commissions** PUBLIC 643 Page 453

Not Enacted

LD 965 **Resolve, to Create a Task Force to Implement the 1991 Report of the President's and Speaker's Blue Ribbon Commission on Children and Families** ONTP Page 440

State Property

Enacted

LD 1777 **An Act To Authorize the Commissioner of Administrative and Financial Services To Execute Easements** PUBLIC 539 Page 445

LD 1784 **Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Property in Fayette, Maine** RESOLVE 105 Page 448

LD 1785 **Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate in Presque Isle, Known as the "Aroostook Residential Center"** RESOLVE 146 Page 448

Not Enacted

None

Unorganized Territories

Enacted

LD 1925

**An Act To Change the Names of Certain Townships
in the Unorganized Territory**

**P & S 46 Page 452
EMERGENCY**

Not Enacted

LD 1671

**An Act To Authorize the Deorganization of the Town
of Atkinson**

ONTP Page 443

Joint Standing Committee on State and Local Government

LD 91 **Resolve, to Create the Department of Fisheries and Wildlife** **ONTP**

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 91 proposed to accomplish the following:

1. Abolish the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Atlantic Salmon Commission 90 days after the adjournment of the Second Regular Session of the 121st Legislature; and
2. Require the Commissioner of Administrative and Financial Services, in consultation with the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Atlantic Salmon Commission, to develop and submit to the Legislature by November 1, 2003 legislation that reorganizes the 3 agencies into a new Department of Fisheries and Wildlife.

LD 103 **An Act to Establish the Regional County Corrections Construction Authority** **ONTP**

<u>Sponsor(s)</u> SNOWE-MELLO MAYO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 103, a concept draft pursuant to Joint Rule 208, proposed to establish the Regional County Corrections Construction Authority, a state entity that would be authorized to issue bonds for the construction of regional county corrections facilities. As proposed, the Regional County Corrections Construction Authority would be governed by a board of directors consisting of county, state and municipal representatives appointed by the Governor. In addition, the bill proposed to require the board to establish financial incentives for counties that demonstrate a need for new correctional facilities and that also demonstrate that they have made full use of nonincarceration alternatives such as electronic monitoring and other community-based programs.

LD 419 **Resolve, To Establish the Municipal and Educational Mandate Audit Commission** **DIED IN CONCURRENCE**

<u>Sponsor(s)</u> MILLETT		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u> H-631
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LD 419, a concept draft pursuant to Joint Rule 208, proposed to repeal outdated and unfunded mandates located in the Maine Revised Statutes, Title 5, Title 20-A and Title 30-A that pertain to municipalities or school systems, the cost of which are now borne by local property taxes.

Joint Standing Committee on State and Local Government

Committee Amendment "A" (H-631) was the minority report of the committee and proposed to replace the concept draft. It proposed to create the Municipal and Educational Mandate Audit Commission. As proposed, the 12-member commission consisted of members of the Legislature, representatives from the Department of Administrative and Financial Services, the Department of Education, the Department of Environmental Protection and the Department of Public Safety and representatives of municipal and county government, school administrative units and quasi-municipal special purpose districts. It proposed to charge the commission with identifying the state and federal mandates placed on local and regional governmental entities and recommending legislation for reducing the burden of those mandates.

LD 608 **An Act to Support Domestic Businesses in Publicly Funded Construction Projects** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO	OTP-AM MAJ	S-386
WALCOTT	ONTP MIN	

LD 608 proposed to allow the Department of Administrative and Financial Services in awarding public improvement construction project contracts to give preference to domestic suppliers whose bids are within 15% of a bid of a foreign supplier. As proposed, this preference applied only to the extent permitted under federal law and international treaties signed by the United States.

Committee Amendment "A" (S-386) was the majority report of the committee. It proposed to limit the scope of the preference for domestic supplies to structural and miscellaneous steel fabrication products. The amendment proposed to clarify that the 15% price preference applies to projects involving state funding and to remove language regarding source disclosure. It also proposed to authorize the Department of Administrative and Financial Services to adopt routine technical rules defining "substantially fabricated" and establishing a process for certifying where the steel fabrication is done.

LD 942 **An Act To Create Guidelines To Promote Good Science in Rulemaking** **INDEF PP**

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

LD 942 proposed to require state agencies to establish standards of objectivity, utility and integrity for information used and relied upon in conducting rule-making proceedings under the Maine Administrative Procedure Act.

Committee Amendment "A" (H-767) was the majority report and proposed to replace the bill. It proposed to require state agencies to make available to the public the primary sources of information that support the primary provisions in proposed rules.

It also proposed to require that at least 20 days prior to a public hearing on a proposed rule, the agency must provide a list of primary sources of information to an individual upon request. This amendment was not adopted.

Joint Standing Committee on State and Local Government

Senate Amendment "A" to Committee Amendment "A" (S-456) proposed to decrease from 20 days to 10 days the time by which an agency must provide a list of the primary sources of information relied on by the agency in establishing the primary provisions of a proposed rule. This amendment also proposed to clarify that the primary sources of information required to be provided by the agency are determined by the agency. This amendment was not adopted.

LD 962 **An Act to Consolidate the Advocacies of the Various State Agencies into an Executive Department and Establish the Office of Inspector General** **ONTP**

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

LD 962, a concept draft pursuant to Joint Rule 208, proposed to consolidate the advocacies of the various state agencies into an executive department. As proposed, the executive department would have assumed any public advocacy responsibilities currently assigned to other agencies of State Government.

The bill also proposed to establish the Office of Inspector General to investigate governmental abuse of funds, written policy and procedures and violation of the law within the various state departments. As proposed, the executive advocacy department would have overseen the operations and personnel of the Office of the Inspector General.

LD 965 **Resolve, to Create a Task Force to Implement the 1991 Report of the President's and Speaker's Blue Ribbon Commission on Children and Families** **ONTP**

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

LD 965 proposed to create the Task Force to Implement the 1991 Report of the President's and Speaker's Blue Ribbon Commission on Children and Families. Under the proposed bill, the task force's membership would consist of the Speaker of the House, the President of the Senate and the House and Senate majority and minority leaders. As proposed, the task force would be required to report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by November 3, 2003.

LD 1332 **An Act To Recognize the Maine Rural Development Council** **ONTP**

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

LD 1332 proposed to establish the Maine Rural Development Council in statute and designate it as the entity authorized to participate in the National Rural Development Partnership.

Joint Standing Committee on State and Local Government

LD 1393

**An Act To Provide for Meaningful Public Input in the Maine
Administrative Procedure Act**

ONTP

<u>Sponsor(s)</u> MCLAUGHLIN NASS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1393 proposed to amend the rule-making process to clarify the intent of the Legislature to require agencies to consider the full impact of the rules, both substantively and financially, on the State, agencies, providers of services through state contracts and consumers of those services. The provisions of this bill proposed to require a detailed analysis of the impacts at the time of the proposal, consideration and adoption of any proposed rule.

LD 1504

**An Act To Clarify the Work Center Purchases Committee
Requirements for Work Centers and Competitive Bidding**

PUBLIC 515

<u>Sponsor(s)</u> MCLAUGHLIN ROTUNDO	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1504 proposed to clarify the Work Center Purchases Committee requirements for work centers and competitive bidding.

Enacted Law Summary

Public Law 2003, chapter 515 clarifies the Work Center Purchases Committee requirements for work centers and competitive bidding. Specifically, it does the following:

1. Changes the term "Disabled Persons" to "Persons with Disabilities";
2. Includes a new option for entities to become certified as work centers;
3. Updates language to identify the current positions responsible for the Work Center Purchases Committee. The term "State Purchasing Agent" is replaced with "Director of the Bureau of General Services"; and
4. Authorizes the committee to develop procedures to grant contract extensions. Currently, contracts are awarded through an annual competitive bid process.

Joint Standing Committee on State and Local Government

LD 1637

**An Act To Provide a Clear Transition for the County
Commissioner Districts as Apportioned by Public Law 2003,
Chapter 43 and as Codified by Public Law 2003, Chapter 291**

**PUBLIC 508
EMERGENCY**

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

LD 1637 proposed to clarify that county commissioner positions with terms that expire in 2004 will be filled by candidates running for those offices in the newly apportioned county commissioner districts. The makeup of all districts for county commissioner will change beginning on January 1, 2005.

LD 1637 was engrossed without reference to committee at the First Special Session of the 121st Legislature in August 2003.

Enacted Law Summary

Public Law 2003, chapter 508 clarifies that county commissioner positions with terms that expire in 2004 will be filled by candidates running for those offices in the newly apportioned county commissioner districts. The makeup of all districts for county commissioner will change beginning on January 1, 2005.

Public Law 2003, chapter 508 was enacted as an emergency measure effective August 26, 2003.

LD 1653

An Act To Authorize the Town of Verona To Change Its Name

**PUBLIC 534
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
YOUNGBLOOD CHURCHILL E	OTP-AM	S-381

LD 1653 proposed to change the name of the Town of Verona to "Town of Verona Island." A referendum is scheduled to be held before January 1, 2005 for approval by the residents of Verona.

Committee Amendment "A" (S-381) proposed to add an emergency preamble and emergency clause to the bill. This amendment also proposed to remove that section of the bill that amends a senatorial district as it existed prior to the redistricting effected by the Supreme Judicial Court.

Enacted Law Summary

Public Law 2003, chapter 534 authorizes the residents of Verona to change the town name from "Town of Verona" to "Town of Verona Island." A referendum is scheduled to be held before January 1, 2005 for approval by the residents of Verona.

Public Law 2003, chapter 534 was enacted as an emergency measure effective March 5, 2004.

Joint Standing Committee on State and Local Government

LD 1671

An Act To Authorize the Deorganization of the Town of Atkinson

ONTP

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

LD 1671 proposed to authorize the deorganization of the Town of Atkinson if, in accordance with the Maine Revised Statutes, Title 30-A, section 7207, a majority of the voters in the town approves the deorganization procedure developed in accordance with Title 30-A, section 7205 and if the deorganization is approved by the voters of the town at the next statewide election to be held in November.

Committee Amendment "A" (H-768) was the majority report and proposed to clarify that if Hospital District No. 4 defaults on bonds issued and outstanding prior to the effective date of the proposed deorganization, the State Tax Assessor is required to assess a supplemental tax on owners of nonexempt property in Atkinson Township for the proportional share of bond liability in default. The Town of Atkinson is currently a member of Hospital District No. 4. If the Town of Atkinson deorganizes, it will no longer be a member of Hospital District No. 4, but pursuant to the approved deorganization procedure and this Act, it will remain liable for its share of bonded indebtedness. This amendment was not adopted.

House Amendment "A" (H-802) proposed to provide that the Commissioner of Education may pay tuition for an elementary school student from Atkinson Township to attend an elementary school outside of School Administrative District No. 41 only with the consent of the Superintendent of School Administrative District No. 41. This amendment was not adopted.

Senate Amendment "A" (S-479) proposed to provide that the Commissioner of Education may pay tuition for an elementary school student from Atkinson Township to attend an elementary school outside of School Administrative District No. 41 only with the consent of the Superintendent of School Administrative District No. 41. This amendment was not adopted.

LD 1686

An Act To Encourage Cost Savings by State Employees

PUBLIC 692

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT MOODY	OTP-AM MAJ OTP-AM MIN	H-765 SAMPSON S-409

LD 1686 proposed to establish the Employee Suggestion System, whereby state employees in classified service are eligible for cash or honorary awards for suggestions that would result in substantial savings or improvements or efficiencies in state operations. A cash award would be limited to 10% of the first year's estimated saving, up to a cap of \$2,000. This legislation is modeled on law that was repealed in 1995.

Committee Amendment "A" (S-409) was the majority report and proposed to clarify that the Employee Suggestion System Board has exclusive authority to make awards and all decisions are final. It proposed to require the board to forward all suggestions to the Office of Program Evaluation and Government Accountability a minimum of 2 times per year. It proposed to permit the board to establish administrative fees through the rule-making process. The amendment also proposed to add an effective date of January 1, 2005.

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Committee Amendment "B" (S-410) proposed to replace the bill and was the minority report. It proposed to direct the Office of Program Evaluation and Government Accountability to review a proposal to create the Employee Suggestion System and report back to the joint standing committee of the Legislature having jurisdiction over state and local government matters with recommendations on development and implementation of this program. This amendment was not adopted.

House Amendment "A" (H-765) proposed to add a provision that prohibits discrimination against an employee who suggests savings or efficiencies in good faith under the Employee Suggestion System and, if discrimination occurs, provides remedies available under the Whistleblowers' Protection Act.

House Amendment "B" (H-803) proposed to make the following changes to the statutes governing the Office of Program Evaluation and Government Accountability, or OPEGA:

1. Authorize the legislative oversight committee to direct OPEGA to conduct evaluations of local government, quasi-municipal entities and municipal or nonprofit corporations when determined necessary by the committee and to examine expenditures of private money by public officials or employees.
2. Remove language concerning the Department of Audit from the subsection that defines program evaluation and instead enact language under the duties of the committee to give the committee the discretion to request that the department conduct an examination or, if the department is unable to perform the examination in a timely manner, to direct OPEGA to obtain the services of a qualified auditor.
3. Clarify what information is made available to the committee and to OPEGA.
4. Require the director and employees of OPEGA to be nonpartisan.

This amendment was not adopted.

Senate Amendment "A" (S-505) proposed to make the following changes to the statutes governing the Office of Program Evaluation and Government Accountability, or OPEGA:

1. Authorize the legislative oversight committee to direct OPEGA to conduct evaluations of local government, quasi-municipal entities and municipal or nonprofit corporations when determined necessary by the committee and to examine expenditures of private money by public officials or employees.
2. Remove language concerning the Department of Audit from the subsection that defines program evaluation and instead enact language under the duties of the committee to give the committee the discretion to request that the department conduct an examination or, if the department is unable to perform the examination in a timely manner, to direct OPEGA to obtain the services of a qualified auditor.
3. Clarify what information is made available to the committee and to OPEGA.
5. Require the director and employees of OPEGA to be nonpartisan.

This amendment was not adopted.

Enacted Law Summary

Public Law 2003, chapter 692 establishes the Employee Suggestion System, whereby state employees in classified service are eligible for cash or honorary awards for suggestions that would result in substantial savings or improvements or efficiencies in state operations. A cash award would be limited to 10% of the first year's

Joint Standing Committee on State and Local Government

estimated savings, up to a cap of \$2,000. The law also requires the board to forward all employee suggestions to the Office of Program Evaluation and Government Accountability a minimum of 2 times per year. This legislation is modeled on law that was repealed in 1995.

LD 1725 **Resolve, To Commission a Portrait of the Honorable George J. Mitchell To Hang in the State House** **RESOLVE 142**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM MAJ	S-365
COLWELL	ONTP MIN	S-577 CATHCART

LD 1725 proposed to commission a portrait of the Honorable George J. Mitchell to hang in the State House. It also proposed to add an appropriations section to the resolve and change the punctuation accordingly.

Committee Amendment "A" (S-365)

Senate Amendment "A" to Committee Amendment "A" (S-577) proposed to authorize the State House and Capitol Park Commission to seek and accept outside sources of funding to commission a portrait of the Honorable George J. Mitchell.

Enacted Law Summary

Resolve 2003, chapter 142 commissions a portrait of the Honorable George J. Mitchell to hang in the State House. This resolve also authorizes the State House and Capitol Park Commission to seek and accept outside sources of funding to commission a portrait of the Honorable George J. Mitchell.

LD 1777 **An Act To Authorize the Commissioner of Administrative and Financial Services To Execute Easements** **PUBLIC 539**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	OTP-AM	H-668 H-716 MCLAUGHLIN

LD 1777 proposed to authorize the Commissioner of Administrative and Financial Services to execute easement deeds, such as routine and technical utility easements, as these are needed on a regular basis. Pursuant to Resolve 1999, chapter 97, the commissioner held this authority from August 11, 2000 to August 11, 2003. This bill proposed to reinstate that authority until August 1, 2006.

Committee Amendment "A" (H-668) proposed to clarify that the Commissioner of Administrative and Financial Services is authorized to execute easement deeds in property held by state agencies over which the Department of Administrative and Financial Services has jurisdiction, such as routine and technical utility easements, as these are needed on a regular basis. It also proposed to remove the provision that terminates this authority on August 1, 2006.

Joint Standing Committee on State and Local Government

House Amendment "A" (H-716) proposed to clarify that the power granted to the Commissioner of Administrative and Financial Services in the bill to issue or receive nonfee interests in state lands does not apply to state park lands protected by the Constitution of Maine.

Enacted Law Summary

Public Law 2003, chapter 539 authorizes the Commissioner of Administrative and Financial Services to execute easement deeds in property held by state agencies over which the Department of Administrative and Financial Services has jurisdiction, such as routine and technical utility easements, as these are needed on a regular basis. Pursuant to Resolve 1999, chapter 97, the commissioner held this authority from August 11, 2000 to August 11, 2003.

LD 1779 **An Act Concerning the Boundary Line of the Town of Unity** **P & S 37**

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

LD 1779 proposed to reestablish the boundary line for the Town of Unity based on a recent survey.

Enacted Law Summary

Private and Special Law 2003, chapter 37 reestablishes the boundary line for the Town of Unity based on a recent survey.

LD 1780 **Resolve, To Promote Transparency in Budgeting** **RESOLVE 133**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL ROTUNDO	OTP-AM MAJ ONTP MIN	H-807

LD 1780 proposed to requires municipalities to submit copies of their annual budgets to the State Planning Office, which would compile the information and make it available on a publicly accessible site on the Internet. Under the proposed bill, a municipality that failed to submit a copy of its budget as required would be ineligible to receive funds under state-municipal revenue sharing.

Committee Amendment "A" (H-807) proposed to replace the bill with a resolve and direct the office of the Chief Information Officer within the Department of Administrative and Financial Services, the Executive Department, State Planning Office and the Department of Audit to create a publicly accessible site on the Internet through a pilot project that would include voluntary submission by municipalities and counties of their budgets. It proposed to require those entities to invite a representative of the Maine Municipal Association to take part in the development of the pilot project. It also proposed to require the lead agency to report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by January 14, 2005 with recommendations on creating a permanent publicly accessible site on the Internet for this purpose.

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Enacted Law Summary

Resolve 2003, chapter 133 directs the office of the Chief Information Officer within the Department of Administrative and Financial Services, the Executive Department, State Planning Office and the Department of Audit to create a publicly accessible site on the Internet through a pilot project that includes voluntary submission by municipalities and counties of their budgets. It requires those entities to invite a representative of the Maine Municipal Association to take part in the development of the pilot project. This resolve also requires the lead agency to report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by January 14, 2005 with recommendations on creating a permanent publicly accessible site on the Internet for this purpose.

LD 1783

An Act To Clarify Prequalification Criteria for Public Improvements

PUBLIC 589

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	OTP-AM	H-666 S-428 ROTUNDO

LD 1783 proposed to clarify the definition of a contractor's "resources" by incorporating financial capacity, legal capacity, bonding capacity and relevant prior experience at the time of prebid qualification with projects of similar size, type and schedule. The bill further proposed to clarify that the decision of the Commissioner of Administrative and Financial Services on appeal is final, notwithstanding subchapter 7 of the Maine Administrative Procedure Act.

Committee Amendment "A" (H-666) proposed to clarify the definition of a contractor's "resources" by allowing the Director of the Bureau of General Services to consider a contractor's prior experience with projects of similar size and type at the time of prebid qualification. The amendment also proposed to remove the reference in the original bill that clarified that the decision of the Commissioner of Administrative and Financial Services on appeal is final, notwithstanding subchapter 7 of the Maine Administrative Procedure Act.

House Amendment "A" to Committee Amendment "A" (H-735) proposed to further clarify how a contractor's resources are evaluated by allowing the Director of the Bureau of General Services within the Department of Administrative and Financial Services to consider a contractor's prior experience, including any significant disparity in the size and type of a prior project or projects compared to the project under consideration, at the time of prebid qualification.

Senate Amendment "A" to Committee Amendment "A" (S-428) proposed to further clarify how a contractor's resources are evaluated by allowing the Director of the Bureau of General Services within the Department of Administrative and Financial Services to consider a contractor's prior experience, including any significant disparity between the size and type of prior projects and the project or projects under consideration at the time of prebid qualification.

Enacted Law Summary

Public Law 2003, chapter 589 clarifies how a contractor's resources are evaluated. Specifically, it allows the Director of the Bureau of General Services within the Department of Administrative and Financial Services to

Joint Standing Committee on State and Local Government

consider a contractor's prior experience, including any significant disparity between the size and type of prior projects and the project or projects under consideration at the time of prebid qualification.

LD 1784 **Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Property in Fayette, Maine** **RESOLVE 105**

<u>Sponsor(s)</u> MCLAUGHLIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-667
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LD 1784 proposed to authorize the Commissioner of Administrative and Financial Services to sell one acre of land, more or less, near but not adjacent to the Baldwin Hill Road in Fayette and described in deed recorded at the Registry of Deeds of the County of Kennebec, State of Maine in Book 1053, Pages 3 and 4. This resolve would reauthorize the sale of that property for an additional period of 3 years.

Enacted Law Summary

Resolve 2003, chapter 105 reauthorizes the sale of state property in Fayette for an additional period of 3 years. This property, which was originally authorized to be sold by Resolve 1999, chapter 56, was repealed by its own terms on September 18, 2002. Resolve 1999, chapter 56 authorized the Commissioner of Administrative and Financial Services to sell one acre of land, more or less, near but not adjacent to the Baldwin Hill Road in Fayette and described in a deed recorded at the Registry of Deeds of the County of Kennebec, State of Maine in Book 1053, Pages 3 and 4.

LD 1785 **Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate in Presque Isle, Known as the "Aroostook Residential Center"** **RESOLVE 146**

<u>Sponsor(s)</u> FISCHER		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-696 S-585 MARTIN
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LD 1785 proposed to authorize the Commissioner of Administrative and Financial Services to sell or lease the State's interests in property known as the "Aroostook Residential Center" in Presque Isle. Under the proposed bill, the property must first be offered to the Central Aroostook Association for Retarded Citizens, Inc. for land value only, and next to social service agencies in Aroostook County.

Committee Amendment "A" (H-696) proposed to incorporate a fiscal note.

Senate Amendment "A" (S-457) proposed to remove the provisions of the resolve that would require the land to be offered to social services agencies in Aroostook County if the Central Aroostook Association for Retarded Citizens, Inc., or "CAARC," does not elect to purchase the property. The amendment proposed to require that, if CAARC does elect to purchase the property, CAARC must use the property for nonprofit purposes; failure to do so would cause the property to revert to the State.

Joint Standing Committee on State and Local Government

This amendment also proposed to extend the operation of the Aroostook Residential Center from its planned closing date of June 12, 2004 to July 31, 2004 and prohibit the conveyance prior to August 1, 2004 or 90 days after the effective date of the resolve, whichever comes first. As proposed, nothing in this amendment would prohibit the State from using the proceeds from the conveyance to offset the costs of extending the operation of the Aroostook Residential Center.

Senate Amendment "B" (S-585) proposed to allow the state property to be sold to another social service agency if the Central Aroostook Association for Retarded Citizens does not purchase the property and require the property to be used for nonprofit purposes.

Enacted Law Summary

Resolve 2003, chapter 146 authorizes the Commissioner of Administrative and Financial Services to sell or lease the State's interests in property known as the "Aroostook Residential Center" in Presque Isle. The property must first be offered to the Central Aroostook Association for Retarded Citizens, Inc. for land value only, and next to social service agencies, which may only use the land for nonprofit purposes.

