

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 449 **An Act Requiring Disclosures to be Made to Purchasers of Land
Abutting Agricultural Land** **ONTP**

<u>Sponsor(s)</u> SAVAGE C		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 449 proposed requiring that prospective purchasers of land abutting registered farmland receive notice of the characteristics of farming activities in that area.

LD 477 **An Act to Establish Standards and Conditions for Designation of
Ecological Reserves on Lands Managed by the Bureau of Parks
and Lands** **PUBLIC 592**

<u>Sponsor(s)</u> KILKELLY DUNLAP		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-500 S-510 NUTTING J
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LD 477 proposed requiring approval of the Legislature for creation of an ecological reserve on land under the jurisdiction of the Bureau of Parks and Lands or the Department of Inland Fisheries and Wildlife.

Committee Amendment "A" (S-500) proposed replacing the original bill. The amendment proposed enacting a definition of "ecological reserve" and allowing the Director of the Bureau of Parks and Lands to designate as an ecological reserve under the jurisdiction of the bureau lands that were listed as parcels for potential ecological reserve designation in the 1998 published inventory. It proposed allowing the director to designate additional land as an ecological reserve during the process of adopting a management plan for that parcel of land.

The amendment proposed specifying uses allowed on ecological reserves. It proposed prohibiting timber harvesting, commercial mining and excavation of sand and gravel on ecological reserves. It proposed providing limits on the total acreage within the jurisdiction of the Bureau of Parks and Lands that may be designated as ecological reserves and limiting the amount of operable timberland that may be designated as ecological reserves. It proposed requiring wildfires to be controlled and specifies allowed protection measures. It proposed requiring the director to include information on ecological reserves in the director's annual reports to the Legislature on reserved and nonreserved public lands.

Senate Amendment "A" to Committee Amendment "A" (S-510) proposed clarifying that more than one ecological reserve may be designated on parcels of land included in the inventory and that more than one additional reserve may be authorized.

Enacted law summary

Public Law 1999, chapter 592 enacts a definition of "ecological reserve" and allows the Director of the Bureau of Parks and Lands to designate as an ecological reserve lands under the jurisdiction of the bureau that were listed as parcels for potential ecological reserve designation in the 1998 published inventory. In the process of adopting a management plan for a parcel of land that was not in the 1998 inventory, the director may designate additional land as an ecological reserve.

Chapter 592 specifies uses allowed on ecological reserves. It prohibits timber harvesting, commercial mining and excavation of sand and gravel on ecological reserves. It provides limits on the total acreage within the jurisdiction of the Bureau of Parks and Lands that may be designated as ecological reserves and limits the amount of operable timberland that may be designated as ecological reserves. It requires wildfires to be controlled and specifies allowed protection measures. It requires the director to include information on ecological reserves in the director's annual reports to the Legislature on reserved and nonreserved public lands.

LD 855 **An Act to Improve the Management of the Allagash Wilderness Waterway** **ONTP**

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 855 proposed requiring in statute that the principal administrative office of the Allagash Wilderness Waterway be established at Churchill Dam.

LD 1182 **An Act to Amend the Qualifications of Weighmasters** **PUBLIC 646**

<u>Sponsor(s)</u> TESSIER PINGREE		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-952
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LD 1182 proposed establishing a corporate public weighmaster license.

Committee Amendment "A" (H-952) proposed specifying that only a person holding an individual public weighmaster's license would be allowed to issue weight certificates under a corporate license. It also proposed a penalty for a corporate licensee who allowed a nonlicensed individual to issue weight certificates.

Enacted law summary

Public Law 1999, chapter 646 establishes a corporate public weighmaster license. Only a person holding an individual public weighmaster's license is allowed to issue weight certificates under a corporate license. The individual weighmaster issuing a weight certificate must be identified by number on the corporate seal.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY	OTP-AM MAJ	H-1134 MARTIN
DUNLAP	OTP-AM MIN	S-747 MICHAUD

LD 1332 proposed repealing the current law and inserts in the Maine Criminal Code a prohibition on confined animal hunting operations, described as selling or offering to sell the opportunity to hunt an animal that is owned, controlled, confined or artificially enclosed for the purpose of facilitating the opportunity to hunt the animal. This bill proposed designating operation of confined animal hunting operations as a Class E crime.

The current cruelty-to-animals law prohibits hunting or selling for the purpose of hunting any animal that is not covered by the provisions of the Maine Revised Statutes, Title 12, Part 10, the laws administered and enforced by the Department of Inland Fisheries and Wildlife.

Committee Amendment "A" (S-655) proposed the majority committee report to replace the original bill. It proposed provisions for the Commissioner of Agriculture, Food and Rural Resources to issue a commercial large game shooting area license to existing operations that meet certain criteria and to regulate those operations. It proposed that the licenses expire no later than October 31, 2002, and at that time selling or offering to sell the opportunity to kill an animal that is owned or confined would be a Class D crime. This amendment was not adopted.