LD 1839

Resolve, To Provide for Legislative Review of Certain Agency Rules and Submission of Certain Authorized Reports and Legislation

**RESOLVE 101
EMERGENCY**

Sponsor(s)
RICHARDSON J

Committee Report

Amendments Adopted

LD 1839 proposed to provide for procedural issues that arise as a result of a special session of the 121st Legislature that convenes before the statutory adjournment date of April 21, 2004. Specifically, the resolve proposed to do the following.

1. Authorize committees of jurisdiction under the State Government Evaluation Act to take actions under that Act in a special session.
2. Provide that any major agency rules that has not been acted upon may be held over to the special session.
3. Authorize certain actions in the special session that were authorized or required in the second regular session.

Enacted Law Summary

Resolve 2003, chapter 101 provides for procedural issues that arise as a result of a special session of the 121st Legislature that convenes before the statutory adjournment date of April 21, 2004. Specifically the resolve does the following.

1. It authorizes committees of jurisdiction under the State Government Evaluation Act to take actions under that Act in a special session.
2. It provides that any major agency rules that have not been acted upon may be held over to the special session.

Joint Standing Committee on State and Local Government

3. It authorizes certain actions in the special session that were authorized or required in the second regular session.

Resolve 2003, chapter 101 was passed as an emergency measure effective February 2, 2004.

LD 1840 **Resolve, Concerning Payments to Legislators during Special Session** **DIED IN CONCURRENCE**

<u>Sponsor(s)</u> DUPLESSIE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1840 proposed to provide that members of the Legislature would not be entitled to per diem compensation during a special session of the 121st Legislature that convened before the statutory adjournment date of April 21, 2004. The bill also proposed to not authorize the payment of constituent services allowances earlier than May 2004.

LD 1848 **An Act To Amend the Apportionment of Legislative House Districts 76 and 77** **PUBLIC 532 EMERGENCY**

<u>Sponsor(s)</u> DUNLAP		<u>Committee Report</u>		<u>Amendments Adopted</u> S-383 GAGNON
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LD 1848 proposed to amend the makeup of legislative House Districts 76 and 77 so that the line between the districts no longer bisects the Colby College campus in Waterville.

Senate Amendment "A" (S-383) proposed to add an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2003, chapter 532 amends the makeup of legislative House Districts 76 and 77 so that the line between the districts no longer bisects the Colby College campus in Waterville.

Public Law 2003, chapter 532 was enacted as an emergency measure effective March 3, 2004.

Joint Standing Committee on State and Local Government

LD 1872

An Act To Extend the Deadline for Reconsideration by Boards of Appeals

PUBLIC 635

<u>Sponsor(s)</u> MITCHELL MCGOWAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-444
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LD 1872 proposed to require a request to reconsider a decision to be filed within 20 days of the decision and extend the time for the board to reconsider the decision to 60 days. Current law requires a decision of a board of appeals to be appealed within 30 days of the decision.

Committee Amendment "A" (S-444) proposed to change the time period for a request to a board of appeals to reconsider a decision to within 10 days of the decision and extend the time for the board to reconsider the decision to 45 days. It also proposed to require that any party that chooses to appeal a reconsidered decision have 15 days from the date of the reconsidered decision to appeal the decision to Superior Court.

Enacted Law Summary

Public Law 2003, chapter 635 requires a request to a board of appeals to reconsider a decision to be filed within 10 days of the decision and extends the time for the board to reconsider the decision to 45 days. It also requires that any party that chooses to appeal a reconsidered decision have 15 days from the date of the reconsidered decision to appeal the decision to Superior Court.

LD 1873

An Act To Amend the Requirements for Status as Publisher of Legal Notices

ONTP

<u>Sponsor(s)</u> MITCHELL MCGOWAN	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 1873 proposed to remove the requirement that a newspaper be mailed as 2nd-class postal matter in the United States mails in order to qualify as a medium for the publication of legal notices and legal advertising.

Committee Amendment "A" (S-459) was the minority report of the committee and proposed to update language by changing the term "2nd class" to "periodical." It also proposed to permit a municipality to publish notices in a newspaper that is mailed as 3rd class mail if the legislative body approves use of the newspaper for that purpose, the newspaper meets other standards of existing law, the municipality retains a record of all published notices and the publisher of the newspaper has an archival system.

Joint Standing Committee on State and Local Government

LD 1896 **Resolve, Authorizing the Town of Eustis To Exchange a Certain Parcel of Land** **RESOLVE 122**

<u>Sponsor(s)</u> JODREY WOODCOCK		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1896 proposed to authorize the Town of Eustis to exchange a parcel of land owned by the Town of Eustis for a parcel of land owned by SP Forests, LLC.

Enacted Law Summary

Resolve 2003, chapter 122 authorizes the Town of Eustis to exchange a parcel of land owned by the Town of Eustis for a parcel of land owned by SP Forests, LLC.

LD 1925 **An Act To Change the Names of Certain Townships in the Unorganized Territory** **P & S 46
EMERGENCY**

<u>Sponsor(s)</u> PARADIS MARTIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-812 S-492 STANLEY
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LD 1925 proposed to authorize the Aroostook County commissioners to seek approval from the residents of Township 17, Range 5, WELS, to rename the township Cross Lake.

Committee Amendment "A" (H-812) proposed to add a mandate preamble to the bill.

Senate Amendment "A" (S-492) proposed to authorize the Piscataquis County commissioners to seek approval from the residents of Township 5, Range 9, NWP, to rename the township Ebeemee.

Enacted Law Summary

Private and Special Law 2003, chapter 46 authorizes the Aroostook County commissioners to seek approval from the residents of Township 17, Range 5, WELS, to rename the township Cross Lake. It also authorizes the Piscataquis County commissioners to seek approval from the residents of Township 5, Range 9, NWP, to rename the township Ebeemee.

Private and Special Law 2003, chapter 46 was enacted as an emergency measure effective April 22, 2004.

Joint Standing Committee on State and Local Government

LD 1926

An Act To Implement the Recommendations of the Joint Standing Committee on State and Local Government Pursuant to the State Government Evaluation Act

PUBLIC 600

Sponsor(s)

Committee Report

Amendments Adopted

LD 1926 proposed to implement the recommendations of the committee regarding the State Government Evaluation Act. It proposed to amend the State Government Evaluation Act by setting new dates for agency reviews. The bill proposed to require a designated agency employee to notify the State Controller immediately when a nonstate entity requests access to agency accounting records. It also proposed to change the name of the Department of Administration and Financial Services, Bureau of Accounts and Control to Office of the State Controller.

Enacted Law Summary

Public Law 2003, chapter 600 implements the recommendations of the committee regarding the State Government Evaluation Act. It amends the State Government Evaluation Act by setting new dates for agency reviews. It also requires a designated agency employee to notify the State Controller immediately when a nonstate entity requests access to agency accounting records. The law also changes the name of the Department of Administration and Financial Services, Bureau of Accounts and Control to Office of the State Controller.

LD 1941

An Act To Authorize the Town of Millinocket To Annex a Certain Parcel of Land

ONTP

Sponsor(s)
STANLEY
DUPREY G

Committee Report
ONTP

Amendments Adopted

LD 1941 proposed to allow the Town of Millinocket to annex land located in part of Township 3, Indian Purchase in Penobscot County.

LD 1950

An Act To Repeal Certain Boards and Commissions

PUBLIC 643

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 1950 proposed to repeal boards and commissions that failed to file an annual report of activities with the Secretary of State for 2002 and 2003. Additionally, this bill proposed to repeal boards and commissions that filed

Joint Standing Committee on State and Local Government

annual reports with the Secretary of State indicating inactivity in the preceding 24 months. As proposed, the boards and commissions designated to be repealed included the following:

1. Maine Governmental Information Network Board;
2. Maine Committee for Global and Geographic Education;
3. Commission on Investment Capital;
4. Certificate of Need Advisory Committee; and
5. New England Interstate Planning Commission.

It also proposed to designate that certain boards and commissions are not required to file an annual report if those boards or commissions are inactive, and direct the Secretary of State to exempt them from inclusion in the legislation repealing boards and commissions.

Enacted Law Summary

Public Law 2003, chapter 643 repeals the following boards and commissions that failed to file an annual report of activities with the Secretary of State or indicated inactivity in the preceding 24 months:

1. Maine Governmental Information Network Board;
2. Maine Committee for Global and Geographic Education;
3. Commission on Investment Capital;
4. Certificate of Need Advisory Committee; and
5. New England Interstate Planning Commission.

This law also designates that certain boards and commissions are not required to file an annual report if those boards or commissions are inactive, and directs the Secretary of State to exempt them from inclusion in the legislation repealing boards and commissions.

LD 1961

An Act To Clarify Legislative Pay

PUBLIC 691

<u>Sponsor(s)</u> TREAT COLWELL	<u>Committee Report</u>	<u>Amendments Adopted</u> S-544 GAGNON
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LD 1961 proposed to eliminate the per diem compensation payment for attendance at any special session of the Legislature that convenes prior to the statutory adjournment date. This bill would apply retroactively to January 30, 2004.

House Amendment "A" (H-948) proposed to provide that the nonpayment of special session per diem applies only until the statutory adjournment date of the regular session that immediately preceded the special session. It

Joint Standing Committee on State and Local Government

proposed that if the special session extends beyond the statutory adjournment date of the regular session, then Legislators would be entitled to the special session per diem.

This amendment also proposed to require that any special session per diem not paid because the special session was held prior to the statutory adjournment date for a regular session must be used to construct and maintain a Maine veterans memorial cemetery in Springvale. It proposed that if there was any revenue left, it must be allocated to the Maine Military Family Relief Fund, as established in this amendment.

House Amendment "B" (H-949) proposed to provide that the nonpayment of special session per diem apply only until the statutory adjournment date of the regular session during which the special session is held. It proposed that if the special session extends beyond the statutory adjournment date of the regular session, then Legislators would be entitled to the special session per diem.

This amendment also proposed to require that any special session per diem not paid because the special session was held prior to the statutory adjournment date for a regular session must be paid to the Maine Budget Stabilization Fund.

Senate Amendment "A" (S-540) proposed to direct that \$770,000 of unencumbered balance in the Legislative account lapse to the General Fund in fiscal year 2003-04.

Senate Amendment "B" (S-541) proposed to remove the retroactivity clause.

Senate Amendment "C" (S-542) proposed to repeal the automatic cost-of-living adjustment in the annual legislative salary, but maintain the legislative salary at its current level to reflect cost-of-living adjustments applied in previous years.

This amendment also proposed to provide that the nonpayment of special session per diem applies only until the statutory adjournment date of the regular session that immediately preceded the special session. It proposed that if the special session extends beyond the statutory adjournment date of the regular session, then Legislators would be entitled to the special session per diem.

Senate Amendment "D" (S-544) proposed to remove the emergency preamble and the emergency clause.

Enacted Law Summary

Public Law 2003, chapter 691 eliminates the per diem compensation payment for attendance at any special session of the Legislature that convenes prior to the statutory adjournment date. This bill applies retroactively to January 30, 2004.

LD 1963

**An Act To Provide a Consistent Deadline for Filing
Regulatory Agendas**

**DIED BETWEEN
BODIES**

Sponsor(s)
DAGGETT

Committee Report

Amendments Adopted

LD 1963 proposed to change the deadline for state agencies to file an annual regulatory agenda to a date certain of October 1st instead of the current deadline of 100 days after the end of a regular legislative session.

*State Of Maine
121st Legislature*

*Second Regular Session
and Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Taxation*

May 2004

Staff:

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Members:

*Sen. Stephen S. Stanley, Chair
Sen. Ethan Strimling
Sen. Richard A. Nass*

*Rep. David G. Lemoine, Chair
Rep. Joseph C. Perry
Rep. Bernard E. McGowan
Rep. Deborah L. Simpson*

*Rep. Arthur Lerman
Rep. Edward J. Suslovic
Rep. Harold A. Clough
Rep. Jonathan T. E. Courtney
Rep. Earle L. McCormick
Rep. Joshua A. Tardy*

JOINT STANDING COMMITTEE ON TAXATION

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	30	75.0%	6.1%
<u><i>Bills Carried Over from previous session</i></u>	<u>9</u>	<u>22.5%</u>	<u>1.8%</u>
Total Bills referred	39	97.5%	7.9%
B. Bills reported out by law or joint order			
	1	2.5%	0.2%
Total Bills considered by Committee	40	100.0%	8.1%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	3	7.9%	0.6%
<i>Ought to Pass as Amended</i>	14	36.8%	2.9%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>5</u>	<u>13.2%</u>	<u>1.1%</u>
Total unanimous reports	22	57.9%	4.6%
B. Divided committee reports			
<i>Two-way reports</i>	14	36.8%	2.9%
<i>Three-way reports</i>	2	5.3%	0.4%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	16	42.1%	3.4%
Total committee reports	38¹	95.0%	8.0%
III. CONFIRMATION HEARINGS			
	0	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	10	25.0%	2.0%
<i>Private and Special Laws</i>	1	2.5%	0.2%
<i>Resolves</i>	5	12.5%	1.0%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	16	40.0%	3.2%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	1	100.0%	7.1%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	1	100.0%	7.1%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

¹ Total does not include two bills referred to the Taxation Committee that were removed from committee without a committee vote.

Prepared by the Office of Policy and Legal Analysis

121st Legislature, Second Regular and Second Special Sessions

Joint Standing Committee on Taxation

SUBJECT INDEX

Administration of Tax Laws

Enacted

LD 1703	Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory	RESOLVE 104 Page 472
LD 1807	Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in a Certain Parcel of Real Estate Located in the City of Auburn	RESOLVE 108 Page 477
LD 1813	An Act To Make Minor Substantive Changes to the Tax Laws	PUBLIC 705 Page 478
LD 1816	An Act Concerning Technical Changes to the Tax Laws	PUBLIC 588 Page 480
LD 1882	An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2004-05	P & S 44 Page 483 EMERGENCY
LD 1895	Resolve, To Reduce the State Valuation for the Town of East Millinocket	RESOLVE 123 Page 484

Not Enacted

LD 1769	An Act To Provide for Fair Treatment of Taxpayers	INDEF PP Page 476
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Income Tax - General

Enacted

LD 1492	An Act To Promote the Production and Use of Fuels Derived from Agricultural and Forest Products	PUBLIC 698 Page 468
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LD 1629 **RESOLUTION, Proposing a Competing Measure
under the Constitution of Maine To Create
Municipal Service Districts To Reduce the Cost of
Local Government, To Provide Property Tax
Relief and To Increase Economic Competitiveness** **CMR 1 Page 468**

LD 1724 **An Act To Create the Maine Military Family Relief
Fund** **PUBLIC 703 Page 473**

LD 1763 **An Act To Promote Responsible Pet Ownership** **PUBLIC 682 Page 475**

Not Enacted

LD 1141 **An Act To Provide Property Tax Relief for Maine
Residents and Businesses and Implement
Comprehensive Tax Reform** **DIED IN Page 466
CONCURRENCE**

LD 1394 **An Act To Modernize the State's Tax System** **ONTP Page 467**

LD 1651 **An Act To Conform the Maine Tax Laws for 2003
to the United States Internal Revenue Code** **INDEF PP Page 470**

LD 1664 **An Act To Provide an Income Tax Modification for
the Empowerment Zone Employment Credit** **ONTP Page 471**

LD 1745 **An Act To Exempt Unemployment Benefits from
State Income Tax** **INDEF PP Page 474**

Income Tax - Pensions

Enacted

None

Not Enacted

LD 1670 **An Act To Include Disability Retirement Income in
Retirement Income Eligible for Tax Exemption** **INDEF PP Page 471**

LD 1684 **An Act To Make Retirement Benefits More
Equitable by Imposing a Surcharge on Income
from Congressional Retirement Benefits** **DIED BETWEEN Page 472
HOUSES**

LD 1927 **An Act To Modify Taxation of Benefits under
Employee Retirement Plans, Including Retirement
Plans for Teachers** **INDEF PP Page 489**

Miscellaneous Taxes

Enacted

LD 1629	RESOLUTION, Proposing a Competing Measure under the Constitution of Maine To Reduce the Cost of Local Government through Increased State Education Funding and Provide Property Tax Relief	CMR 1 Page 468
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Not Enacted

LD 345	An Act To Reinstate a Milk Handling Fee	ONTP Page 464
LD 1923	An Act To Increase Business Investment, Provide Expanded Property Tax Relief to Low-income and Moderate-income Homeowners and Cap Local and County Spending	INDEF PP Page 485

Property Tax - General

Enacted

LD 827	An Act Regarding Wildlife Habitat Conservation	PUBLIC 619 Page 465
LD 1746	An Act To Provide Equity in Veterans' Property Tax Exemptions	PUBLIC 702 Page 474
LD 1794	An Act To Expand Maine's Homestead Exemption for the Blind	PUBLIC 686 Page 476
LD 1850	Resolve, Regarding Legislative Review of Chapter 31: Affordable Housing Development District - Recovery of Public Revenue, a Major Substantive Rule of the Maine State Housing Authority	RESOLVE 115 Page 483 EMERGENCY
LD 1887	Resolve, To Reduce the State Valuation for the Town of Lincoln	RESOLVE 124 Page 484
LD 1924	An Act To Reduce the Cost of Local Government through Increased State Education Funding and Provide Property Tax Relief	PUBLIC 712 Page 486

Not Enacted

LD 938	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Assessment of Lands Used for Long-term Ownership	DIED BETWEEN HOUSES Page 465
LD 951	An Act To Establish the Maine Land Bank and Community Preservation Program	ONTP Page 466
LD 1674	An Act To Provide Property Tax Relief for Veterans Who Reside in Cooperative Housing	INDEF PP Page 471
LD 1893	An Act To Impose Limits on Real and Personal Property Taxes	ONTP Page 484
LD 1911	An Act To Authorize Municipalities To Establish Local Tax Relief Programs	ONTP Page 485

Property Tax - Homestead Property

Enacted

LD 1629	RESOLUTION, Proposing a Competing Measure under the Constitution of Maine To Reduce the Cost of Local Government through Increased State Education Funding and Provide Property Tax Relief	CMR 1 Page 468
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Not Enacted

LD 1824	An Act To Provide Property Tax Relief to Maine Homeowners	INDEF PP Page 482
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Property Tax - BETR; Personal Property

Enacted

LD 1629	RESOLUTION, Proposing a Competing Measure under the Constitution of Maine To Reduce the Cost of Local Government through Increased State Education Funding and Provide Property Tax Relief	CMR 1 Page 468
LD 1804	An Act To Clarify Property Eligible for Reimbursement of Property Taxes under the Business Equipment Tax Reimbursement Program	PUBLIC 625 Page 477

Not Enacted

LD 208	RESOLUTION, Proposing an Amendment to the Constitution of Maine Related to the Taxation of Personal Property	ONTP Page 464
LD 975	An Act To Improve the Business Equipment Tax Reimbursement Program	ONTP Page 466
LD 1394	An Act To Modernize the State's Tax System	ONTP Page 467
LD 1735	An Act To Repeal the Taxation of Personal Property Valued at \$1,000 or More	ONTP Page 474
LD 1923	An Act To Increase Business Investment, Provide Expanded Property Tax Relief to Low-income and Moderate-income Homeowners and Cap Local and County Spending	INDEF PP Page 485

Property Tax - Circuit Breaker

Enacted

LD 1629	RESOLUTION, Proposing a Competing Measure under the Constitution of Maine To Reduce the Cost of Local Government through Increased State Education Funding and Provide Property Tax Relief	CMR 1 Page 468
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Not Enacted

LD 1394	An Act To Modernize the State's Tax System	ONTP Page 467
LD 1824	An Act To Provide Property Tax Relief to Maine Homeowners	INDEF PP Page 482
LD 1923	An Act To Increase Business Investment, Provide Expanded Property Tax Relief to Low-income and Moderate-income Homeowners and Cap Local and County Spending	INDEF PP Page 485

Sales Tax

Enacted

LD 1629 **RESOLUTION, Proposing a Competing Measure under the Constitution of Maine To Reduce the Cost of Local Government through Increased State Education Funding and Provide Property Tax Relief** **CMR 1 Page 468**

Not Enacted

LD 746 **Resolve, Directing the Joint Standing Committee on Taxation To Study the State's Participation in the National Streamlined Sales and Use Tax Agreement and Report Legislation Necessary To Bring the State into Conformity with That Agreement** **INDEF PP Page 464**

LD 1394 **An Act To Modernize the State's Tax System** **ONTP Page 467**

LD 1714 **An Act To Streamline the Sales Tax Credit for Worthless Accounts To Eliminate Unnecessary Burdens on Certain Maine Businesses and Consumers** **INDEF PP Page 472**

LD 1718 **An Act To Clarify the Sales Tax Exemptions Regarding Assisted Housing Programs** **ONTP Page 473**

Tax Reform

Enacted

LD 1924 **An Act To Reduce the Cost of Local Government through Increased State Education Funding and Provide Property Tax Relief** **PUBLIC 712 Page 486**

Not Enacted

LD 938 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Assessment of Lands Used for Long-term Ownership** **DIED BETWEEN HOUSES Page 465**

LD 951 **An Act To Establish the Maine Land Bank and Community Preservation Program** **ONTP Page 466**

LD 1141	An Act To Provide Property Tax Relief for Maine Residents and Businesses and Implement Comprehensive Tax Reform	DIED IN CONCURRENCE Page 466
LD 1394	An Act To Modernize the State's Tax System	ONTP Page 467
LD 1824	An Act To Provide Property Tax Relief to Maine Homeowners	INDEF PP Page 482
LD 1893	An Act To Impose Limits on Real and Personal Property Taxes	ONTP Page 484
LD 1911	An Act To Authorize Municipalities To Establish Local Tax Relief Programs	ONTP Page 485
LD 1923	An Act To Increase Business Investment, Provide Expanded Property Tax Relief to Low-income and Moderate-income Homeowners and Cap Local and County Spending	INDEF PP Page 485

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LD 208 **RESOLUTION, Proposing an Amendment to the Constitution of
Maine Related to the Taxation of Personal Property** **ONTP**

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

LD 208 was carried over from the First Regular Session and proposed an amendment to the Constitution of Maine to exempt business personal property from property tax as a general rule, but would have permitted municipalities to tax business personal property on the basis of just value or another basis authorized by the Legislature.

LD 345 **An Act To Reinstate a Milk Handling Fee** **ONTP**

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

LD 345 was carried over from the First Regular Session and proposed to reinstate the milk handling tax, which was in effect in 1995 and 1996, at the rate of 8¢ per quart on all milk handled for retail sale in Maine. The tax would be paid on a monthly basis by the wholesale handler or, if there was none, by the retail handler. Proceeds of the tax would be paid to the State's General Fund for general purposes of State Government and would not be dedicated to any particular purpose. The bill also proposed to repeal the tax on January 1, 2005.

LD 746 **Resolve, Directing the Joint Standing Committee on Taxation To
Study the State's Participation in the National Streamlined Sales
and Use Tax Agreement and Report Legislation Necessary To
Bring the State into Conformity with That Agreement** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE STANLEY	ONTP MAJ OTP-AM MIN	H-672

LD 746, a concept draft, was carried over from the First Regular Session and proposed to adopt the model sales and use tax proposal adopted on November 12, 2002 by the national Streamlined Sales Tax Project. The Streamlined Sales Tax Project is a multistate effort to simplify state sales tax laws so that they are more comprehensible to consumers and easier to administer by retailers, including mail order and Internet retailers. Under the model act, states would retain the right to determine whether to tax any item and to set the rate of tax, as well as the right to authorize local option sales taxes. The model act would make consistent among participating states the definitions of items, and each taxing jurisdiction would have only one tax rate rather than multiple rates for different taxable items.

Committee Amendment "A" (H-672) proposed to replace the bill, change it to a resolve and change the title. It would require the Joint Standing Committee on Taxation to analyze and study conformity of the State's sales and

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use tax laws with the national Streamlined Sales and Use Tax Agreement and make a recommendation regarding conformity, including legislation if necessary, to the First Regular Session of the 122nd Legislature

This study was not approved by the Legislative Council.

LD 827

An Act Regarding Wildlife Habitat Conservation

PUBLIC 619

<u>Sponsor(s)</u> DUNLAP EDMONDS	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-799
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LD 827 was carried over from the First Regular Session by the Joint Standing Committee on Inland Fisheries and Wildlife and rereferred jointly to the Joint Standing Committees on Taxation and Inland Fisheries and Wildlife. The bill proposed 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 could include a provision that exempted 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, no more than 15% of that landowner's holdings in the unorganized territory could be the subject of an agreement to manage the land as wildlife habitat.

Committee Amendment "A" (H-799) proposed to replace the bill. It proposed to clarify the meaning of "wildlife habitat" for purposes of the farm and open space tax law and require assessors to consider whether there was a written agreement for the protection of wildlife habitat when determining eligibility for classification under that law.

Enacted Law Summary

Public Law 2003, chapter 619 clarifies the meaning of "wildlife habitat" for purposes of the farm and open space tax law and requires assessors to consider whether there is a written agreement for the protection of wildlife habitat when determining eligibility for classification under that law.

LD 938

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Change the Assessment of Lands Used for Long-term
Ownership**

**DIED BETWEEN
HOUSES**

<u>Sponsor(s)</u> PERCY MAYO	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 938 was carried over from the First Regular Session and together with LD 951, commonly referred to as the "Chebeague proposal," proposed to permit land used for long-term ownership, or generational family ownership, to be assessed based on current use. A penalty could be imposed if the land were transferred outside of the immediate family or by other than a designated bequest. See related bill, LD 951.

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LD 951 **An Act To Establish the Maine Land Bank and Community Preservation Program** **ONTP**

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

LD 951 was carried over from the First Regular Session and, together with LD 938, commonly referred to as “the Chebeague proposal,” proposed to provide property tax relief to property owners in the State. Under the bill, a voluntary Maine Land Bank and Community Preservation Program would be created for residential and nonresidential real estate. The program would apply to land only and not buildings. The base value of land would be determined by looking back 5 years to the assessed value of the land as adjusted by using the state-certified ratio for that year. The program proposed to include provisions requiring adjustments or penalties in cases when there was a change in ownership other than to a family member or by designated bequest or the land is withdrawn from the program. The entire bill would be subject to a statutory referendum and would be conditional upon an amendment to the Constitution of Maine passing at the next statewide election. See related bill, LD 938.

LD 975 **An Act To Improve the Business Equipment Tax Reimbursement Program** **ONTP**

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

LD 975 was carried over from the First Regular Session and proposed to prohibit reimbursement of property taxes under the Business Equipment Tax Reimbursement program if the taxes were also reimbursed under a tax increment financing district agreement.

LD 1141 **An Act To Provide Property Tax Relief for Maine Residents and Businesses and Implement Comprehensive Tax Reform** **ONTP**

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

LD 1141 was carried over from the First Regular Session and proposed to provide for a statutory referendum designed to achieve tax relief for residents and businesses in the State and implement comprehensive tax and education funding reform. The bill proposed to provide property tax relief by establishing a cap on local property taxes of 12 mills on secondary residential property and 4 mills on all other property for the purpose of funding public education. Additional money for public education would have been raised from the property tax only if approved by the voters at a referendum.

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The bill also proposed to provide property tax relief by expanding the tax and rent refund program, phasing out the tax on certain personal property and gradually eliminating the need for the business equipment tax reimbursement program. Education funding would be stabilized by setting aside a portion of unappropriated surplus for an Education Funding Stabilization Fund. Income tax relief would be provided by setting aside a portion of revenues in excess of estimates to be used to reduce income tax rates. The bill proposed to direct the Joint Standing Committee on Taxation to report legislation to the Second Regular Session to raise revenue necessary to meet the State's education funding obligation. The referendum questions would require the voters to indicate whether they would prefer raising the sales tax rate by 2 percentage points or by removing sales tax exemptions and increasing the rate by no more than one percentage point. The bill would take effect only if a majority of the voters approved at least one of the revenue options and if a constitutional amendment was also approved to permit different property tax rates for secondary residential property.

LD 1394

An Act To Modernize the State's Tax System

ONTP

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

LD 1394 was carried over from the First Regular Session and proposed the following:

Part A proposed to expand the Maine Residents Property Tax Program, the so-called "circuit breaker program," by reducing the tax-to-income threshold initially to 3%, phasing in an additional decrease of .5% over a 4-year period; increasing the maximum rebate to \$6,000; increasing the income limits for single-member households and households with 2 or more members to \$45,000 and \$75,000, respectively; increasing the renter rebate to 25%; and allowing persons to use the income tax form to file for a refundable credit.

Part B proposed to increase from 5.1% to 8.5% the percentage of sales and income tax revenues transferred to the Local Government Fund for revenue sharing.

Part C proposed to reform the income tax by increasing the personal exemption amount to equal the federal amount, increasing the earned income credit and making it refundable and creating a 10% income tax bracket for income of \$100,000 or more for single filers, \$150,000 or more for persons filing as heads of household and \$200,000 for persons filing married joint returns.

Part D proposed to expand the definition of "taxable services" for purposes of the imposition of sales tax to include amusement and recreational, business, personal and professional services and eliminate the sales tax exemption for sales of short-term publications. It also proposed to limit the exemption on funeral services and repeal the exemption on coin-operated vending machine sales and require the joint standing committee of the Legislature having jurisdiction over taxation matters to review annually the additional sales tax revenue collected, as well as the annual cost of reimbursing municipalities as required. Any such revenue collected in excess of the reimbursement obligation would be used to reduce the tax burden on Maine citizens.

Part E proposed to increase the sales tax on lodging from 7% to 10%.

Part F proposed to reform the business equipment tax reimbursement program (BETR) by limiting state reimbursement to 70% of the taxes paid on eligible property reduced by the amount of tax reimbursement received for the property through a tax increment financing agreement.

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Part G proposed that, for property first placed in service in property tax years beginning after April 1, 2003, property used in, or in support of, the provision of a nonqualified service or a retail sales facility would not be eligible for BETR reimbursement.

LD 1492 An Act To Promote the Production and Use of Fuels Derived from PUBLIC 698
Agricultural and Forest Products

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SUSLOVIC	OTP-AM	H-641 S-564 CATHCART

LD 1492 was carried over from the First Regular Session and proposed to provide an income tax credit of 5¢ per gallon for the production of liquid fuels from biomass.

Committee Amendment “A” (H-641) proposed to expand the definition of "biofuel" to include gaseous fuels such as hydrogen and methane. It proposed to clarify that the income tax credit apply only to tax attributable to income derived from the production of biofuel and add a requirement that the biofuel meet state and federal regulatory requirements. The amendment also proposed to clarify the requirements for documenting eligibility for the credit and to add an appropriation and allocation section.

Senate Amendment “A” to Committee Amendment “A” (S-564) proposed to remove the appropriations and allocations section.

Enacted Law Summary

Public Law 2003, chapter 698 provides an income tax credit of 5¢ per gallon of biofuel produced in the State that meets state and federal regulatory requirements. The credit applies only against taxes attributable to income derived from the production of biofuel.

LD 1629 RESOLUTION, Proposing a Competing Measure under the CMR 1
Constitution of Maine To Create Municipal Service Districts To
Reduce the Cost of Local Government, To Provide Property Tax
Relief and To Increase Economic Competitiveness

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE	OTP-AM A	H-601
STANLEY	OTP-AM B	H-608 PERCY
	OTP-AM C	S-350 STANLEY
	ONTP D	S-351 GAGNON

LD 1629, a Governor’s bill, was carried over from the First Regular Session to the First Special Session and proposed a competing measure with Initiated Bill 3, Legislative Document 1372, “An Act to Enact the School Finance Act of 2003.” The resolution proposed to provide a fiscal reform package that would reduce costs of governmental services now borne by municipalities and reduce property tax burdens in the following ways:

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1. By providing fiscal incentives for regional consolidation through the establishment of municipal service districts;
2. By expanding property tax relief available through the Maine Residents Property Tax Program and repealing the homestead exemption;
3. By repealing prospectively the Business Equipment Tax Reimbursement Program, providing a property tax exemption for personal property that would have been eligible for BETR, including "BETR-expired" property and providing 50% reimbursement to municipalities for lost taxes;
4. By permitting a 1% local option sales and use tax limited to 5 years and used to finance eligible capital projects; and
5. By lowering the top rate under the income tax over 15 years and reducing the extent of indexing for inflation.

Committee Amendment "C" (H-601) was the majority report of the committee during the First Special Session. It proposed to replace the body of the resolution with 2 new Parts. Part A of this amendment proposed to amend the Essential Programs and Services Funding Act to increase the State's share of funding public education from kindergarten to grade 12 from 50% over 5 years to 55% over 5 years. Part A also proposed to establish the essential programs and services model for funding education as the basis for the calculation of a full-value education mill rate expectation identifying the state and local share of the cost of providing essential programs and services beginning in fiscal year 2005-06.

Part B proposed to establish a cap on growth in the municipal services side of municipal budgets modeled after the budget stabilization cap for the State Government budget. Whether a municipality has exceeded the budget cap will be determined as part of a municipality's annual postaudit. If the budget cap has been exceeded, the municipality's share of state revenue sharing will be reduced.

This amendment also proposed to change the wording of the referendum question.

House Amendment "C" to Committee Amendment "C" (H-608) proposed to require the Department of Education and the Department of Administrative and Financial Services, Bureau of Revenue Services to review the effectiveness of this resolution in lowering property taxes and meeting the goals of education funding and to report their findings and recommendations to the joint standing committee of the Legislature having jurisdiction over taxation matters in 2010. The committee would be authorized to report out legislation if necessary to further the goals of this resolution.

Senate Amendment "G" to Committee Amendment "C" (S-350) proposed to restore the homestead property tax exemption to \$7,000 for all homesteads. The amendment also proposed to expand the Maine Residents Property Tax Program, commonly referred to as the circuit breaker program, by phasing in over a 3-year period increases to the income eligibility limits, the maximum benefit and the percentage of refundable taxes between 4% and 8% of household income. The maximum benefit would be increased to \$1,250 in 2004, \$1,750 in 2005 and \$2,000 in 2006 and after. The eligibility limits would be increased for single-member households and multiple-member households and would be increased respectively to \$35,000 and \$55,000 in 2004, \$40,000 and \$60,000 in 2005 and \$50,000 and \$75,000 in 2006 and after. The percentage of refundable taxes between 4% and 8% of household income would be increased to 52.5% in 2004, 55% in 2005 and 60% in 2006 and after.

Senate Amendment "H" to Committee Amendment "C" (S-351) proposed to remove the provision establishing a referendum process if the local cost share expectation is exceeded. The amendment proposed to

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remove all of Part B of the Committee Amendment "C", which proposed to establish a cap on municipal budget growth. The amendment also proposed to amend the question.

Enacted Law Summary

Competing Measure Resolution 2003, chapter 1 was adopted in the First Special Session. It set forth a competing measure, pursuant to Article IV, Part 3, Section 18 of the Constitution of Maine, to be placed on the ballot in November 2003 with Initiated Bill 3, An Act to Enact the School Finance Act of 2003. If approved by the voters, the resolution would accomplish the following.

Competing Measure Resolution 2003, chapter 1 set forth a competing measure that would increase the State's share of the cost of funding public education from kindergarten to grade 12 under the essential programs and services funding model to 55% by fiscal year 2009-10. The resolution also established a formula for calculating a maximum local mill rate expectation that would not exceed 10 mills.

The resolution would restore the homestead property tax exemption to \$7,000 for all homesteads.

The resolution would increase benefits and eligibility under the Maine Residents Property Tax Program over 3 years by raising the income eligibility to \$50,000 for single member households and \$75,000 for multiple member households, increasing the maximum benefit to \$2,000 and increasing the portion of rebated taxes between 4% and 8% of income from 50% to 60%.

Neither Initiated Bill 3 nor Competing Measure Resolution 1 received sufficient votes in November 2003 to become law; however, under the terms of the Maine Constitution, Initiated Bill 3, receiving the highest number of votes, will be submitted to the voters again by itself in June 2004.

LD 1651

An Act To Conform the Maine Tax Laws for 2003 to the United States Internal Revenue Code

INDEF PP

Sponsor(s)
LEMOINE
STANLEY

Committee Report
OTP-AM

Amendments Adopted

LD 1651 proposed to update references to the United States Internal Revenue Code contained in Title 36 of the Maine Revised Statutes, to the United States Internal Revenue Code as amended through December 31, 2003, for tax years beginning on or after January 1, 2003 and for any prior years as specifically provided by the United States Internal Revenue Code. The provisions of this bill, as amended, were included in LD 1813. See summary of 1813 below.

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LD 1664 **An Act To Provide an Income Tax Modification for the Empowerment Zone Employment Credit** **ONTP**

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

LD 1664 proposed to allow a business to deduct any amount received under the federal empowerment zone employment credit program, which provides tax incentives to businesses who hire employees who live and work in federally designated "empowerment zones." The provisions of this bill were included in LD 1813. See summary of LD 1813 below.

LD 1670 **An Act To Include Disability Retirement Income in Retirement Income Eligible for Tax Exemption** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	OTP-AM	H-787

LD 1670 proposed to provide an income tax exemption for the first \$6,000 of income received under a disability retirement plan administered by the State for state employees and teachers.

Committee Amendment "A" (H-787) proposed to expand the \$6,000 income tax exemption for retirement income to include benefits under all employer-maintained disability retirement benefit plans. The amendment also proposed to add an application section

This bill was indefinitely postponed when removed from the Special Appropriations Table.

LD 1674 **An Act To Expand Property Tax Exemptions for Veterans to Cooperative Housing** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LESSARD MAYO	OTP-AM MAJ ONTP MIN	H-786

LD 1674 proposed to apply the property tax exemption for veterans to veterans or certain members of their family who have an ownership interest in a cooperative housing entity.

Committee Amendment "A" (H-786) proposed to replace the bill and establish a rebate program for veterans and their survivors who are not eligible for a property tax exemption because they live in cooperative housing. The rebate program would provide those veterans and their survivors with tax benefits equivalent to what they would receive if they were eligible for a property tax exemption.

This bill was indefinitely postponed when removed from the Special Appropriations Table.

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LD 1684 **An Act To Make Retirement Benefits More Equitable by Imposing a Surcharge on Income from Congressional Retirement Benefits** **DIED BETWEEN HOUSES**

<u>Sponsor(s)</u> DAVIS P	<u>Committee Report</u> OTP- AM MAJ ONTP MIN	<u>Amendments Adopted</u>
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LD 1684 proposed to impose a state income tax surcharge on the benefits of members of Congress received under the congressional retirement plan. The surcharge would be applied in 3 stages to take a progressively larger portion of the affected benefits as those benefits increase. In this regard, the surcharge would be similar to the 3-tiered reduction to Social Security benefits under the windfall elimination and offset provisions of Social Security law for retirees who receive benefits under both Social Security and another public pension plan.

LD 1703 **Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory** **RESOLVE 104**

<u>Sponsor(s)</u> STANLEY LEMOINE	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1703 proposed to authorize the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory that were acquired for nonpayment of property tax.

Enacted Law Summary

Resolve 2003, chapter 104 authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory that were acquired for nonpayment of property taxes.

LD 1714 **An Act To Streamline the Sales Tax Credit for Worthless Accounts To Eliminate Unnecessary Burdens on Certain Maine Businesses and Consumers** **INDEF PP**

<u>Sponsor(s)</u> DAMON SIMPSON	<u>Committee Report</u> OTP AM MAJ ONTP MIN	<u>Amendments Adopted</u> S-451
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LD 1714 proposed to allow an automobile retailer to claim the worthless account sales tax credit when the account is charged off by a company that provides financing primarily to customers of that automobile retailer. This bill also proposed to allow an automobile retailer who has not paid an assessment issued on or after October 1, 2002 for sales tax due on a worthless account to obtain a credit for the sales tax paid on that worthless account.

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Committee Amendment “A” (S-451) proposed to change a reference from "entity" to "person" to clarify the definition of “related finance company”, remove the retroactivity provision and add an effective date.

This bill was indefinitely postponed when removed from the Special Appropriations Table.

LD 1718 **An Act To Clarify the Sales Tax Exemptions Regarding Assisted Housing Programs** **ONTP**

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

LD 1718 proposed to clarify that sales made to incorporated nonprofit assisted housing programs for the elderly licensed by the Department of Human Services would be exempt from taxation.

The provisions of this bill were included in LD 1813. See summary of LD 1813 below.

LD 1724 **An Act To Create the Maine Military Family Relief Fund** **PUBLIC 703**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM	S-422 S-593 CATHCART

LD 1724 proposed to establish the Maine Military Family Relief Fund and an income tax check-off for contributions to the Fund. See also LD 1699 summarized under the Committee on Legal and Veterans Affairs.

Committee Amendment “A” (S-422) proposed to change the date for tax years to which the income tax checkoff applies and add a repeal of the checkoff on December 31, 2007. It also proposed to add an appropriation and allocation section to the bill.

Senate Amendment “A” (S-593) proposed to replace a General Fund appropriation for the Department of Administrative and Financial Services, Bureau of Revenue Services with an Other Special Revenue allocation and to require the bureau to absorb any initial administrative costs. It also proposed to require transfers from the Maine Military Family Relief Fund to an Other Special Revenue Funds account within the bureau to be used to support the operations of the bureau necessary for the implementation of this Act.

Enacted Law Summary

Public Law 2003, chapter 703 establishes the Maine Military Family Relief Fund and enacts an income tax checkoff to permit individual income tax filers to make contributions to the fund. The fund is administered by the Adjutant General who is authorized to make grants from the fund to families of persons who are members of the Maine National Guard or the armed forces reserves who have been called to active duty. The income tax checkoff is repealed December 31, 2007.

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LD 1735 **An Act To Repeal the Taxation of Personal Property Valued at \$1,000 or More** **ONTP**

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

LD 1735 proposed to extend to all personal property the exemption from municipal taxation of items of personal property valued at \$1,000 or less.

LD 1745 **An Act To Exempt Unemployment Benefits from State Income Tax** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK DAVIS P	ONTP MAJ OTP-AM MIN	H-755 H-813 CLARK

LD 1745 proposed to exempt unemployment benefits from Maine income tax beginning January 1, 2004.

Committee Amendment "A" (H-755) proposed to clarify the unemployment benefits to which the exemption applied.

House Amendment "A" (H-813) proposed to remove the emergency preamble and emergency clause.

This bill was indefinitely postponed when removed from the Special Appropriations Table.

LD 1746 **An Act To Provide Equity in Veterans' Property Tax Exemptions** **PUBLIC 702**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON HATCH PH	OTP-AM	H-725 H-742 LEMOINE S-566 CATHCART

LD 1746 proposed to extend to widowers of veterans the same property tax exemptions that are currently provided to widows of veterans. The bill also proposed to extend to fathers of veterans the same property tax exemptions that are currently provided to mothers of veterans.

Committee Amendment "A" (H-725) proposed to extend veterans' property tax exemptions to fathers of eligible veterans to include those who survive veterans of World War I, in order to provide statutory consistency.

House Amendment "A" (H-742) proposed to add a change to the bill to extend the property tax exemptions for certain mothers of veterans to include fathers of veterans to correct an omission in the bill.

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Senate Amendment "A" (S-566) proposed to add a mandate preamble to the bill.

Enacted Law Summary

Public Law 2003, chapter 702 extends to widowers and fathers of veterans the same property tax exemptions that are currently provided to widows and mothers of veterans.

LD 1763

An Act To Promote Responsible Pet Ownership

PUBLIC 682

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL BRYANT	OTP-AM	H-727 S-567 CATHCART

LD 1763, based on New Hampshire law, proposed to establish the Companion Animal Sterilization Program beginning January 1, 2005 to provide funding assistance to Maine residents who adopt a dog or cat from an animal shelter and need the animal to be spayed or neutered. A resident would pay a fee of \$30 to participating veterinarians. Disabled, elderly, unemployed or low-income residents who were eligible to receive low-income assistance, such as food stamps or MaineCare or unemployment benefits, would pay a fee of \$15, which would cover an examination, vaccinations and sterilization from a participating veterinarian.

Participating veterinarians would be reimbursed for the difference between the fee and 80% of the veterinarian's fee for sterilizing the companion animal less the copayment; if the companion animal were owned by a disabled, elderly, low-income or unemployed person, the veterinarian would receive full reimbursement.

The primary source of funding for the program would be a voluntary checkoff on the individual income tax form that would allow a taxpayer to donate a portion of a tax refund or make a donation with the tax return.

This bill also proposed to establish the Companion Animal Overpopulation Committee, a permanent committee whose purpose would be to study and report on pet overpopulation in Maine and the relationship of companion animal overpopulation to the spread of rabies and other threats to the public health and make recommendations to reduce the number of stray and homeless cats and dogs in the State and the number of healthy cats and dogs euthanized in animal shelters and to increase compliance with dog licensing and rabies vaccination laws.

Committee Amendment "A" (H-727) proposed to strike portions of the bill providing statutory details for the establishment of a companion animal sterilization program. The amendment proposed to retain and revise provisions establishing the Companion Animal Sterilization Fund to provide funding for subsidies to persons with low incomes to assist them in the spaying or neutering of companion animals. The fund would be administered by the Commissioner of Agriculture, Food and Rural Resources, who would be required to establish the procedures and eligibility criteria in consultation with veterinarians and representatives of humane societies and animal shelters. The primary source of funding for the fund would be a voluntary checkoff on the individual income tax form that would allow a taxpayer to donate a portion of a tax refund or make a donation with the tax return.

Senate Amendment "A" to Committee Amendment "A" (S-567) proposed to replace a General Fund appropriation for the Department of Administrative and Financial Services, Bureau of Revenue Services with an Other Special Revenue allocation and to require the bureau to absorb any initial administrative costs. It also proposed to require transfers from the Companion Animal Sterilization Fund to an Other Special Revenue Funds account within the bureau to be used to support the operations of the bureau necessary for the implementation of this Act.

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Enacted Law Summary

Public Law 2003, chapter 682 establishes the Companion Animal Sterilization Fund in the Department of Agriculture and enacts an income tax checkoff to permit individual income tax filers to make contributions to the fund. The fund is administered by the Commissioner of Agriculture who is directed to develop procedures and eligibility standards for awarding subsidies to low-income persons for the spaying or neutering of companion animals.

LD 1769 **An Act To Provide for Fair Treatment of Taxpayers** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLOUGH NASS	OTP-AM MAJ ONTP MIN	H-699

LD 1769 proposed to restore language of the provision governing the statute of limitations on certain tax assessments to the tax laws that existed prior to enactment of Public Law 2003, chapter 451, Part HH which expanded 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 changed the standard for determining the 50% threshold.

Committee Amendment “A” (H-699) proposed to incorporate a fiscal note.

This bill was indefinitely postponed when removed from the Special Appropriations Table.

LD 1794 **An Act to Expand Maine’s Homestead Exemption for the Blind** **PUBLIC 686**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON, J EDMONDS	OTP-AM	H-724 S-568 CATHCART

LD 1794 proposed to expand the property tax exemption on residential real estate up to the just value of \$4,000 for persons who are blind to include residential property that is held in a revocable living trust for a person who is blind and who occupies the property as that person’s permanent residence. This change mirrors the exemptions granted to veterans and under the Maine resident homestead property tax exemption program.

Committee Amendment “A” (H-724) proposed to clarify the expansion of the exemption to property held in a revocable living trust for a person who is blind and who occupies the property as that person's permanent residence.

Senate Amendment “A” to Committee Amendment “A” (S-568) proposed to add a mandate preamble to the bill.

Joint Standing Committee on Taxation

Enacted Law Summary

Public Law 2003, chapter 686 extends the property tax exemption for residential property of persons who are blind to include residential property that is held in a revocable living trust for a person who is blind and who occupies the property as that person's permanent residence.

LD 1804 **An Act To Clarify Property Eligible for Reimbursement of Property Taxes under the Business Equipment Tax Reimbursement Program** **PUBLIC 625**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWLES	OTP-AM	H-823 H-846 LEMOINE

LD 1804 proposed to exclude gambling machines and devices, including electronic video machines, from eligibility in the business equipment tax reimbursement program. See also LD 1361 and LD 1820 summarized under the Committee on Legal and Veterans Affairs.

Committee Amendment "A" (H-843) proposed to provide that equipment used in the playing phases of lottery schemes would be included in the definition of gambling machines or devices.

House Amendment "A" to Committee Amendment "A" (H-846) proposed to correct the fiscal note on Committee Amendment "A".

Public Law 2003, chapter 625 excludes gambling machines and devices, including electronic video machines and equipment used in the playing phases of lottery schemes, from eligibility in the business equipment tax reimbursement program.

LD 1807 **Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in a Certain Parcel of Real Estate Located in the City of Auburn** **RESOLVE 108**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE STANLEY	OTP-AM	H-700

LD 1807 proposed to authorize the State Tax Assessor to convey the interest of the State in several parcels of real estate located in the City of Auburn acquired under the elderly tax deferral program.

Committee Amendment "A" (H-700) proposed to remove incorrect and confusing language in section 1 and change the method of distribution of proceeds of the property that is the subject of the resolve.

Joint Standing Committee on Taxation

Enacted Law Summary

Resolve 2003, chapter 108 authorizes the State Tax Assessor to convey the interest of the State in a certain parcel of tax-acquired real estate located in the City of Auburn acquired under the elderly tax deferral program.

LD 1813

An Act To Make Minor Substantive Changes to the Tax Laws

PUBLIC 705

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE	OTP-AM	H-824
STANLEY		S-595 CATHCART

LD 1813 proposed to make the following changes to the laws governing taxation:

1. Add retailers of low-energy fuel to the categories of persons who are subject to revocation of their registration certificate if they fail to comply with a notice to segregate trust fund taxes. The change was inadvertently omitted from legislation enacted in the 119th Legislature that established this new category of licensee under the Special Fuel Tax Act;
2. Establish a requirement for persons who purchase more than 2 cartons per month of unstamped cigarettes for personal use to report and pay the cigarette tax directly to the Department of Administrative and Financial Services, Bureau of Revenue Services and clarify that persons who fail to do so are subject to the same assessment provisions as those liable for other taxes;
3. Add the federal empowerment zone employment credit to those similar federal credits that are deductible from state income for purposes of calculating Maine taxable income for individuals and corporations and add citations to the specific provisions of the Internal Revenue Code that authorize the credits. The changes would apply to tax years beginning on or after January 1, 2004; and

Clarify that premiums paid by self-employed taxpayers for long-term care insurance may be used to reduce Maine taxable income only to the extent that those premiums have not already been deducted in arriving at federal adjusted gross income. The change would apply to tax years beginning on or after January 1, 2004.

Committee Amendment "A" (H-824) proposed to amend the bill by adding 3 sections. One new section would permit access by the Department of Human Services to certain real estate transfer tax information to assist in the recovery of amounts owed the State under the Medicaid program. Another new section would expand the sales tax exemption for nonprofit residential care facilities to include nonprofit assisted living programs. The amendment also proposed to strike the section of the bill that repeals the sales tax exemption for truck bodies and trailers manufactured in the State and proposed to authorize in the 3rd new section a committee review of the provision during regular interim meetings. This review was not approved by the Legislative Council.

Senate Amendment "A" (S-595) proposed to provide for conformity of the State's tax laws with the United States Internal Revenue Code as of December 31, 2003 except for those provisions of the Code related to health savings accounts. This amendment also makes a technical correction to avoid a conflict by incorporating changes to the Maine Revised Statutes, Title 36, section 1760, subsection 16 that were enacted by Public Law 2003, chapter 588.

Joint Standing Committee on Taxation

This amendment also proposed to remove the requirement that the joint standing committee of the Legislature having jurisdiction over taxation matters conduct a review during the 2004 legislative interim of the sales tax

Enacted Law Summary

Public Law 2003, chapter 705 made minor substantive changes to the laws governing taxation. Specifically the law does the following.

1. It adds retailers of low-energy fuel to the categories of persons who are subject to revocation of their registration certificate if they fail to comply with a notice to segregate trust fund taxes. The change was inadvertently omitted from legislation enacted in the 119th Legislature that established this new category of licensee under the Special Fuel Tax Act.
2. It eliminates the requirement for processors and shippers of wild blueberries to file an annual application for renewal of certification.
3. It requires persons who purchase more than 2 cartons per month of unstamped cigarettes for personal use to report and pay the cigarette tax directly to the Department of Administrative and Financial Services, Bureau of Revenue Services and clarifies that persons who fail to do so are subject to the same assessment provisions as those liable for other taxes.
4. It adds the federal empowerment zone employment credit to those similar federal credits that are deductible from state income for purposes of calculating Maine taxable income for individuals and corporations and add citations to the specific provisions of the Internal Revenue Code that authorize the credits.
5. It clarifies that premiums paid by self-employed taxpayers for long-term care insurance may be used to reduce Maine taxable income only to the extent that those premiums have not already been deducted in arriving at federal adjusted gross income.
6. It permits access by the Department of Human Services to certain real estate transfer tax information to assist in the recovery of amounts owed the State under the Medicaid program. See also Public Law 2003, chapter 673, section DD-2 which contains the same change.
7. It expands the sales tax exemption for nonprofit residential care facilities to include nonprofit assisted living programs.
8. It updates the State's general conformity with changes in the United States Internal Revenue Code between May 28, 2003 and December 31, 2003, with the exception of provisions related to health savings accounts.

Joint Standing Committee on Taxation

LD 1816

An Act Concerning Technical Changes to the Tax Laws

PUBLIC 588

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE STANLEY	OTP-AM	H-754

LD 1816 proposed to make the following changes to the laws governing taxation:

1. Clarify that the Department of Administrative and Financial Services, Bureau of Revenue Services must preserve electronically transmitted tax returns for at least 3 years, and that returns could be preserved in the form of digital images rather than microfilm reproductions;
2. Add definitions of “rural community health center” and “school” to the sales and use tax law, to repeal language that is definitional in nature from the statute exempting these types of entities and to repeal cross-references to the repealed language;
3. Clarify that the sales tax exemption for sales to contractors of materials that would be incorporated into real estate of an exempt entity include sales to subcontractors;
4. Replace outdated references to federal laws and regulations governing air carriers from the sales tax exemption for parts used by scheduled airlines;
5. Clarify the application of the exemption provisions in the gasoline tax law;
6. Expand the special fuel tax exemption for kerosene delivered to a separate tank for retail sale to include kerosene prepackaged for home use. The Bureau of Revenue Services is currently applying this interpretation administratively;
7. Correct the applicable tax years for the provisions relating to the modification of federal adjusted gross income for property eligible for federal bonus depreciation for individual income tax computation purposes;
8. Add a reference to net operating loss provisions for clarity and consistency with other statutory provisions;
9. Delete redundant provisions that require taxpayers to make timely payment of income and franchise taxes;
10. Relocate an inappropriately placed requirement to file amended returns into the chapter of law governing the filing of returns, in order to clarify that amended returns are returns for purposes of determining the timeliness of assessments, requests for appeal and refund requests;
11. Repeal a cross-reference to the provision repealed in the Maine Revised Statutes, Title 36, section 5227;
12. Repeal a redundant statute authorizing the State Tax Assessor to name the assessor's employees as agents to collect income taxes;
13. Clarify the sales tax treatment of sales of products for human consumption through vending machines; and
14. Make various grammatical changes.

Joint Standing Committee on Taxation

Committee Amendment “A” (H-754) proposed to add a provision to the bill that would clarify the sales tax treatment of sales of products for internal human consumption through vending machines.

Enacted Law Summary

Public Law 2003, chapter 588 makes the following changes to the laws governing taxation.

1. It clarifies that the Department of Administrative and Financial Services, Bureau of Revenue Services must preserve electronically transmitted tax returns for at least 3 years, and that returns may be preserved in the form of digital images rather than microfilm reproductions.
2. It adds definitions of "rural community health center" and "school" to the sales and use tax law, repeals language that is definitional in nature from the statute exempting these types of entities and repeals cross-references to the repealed language.
3. It clarifies that the sales tax exemption for sales to contractors of materials that will be incorporated into real estate of an exempt entity includes sales to subcontractors.
4. It replaces outdated references to federal laws and regulations governing air carriers from the sales tax exemption for parts used by scheduled airlines. The existing statute refers to regulations of the Civil Aeronautics Board, which no longer exists, and cites a federal law that has been repealed.
5. It clarifies the application of the exemption provisions in the gasoline tax law.
6. It expands the special fuel tax exemption for kerosene delivered to a separate tank for retail sale to include kerosene prepackaged for home use. The Bureau of Revenue Services is currently applying this interpretation administratively.
7. It corrects the applicable tax years for the provisions relating to the modification of federal adjusted gross income for property eligible for federal bonus depreciation for individual income tax computation purposes.
8. It adds a reference to net operating loss provisions for clarity and consistency with other statutory provisions.
9. It deletes redundant provisions that require taxpayers to make timely payment of income and franchise taxes.
10. It relocates an inappropriately placed requirement to file amended returns into the chapter of law governing the filing of returns, in order to clarify that amended returns are returns for purposes of determining the timeliness of assessments, requests for appeal and refund requests.
11. It repeals a cross-reference to the provision repealed in the Maine Revised Statutes, Title 36, section 5227.
12. It repeals a redundant statute authorizing the State Tax Assessor to name the assessor's employees as agents to collect income taxes.
13. It clarifies the sales tax treatment of sales of products for human consumption through vending machines.
14. It also makes various grammatical changes.

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LD 1824

An Act To Provide Property Tax Relief to Maine Homeowners

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL DAGGETT	RECEIVED BY CLERK PUR TO JT RULE 309	

LD 1824 proposed to create the Maine Homestead Property Tax Relief Program by incorporating the current Maine Residents Property Tax Program, commonly referred to as the "circuit breaker" program, and the homestead property tax exemption program. The new program would apply to tax years beginning April 1, 2004. Taxpayers would receive property tax relief payments beginning September 30, 2004.

The new program would have the following provisions:

1. Payments would be provided directly to Maine resident property taxpayers;
2. Under the homestead portion of the program, all Maine resident property owners, regardless of income level, would receive a homestead property tax relief payment equivalent to a \$14,000 property tax exemption based on local valuation and the local mil rate as long as the owner did not owe any back taxes on the claimed property;
3. Under the circuitbreaker portion of the program, the maximum benefit payment for low-income nonelderly households would be increased to \$1,250 from the current \$1,000 and the percentage of rent considered payment for property taxes would be increased to 20% from the current 18% for nonelderly households;
4. Low-income or elderly households would obtain both the homeowners benefit and the circuitbreaker benefit if those households qualified for both benefits; however, the total maximum benefit could not exceed the total amount of property taxes owed; and
5. The application deadlines and tax relief payment deadlines would be the same for all benefits under the new program: all applications would have to be submitted by April 15th and all payments would be made by the State Treasurer no later than September 30th of each year and subsequent claims for the same property by the same claimant could be done through the claimant's Maine income tax return or through a separate return.

The bill also proposed to authorize a municipality to develop a local program in which the property taxes would be frozen or increased only by the rate of inflation. Eligibility for the program would be limited to taxpayers who had occupied their homes for at least 20 years and who were in danger of losing the property due to inability to pay the property taxes. The municipality would recoup the lost revenue when the homes were sold or transferred. The program would require approval at a local option referendum.

LD 1824 was removed from Committee by the presiding officers without a Committee report near the end of the Second Special Session.

Joint Standing Committee on Taxation

LD 1850

**Resolve, Regarding Legislative Review of Chapter 31:
Affordable Housing Development District - Recovery of Public
Revenue, a Major Substantive Rule of the Maine State Housing
Authority**

**RESOLVE 115
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 1850 proposed to authorize the Maine State Housing Authority to adopt Chapter 31: Affordable Housing Development District - Recovery of Public Revenue, a major substantive rule.

Enacted Law Summary

Resolve 2003, chapter 115 authorizes the Maine State Housing Authority to adopt Chapter 31: Affordable Housing Development District - Recovery of Public Revenue, a major substantive rule.

Resolve 2003, chapter 115 was finally passed as an emergency measure and took effect March 24, 2004.

LD 1882

**An Act To Establish Municipal Cost Components for Unorganized
Territory Services To Be Rendered in Fiscal Year 2004-2004-05**

**P & S 44
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-837

LD 1882 proposed to establish municipal cost components for state and county services provided to the unorganized territory that would be paid for by a municipality. The municipal cost components would constitute the property tax for the unorganized territory.

Committee Amendment "A" (H-837) proposed to make changes to reflect new budget information that became available after the bill was printed.

Enacted Law Summary

Private and Special 2003, chapter 44 establishes municipal cost components for state and county services provided to the unorganized territory that would be paid for by a municipality. The municipal cost components constitute the property tax for the unorganized territory.

Private and Special 2003, chapter 44 was enacted as an emergency measure and took effect April 14, 2004.

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LD 1887 Resolve, To Reduce the State Valuation for the Town of Lincoln RESOLVE 124

<u>Sponsor(s)</u> CATHCART CARR	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-440
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LD 1887 proposed to authorize the Town of Lincoln to request a reduction in its 2004 state valuation based on a sudden and severe disruption of valuation, caused by the bankruptcy of Eastern Pulp and Paper Co., pursuant to the Maine Revised Statutes, Title 36, section 208-A.

Committee Amendment "A" (S-440) proposed to correct the date from 2004 to 2005.

Enacted Law Summary

Resolve 2003, chapter 124 authorizes the Town of Lincoln to request a reduction in its 2005 state valuation based on a sudden and severe disruption of valuation, caused by the bankruptcy of Eastern Pulp and Paper Co., pursuant to the Maine Revised Statutes, Title 36, section 208-A.

LD 1893 An Act To Impose Limits on Real and Personal Property Taxes ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1893 is an initiated bill which proposed to limit the ad valorem taxes levied on real or personal property to a maximum rate of 1% of the value of the property. The base value of the property is the 1996-97 assessed value. For property constructed, sold or transferred after the 1996-97 assessment, the base value is the appraised value at the time of construction or acquisition. This base value could be adjusted up or down each year by a maximum of 2%. Certain exemptions, including transfers between spouses and transfers between a parent and child, would be included.

This initiated bill also proposed to prohibit any change in the maximum property tax rate except by a 2/3 vote of all voters in a statewide referendum. Localities could impose special taxes, except on property, and only by a 2/3 vote of the electors in the locality by referendum at a general election in November.

LD 1895 Resolve, To Reduce the State Valuation for the Town of East Millinocket RESOLVE 123

<u>Sponsor(s)</u> STANLEY DUPREY, G	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-439
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LD 1895 proposed to authorize the Town of East Millinocket to seek an adjustment of its state valuation for the year 2003 without meeting the August 1st filing deadline set forth in current law.

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Committee Amendment "A" (S-439) proposed to correct the date from 2003 to 2004.

Enacted Law Summary

Resolves 2003, chapter 123 authorizes the Town of East Millinocket to seek an adjustment of its state valuation for the year 2004 without meeting the August 1st filing deadline set forth in current law.

LD 1911 An Act To Authorize Municipalities To Establish Local Tax Relief Programs ONTP

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

LD 1911 was a concept draft that proposed to allow municipalities to establish local tax relief programs.

LD 1923 An Act To Increase Business Investment, Provide Expanded Property Tax Relief to Low-income and Moderate-income Homeowners and Cap Local and County Spending INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY LEMOINE	RECEIVED BY CLERK PUR TO JT RULE 309	

LD 1923 was a Governor's bill that proposed the following tax relief measures.

Part A proposed to establish a property tax exemption for certain business property that would have been first subject to property tax after April 1, 2004 in the absence of this exemption. Property placed in service on or before April 1, 2004 would remain eligible for the Business Equipment Tax Reimbursement, or "BETR," program for the duration of the 12-year window for BETR program entitlement, after which it would be exempt. Property placed in service on or before April 1, 1995, the date after which property placed into service is eligible under BETR, would remain subject to property taxation as long as it continued to be otherwise subject to personal property taxation in the State.

Part A also proposed to establish a procedure for the State Tax Assessor to value business equipment entitled to the tax exemption. Continuing valuation of this class of property would be required in order to provide the required 50% state reimbursement to municipalities for lost property tax revenue.

Part B proposed to repeal the homestead property tax exemption program for property tax years beginning on or after April 1, 2004, expand the Maine Residents Property Tax Program and rename the expanded property tax reimbursement "the Homestead Tax Cap Program" for applications required to be filed on or after August 1, 2004. The program would be expanded by increasing the income eligibility requirements for nonelderly households to \$75,000 for single-member households and to \$100,000 for households with 2 or more members and by increasing the maximum allowable benefit from \$1,000 to \$1,325 for applications filed in 2004 and to \$2,000 thereafter.

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Part C, which is modeled after the budget stabilization cap applicable to the State Government budget, proposed to establish a cap on municipal and county government spending. Each year, municipal and county budgets could not exceed the average real personal income growth rate, adjusted by inflation, except in exceptional circumstances. For a budget to exceed the adjusted annual growth rate, the municipal or county budget authority would need to state what exceptional circumstances require the cap to be exceeded and vote on a separate article to exceed the cap.

LD 1923 was removed from Committee by the presiding officers without a Committee report near the end of the Second Special Session.

LD 1924 **An Act To Reduce the Cost of Local Government through** **PUBLIC 712**
Increased State Education Funding and Provide Property Tax
Relief

<u>Sponsor(s)</u> DOUGLASS CUMMINGS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-545 S-550 BRENNAN
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LD 1924, a Governor's bill, was referred jointly to the Joint Standing Committees on Education and Taxation. The bill proposed to provide that by fiscal year 2009-10 the state share of kindergarten to grade 12 education funding, as described by essential programs and services, must be 55%. It also proposed to establish a local cost share expectation for property tax years beginning on or after April 1, 2005. The maximum local cost share expectation would decline over the period from fiscal year 2005-06 to fiscal year 2009-10. The expectation would not exceed 9.0 mills in fiscal year 2005-06. It could not exceed 8.0 mills in fiscal year 2009-10. Beginning in fiscal year 2009-2010 the legislative body of a school administrative unit could not adopt a property tax rate that exceeded its mill expectation unless, in a vote separate from its adoption of the school budget, it voted to increase the property tax rate.

The bill also proposed to place transportation operating costs into the essential programs and services funding formula. It also stated that special education costs would be included in essential programs and services starting in fiscal year 2005-06. Beginning in fiscal year 2004-05, the Department of Education would provide training in state-approved guidelines for identification of special education students. The bill also placed early childhood education program costs and vocational education program costs into essential programs and services no later than fiscal year 2007-08.

Committee Amendment "A" (S-545) proposed to replace the bill and make the following changes.

1. It proposed to amend the existing state share percentage targets for fiscal year 2005-06 through fiscal year 2009-10 to provide for the so-called "ramp" necessary to achieve the 55% state share of school funding based on the essential programs and services funding model.
2. It proposed to provide for the establishment of the Municipal Budget Analysis Committee for the purpose of providing the Governor and the Legislature with an analysis of the effectiveness of increased state support for education services in reducing the local property tax commitment required to fund the cost of the essential programs and services over the 2005-06 to 2009-10 period. The committee would consider in its analysis certain benchmarks for the increased state share of school funding and performance indicators for the related reduction in local property tax commitments for each fiscal year; and the Department of Education would develop information for the committee on each municipality and the statewide aggregate to determine

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whether the increased level of state funding resulted in a reduction of the related local property tax commitment required to fund the costs of essential programs and services in the prior fiscal year.

3. It proposed to delay the requirements for school administrative units and certain private high schools to implement standards in the content areas of mathematics, English language arts, health and physical education, science and technology and social studies, including the requirement that high school graduation be determined by student achievement of the standards for these content areas, by one year to the 2007-2008 school year. It also proposed to delay the requirements that school administrative units implement standards in the content areas of career preparation, foreign languages and visual and performing arts by one year to the 2007-2008 school year.
4. It proposed to delete the section of the bill that proposes to place transportation operating costs into the essential programs and services funding model and instead incorporates an unallocated section that provides that transportation operating costs must be placed in the essential programs and services funding model beginning in fiscal year 2005-06 and must include adjustments to the proposed calculation of these operating costs to reflect the transportation of special education students and vocational education students and other factors that respond to unique costs in some school administrative units. This section also proposed to provide that the proposed appeals process might also include analyses of other factors beyond cost efficiency and a cost comparison with comparable units.
5. It proposed to provide a technical amendment to the definition of "local cost share expectation" to clarify that this expectation is directly related to the school administrative unit's contribution to the "total cost of education" as determined by the Commissioner of Education.
6. It proposed to provide a technical amendment to clarify that the calculation of the full-value education mill rate is derived from an annual local share percentage beginning in fiscal year 2005-06 and concluding in fiscal year 2009-10.
7. It proposed to clarify that a school administrative unit's legislative body might exceed the local cost share expectation beginning in fiscal year 2005-06 rather than in fiscal year 2009-10 as proposed in the bill.
8. It proposed to establish an exception for the member municipalities of school administrative districts and community school districts whose district cost sharing formulas were established by private and special law and further directs the Department of Education to study the implications of the proposed "total cost of education" mechanism on member municipalities of districts whose district cost sharing formulas were created by private and special law.
9. It proposed to establish January 1, 2005 as the implementation date for the use of state-approved guidelines in the identification of children requiring special education services and provides that the Department of Education will provide training to school administrative units in the application of these guidelines beginning in fiscal year 2004-05.

Senate Amendment "A" To Committee Amendment "A" (S-550) proposed to replace the provision of the committee amendment that established specific performance indicators for the related reduction in local property tax commitments for the fiscal year 2005-06 to 2009-10 period with projected performance indicators that are based on a reduction in the local property tax commitment to fund the cost of essential programs and services that is less than the local property tax commitment made in the prior fiscal year.

The amendment also proposed to add a new provision regarding the annual report required from the Municipal Budget Analysis Committee by requiring that the annual report also include recommendations, including any

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recommended changes in the law, related to the level of state funding, the related local property tax commitment required to fund the costs of kindergarten to grade 12 public education, municipal services and the local share of the county budget and the benchmarks and projected performance indicators established for the fiscal year 2005-06 to 2009-10 period.

Enacted Law Summary

Public Law 2003, chapter 712 amends the school funding laws to refine the essential programs and services funding approach in preparation for its implementation beginning in fiscal year 2005-06. Specifically, the law accomplishes the following:

1. It provides that by fiscal year 2009-10 the state share of kindergarten to grade 12 education funding, as described by essential programs and services, must be 55%; and it amends the existing state share percentage targets for fiscal year 2005-06 through fiscal year 2009-10 to provide for the so-called "ramp" necessary to achieve the 55% state share of school funding.
2. It establishes a formula for determination of the maximum local cost share expectation and requires the Commissioner of Education to notify each school administrative unit annually of its local cost share expectation for property tax years beginning on or after April 1, 2005. It also proposed to require that this expectation must decline from 9.0 mills for fiscal year 2005-06 to 8.0 mills for fiscal year 2009-10.
3. It provides that, beginning in fiscal year 2005-06, the legislative body of a school administrative unit may adopt a property tax rate that exceeds its local cost share expectation in a vote separate from the vote taken to adopt the school budget.
4. It requires that local cost sharing among member municipalities of a school administrative district or community school district be based on pupil count unless a different cost sharing formula has been established by private and special law prior to January 1, 2004.
5. It requires that the transportation operating costs component must be placed in the essential programs and services funding model beginning in fiscal year 2005-06 and must include adjustments to the calculation of these operating costs that reflect the transportation of special education students, vocational education students, and other factors that respond to unique cost drivers in some school administrative units. It also provides that, beginning in fiscal year 2005-06, an appeals process must be implemented; and further provides that this appeals process may include analyses of other factors beyond cost efficiency and a cost comparison with comparable units.
6. It requires that special education costs will be included in essential programs and services starting in fiscal year 2005-06; it establishes January 1, 2005 as the implementation date for the utilization of state-approved guidelines in the identification of children requiring special education services; and it provides that the Department of Education will provide training to school administrative units in the application of these guidelines beginning in fiscal year 2004-05.
7. It places early childhood education program costs and vocational education program costs into essential programs and services no later than fiscal year 2007-08.
8. It establishes benchmarks and performance indicators for analysis of state and local cost share performance and the impact of the law on local property taxes. It provides for the establishment of the Municipal Budget Analysis Committee for the purpose of providing the Governor and the Legislature with an annual report that analyzes the effectiveness of increased state support for education in reducing the local property tax

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commitment required to fund the cost of the essential programs and services over the 2005-06 to 2009-10 period.

9. It provides for the delay, by one year to the 2007-2008 school year, of the requirements for school administrative units and certain private high schools to implement standards in the content areas of mathematics, English language arts, health and physical education, science and technology and social studies, including the requirement that high school graduation be determined by student achievement of the standards for these content areas. It also provides for the further delay, by one year to the 2007-2008 school year, of the requirements that school administrative units implement standards in the content areas of career preparation, foreign languages and visual and performing arts.

LD 1927

An Act To Modify Taxation of Benefits under Employee Retirement Plans, Including Retirement Plans for Teachers

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON SIMPSON	OTP-AM MAJ ONTP MIN	S-481

LD 1927 proposed to increase the income tax deduction for pensions to \$8,000 beginning January 1, 2005 and by \$1,000 each subsequent year until the amount of the deduction is \$17,000 in 2014. In 2015 the deduction would increase to \$20,000. Beginning with tax years beginning January 1, 2016, the amount of the deduction would be equal to the amount of the maximum federal social security benefits reduced by any social security benefits and railroad retirement benefits actually received by the taxpayer.

Committee Amendment "A" (S-481) proposed to incorporate a fiscal note.

The bill was indefinitely postponed when removed from the Special Appropriations Table.

*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Transportation*

May 2004

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Rep. Terrence P. McKenney
Rep. Ronald F. Collins
Rep. Deborah K. McNeil
Rep. Arlan R. Jodrey
Rep. William P. Browne*

**JOINT STANDING COMMITTEE ON
TRANSPORTATION**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	17	77.3%	3.4%
<u><i>Bills Carried Over from previous session</i></u>	5	22.7%	1.0%
Total Bills referred	22	100.0%	4.5%
B. Bills reported out by law or joint order			
	0	0.0%	0.0%
Total Bills considered by Committee	22	100.0%	4.5%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	1	100.0%	100.0%
<u><i>Orders and Resolutions Carried Over</i></u>	0	0.0%	0.0%
Total Orders and Resolutions Referred	1	100.0%	100.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	3	13.0%	0.6%
<i>Ought to Pass as Amended</i>	10	43.5%	2.1%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	10	43.5%	2.1%
Total unanimous reports	23	100.0%	4.8%
B. Divided committee reports			
<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>	0	0.0%	0.0%
Total divided reports	0	0.0%	0.0%
Total committee reports	23	100.0%	4.8%
III. CONFIRMATION HEARINGS	1	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	9	40.9%	1.8%
<i>Private and Special Laws</i>	3	13.6%	0.6%
<i>Resolves</i>	1	4.5%	0.2%
<u><i>Constitutional Resolutions</i></u>	0	0.0%	0.0%
Total Enacted or Finally Passed	13	59.1%	2.6%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	1	100.0%	7.1%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	0	0.0%	0.0%
Total number of rules reviewed	1	100.0%	7.1%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	0	0.0%	0.0%
Total	0	0.0%	0.0%

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

Prepared by the Office of Policy and Legal Analysis
121st Legislature, Second Regular and Second Special Sessions

Joint Standing Committee on Transportation

SUBJECT INDEX

General Highway Fund

Enacted

LD 1934	An Act To Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005	PUBLIC 690 Page 506 EMERGENCY
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Not Enacted

None

Insurance, Motor Vehicle

Enacted

None

Not Enacted

LD 1645	An Act Regarding Golf Carts Used as Island Vehicles	ONTP Page 496
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Motor Carriers

Enacted

None

Not Enacted

SP 710	Joint Resolution Memorializing the United States Congress to Raise the Weight Limit on Interstate 95	ONTP Page 510
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Motor Vehicles

Enacted

LD 1677	An Act To Amend the Laws Concerning Automobile Dealer Registration Plates	PUBLIC 544 EMERGENCY	Page 497
LD 1694	An Act To Amend the Motor Vehicle Laws	PUBLIC 633	Page 498
LD 1700	An Act To Amend the Motor Vehicle Laws	PUBLIC 652 EMERGENCY	Page 500

Not Enacted

LD 1648	An Act Regarding Automobile Dealer Registration Plates	ONTP	Page 496
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Motorcycles

Enacted

None

Not Enacted

LD 458	An Act Regarding Motorcycle Noise Emission Control Standards	ONTP	Page 495
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Railroads

Enacted

None

Not Enacted

LD 1734	An Act To Ensure the Safe Operation of Trains	ONTP	Page 504
LD 1799	An Act to Ensure Access to Real Property by Owners	ONTP	Page 504

Registration Plates

Enacted

LD 1732 An Act To Honor Maine's First Peoples PUBLIC 683 Page 503

Not Enacted

LD 978 An Act To Establish a Rotarian License Plate ONTP Page 496

Signs

Enacted

None

Not Enacted

LD 155 An Act to Allow a Business to Obtain a Municipal Permit for One Off-premises Business Advertising Sign ONTP Page 495

LD 1770 Resolve, Authorizing the Department of Transportation To Erect Signs Identifying the State Vietnam Veterans' Memorial in Capitol Park ONTP Page 504

Traffic Regulations

Enacted

None

Not Enacted

LD 1809 An Act Relating to 48-hour Accident Reports ONTP Page 505

Transportation Department

Enacted

LD 1654 An Act To Amend Transportation Laws PUBLIC 571 Page 496

LD 1922 **An Act To Preserve Transportation Projects
Statewide by Using Federal GARVEE Financing for
the Waldo-Hancock Bridge Replacement** **P & S 43 Page 505**

LD 1943 **Resolve, Regarding Legislative Review of Portions of
Chapter 299: Highway Driveway and Entrance
Rules, a Major Substantive Rule of the Department
of Transportation** **RESOLVE 138 Page 509
EMERGENCY**

Not Enacted

None

Turnpike Authority

Enacted

LD 605 **An Act To Increase the Bond Limit of the Maine
Turnpike Authority** **PUBLIC 566 Page 495**

LD 1676 **An Act To Allow Communications Towers on Land
of the Maine Turnpike Authority** **PUBLIC 572 Page 497**

LD 1704 **An Act To Amend the Maine Turnpike Authority's
Budget for Calendar Year 2004** **P & S 36 Page 502**

LD 1705 **An Act To Simplify the Maine Turnpike Authority's
Enforcement Procedures for Toll Violations** **PUBLIC 591 Page 502**

LD 1825 **An Act To Make Allocations from Maine Turnpike
Authority Funds for the Maine Turnpike Authority
for the Calendar Year Ending December 31, 2005** **P & S 35 Page 505**

Not Enacted

None

Joint Standing Committee on Transportation

LD 155 **An Act to Allow a Business to Obtain a Municipal Permit for One Off-premises Business Advertising Sign** **ONTP**

<u>Sponsor(s)</u> DAVIS P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 155 proposed to authorize municipalities to issue permits for off-site business advertising signs. It proposed to limit each business to one sign that may be placed only on private land within that municipality granting the permit and only with the permission of the landowner. It also proposed to prohibit the placement of more than one permitted sign on any one parcel of land. It further proposed certain size, style and placement requirements and allowed municipalities to place other limitations on such signs, including charging permit fees.

LD 458 **An Act Regarding Motorcycle Noise Emission Control Standards** **ONTP**

<u>Sponsor(s)</u> LEMOINE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 458 proposed to prohibit a person from operating a motorcycle with an exhaust system that does not comply with federal noise standards. It also proposed to require that a motorcycle is equipped with an exhaust system that is the original manufacturer's equipment or a manufacturer approved replacement. It further proposed to institute a \$100 fine for a violation of this provision.

LD 605 **An Act To Increase the Bond Limit of the Maine Turnpike Authority** **PUBLIC 566**

<u>Sponsor(s)</u> HATCH PH SAVAGE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-411
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LD 605 proposed to increase the Maine Turnpike Authority's revenue bonding capacity from \$210,000,000 to \$260,000,000.

Committee Amendment "A" (S-411) proposed to increase the Maine Turnpike Authority's revenue bonding capacity from \$291,000,000 to \$361,000,000 in order to incorporate changes made to the Maine Revised Statutes, Title 23, section 1968, subsection 1 in Public Law 2003, chapter 32.

Enacted Law Summary

Public Law 2003, chapter 566 increases the Maine Turnpike Authority's revenue bonding capacity from \$291,000,000 to \$361,000,000.

Joint Standing Committee on Transportation

LD 978 **An Act To Establish a Rotarian License Plate** **ONTP**

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

LD 978 proposed to authorize the issuance of a special motor vehicle registration plate for members of Rotary International in Maine.

LD 1645 **An Act Regarding Golf Carts Used as Island Vehicles** **ONTP**

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

LD 1645 proposed to exempt individuals who use old style golf carts on islands that have no public roads maintained or supported by the state, from the liability insurance requirement imposed by the Maine Revised Statutes, Title 29-A, section 402.

LD 1648 **An Act Regarding Automobile Dealer Registration Plates** **ONTP**

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

LD 1648 proposed to amend the minimum sales requirement of 12 vehicles per year in order to obtain a renewal of a dealer license by removing the restriction to retail sales only.

LD 1654 **An Act To Amend Transportation Laws** **PUBLIC 571**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PH USHER	OTP-AM	S-406

LD 1654 proposed to amend highway entrance laws by clarifying the intent of regulations affecting maintenance of existing posted speeds on arterial highways and grants the Department of Transportation more flexibility in locating driveways and entrances within breaks in control of access areas.

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The bill also proposed to extend for one year the reporting and repeal date of the pilot project to simplify truck weight laws enacted by PL 2001, c. 687, §17, to allow sufficient time for project rulemaking and data collection by the Department of Transportation.

Committee Amendment "A" (S-406) proposed to strike the language from the bill that would extend for one year the reporting deadline and subsequent repeal of the pilot project to simplify truck weight laws by the Department of Transportation.

House Amendment "A" (H-748) proposed to require a pedestrian at a crosswalk to yield the right-of-way to vehicular traffic if it can be reasonably determined that waiting for a break in the traffic would be safer for both the pedestrian and the vehicular traffic. This amendment was not adopted.

Enacted Law Summary

Public Law 2003, chapter 571 amends highway entrance laws by clarifying the intent of regulations affecting maintenance of existing posted speeds on arterial highways and grants the Department of Transportation more flexibility in locating driveways and entrances within breaks in control of access areas.

LD 1676 **An Act To Allow Communications Towers on Land of the Maine Turnpike Authority** **PUBLIC 572**

<u>Sponsor(s)</u> HATCH PH	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1676 proposed to remove the requirement that any communications tower built or acquired on property of the Maine Turnpike Authority be used exclusively by the Maine Turnpike Authority.

Enacted Law Summary

Public Law 2003, chapter 572 removes the requirement that any communications tower built or acquired on property of the Maine Turnpike Authority be used exclusively by the Maine Turnpike Authority.

LD 1677 **An Act To Amend the Laws Concerning Automobile Dealer Registration Plates** **PUBLIC 544
EMERGENCY**

<u>Sponsor(s)</u> WESTON ASH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-382
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LD 1677 proposed to exempt dealers engaged exclusively in the sale of classic autos from the minimum sales requirement of 12 vehicles per year through retail sales in order to obtain a renewal of a dealer license.

Committee Amendment "A" (S-382) replaced the bill and proposed to amend the minimum sales requirement of 12 vehicles in order to obtain a renewal of a dealer license by removing the restriction to retail sales only. The amendment also proposed to exempt dealers engaged primarily in the sale of classic vehicles, emergency vehicles or industrial or farm equipment from the minimum sales requirement.

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Enacted Law Summary

Public Law 2003, chapter 544 amends the minimum sales requirement of 12 vehicles in order to obtain a renewal of a dealer license by removing the restriction to retail sales only. The law also exempts dealers engaged primarily in the sale of classic vehicles, emergency vehicles or industrial or farm equipment from the minimum sales requirement.

Public Law 2003, chapter 544 was enacted as an emergency measure effective March 10, 2004.

LD 1694

An Act To Amend the Motor Vehicle Laws

PUBLIC 633

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PH USHER	OTP-AM	S-419

LD 1694 proposed to amend the motor vehicle statutes as follows:

1. It removed the requirement that state rules regarding the transportation of hazardous materials that adopt federal rules by reference must contain a brief description of the substance of the referenced federal rule;
2. It allowed all law enforcement officers to enforce disability parking restrictions. It also created a traffic infraction prohibiting a person from parking in a parking space that is clearly marked for use by a physically disabled person only if the person has not been issued a disability registration plate or placard or is not transporting a person who has been issued a disability registration plate or placard;
3. It allowed an employee of the State Police designated as a motor vehicle inspector to immediately suspend or revoke a license issued to any official inspection station or an inspection mechanic for a violation of the laws or rules pertaining to motor vehicle inspections;
4. It clarified that one blue auxiliary light may be displayed and used on the rear of an emergency medical services vehicle, fire department vehicle or hazardous material response vehicle that is visible to approaching traffic from the rear only;
5. It changed the requirements regarding school bus inspections so that each bus must be inspected twice per year at an inspection station, at times set by the State Police in consultation with the Department of Education, and once instead of twice per year by a State Police officer; and
6. It added a cross-reference that was inadvertently omitted regarding prior convictions to be considered for the aggravated punishment category for operating under the influence.

Committee Amendment "A" (S-419) proposed to make the following changes to the bill:

1. It clarified that only fire department vehicles, and not personally owned vehicles, may be equipped with and display one blue light, that the light must face to the rear and that the light must be primarily visible to approaching traffic from the rear only;

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2. It allowed the operator of an authorized emergency vehicle to activate emergency lights for the limited purpose of warning motorists when entering or exiting structures designed to house the emergency vehicles; and
3. It prohibited a person from possessing, operating or allowing the operation of preemptive traffic light devices designed to change traffic lights from red to green or green to red, except for those used in certain authorized emergency vehicles, transit buses and highway maintenance vehicles.

Enacted Law Summary

Public Law 2003, chapter 633 amends the motor vehicle statutes as follows:

1. It removes the requirement that state rules regarding the transportation of hazardous materials that adopt federal rules by reference must contain a brief description of the substance of the referenced federal rule;
2. It allows all law enforcement officers to enforce disability parking restrictions. It also creates a traffic infraction prohibiting a person from parking in a parking space that is clearly marked for use by a physically disabled person only if the person has not been issued a disability registration plate or placard or is not transporting a person who has been issued a disability registration plate or placard;
3. It allows an employee of the State Police designated as a motor vehicle inspector to immediately suspend or revoke a license issued to any official inspection station or an inspection mechanic for a violation of the laws or rules pertaining to motor vehicle inspections;
4. It clarifies that only ambulances, emergency medical service vehicles, fire department vehicles or hazardous response vehicles, and not personally owned vehicles, may be equipped with and display one blue light, that the light must face to the rear and that the light must be primarily visible to approaching traffic from the rear only;
5. It changes the requirements regarding school bus inspections so that each bus must be inspected twice per year at an inspection station, at times set by the State Police in consultation with the Department of Education, and once instead of twice per year by a State Police officer;
6. It adds a cross-reference that was inadvertently omitted regarding prior convictions to be considered for the aggravated punishment category for operating under the influence;
7. It allows the operator of an authorized emergency vehicle to activate emergency lights for the limited purpose of warning motorists when entering or exiting structures designed to house the emergency vehicles; and
8. It prohibits a person from possessing, operating, or allowing the operation of preemptive traffic light devices designed to change traffic lights from red to green or green to red, except for those used in certain authorized emergency vehicles, transit buses and highway maintenance vehicles.

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LD 1700 An Act To Amend the Motor Vehicle Laws

**PUBLIC 652
EMERGENCY**

<u>Sponsor(s)</u> HATCH PH USHER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-865 MARLEY S-473
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LD 1700 proposed to amend the motor vehicle statutes as follows:

1. It allowed the Secretary of State to issue special disability registration plates for veterans;
2. It added a new registration category to be used for the 4-axle pilot project authorized by Public Law 2001, chapter 687;
3. It required that excise tax be calculated on the actual sales price of trucks, truck tractors and special mobile equipment when the registered weight is more than 26,000 pounds, the sales price is less than the manufacturer's suggested retail price and the vehicle is less than 6 years old; and
4. It corrected a technical error in the funding of a position created in Public Law 2003, chapter 356, which is assigned to the Department of the Secretary of State, Bureau of Motor Vehicles. It moved the allocation from the Bureau of Administrative Services and Corporations to the Bureau of Motor Vehicles Administration account.

Committee Amendment "A" (S-473) replaced the bill and proposed to do the following:

Part A extended the period that dealers and financial institutions have to apply for titles from 20 to 30 days and reduced the late filing fee from \$125 to \$50. It also corrected a technical error in the funding of a position created in Public Law 2003, chapter 356 and moved the Other Special Revenue Funds allocation for the Maine Motor Vehicle Franchise Board from the Bureau of Administrative Services and Corporations to the Bureau of Motor Vehicle Administration account.

Part B proposed to do the following:

1. It created a process for the Secretary of State to issue recognition license plates;
2. It retained the provision in the bill that would allow the Secretary of State to issue special disability registration plates for veterans;
3. It allowed dealers to carry a load on a vehicle or combination of vehicles weighing more than 10,000 pounds while using their dealer plates if the load is in conjunction with the sale or purchase of a motor vehicle, trailer or equipment by the dealership. The load may consist of only one automobile, truck or truck tractor and may consist of multiple trailers or equipment that the dealer is licensed to sell. The dealer would be allowed to purchase more than one permit, which may be renewed annually;
4. It clarified that, in addition to rules, the State shall adopt administrative procedures, practices and policies, organizational structures, internal control mechanisms and resource assignments to ensure compliance with the federal Commercial Motor Vehicle Safety Act of 1986; and

Joint Standing Committee on Transportation

5. It removed the requirement that a representative of the American Automobile Association serve on the Secretary of State's Technical Review Panel for driver education.

Part C allowed the Secretary of State to cancel and not suspend the motor vehicle registration for stored vehicles for which insurance coverage is cancelled, terminated or lapsed effective January 1, 2005.

The amendment also proposed to add an emergency preamble and emergency clause to the bill.

House Amendment "C" to Committee Amendment "A" (H-865) proposed to remove inconsistent language regarding the classification of rules.

Enacted Law Summary

Public Law 2003, chapter 652 amends the motor vehicle statutes as follows:

Part A extends the period that dealers and financial institutions have to apply for titles from 20 to 30 days and reduces the late filing fee from \$125 to \$50. It also corrects a technical error in the funding of a position created in Public Law 2003, chapter 356 and moves the Other Special Revenue Funds allocation for the Maine Motor Vehicle Franchise Board from the Bureau of Administrative Services and Corporations to the Bureau of Motor Vehicle Administration account. This Part was enacted as an emergency measure effective April 22, 2004.

Part B does the following.

1. It creates a process for the Secretary of State to issue recognition license plates;
2. It allows the Secretary of State to issue special disability registration plates for veterans;
3. It allows dealers to carry a load on a vehicle or combination of vehicles while using their dealer plates if the load is in conjunction with the sale or purchase of a motor vehicle, trailer or equipment by the dealership. The load may consist of only one automobile, truck or truck tractor and the load may consist of multiple trailers or equipment that the dealer is licensed to sell. The dealer is allowed to purchase more than one permit, which may be renewed annually;
4. It clarifies that, in addition to rules, the State shall adopt administrative procedures, practices and policies, organizational structures, internal control mechanisms and resource assignments to ensure compliance with the federal Commercial Motor Vehicle Safety Act of 1986; and
5. It removes the requirement that a representative of the American Automobile Association serve on the Secretary of State's Technical Review Panel for driver education.

Part C allows the Secretary of State to cancel and not suspend the motor vehicle registration for stored vehicles for which insurance coverage is cancelled, terminated or lapsed effective January 1, 2005.

Unless otherwise noted above, this law takes effect July 30, 2004.

Joint Standing Committee on Transportation

LD 1704

**An Act To Amend the Maine Turnpike Authority's Budget for
Calendar Year 2004**

P & S 36

<u>Sponsor(s)</u> HATCH PH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-387
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LD 1704 proposed to allocate \$1,000,000 in additional funds to the Maine Turnpike Authority's budget for calendar year 2004 by allocating additional toll revenues to State Police operations. The allocation of additional funds was proposed to address an unexpected increase in the cost of State Police operations on the Maine Turnpike. This unexpected increase in cost is partly due to a provision in Public Law 2003, chapter 40, Part C, section 1, which requires an increase in the overhead rate paid by the authority to the State Police for overhead services. The increase is also partly due to the result of an arbitration between the State of Maine and the Maine State Employees Association that will result in a retroactive payment of salaries and benefits to State Police personnel.

Committee Amendment "A" (S-387) proposed to reduce the allocation of additional funds to the Maine Turnpike Authority's budget for calendar year 2004 to \$598,852.

Enacted Law Summary

Private and Special Law 2003, chapter 36 allocates \$598,852 in additional funds to the Maine Turnpike Authority's budget for calendar year 2004 by allocating additional toll revenues to State Police operations. The allocation of additional funds addresses an unexpected increase in the cost of State Police operations on the Maine Turnpike. This unexpected increase in cost is partly due to a provision in Public Law 2003, chapter 40, Part C, section 1, which requires an increase in the overhead rate paid by the authority to the State Police for overhead services. The increase is also partly due to the result of an arbitration between the State of Maine and the Maine State Employees Association that will result in a retroactive payment of salaries and benefits to State Police personnel.

LD 1705

**An Act To Simplify the Maine Turnpike Authority's Enforcement
Procedures for Toll Violations**

PUBLIC 591

<u>Sponsor(s)</u> HATCH PH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-763 MARLEY S-412
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LD 1705 proposed to amend the Maine Turnpike Authority's procedures for collecting fees and fines for failure to pay tolls by establishing an administrative appeal process within the Maine Turnpike Authority. It would allow a toll evader to appeal a written notice of liability through the Maine Turnpike Authority's administrative procedures, after which a toll evader may choose to appeal the final decision of the Maine Turnpike Authority in Superior Court. The bill also proposed to provide that if the toll evader fails to pay all outstanding violations, does not dispute a notice of liability or does not comply with the decision of the Maine Turnpike Authority's appeal process, the Secretary of State, upon receipt of notice from the Maine Turnpike Authority, would suspend the registration and plates of a toll violator without providing written notice to the vehicle owner.

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Committee Amendment "A" (S-412) proposed to provide that a toll evader has a 30-day period either from the receipt of a notice of liability or, in the case of an appeal, from the final decision of the Maine Turnpike Authority on the appeal or from the final adjudication of liability in Superior Court in which to pay any applicable tolls, administrative fees and penalties. If the toll evader fails to pay all applicable tolls, administrative fees and penalties, the registration of the vehicle owner will be suspended. The amendment proposed to remove the provision from the bill that would allow the Secretary of State, upon receipt of notice from the Maine Turnpike Authority, to suspend the registration and plates of a toll violator without providing written notice to the vehicle owner. The amendment also proposed to provide that an image that shows the face of a person may not be used by the Maine Turnpike Authority for the purpose of collecting tolls and fines for nonpayment of tolls.

House Amendment "A" to Committee Amendment "A" (H-763) proposed to require notices of liability to be sent by certified mail, return receipt requested. It would require a violation clerk designated by the Maine Turnpike Authority to send a notice of an appeal hearing by certified mail, return receipt requested. It also proposed to require the authority to send a notice to the registered owner when the Secretary of State is being notified to suspend a registration for nonpayment of turnpike tolls.

Enacted Law Summary

Public Law 2003, chapter 591 amends the Maine Turnpike Authority's procedures for collecting fees and fines for failure to pay tolls and establishes an administrative appeal process within the Maine Turnpike Authority. It allows a toll evader to appeal a written notice of liability through the Maine Turnpike Authority's administrative procedures, after which a toll evader may choose to appeal the final decision of the Maine Turnpike Authority in Superior Court.

The law provides that a toll evader has a 30-day period either from the receipt of a notice of liability or, in the case of an appeal, from the final decision of the Maine Turnpike Authority on the appeal or from the final adjudication of liability in Superior Court in which to pay any applicable tolls, administrative fees and penalties. If the toll evader fails to pay all applicable tolls, administrative fees and penalties, the registration of the vehicle owner will be suspended.

The law also provides that an image that shows the face of a person may not be used by the Maine Turnpike Authority for the purpose of collecting tolls and fines for nonpayment of tolls.

LD 1732

An Act To Honor Maine's First Peoples

PUBLIC 683

<u>Sponsor(s)</u> MOORE F EDMONDS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-717 H-744 MARLEY
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LD 1732 proposed to authorize the issuance of a special motor vehicle registration plate for members of federally recognized tribes in Maine.

Committee Amendment "A" (H-717) replaced the bill and proposed to establish a process for the issuance of a special motor vehicle registration plate for members of the Wabanaki Confederacy in Maine.

Joint Standing Committee on Transportation

Enacted Law Summary

Public Law 2003, chapter 683 establishes a process to issue a special motor vehicle registration plate for members of the Wabanaki Confederacy in Maine.

LD 1734 **An Act To Ensure the Safe Operation of Trains** **ONTP**

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

LD 1734 proposed to require all trains in the State to operate with a minimum of 5 railroad company or rail authority employees.

LD 1770 **Resolve, Authorizing the Department of Transportation To Erect Signs Identifying the State Vietnam Veterans' Memorial in Capitol Park** **ONTP**

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

LD 1770 proposed to authorize the Department of Transportation to erect signs identifying the location of the State Vietnam Veterans' Memorial in Capitol Park in Augusta.

LD 1799 **An Act to Ensure Access to Real Property by Owners** **ONTP**

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

LD 1799 proposed to require that railroad corporations provide and maintain private crossings on land bisected by the railroad. It also proposed to prohibit railroad corporations from collecting maintenance and insurance fees from property owners using rights-of-way on private crossings. The bill further proposed to allow railroad corporations to seek an indemnification and hold harmless agreement from the property owner.

Joint Standing Committee on Transportation

LD 1809

An Act Relating to 48-hour Accident Reports

ONTP

<u>Sponsor(s)</u> MILLS J BROMLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1809 proposed to reenact language to reinstate the recently repealed 48-hour accident report provision, which would require an operator of a vehicle involved in a reportable accident to file a written report of the accident with the Secretary of State within 48 hours after the accident.

LD 1825

An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2005

P & S 35

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1825 proposed to make allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2005 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

Enacted Law Summary

Private and Special Law 2003, chapter 35 makes allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2005 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

LD 1922

An Act To Preserve Transportation Projects Statewide by Using Federal GARVEE Financing for the Waldo-Hancock Bridge Replacement

P & S 43

<u>Sponsor(s)</u> DAMON ROSEN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-478
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LD 1922 proposed to authorize the use of federal Grant Anticipation Revenue Vehicles, or GARVEE, financing in the amount of up to \$50,000,000 to fund projects associated with the Waldo-Hancock Bridge replacement. The GARVEE bonds would be issued by the Maine Municipal Bond Bank and would be repaid solely from future federal transportation funding apportioned to the State from the Federal Highway Administration and any matching funds of the State. The GARVEE bonds would not constitute a debt or liability of the State or a pledge of its full faith and credit.

Joint Standing Committee on Transportation

Committee Amendment "A" (S-478) proposed to add a fiscal note to the bill.

Enacted Law Summary

Private and Special Law 2003, chapter 43 authorizes the use of federal Grant Anticipation Revenue Vehicles, or GARVEE, financing in the amount of up to \$50,000,000 to fund projects associated with the Waldo-Hancock Bridge replacement. The GARVEE bonds will be issued by the Maine Municipal Bond Bank and will be repaid solely from future federal transportation funding apportioned to the State from the Federal Highway Administration and any matching funds of the State. The GARVEE bonds do not constitute a debt or liability of the State or a pledge of its full faith and credit.

LD 1934	An Act To Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005	PUBLIC 690 EMERGENCY
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<u>Sponsor(s)</u> HATCH PH USHER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-487
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LD 1934 proposed to do the following:

Part A made allocations of funds.

Part B made allocations of funds for approved reclassifications and range changes.

Part C proposed to do the following:

1. It required the State Budget Officer to calculate the amount of expenditures in Part A, section 1 that applied against each Highway Fund account for all departments and agencies for the increased state cost allocation program requirements associated with the recovery of unfunded actuarial liability costs and required the State Budget Officer to transfer the amounts by financial order upon the approval of the Governor;
2. It required the State Budget Officer to calculate the amount of savings in Part A, section 1 that applied against each Highway Fund account for all departments and agencies from savings in the cost of health insurance and to transfer the amounts by financial order upon the approval of the Governor; and
3. It required the State Budget Officer to calculate the amount of savings in Part A, section 1 that applied against each Highway Fund account for all departments and agencies from savings in the cost of workers' compensation insurance and to transfer the amounts by financial order upon the approval of the Governor.

Part D does the following:

1. It authorized the Department of Transportation to sell the Payne Road Bridge in Scarborough to the Maine Turnpike Authority; and

Joint Standing Committee on Transportation

2. It specified that the effective date of this Part is July 30, 2004.

Part E proposed to do the following:

1. It specified that \$1,367,264 of Personal Services unencumbered balance forward and \$107,468 of All Other unencumbered balance forward in fiscal year 2003-04 in the Highway Summer Maintenance account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04;
2. It specified that \$845,363 of Personal Services unencumbered balance forward in fiscal year 2003-04 in the Traffic Services account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04; and
3. It specified that \$679,905 of Personal Services unencumbered balance forward in fiscal year 2003-04 in the Bridge Maintenance account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04.

Committee Amendment "A" (S-487) proposed to replace the bill and do the following:

Part A made allocations of funds.

Part B made allocations of funds for approved reclassifications and range changes.

Part C proposed to do the following:

1. It required the State Budget Officer to calculate the amount of expenditures in section 2 of that Part that applied against each Highway Fund account for all departments and agencies for the increased state cost allocation program requirements associated with the recovery of unfunded actuarial liability costs and required the State Budget Officer to transfer the amounts by financial order upon the approval of the Governor; and
2. It allocated funds for the recovery of unfunded actuarial liability costs paid by the General Fund.

Part D proposed to do the following:

1. It required the State Budget Officer to calculate the amount of savings in section 2 of that Part that applied against each Highway Fund account for all departments and agencies from savings in the cost of health insurance and to transfer the amounts by financial order upon the approval of the Governor; and
2. It deallocated funds to reflect savings in health insurance rates.

Part E proposed to do the following:

1. It required the State Budget Officer to calculate the amount of savings in section 2 of that Part that applied against each Highway Fund account for all departments and agencies from savings in the cost of workers' compensation insurance and to transfer the amounts by financial order upon the approval of the Governor; and
2. It deallocated funds to reflect savings in the cost of workers' compensation insurance.

Part F proposed to do the following:

Joint Standing Committee on Transportation

1. It specified that \$1,367,264 of Personal Services unencumbered balance forward and \$107,468 of All Other unencumbered balance forward in fiscal year 2003-04 in the Highway Summer Maintenance account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04;
2. It specified that \$845,363 of Personal Services unencumbered balance forward in fiscal year 2003-04 in the Traffic Services account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04; and
3. It specified that \$679,905 of Personal Services unencumbered balance forward in fiscal year 2003-04 in the Bridge Maintenance account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04.

Part G required the Commissioner of Transportation to submit a report on proposed strategies to address the State's transportation infrastructure deficit.

Part H authorized the Commissioner of Transportation to transfer Personal Services savings in the Highway Fund within the Department of Transportation for fiscal year 2003-04 to other line categories and programs.

Part I authorized the transfer of specified levels of unallocated surplus from the Highway Fund that may be available at the end of fiscal year 2003-04 to the Highway and Bridge Improvement program.

Part J allocated funds to restore funding for health insurance savings that were not realized for fiscal year 2004-05.

Enacted Law Summary

Public Law 2003, chapter 690 does the following.

Part A makes allocations of funds.

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

Part C does the following:

1. It requires the State Budget Officer to calculate the amount of expenditures in section 2 of that Part that applies against each Highway Fund account for all departments and agencies for the increased state cost allocation program requirements associated with the recovery of unfunded actuarial liability costs and requires the State Budget Officer to transfer the amounts by financial order upon the approval of the Governor; and
2. It allocates funds for the recovery of unfunded actuarial liability costs paid by the General Fund.

Part D does the following:

1. It requires the State Budget Officer to calculate the amount of savings in section 2 of that Part that applies against each Highway Fund account for all departments and agencies from savings in the cost of health insurance and to transfer the amounts by financial order upon the approval of the Governor; and
2. It deallocates funds to reflect savings in health insurance rates.

Joint Standing Committee on Transportation

Part E does the following:

1. It requires the State Budget Officer to calculate the amount of savings in section 2 of that Part that applies against each Highway Fund account for all departments and agencies from savings in the cost of workers' compensation insurance and to transfer the amounts by financial order upon the approval of the Governor; and
2. It deallocates funds to reflect savings in the cost of workers' compensation insurance.

Part F does the following:

1. It specifies that \$1,367,264 of Personal Services unencumbered balance forward and \$107,468 of All Other unencumbered balance forward in fiscal year 2003-04 in the Highway Summer Maintenance account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04;
2. It specifies that \$845,363 of Personal Services unencumbered balance forward in fiscal year 2003-04 in the Traffic Services account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04; and
3. It specifies that \$679,905 of Personal Services unencumbered balance forward in fiscal year 2003-04 in the Bridge Maintenance account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04.

Part G requires the Commissioner of Transportation to submit a report on proposed strategies to address the State's transportation infrastructure deficit.

Part H authorizes the Commissioner of Transportation to transfer Personal Services savings in the Highway Fund within the Department of Transportation for fiscal year 2003-04 to other line categories and programs.

Part I authorizes the transfer of specified levels of unallocated surplus from the Highway Fund that may be available at the end of fiscal year 2003-04 to the Highway and Bridge Improvement program.

Part J allocates funds to restore funding for health insurance savings that were not realized for fiscal year 2004-05.

Public Law 2003, chapter 690 was enacted as an emergency measure effective May 6, 2004.

LD 1943

Resolve, Regarding Legislative Review of Portions of Chapter 299: Highway Driveway and Entrance Rules, a Major Substantive Rule of the Department of Transportation

**RESOLVE 138
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 1943 proposed to provide for legislative review of Portions of Chapter 299: Highway Driveway and Entrance Rules, a major substantive rule of the Department of Transportation.

Joint Standing Committee on Transportation

Enacted Law Summary

Resolve 2003, chapter 138 authorizes the final adoption of Portions of Chapter 299: Highway Driveway and Entrance Rules, a major substantive rule of the Department of Transportation.

Resolve 2003, chapter 138 was finally passed as an emergency measure effective April 22, 2004.

SP 710

**Joint Resolution Memorializing the United States Congress to
Raise the Weight Limit on Interstate 95**

ONTP

Sponsor(s)
CATHCART

| Committee Report |

| Amendments Adopted

SP 710 proposed to request that the United States Congress allow the State of Maine a 100,000 pound weight limit on all of the Interstate Highway System in Maine.

*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Utilities and Energy*

May 2004

Staff:

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Augusta, ME 04333
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Members:

*Sen. Christopher G. L. Hall, Chair
Sen. Lynn Bromley
Sen. Edward M. Youngblood*

*Rep. Lawrence Bliss, Chair
Rep. Herbert Adams
Rep. Albion D. Goodwin
Rep. Peter L. Rines
Rep. Jacqueline A. Lundeen
Rep. Donald P. Berry, Sr.
Rep. Philip A. Cressey, Jr.
Rep. Kenneth C. Fletcher
Rep. Maitland E. Richardson*

**JOINT STANDING COMMITTEE ON
UTILITIES AND ENERGY**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	17	63.0%	3.4%
<u><i>Bills Carried Over from previous session</i></u>	<u>8</u>	<u>29.6%</u>	<u>1.6%</u>
Total Bills referred	25	92.6%	5.1%
B. Bills reported out by law or joint order			
	2	7.4%	0.4%
Total Bills considered by Committee	27	100.0%	5.5%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS			
	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	2	7.4%	0.4%
<i>Ought to Pass as Amended</i>	6	22.2%	1.3%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>5</u>	<u>18.5%</u>	<u>1.1%</u>
Total unanimous reports	13	48.1%	2.7%
B. Divided committee reports			
<i>Two-way reports</i>	14	51.9%	2.9%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	14	51.9%	2.9%
Total committee reports	27	100.0%	5.7%
III. CONFIRMATION HEARINGS			
	0	N/A	N/A
IV. FINAL DISPOSITION			
	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	13	48.1%	2.6%
<i>Private and Special Laws</i>	3	11.1%	0.6%
<i>Resolves</i>	2	7.4%	0.4%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	18	66.7%	3.7%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	1	100.0%	7.1%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	1	100.0%	7.1%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

Prepared by the Office of Policy and Legal Analysis
121st Legislature, Second Regular and Second Special Sessions

Joint Standing Committee on Utilities and Energy

SUBJECT INDEX

Electricity

Enacted

LD 671	An Act To Facilitate the Development of Cost-effective Distributed Electricity Generation in the State	PUBLIC 555 Page 519
LD 1261	Resolve, To Direct the Public Utilities Commission To Examine Certain Issues Relating to Energy Efficiency	RESOLVE 119 Page 521
LD 1692	An Act To Enhance Pine Tree Development Zones	PUBLIC 610 Page 526
LD 1730	An Act To Create the Position of Director of Energy Programs at the Public Utilities Commission	PUBLIC 606 Page 528
LD 1741	An Act To Amend the Laws Relating To Requirements for Competitive Electricity Providers	PUBLIC 558 Page 529

Not Enacted

LD 547	An Act To Increase Bill Reductions for Electricity Customers in Maine	ONTP Page 518
LD 639	An Act To Ensure Accurate Electric Rates for the Ski Industry	ONTP Page 518
LD 1157	An Act To Promote Clean and Efficient Energy	ONTP Page 520
LD 1740	An Act To Make Electricity Provider Do-not-call Requirements Consistent with State and Federal Requirements	ONTP Page 529

Energy

Enacted

LD 671	An Act To Facilitate the Development of Cost-effective Distributed Electricity Generation in the State	PUBLIC 555 Page 519
LD 1261	Resolve, To Direct the Public Utilities Commission To Examine Certain Issues Relating to Energy Efficiency	RESOLVE 119 Page 521
LD 1730	An Act To Create the Position of Director of Energy Programs at the Public Utilities Commission	PUBLIC 606 Page 528
LD 1929	An Act To Promote Economic Development in the State by Encouraging the Production of Electricity from Renewable and Indigenous Resources	PUBLIC 665 Page 537
LD 1948	An Act Relating to Energy-related Building Standards	PUBLIC 645 Page 539
LD 1949	An Act Relating to Certain Energy Responsibilities of the Public Utilities Commission	PUBLIC 644 Page 540

Not Enacted

LD 1157	An Act To Promote Clean and Efficient Energy	ONTP Page 520
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Dig Safe

Enacted

LD 1846	Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 127 Page 533 EMERGENCY
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Not Enacted

None

E-911

Enacted

LD 1683	An Act Relating to the Establishment of a Central Maine Regional Public Safety Communication Center	PUBLIC 678 Page 525
LD 1819	An Act To Implement the Recommendations of the Study Group To Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals	PUBLIC 553 Page 531
LD 1919	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, 2004 and June 30, 2005 (Parts PP, S, V and IIII)	PUBLIC 673 Page 536

Not Enacted

None

General Utility/Miscellaneous

Enacted

LD 1659	An Act To Streamline the Time-share Rate Collection Process	PUBLIC 526 Page 523 EMERGENCY
LD 1692	An Act To Enhance Pine Tree Development Zones	PUBLIC 610 Page 526
LD 1846	Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 127 Page 533 EMERGENCY

Not Enacted

LD 1201	An Act To Require the Owner or Operator of a Casino To Improve or Replace Utilities and Infrastructure in the Vicinity of the Casino	ONTP Page 520
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Natural Gas

Enacted

LD 1846	Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 127 EMERGENCY	Page 533
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Not Enacted

None

PUC/Public Advocate/Energy Resources Council

Enacted

LD 1730	An Act To Create the Position of Director of Energy Programs at the Public Utilities Commission	PUBLIC 606	Page 528
LD 1919	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, 2004 and June 30, 2005 (Parts PP, S, V and IIII)	PUBLIC 673	Page 536

Not Enacted

None

Telecommunications/Internet

Enacted

LD 1711	An Act Concerning Advertising of Business Names in Telephone Directories	PUBLIC 647	Page 527
LD 1751	An Act To Create Consistency between State and Federal Telephone Consumer Protection Laws	PUBLIC 530	Page 531
LD 1819	An Act To Implement the Recommendations of the Study Group To Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals	PUBLIC 553	Page 531

LD 1919 **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, 2004 and June 30, 2005 (Parts PP, S, V and III)** **PUBLIC 673 Page 536**

Not Enacted

LD 1360 **An Act To Create a No-contact List and Prohibit Unsolicited E-mail** **ONTP Page 522**

LD 1740 **An Act To Make Electricity Provider Do-not-call Requirements Consistent with State and Federal Requirements** **ONTP Page 529**

LD 1889 **Resolve, Directing the Public Utilities Commission To Implement Universal Rural Broadband Internet Access Statewide** **ONTP Page 535**

Cable TV

Enacted

None

Not Enacted

LD 222 **An Act Providing for Regulation of the Cable Television Industry by the Public Utilities Commission** **ONTP Page 518**

Water/Sewer (non-charter)

Enacted

LD 1659 **An Act To Streamline the Time-share Rate Collection Process** **PUBLIC 526 Page 523
EMERGENCY**

LD 1750 **An Act To Improve the Ability of Water Utilities To Maintain a Contingency Allowance** **PUBLIC 529 Page 530**

Not Enacted

None

Water and Sewer Charters

Enacted

LD 1672	An Act Concerning the Charter of the Dover and Foxcroft Water District	P & S 39 Page 524 EMERGENCY
LD 1874	An Act To Amend the Charter of the South Berwick Water District	P & S 40 Page 535 EMERGENCY
LD 1935	An Act To Create the Starboard Water District	P & S 47 Page 538 EMERGENCY

Not Enacted

LD 1860	An Act To Amend the Charter of the Mount Desert Water District	ONTP Page 535
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Joint Standing Committee on Utilities and Energy

LD 222 **An Act Providing for Regulation of the Cable Television Industry
by the Public Utilities Commission** **ONTP**

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

LD 222, which was carried forward from the First Regular Session, proposed to subject basic tier service rates and services of cable systems to regulation by the Public Utilities Commission. The bill also proposed to establish hearing and complaint procedures for rate increases or product or service changes by a cable system operator and direct the commission, on petition of 25 or more customers, to petition the Federal Communications Commission to address any increases or changes that the commission finds to be unreasonable.

Committee Amendment "A" (H-670) was the minority report of the Joint Standing Committee on Utilities and Energy. The amendment proposed to add an appropriations and allocations section to the bill.

LD 547 **An Act To Increase Bill Reductions for Electricity Customers in
Maine** **ONTP**

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

LD 547
Current law provides for the exercise of some discretion by the Public Utilities Commission in setting assessment rates for funding electricity conservation programs for Maine's electricity customers. The PUC can set the assessment no lower than .5% of a transmission and distribution utility's total revenues and no higher than .15 cents per kilowatt hour. LD 547, which was carried forward from the First Regular Session, proposed to establish a single rate, .25 cent per kilowatt-hour, for all investor-owned transmission and distribution utilities in the State while leaving with the commission discretion for setting an assessment rate for consumer-owned utilities.

LD 639 **An Act To Ensure Accurate Electric Rates for the Ski Industry** **ONTP**

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

LD 639, which was carried forward from the First Regular Session, proposed to require the Public Utilities Commission to establish rates for transmission and distribution utility service to ski areas for lift operation and snowmaking that accurately reflect the winter and summer peaks in use of transmission and distribution utilities.

Joint Standing Committee on Utilities and Energy

LD 671

**An Act To Facilitate the Development of Cost-effective Distributed
Electricity Generation in the State**

PUBLIC 555

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM MAJ ONTP MIN	S-399

LD 671, which was carried forward from the First Regular Session, proposed to do the following:

1. Establish a regulatory structure for distributed generation designed to remove barriers to the development of distributed generation in this State;
2. Require the Public Utilities Commission to establish rules governing the retail sale of excess electricity from a distributed generator;
3. Authorize the commission to require a transmission and distribution utility to purchase excess electricity from a distributed generator and resell it at wholesale;
4. Direct the commission to allow certain distributed generators to elect a net energy billing arrangement; and
5. Direct the commission to examine and address issues related to distributed generation and report back to the Joint Standing Committee on Utilities and Energy by January 1, 2004.

Committee Amendment "A" (S-399), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. This amendment proposed to require standard-offer service providers that serve areas of this State within the New England independent system operator control area to purchase the output of generators with a capacity of 5 megawatts or less at a price that is financially neutral to the standard-offer service providers. It proposed to direct the commission to require standard-offer service providers that serve the northern region of the State to purchase the output of such generators if it finds that the market design in that region will accommodate such purchases.

Enacted Law Summary

Public Law 2003, chapter 555 requires standard-offer service providers that serve areas of this State within the New England independent system operator control area to purchase the output of generators with a capacity of 5 megawatts or less at a price that is financially neutral to the standard-offer service providers. The commission is directed to require standard-offer service providers that serve the northern region of the State to purchase the output of such generators if it finds that the market design in that region will accommodate such purchases.

Joint Standing Committee on Utilities and Energy

LD 1157

An Act To Promote Clean and Efficient Energy

ONTP

<u>Sponsor(s)</u> BRENNAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1157, which was carried forward from the First Regular Session, was a concept draft pursuant to Joint Rule 208.

LD 1157 proposed to support clean and efficient energy in Maine by:

1. Increasing funding for energy efficiency by establishing a single, statewide system benefit charge for Maine's electricity efficiency program of .15 cents per kilowatt hour in 2003, .25 cents per kilowatt hour in 2006 and .30 cents per kilowatt hour starting in 2008;
2. Establishing new appliance and equipment energy standards for 15 products not currently covered by federal standards;
3. Increasing renewable energy production in Maine by amending the State's renewable energy portfolio standard to gradually increase the percentage of electricity products sold in Maine that are composed of clean, new renewable energy; and
4. Increasing energy efficient building construction by requiring that the so-called "LEED Green Building Standards" be established as the new residential building code in Maine and requiring the State to use this standard for all new state buildings and renovations of state buildings. The bill also proposed to increase enforcement of building codes to ensure compliance.

LD 1201

An Act To Require the Owner or Operator of a Casino To Improve or Replace Utilities and Infrastructure in the Vicinity of the Casino

ONTP

<u>Sponsor(s)</u> COLLINS WESTON		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1201, which was carried forward from the First Regular Session, proposed to provide that an owner or operator of a facility at which casino-style gambling is conducted is responsible for the costs to improve or replace utilities and infrastructure located within a 25-mile radius of the facility.

Committee Amendment "A" (H-645), which was the minority report of the Joint Standing Committee on Utilities and Energy proposed to replace the bill. This amendment proposed to allow a state agency or any municipality or county located within 25 miles of a casino facility to assess the facility for all costs incurred by the agency or the town or county directly or indirectly resulting from the construction or operation of the facility. It also proposed to make the facility responsible for all costs incurred by any utility that serves the facility. It proposed to define "casino" so as to grandfather the so-called racinos that were approved by voters on November 3, 2003.

Joint Standing Committee on Utilities and Energy

House Amendment "A" (H-687) proposed to amend the bill. It proposed to preserve the requirement that an owner or operator of a facility at which casino-style gambling is conducted be responsible for the improvement or replacement of utilities and infrastructure in the vicinity of the casino. The amendment proposed to extend this requirement of financial responsibility for infrastructure improvements to the owners or operators of solid waste disposal facilities.

LD 1261 **Resolve, To Direct the Public Utilities Commission To Examine** **RESOLVE 119**
Certain Issues Relating to Energy Efficiency

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM MAJ	S-424
BLISS	OTP-AM MIN	

LD 1261, which was carried forward from the First Regular Session, proposed to:

1. Establish minimum energy efficiency standards for certain products, such as ceiling fans, illuminated exit signs, traffic signal lights and digital cable television boxes.
2. Increase the assessment imposed by the Public Utilities Commission on transmission and distribution utilities to 0.2¢ per kilowatt-hour to fund energy conservation programs;
3. Impose an additional assessment on transmission and distribution utilities of 0.1¢ per kilowatt-hour to fund the Clean Energy Fund to be established in the Public Utilities Commission to encourage the development, construction and operation of new renewable energy resources projects, defined as electrical generation powered by fuel cells using renewable fuels; tidal, ocean or wave power; solar arrays and installations; wind power; and geothermal power;
4. Establish goals for increasing new renewable energy generation; and
5. Establish the Clean Energy Advisory Committee to review and assess the progress of the State in promoting the development of new renewable energy and in meeting the goals set for increasing new renewable energy generation.

Committee Amendment "A" (S-424), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill with a resolve relating to a major subject of the bill: energy-efficient product standards. It proposed to replace the title to reflect this change. It proposed to direct the Public Utilities Commission to undertake an examination of the feasibility and possible design of a program that would provide incentives for residential and commercial consumers to purchase and install energy-efficient appliances or that would establish energy efficiency standards. The amendment proposed to direct the commission to submit a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 30, 2005.

Committee Amendment "B" (S-425), which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill and change the title to reflect the content of the amendment. The amendment proposed to:

Joint Standing Committee on Utilities and Energy

1. Repeal provisions of law relating to the Public Utilities Commission's energy efficiency and low-income assistance programs and direct the commission to return to ratepayers unspent money collected pursuant to these programs; and
2. Repeal provisions of a private and special law enacted in 2001 that granted, with conditions and limitations, Great Northern Paper, Inc. and its successors in interest the authority to sell rights granted by the Legislature to Great Northern Paper, Inc. and its predecessors in interest relating to hydropower facilities and the right to sell to 3rd parties electricity generated by those hydropower facilities.

Enacted Law Summary

Resolve 2003, chapter 119 directs the Public Utilities Commission to undertake an examination of the feasibility and possible design of a program that would provide incentives for residential and commercial consumers to purchase and install energy-efficient appliances or that would establish energy efficiency standards. The commission is directed to submit a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 30, 2005.

LD 1360

An Act To Create a No-contact List and Prohibit Unsolicited E-mail

ONTP

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

LD 1360, which was carried forward from the First Regular Session, proposed to regulate telephone solicitation by consolidating various laws regarding telemarketers found in different sections of the Maine Revised Statutes and do the following (see also LD 1317):

1. Change the scope of the application to include all telemarketers, regardless of their place of business. Calls made by nonprofit charitable organizations and political organizations would be exempt;
2. Prohibit a telemarketer from blocking the display of its phone number from the consumer being called (this was accomplished in the First Regular Session -- LD 331, enacted as PL 2003, c. 70);
3. Continue the current restrictions on the use of automated telephone calling devices to make telemarketing calls;
4. Require telemarketers making solicitations via facsimile to provide the name and address of the person making the solicitation, as well as a toll-free telephone number that must be answered by an individual on weekdays between the hours of 9 a.m. and 5 p.m. or that automatically deletes the specified telephone number of the caller from the telemarketer's database (current law prohibits unsolicited faxes);
5. Require the Attorney General to establish, either in-house or through a contract with a private vendor, a Maine no-contact list of consumers in this State who object to receiving unsolicited telemarketing or telephone calls or commercial e-mail;

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6. Allow telemarketers and commercial e-mail senders to purchase the Maine no-contact list from the Attorney General for a fee not to exceed \$75 and prohibits telemarketers from calling consumers listed on the Maine no-contact list;
7. Allow an action to be brought against a telemarketer by the Attorney General, by a state agency that licenses the telemarketer or by the affected consumer. A violation would be punishable by a civil penalty or administrative penalty of up to \$3,000 for each violation;
8. Require the Attorney General to report to the Legislature every 2 years regarding the Maine no-contact list, complaints and enforcement actions and any suggested changes for improving the regulation of telemarketing; and
9. Restrict "spam" (unsolicited commercial e-mail) (this was accomplished in the First Regular Session -- LD 255, enacted as PL 2003, c. 327).

Committee Amendment "A" (S-355) proposed to add an appropriation section and a fiscal note to the bill.

LD 1659

An Act To Streamline the Time-share Rate Collection Process

**PUBLIC 526
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS MAYO	OTP-AM MAJ ONTP MIN	H-669

LD 1659 proposed to allow sanitary districts, when collecting rates from time-share estates, to use the same process used by municipalities to collect real estate taxes from such estates.

Committee Amendment "A" (H-669), which is the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill while preserving the essential features of the bill. This amendment proposed to:

1. Allow utilities to require the managing entity of time-share estates to collect and pay a unified utility bill using procedures that mirror those currently in law for collection of municipal taxes;
2. Allow utilities and managing entities to make other mutually acceptable arrangements and preserves the authority utilities may have under other law to collect and recover assessments;
3. Add an emergency preamble and emergency clause to the bill; and
4. Change the title of the bill to reflect the changes made by the amendment.

Enacted Law Summary

Public Law 2003, chapter 526:

1. Allows utilities to require the managing entity of time-share estates to collect and pay a unified utility bill. The procedures mirror those currently in law for collection of municipal taxes; and

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2. Allows utilities and managing entities to make other mutually acceptable arrangements and preserves the authority utilities may have under other law to collect and recover assessments.

Public Law 2003, chapter 526 was enacted as an emergency and took effect on March 3, 2004.

LD 1672

An Act Concerning the Charter of the Dover and Foxcroft Water District

P & S 39
EMERGENCY

Sponsor(s)
ANNIS

Committee Report
OTP-AM

Amendments Adopted
H-734

LD 1672 proposed to amend the territory of the Dover and Foxcroft Water District and increase the number of trustees of the board of trustees of the Dover and Foxcroft Water District from 3 trustees to 5 trustees.

Committee Amendment "A" (H-734) proposed to replace the bill. The amendment was substantively the same as the bill with the exception that it proposed to modify and clarify the description of the district territory, clarify the debt limit language, remove the authority granted to the district in the bill to take water from sources outside the district but within the Town of Dover-Foxcroft and make it expressly clear that certain special water rights of the district do not exempt the district from otherwise applicable laws and rules, such as laws governing dams and water levels. The amendment proposed to unify those portions of the district's charter that the bill sought to preserve with the several new provisions, thus consolidating in one document all the provisions of the charter.

Specifically, the amendment proposed to:

1. Generally make the charter of the Dover and Foxcroft Water District conform with the standard water district model charter;
2. Preserve the following provisions of the current charter: provisions granting the district the franchise, property and rights of the Dover and Foxcroft Village Fire Company, which became the water district in 1903; provisions granting the district's rights to sell for manufacturing purposes power on its dam at Pratt's rips; provisions granting the district rights to take water from Garland Pond and to regulate the dam on it; and provisions relating to the district's authorization to refinance some debt through the Maine Municipal Bond Bank;
3. Change some provisions of the existing charter: remove the authority to create a pond by damming Meadow Brook; increase the number of trustees from 3 to 5; expand the territory of the district within the town to include the existing service territory, to accommodate a possible mill expansion and to include an area for a proposed standpipe; and set the district's debt limit at \$1,500,000 and allow the district to hold a referendum if it wishes to establish a higher debt limit; and
4. Authorize the district to take water from Salmon Stream Pond. Since 1926, the district has been using water from that pond as its water source.

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Enacted Law Summary

Private and Special Law 2003, chapter 39:

1. Generally makes the charter of the Dover and Foxcroft Water District conform with the standard water district model charter;
2. Preserves the following provisions of the current charter: provisions granting the district the franchise, property and rights of the Dover and Foxcroft Village Fire Company, which became the water district in 1903; provisions granting the district rights to sell for manufacturing purposes power on its dam at Pratt's rips; provisions granting the district rights to take water from Garland Pond and to regulate the dam on it; and provisions relating to the district's authorization to refinance some debt through the Maine Municipal Bond Bank;
3. Changes some provisions of the existing charter: removes the authority to create a pond by damming Meadow Brook; increases the number of trustees from 3 to 5; expands the territory of the district within the town to include the existing service territory, to accommodate a possible mill expansion, and to include an area for a proposed standpipe; and sets the district's debt limit at \$1,500,000 and allows the district to hold a referendum if it wishes to establish a higher debt limit; and
4. Authorizes the district to take water from Salmon Stream Pond. Since 1926, the district has been using water from that pond as its water source.

Private and Special Law 2003, chapter 39 is not subject to referendum approval. It was enacted as an emergency, and took effect March 24, 2004.

LD 1683

**An Act Relating to the Establishment of a Central Maine Regional
Public Safety Communication Center**

PUBLIC 678

Sponsor(s)
DAGGETT
MOODY

Committee Report
OTP-AM

Amendments Adopted
S-454

LD 1683 proposed to create the Central Maine Regional Public Safety Communication Center.

Committee Amendment "A" (S-454) proposed to replace the bill and change the title. This amendment proposed to establish the Maine Communications System Policy Board within the Department of Public Safety. The purpose of the board would be to establish policies, procedures and standards for the cooperative use of the department's communication systems by municipal, county and state governmental entities. The board would also be directed to develop an implementation plan for the voluntary consolidation of the various governmental communication systems in Kennebec County with the department's communication systems and for the design of an appropriate communications unit within the department. The board would be composed of representatives of the state and of local governments and emergency service providers who participate in the cooperative use of the department's communication systems, as well as representatives of employees, users of the system and the public. The amendment also proposed to direct the Commissioner of Public Safety, within existing resources, to appoint a department employee to supervise the department's communications systems and to carry out policy and procedures established by the board pending establishment of a communications unit within the department.

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Upon establishment of a communications unit in the department, the commissioner would be directed, to the extent resources are available and with the approval of the board, to appoint a director to administer the unit, plan, direct and supervise the day-to-day operations of the unit and carry out the policies and procedures of the board. The director could be dismissed by the commissioner for cause with the approval of the board.

Enacted Law Summary

Public Law 2003, chapter 678 establishes the Maine Communications System Policy Board within the Department of Public Safety. The purpose of the board is to establish policies, procedures and standards for the cooperative use of the department's communication systems by municipal, county and state governmental entities. The board is also directed to develop an implementation plan for the voluntary consolidation of the various governmental communication systems in Kennebec County with the department's communication systems and for the design of an appropriate communications unit within the department. The board is composed of representatives of the state and of local governments and emergency service providers who participate in the cooperative use of the department's communication systems, as well as representatives of employees, users of the system and the public. Public Law 2003, chapter 678 also directs the Commissioner of Public Safety, within existing resources, to appoint a department employee to supervise the department's communications systems and to carry out policy and procedures established by the board pending establishment of a communications unit within the department. Upon establishment of a communications unit in the department, the commissioner is directed, to the extent resources are available and with the approval of the board, to appoint a director to administer the unit, plan, direct and supervise the day-to-day operations of the unit and carry out the policies and procedures of the board. The director may be dismissed by the commissioner for cause with the approval of the board.

LD 1692

An Act To Enhance Pine Tree Development Zones

PUBLIC 610

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM MAJ	H-831 RINES
BLISS	OTP-AM MIN	S-446

LD 1692 proposed to exempt a business that is certified as a qualified Pine Tree Development Zone business from the stranded cost portion of the business's utility bill. The bill also proposed to modify the procedural requirements for changing a Pine Tree Development Zone's development plan.

Committee Amendment "A" (S-446), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill.

The amendment proposed to change the procedures relating to the designation and amendment of Pine Tree Development Zones and associated development plans by local units of government to provide that municipal officers may act on behalf of each local unit of government and that a local unit of government may arrange with a public or private organization to administer the local Pine Tree Development Zone activities and to act as the lead administrative entity.

The amendment also proposed to add provisions that authorize transmission and distribution utilities to offer discounted rates to qualified Pine Tree Development Zone businesses; authorize the Public Utilities Commission to take into account the overall benefits to ratepayers resulting from state efforts to promote economic development within Pine Tree Development Zones when approving discount rates, line extension terms and conditions or special conservation program benefits for qualified Pine Tree Development Zone businesses; and

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exempt sales of electricity to qualified Pine Tree Development Zone businesses from certain renewable portfolio requirements. These provisions would be repealed on December 31, 2009.

Committee Amendment "B" (S-447), which was not adopted, was the minority report of the Joint Standing Committee on Utilities and Energy, and proposed to accomplish the following.

1. Provide that the sale of electricity to qualified Pine Tree Development Zone businesses is exempt from renewable portfolio requirements.
2. Require the Public Utilities Commission to establish a surcharge on electricity generated in this State that is not needed to meet the electric demand of consumers in this State. The surcharge would be used to reimburse transmission and distribution utilities for stranded costs that are not collected from qualified Pine Tree Development Zone businesses as a result of the rate exemption established by the bill.

House Amendment "A" to Committee Amendment "A" (H-831) was presented on behalf of the Committee on Bills in the Second Reading to number a section to read consecutively with existing law.

Enacted Law Summary

Public Law 2003, chapter 610 changes the procedures relating to the designation and amendment of Pine Tree Development Zones and associated development plans by local units of government to provide that municipal officers may act on behalf of each local unit of government and that a local unit of government may arrange with a public or private organization to administer the local Pine Tree Development Zone activities and to act as the lead administrative entity.

It also adds provisions that authorize transmission and distribution utilities to offer discounted rates to qualified Pine Tree Development Zone businesses; authorize the Public Utilities Commission to take into account the overall benefits to ratepayers resulting from state efforts to promote economic development within Pine Tree Development Zones when approving discount rates, line extension terms and conditions or special conservation program benefits for qualified Pine Tree Development Zone businesses; and exempt sales of electricity to qualified Pine Tree Development Zone businesses from certain renewable portfolio requirements. These provisions are repealed on December 31, 2009.

LD 1711 **An Act Concerning Advertising of Business Names in Telephone Directories** **PUBLIC 647**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY	ONTP MAJ	H-737 CRESSEY
CLOUGH	OTP-AM MIN	H-827 BLISS
		S-398

LD 1711 proposed to require a telephone utility that lists in its directory an "800" or other toll-free number on behalf of a business customer to include with that listing the address of the business to which the number connects.

Committee Amendment "A" (S-398), which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill and change the title to reflect the substance of the amendment. This amendment proposed to prohibit a person (except a foreign corporation with gross annual revenues over

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\$100 million) from advertising or causing to be listed in a telephone directory a business name that is intentionally designed to misrepresent where the business is located or operating or falsely identifies the business as being located or operating in the area covered by the telephone directory.

House Amendment "A" to Committee Amendment "A" (H-730), which was not adopted, proposed to provide that the prohibition against local misrepresentation applies to retail businesses offering consumer goods for sale in this State.

House Amendment "B" to Committee Amendment "A" (H-737) proposed to provide that the prohibition against local misrepresentation applies to any businesses offering consumer goods for sale in this State.

House Amendment "C" to Committee Amendment "A" (H-827) proposed to clarify that each day that the number is listed constitutes a separate offense until the number is disabled.

Enacted Law Summary

Public Law 2003, chapter 647 prohibits businesses offering consumer goods for sale in this State (except a foreign corporation with gross annual revenues over \$100 million) from advertising or causing to be listed in a telephone directory a business name that is intentionally designed to misrepresent where the business is located or operating or falsely identifies the business as being located or operating in the area covered by the telephone directory. Each day that the number listed is not disabled constitutes a separate offense.

LD 1730

**An Act To Create the Position of Director of Energy Programs at
the Public Utilities Commission**

PUBLIC 606

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM MAJ	H-761
HALL	ONTP MIN	

LD 1730 proposed to create 3 positions within the Public Utilities Commission. The new positions, a director, an analyst and a secretary, would oversee and carry out activities related to energy efficiency activities. Funds for these positions would be allocated from the Conservation Administration Fund.

Committee Amendment "A" (H-761), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to incorporate a fiscal note.

Enacted Law Summary

Public Law 2003, chapter 606 creates 3 positions within the Public Utilities Commission. The new positions, a director, an analyst and a secretary, are created to oversee and carry out activities related to energy efficiency activities. Funds for these positions are allocated from the Conservation Administration Fund.

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LD 1740

**An Act To Make Electricity Provider Do-not-call Requirements
Consistent with State and Federal Requirements**

ONTP

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

LD 1740 proposed to replace the special statutory limitations on telemarketing by competitive electricity providers, which require the Public Utilities Commission to maintain a "do-not-call list," with a reference to the federal and state "do-not-call" telemarketing limitations. (See LD 1741.)

LD 1741

**An Act To Amend the Laws Relating To Requirements for
Competitive Electricity Providers**

PUBLIC 558

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS HALL	OTP-AM	H-718

LD 1741 proposed to replace the requirement that a competitive electricity provider annually provide certain information disclosures to all consumers with the requirement that the provider annually provide the information to all residential and small commercial consumers.

Committee Amendment "A" (H-718) proposed to add provisions to the bill relating to the laws governing competitive electricity providers. It proposed to change the title to reflect these additions. The additions were taken from other legislation introduced this session (LD 1740) and were brought into this bill to avoid a technical conflict: they replace the special statutory limitations on telemarketing by competitive electricity providers, which require the Public Utilities Commission to maintain a "do-not-call list," with a reference to the federal and state "do-not-call" telemarketing limitations.

Enacted Law Summary

Public Law 2003, chapter 558 replaces the requirement that a competitive electricity provider annually provide information disclosures to all consumers with a requirement that the provider annually provide the information to all residential and small commercial consumers. It also replaces the special statutory limitations on telemarketing by competitive electricity providers, which require the Public Utilities Commission to maintain a "do-not-call list," with a reference to the general federal and state "do-not-call" telemarketing limitations (this provision was drawn from LD 1740 to avoid a technical conflict).

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LD 1750

An Act To Improve the Ability of Water Utilities To Maintain a Contingency Allowance

PUBLIC 529

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS HALL	OTP-AM	H-676

LD 1750 proposed to change the law governing the contingency reserve allowance for consumer-owned water utilities. The bill proposed to eliminate the requirement that revenues generated by the allowance be placed in a separate fund and so eliminate specific caps (based on the size of the utility) governing amounts that may be collected in the fund and the limitations on the use of the fund. The bill proposed to eliminate the requirement that if a utility over-collects under its allowance for 3 consecutive years, it must notify its ratepayers and hold a public hearing; it also proposed to change the standards governing when the Public Utilities Commission may require rate reductions or credits to address over-collections. The bill also proposed to eliminate an obsolete grandfathering clause.

Committee Amendment "A" (H-676) proposed to replace the bill but preserve the substance of many of the bill's provisions. As in the bill, the amendment proposed to eliminate the requirement that consumer-owned water utilities establish a separate fund to collect contingency allowance collections. The amendment proposed to permit a contingency allowance of up to 10% of revenues for small utilities with total annual revenues of no more than \$85,000 (it proposed to preserve the 5% cap for larger utilities). It proposed to specify that amounts collected through the allowance may be spent only for purposes for which other revenues may lawfully be spent and clarify that all such expenditures are subject to Public Utilities Commission review. It proposed to preserve the provision of existing law that specifies that if a utility collects amounts that the Public Utilities Commission determines to be inconsistent with just and reasonable rates, the commission may require rate reductions or credits. It proposed to preserve the current law's requirement that if a utility over-collects under its allowance for 3 consecutive years, it must notify its ratepayers and hold a public hearing. It proposed to provide that such notice to ratepayers must be provided no later than July 1st of the calendar year following the 3rd consecutive year of over-collection. It also proposed to remove or change, as appropriate, references to the contingency fund in other sections of law.

Enacted Law Summary

Public Law 2003, chapter 529 eliminates the requirement that consumer-owned water utilities establish a separate fund to collect contingency allowance collections. It permits a contingency allowance of up to 10% of revenues for small utilities with total annual revenues of no more than \$85,000 (it preserves the current 5% limit for larger utilities). It specifies that amounts collected through the allowance may be spent only for purposes for which other revenues may lawfully be spent and clarifies that all such expenditures are subject to Public Utilities Commission review. It preserves a provision of existing law that if a utility collects amounts that the Public Utilities Commission determines to be inconsistent with just and reasonable rates, the commission may require rate reductions or credits. It preserves the current law's requirement that if a utility over-collects under its allowance for 3 consecutive years, it must notify its ratepayers and hold a public hearing. It provides that such notice to ratepayers must be provided no later than July 1st of the calendar year following the 3rd consecutive year of over-collection. It also removes or changes, as appropriate, references to the contingency fund in other sections of law.

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LD 1751

An Act To Create Consistency between State and Federal Telephone Consumer Protection Laws

PUBLIC 530

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

LD 1751 proposed to amend the so-called “slamming law” that protects consumers from the unauthorized initiation (change) of service by a local or intrastate interexchange carrier. The bill proposed to correct a cross reference to telemarketing laws which were reallocated to a new subchapter in Title 32 by Public Law 2001, chapter 324; to clarify that electronic authorization of service initiation is allowed (Title 10 section 9407 allows this; it is also consistent with federal “slamming” rules); to require carriers to retain records for 24 months rather than 12 months, consistent with recent changes to federal rules; to remove a requirement that an interexchange carrier who slams a customer transfer that customer back to the customer’s original carrier (this function is in fact carried out by the original carrier or through the PUC); and to remove reference to a federal rule repealed in 1999.

Enacted Law Summary

Public Law 2003, chapter 530 amends the so-called “slamming law” that protects consumers from the unauthorized initiation (change) of service by a local or intrastate interexchange carrier. It corrects a cross reference to telemarketing laws that were reallocated by Public Law 2001, chapter 324 to a new subchapter in Title 32; clarifies that electronic authorization of service initiation is allowed (Title 10 section 9407 allows this -- it is also consistent with federal “slamming” rules); requires carriers to retain records for 24 months rather than 12 months, consistent with recent changes to federal rules; removes a requirement that an interexchange carrier who slams a customer transfer that customer back to the customer’s original carrier (this function is in fact carried out by the original carrier or through the PUC); and removes reference to a federal rule repealed in 1999.

LD 1819

An Act To Implement the Recommendations of the Study Group To Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals

PUBLIC 553

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ OTP-AM MIN	S-396

LD 1819 included the legislative recommendations of the Study Group to Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals.

Part A proposed to amend the law relating to the Telecommunications Equipment Fund administered by the Department of Labor, Bureau of Rehabilitation Services, Division of Deafness. Part A proposed to expand the use of the fund to include equipment used to provide or facilitate notice of emergencies to deaf and hard-of-hearing persons and for training related to such equipment. It also proposed to change the name of the fund to reflect this expansion. It also proposed to repeal an obsolete provision relating to the provision of up to 50% of the cost of specialized customer telecommunications equipment under certain circumstances to an organization or municipality. Part A proposed to increase the telecommunications carrier assessment to cover the costs associated

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with providing equipment to facilitate notice of emergencies to deaf and hard-of-hearing persons and for training related to such equipment

Part B proposed to establish a new tax incentive for entities that sponsor closed captioning, open captioning or other methods of visual presentation of audio information for persons who are deaf or hard-of-hearing. The amount of the sponsorship would be subtracted from the taxable income of the entity.

Part C proposed to establish as the policy of the State the encouragement of a communications system that involves seamless, integrated, robust and redundant means of communication that enable rapid contact with first responders, ensure emergency alert notification to all affected persons in the State, including at-risk populations such as the hearing or visually impaired, and enhance homeland security.

Committee Amendment "A" (S-396), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to do the following.

1. It proposed to transfer the funding source for the Communications Equipment Fund from an assessment made by the Department of Labor, Bureau of Rehabilitation Services to the universal service fund administered by the Public Utilities Commission.
2. It proposed to preserve the current \$85,000 annual total collections from telecommunications service providers to support the Communications Equipment Fund but permit the commission to transfer amounts otherwise available in the universal service fund to the Communications Equipment Fund, up to a total of \$122,500 in any year, if the Communications Equipment Fund fails to receive adequate funding from federal or other sources to carry out its purposes.
3. It proposed to remove from the bill Part B, which proposed to create a tax exemption for sponsorship of closed captioning.
4. It proposed to require the Department of Labor, Bureau of Rehabilitation Services to apply for grants of federal homeland security funds administered by the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency to support the purposes of the Communications Equipment Fund.
5. It proposed to require the Maine Emergency Management Agency to provide a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2005 detailing the amount of homeland security funding that has been provided to support the purposes of the Communications Equipment Fund and access to emergency alert and news services for persons with disabilities, including persons who are blind.
6. It also proposed to add an appropriations and allocations section.

Committee Amendment "B" (S-397), which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed to amend Part A to provide funding from the E-9-1-1 fund to the Telecommunications Equipment Fund, renamed the Communications Equipment Fund under the bill. These additional funds would be used to purchase text-message pagers for persons who are deaf or hard-of-hearing. This amendment also proposed to remove Part B and Part C of the bill.

Enacted Law Summary

Public Law 2003, chapter 553 is based on certain legislative recommendations of the Study Group to Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals.

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Public Law 2003, chapter 553 amends the law relating to the Telecommunications Equipment Fund administered by the Department of Labor, Bureau of Rehabilitation Services, Division of Deafness. It expands the use of the fund to include equipment used to provide or facilitate notice of emergencies to deaf and hard-of-hearing persons and for training related to such equipment. It also changes the name of the fund to the Communications Equipment Fund to reflect this expansion. It transfers the funding source for the Communications Equipment Fund from an assessment on telecommunications service providers made by the Department of Labor, Bureau of Rehabilitation Services to the universal service fund administered by the Public Utilities Commission (which is also funded by an assessment on telecommunications service providers). It preserves the current \$85,000 annual total collections from telecommunications service providers to support the Communications Equipment Fund but permits the commission to transfer amounts that may otherwise be available in the universal service fund to the Communications Equipment Fund, up to a total of \$122,500 in any year, if the Communications Equipment Fund fails to receive adequate funding from federal or other sources to carry out its purposes.

Public Law 2003, chapter 553 requires the Department of Labor, Bureau of Rehabilitation Services to apply for grants of federal homeland security funds administered by the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency to support the purposes of the Communications Equipment Fund. It requires the Maine Emergency Management Agency to provide a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2005 detailing the amount of homeland security funding that has been provided to support the purposes of the Communications Equipment Fund and access to emergency alert and news services for persons with disabilities, including persons who are blind.

Public Law 2003, chapter 553 repeals an obsolete provision relating to the provision of up to 50% of the cost of specialized customer telecommunications equipment under certain circumstances to an organization or municipality.

Finally, it establishes as the policy of the State the encouragement of a communications system that involves seamless, integrated, robust and redundant means of communication that enable rapid contact with first responders, ensure emergency alert notification to all affected persons in the State, including at-risk populations such as the hearing or visually impaired, and enhance homeland security.

LD 1846	Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 127 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-776
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LD 1846 proposed to provide for legislative review of portions of Chapter 895: Underground Facility Damage Prevention Requirements, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-776) proposed to authorize final adoption of portions of Chapter 895: Underground Facility Damage Prevention Requirements, a provisionally adopted major substantive rule of the Public Utilities Commission, provided certain changes are made. The required changes would:

1. Clarify language regarding the facilities about which members of the Dig Safe System are required to provide location information to the Dig Safe System for mapping purposes, remove a requirement that members of the

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Dig Safe System provide such information in a particular format and add a requirement that the information locate facilities with a certain degree of accuracy;

2. Add a provision specifying that telephone utilities are not required to provide to the Dig Safe System for mapping purposes the location of service drops from a main line to customer premises;
3. Add a provision requiring the Public Utilities Commission to grant a waiver from the mapping requirements for any water utility transmission mains that are downstream of a treatment plant or underground water source and permitting the Public Utilities Commission to require the utility to provide an alternative method of facility location specification;
4. Add a provision specifying that the mapping requirements do not take effect until May 1, 2005; and
5. Modify language governing the handling of facility information in the possession of the Dig Safe System to ensure the security of that information.

Enacted Law Summary

Resolve 2003, chapter 127 authorizes final adoption of portions of Chapter 895: Underground Facility Damage Prevention Requirements, a provisionally adopted major substantive rule of the Public Utilities Commission, provided certain changes are made. The required changes will:

1. Clarify language regarding the facilities about which members of the Dig Safe System are required to provide location information to the Dig Safe System for mapping purposes, remove a requirement that members of the Dig Safe System provide such information in a particular format, and add a requirement that the information locate facilities with a certain degree of accuracy;
2. Add a provision specifying that telephone utilities are not required to provide to the Dig Safe System for mapping purposes the location of service drops from a main line to customer premises;
3. Add a provision requiring the Public Utilities Commission to grant a waiver from the mapping requirements for any water utility transmission mains that are downstream of a treatment plant or underground water source and permitting the Public Utilities Commission to require the utility to provide an alternative method of facility location specification;
4. Add a provision specifying that the mapping requirements do not take effect until May 1, 2005; and
5. Modify language governing the handling of facility information in the possession of the Dig Safe System to ensure the security of that information.

Resolve 2003, chapter 127 was enacted as an emergency and took effect April 9, 2004.

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LD 1860 **An Act To Amend the Charter of the Mount Desert Water District** **ONTP**

<u>Sponsor(s)</u> KOFFMAN DAMON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1860 proposed to amend the charter of the Mount Desert Water District. A municipal officer in the Town of Mount Desert is not eligible to be a trustee under the current charter. The bill proposed to allow up to 2 municipal officers to be trustees.

LD 1874 **An Act To Amend the Charter of the South Berwick Water District** **P & S 40
EMERGENCY**

<u>Sponsor(s)</u> LEMONT		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1874 proposed to amend the charter of the South Berwick Water District by increasing the debt limit of the district from \$4,000,000 to \$5,200,000.

Enacted Law Summary

Private and Special Law 2003, chapter 40 amends the charter of the South Berwick Water District by increasing the current debt limit of the district from \$4,000,000 to \$5,200,000. The change is not subject to referendum approval. Public and Special Law 2003, chapter 40 was enacted as an emergency and took effect April 6, 2004.

LD 1889 **Resolve, Directing the Public Utilities Commission To Implement Universal Rural Broadband Internet Access Statewide** **ONTP**

<u>Sponsor(s)</u> HALL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1889 proposed one of the recommendations of the Presiding Officers' Task Force on Creating a Future for Youth in Maine. It proposed to direct the Public Utilities Commission to develop a plan to implement universal rural broadband Internet access statewide by January 15, 2006. The Public Utilities Commission would be directed to report on this initiative no later than September 8, 2005 and every 6 months thereafter until implementation is complete.

The Committee, through a letter, asked the Public Utilities Commission to examine ways of expanding access in underserved areas of the State to high-speed technologies.

Joint Standing Committee on Utilities and Energy

LD 1919

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, 2004 and June 30, 2005 (Parts PP, S, V and IIII)

PUBLIC 673

<u>Sponsor(s)</u> BRANNIGAN CATHCART	<u>Committee Report</u> See AFA Comm. Summary	<u>Amendments Adopted</u> See AFA Comm. Summary
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LD 1919 was the supplemental budget bill for 2004-2005. Several portions of the bill and amendments relate to matters of specific relevance to the Joint Standing Committee on Utilities and Energy; those portions are summarized here.

The original bill included the following proposals.

1. Part PP proposed to increase the telephone E-911 surcharge by 7 cents (from 50 to 57 cents) and to direct these extra funds to the General Fund (this provision was changed by Committee Amendment A, see below).
2. Part S proposed to transfer the Nuclear Safety Advisor from the State Planning Office to the Office of the Public Advocate and to modify the qualifications and funding for that position. (This provision was ultimately included in chapter 673).
3. Part V proposed to repeal certain sales taxes and to create a new service provider tax. The purpose of this part relates to Medicaid funding and achieving certain state-matching-fund conditions for access to federal funds. Among the taxes that would be affected are those on telecommunications services. (This provision was ultimately included in chapter 673).

The following proposed amendments were ultimately adopted and included in chapter 673.

Committee Amendment “A”, as amended by House Amendment “Z”, replaced Part PP of the bill; it proposed to transfer \$1,043,460 from the E-911 Fund to the General Fund by June 30, 2005.

House Amendment “AA” proposed to add a new Part FFFF (which became Part IIII in chapter 673) relating to the so-called schools and libraries program at the PUC. It proposed to direct the PUC, when determining the level of financial assistance from the Maine Telecommunications Education Access Fund (MTEAF) to qualified libraries, to mitigate the impact of lost federal funding in those cases in which libraries have determined they cannot meet the conditions for receiving federal funds without substantially compromising their standards or missions.

Joint Standing Committee on Utilities and Energy

LD 1929

**An Act To Promote Economic Development in the State by
Encouraging the Production of Electricity from Renewable and
Indigenous Resources**

PUBLIC 665

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUNDEEN KNEELAND	OTP-AM	H-886

LD 1929 proposed to amend Maine's eligible resources portfolio standard (RPS). It proposed to modify the definition of "renewable resource" by removing reference to facilities that qualify under PURPA as "small power production facilities" (generally under 80MW facilities that use renewable fuels, as defined in federal rules); adding landfill gas (under 100MW); and requiring, in order to qualify for the RPS, that 50% of any wind power be on land of a tribe recognized after 1/1/1979. It proposed to preserve current 30% standard (which may be met with renewable or efficient resources). It proposed to create a new Tier 2 portfolio requirement starting March 1, 2005. Eligibility for Tier 2 would be limited to a subset of "renewable resources" (only generators using fuel cells, tidal, solar, wind, geothermal and landfill gas); the requirement would begin at 1% and increase ½ %/year, reaching 5% in 2013. It would provide for an alternative compliance payment of \$35/MWH and create a fund into which such payments would be made; it would direct the PUC to disburse collected funds as per MWH payments to Tier 2 - eligible resources; it would direct the PUC to report its recommendations (on what is not specified) by Dec. 15, 2007. It would allow for credit trading to meet the Tier 2 requirements.

Committee Amendment "A" (H-886) proposed to replace the bill. The amendment proposed to accomplish the following.

1. It proposed to direct the Public Utilities Commission to inform consumers in this State of the benefits of electricity generated in this State using renewable resources and authorize the commission to create a brand or logo to identify such resources.
2. It proposed to direct the Public Utilities Commission to adopt major substantive rules establishing standards and procedures for incorporating renewable resources that are constructed after March 1, 2004 into standard-offer service. The rules must be submitted for legislative review by March 1, 2005.
3. It proposed to establish legislative findings with regard to wind energy production in this State.
4. It proposed to direct the Public Utilities Commission to monitor markets and sale opportunities accessible to wind power installations in this State to determine whether such markets and opportunities are available for the sale of wind energy and authorizes the commission, in consultation with the Attorney General, to initiate regulatory and other legal action to protect access to markets by wind power facilities located in Maine.
5. It proposed to direct the Public Utilities Commission to conduct a study of the viable potential for wind power facilities in the State and to review what qualifies as renewable resources in the Maine Revised Statutes, Title 35-A to determine whether changes may be appropriate and to issue a report of its findings and recommendations by March 15, 2005.

Joint Standing Committee on Utilities and Energy

Enacted Law Summary

Public Law 2003, chapter 665 accomplishes the following.

1. It directs the Public Utilities Commission to inform consumers in this State of the benefits of electricity generated in this State using renewable resources and authorizes the commission to create a brand or logo to identify such resources.
2. It directs the Public Utilities Commission to adopt major substantive rules establishing standards and procedures for incorporating renewable resources that are constructed after March 1, 2004 into standard-offer service. The rules must be submitted for legislative review by March 1, 2005.
3. It establishes legislative findings with regard to wind energy production in this State.
4. It directs the Public Utilities Commission to monitor markets and sale opportunities accessible to wind power installations in this State to determine whether such markets and opportunities are available for the sale of wind energy and authorizes the commission, in consultation with the Attorney General, to initiate regulatory and other legal action to protect access to markets by wind power facilities located in Maine.
5. It directs the Public Utilities Commission to conduct a study of the viable potential for wind power facilities in the State and to review what qualifies as renewable resources under Title 35-A, section 3210 to determine whether changes may be appropriate and to issue a report of its findings and recommendations by March 15, 2005.

LD 1935

An Act To Create the Starboard Water District

P & S 47
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY	OTP-AM MAJ	S-484
BUNKER	ONTP MIN	

LD 1935 proposed to create the Starboard Standard Water District.

Committee Amendment "A" (S-484), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to change the territory of the Starboard Water District. The amendment also proposed to delete the special qualifications specified in the bill for the board of trustees of the district.

Enacted Law Summary

Private and Special Law 2003, chapter 47 creates the Starboard Standard Water District, subject to local referendum approval. Private and Special Law 2003, chapter 47 was enacted as an emergency and took effect April 22, 2004.

Joint Standing Committee on Utilities and Energy

LD 1948

An Act Relating to Energy-related Building Standards

PUBLIC 645

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

LD 1948, which was reported by a majority of the Joint Standing Committee on Utilities and Energy pursuant to its authority under Public Law 2003, chapter 497, proposed to do the following:

1. Repeal the current single-family residential building insulation standards effective 90 days after the adjournment of the First Regular Session of the 122nd Legislature;
2. Amend the commercial, institutional and multifamily building energy standards to provide that compliance with the 2003 International Energy Conservation Code satisfies those energy standards;
3. Direct the Public Utilities Commission to adopt through major substantive rules a model building energy code that is consistent with other state codes, including the commercial, institutional and multifamily state building standards, and any model building codes adopted by the State;
4. Provide that after the model building energy code takes effect, municipalities would be required on a going-forward basis to choose the model code if they choose to adopt an energy code; municipalities would not be required to adopt an energy code or to replace any existing code;
5. Direct the Public Utilities Commission to examine enforcement issues related to building energy codes; and
6. Authorize the joint standing committee of the Legislature having jurisdiction over utilities and energy matters to report out legislation to the First Regular Session of the 122nd Legislature concerning building energy codes, including but not limited to legislation concerning the application of the model building energy code and the enforcement of state building energy standards.

Enacted law summary

Public Law 2003, chapter 645 does the following:

1. It repeals the current single-family residential building insulation standards effective 90 days after the adjournment of the First Regular Session of the 122nd Legislature;
2. It amends the commercial, institutional and multifamily building energy standards to provide that compliance with the 2003 International Energy Conservation Code satisfies those energy standards;
3. It directs the Public Utilities Commission to adopt through major substantive rules a model building energy code that is consistent with other state codes, including the commercial, institutional and multifamily state building standards, and any model building codes adopted by the State;
4. It provides that after the model building energy code takes effect, municipalities would be required on a going-forward basis to choose the model code if they choose to adopt an energy code; municipalities would not be required to adopt an energy code or to replace any existing code;

Joint Standing Committee on Utilities and Energy

5. It directs the Public Utilities Commission to examine enforcement issues related to building energy codes; and

It authorizes the joint standing committee of the Legislature having jurisdiction over utilities and energy matters to report out legislation to the First Regular Session of the 122nd Legislature concerning building energy codes, including but not limited to legislation concerning the application of the model building energy code and the enforcement of state building energy standards.

LD 1949

An Act Relating to Certain Energy Responsibilities of the Public Utilities Commission

PUBLIC 644

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

LD 1949, which was reported by a majority of the Joint Standing Committee on Utilities and Energy pursuant to its authority under Public Law 2003, chapter 497, proposed to repeal various energy-related responsibilities of the Department of Economic and Community Development and move the substance of most of those responsibilities to the Public Utilities Commission. The bill proposed to give greater flexibility to the commission in administering these responsibilities.

In particular, the bill proposed to repeal laws relating to a manual of accepted practices for building energy standards, an information fact sheet concerning insulation materials, a solar equipment warranty, a solar energy equipment installers voluntary certificate program, and an energy auditors voluntary certificate program. The bill proposed to require the Public Utilities Commission to provide public information about energy technologies and energy efficiency practices; to examine and consider developing information manuals, including a manual of accepted practices, fact sheets, including a fact sheet on insulation materials, and training programs for persons who install, maintain or use energy technologies or must comply with energy-related standards; and to establish, to the extent funds and resources are available, a voluntary training program for installers of solar equipment and a voluntary training program for energy auditors. The bill proposed to direct the commission to seek federal funding sources to support the provision of such services and to authorize the commission to charge reasonable fees for such services if federal funding is not available or sufficient.

The bill also proposed to repeal a provision of law relating to federal programs that the Public Utilities Commission is required to administer and instead directs the commission to administer the United States Department of Energy State Energy Program and other federally funded programs related to functions that the commission performs.

The bill proposed to move responsibility for the federally funded Energy Conservation Small Business Revolving Loan Program from the Department of Economic and Community Development to the Public Utilities Commission. This move was intended to be accomplished by legislation passed in a prior session but for technical reasons was not fully accomplished.

Enacted law summary

Public Law 2003, chapter 644 repeals various energy-related responsibilities of the Department of Economic and Community Development and moves the substance of most of those responsibilities to the Public Utilities

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Commission. Public Law 2003, chapter 644 gives greater flexibility to the commission in administering these responsibilities.

In particular, Public Law 2003, chapter 644 repeals law relating to a manual of accepted practices for building energy standards, an information fact sheet concerning insulation materials, a solar equipment warranty, a solar energy equipment installers voluntary certificate program, and an energy auditors voluntary certificate program. Public Law 2003, chapter 644 requires the Public Utilities Commission to provide public information about energy technologies and energy efficiency practices; to examine and consider developing information manuals, including a manual of accepted practices, fact sheets, including a fact sheet on insulation materials, and training programs for persons who install, maintain or use energy technologies or must comply with energy-related standards; and to establish, to the extent funds and resources are available, a voluntary training program for installers of solar equipment and a voluntary training program for energy auditors. Public Law 2003, chapter 644 directs the commission to seek federal funding sources to support the provision of such services and authorizes the commission to charge reasonable fees for such services if federal funding is not available or sufficient.

Public Law 2003, chapter 644 also repeals a provision of law relating to federal programs that the Public Utilities Commission is required to administer and instead directs the commission to administer the United States Department of Energy State Energy Program and other federally funded programs related to functions that the commission performs.

Public Law 2003, chapter 644 moves responsibility for the federally funded Energy Conservation Small Business Revolving Loan Program from the Department of Economic and Community Development to the Public Utilities Commission. This move was intended to be accomplished by legislation passed in a prior session but for technical reasons was not fully accomplished.

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