Committee Amendment "B" (S-656) proposed the minority committee report to replace the original bill. It proposed provisions for the Commissioner of Agriculture, Food and Rural Resources to issue a commercial large game shooting area license to operations that meet certain criteria. It differed from the majority report in that it allowed new operations to be licensed. It restricted the number of licenses issued per county and proposed allowing commercial large game shooting areas in only 8 counties. It allowed a license to be transferred. It differed from the majority report in that it did not propose prohibiting commercial hunting operations in 2 years. This amendment was not adopted.

House Amendment "A" (H-1134) proposed replacing the bill. The amendment proposed the provisions of the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry except that it proposed removing the 2-year sunset, added bison to the game animals that could be killed in a shooting area, and allowed a license to be transferred.

Senate Amendment "A" to House Amendment "A" (S-747) requires the first \$1,120 collected each year in license fees and transport tag fees to be deposited in the General Fund.

Enacted law summary

Public Law 1999, chapter 765 requires a person who operates a commercial large game shooting area to obtain a license. It establishes provisions for the Commissioner of Agriculture, Food and Rural Resources to issue a commercial large game shooting area license only to operations that existed between October 1, 1999 and March 15, 2000. It prohibits killing of any animal other than domesticated deer, bison and boar on a commercial large game shooting area and defines those terms. It establishes facility requirements and weapons restrictions for these operations. It clarifies that laws pertaining to animal welfare and disease control apply to animals kept at a commercial large game shooting area.

It identifies chronic wasting disease in statute as a reportable disease. The commissioner currently determines by rule which diseases are "reportable." Any person who has knowledge of the existence of or exposure to a reportable disease is required to report this to the Department of Agriculture, Food and Rural Resources. It directs the commissioner to monitor reports of chronic wasting disease and progress in developing diagnostic tests and vaccinations for the disease and to develop a program to prevent the introduction of chronic wasting disease into the State.

Chapter 765 makes it a violation of civil and criminal cruelty to animals statutes for anyone to hunt or sell for the purpose of hunting any animal except as permitted in a licensed commercial large game shooting area or in statutes administered and enforced by the Department of Inland Fisheries and Wildlife.

LD 1475

An Act to Clarify the Tree Growth Tax Law

ONTP

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

LD 1475 proposed requiring landowners who own more than 100,000 acres of land in the State to harvest at or below a sustainable level on their forest land taxed under the Maine Tree Growth Tax Law. It also proposed requiring the Department of Conservation to adopt rules to establish a procedure for determining landowner compliance.

LD 1567

An Act to Help Farmers to Protect the Quality of Milk

PUBLIC 618

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON DAVIS P	OTP-AM	H-934

LD 1567 proposed making the Department of Agriculture, Food and Rural Resources the arbitrator in disputes over milk test results. It proposed directing the department to establish by rule the tests appropriate for various aspects of milk quality testing.

Committee Amendment "A" (H-934) proposed replacing the original bill. It directs the Commissioner of Agriculture, Food and Rural Resources to develop a process for obtaining and testing samples of milk when a milk producer disputes the results of a test or a component analysis conducted by an employee of a milk plant.

Enacted law summary

Public Law 1999, chapter 618 directs the Commissioner of Agriculture, Food and Rural Resources to develop a process for obtaining and testing samples of milk when a milk producer disputes the results of a test or a component analysis conducted by an employee of a milk plant.

LD 1674

An Act to Exempt from Certain Regulations Crabmeat That Does Not Cross State Lines

ONTP

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

LD 1674 exempts home-based crabmeat processors from any critical control point identification program administered by the Department of Agriculture, Food and Rural Resources pursuant to the United States Food and Drug Administration's seafood hazard analysis critical control point regulations as long as all the crabmeat processed by that person is sold for consumption in the State. The bill requires such crabmeat to be clearly labeled "Not for sale or consumption outside the State of Maine."

The bill also requires the Commissioner of Agriculture, Food and Rural Resources to reimburse all home-based crabmeat processors for fees paid to attend training and educational meetings on the United States Food and Drug Administration's seafood hazard analysis critical control point regulations.

LD 1985

An Act to Require the Labeling of Irradiated Food Sold at Retail

ONTP

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

LD 1985 proposed prohibiting the knowing retail sale of irradiated food unless the food is labeled "irradiated food."

LD 2005

Resolve, to Establish the Round Table to Study Economic and Labor Issues Relating to the Forest Products Industry

**RESOLVE 124
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLENIK	OTP-AM MAJ ONTP MIN	H-865 S-771 MICHAUD

LD 2005 proposed establishing the Maine Forest Policy Round Table Study Commission to address and study key forestry issues, including economic and labor issues, and to make recommendations for changes in the State's forestry policy.

Committee Amendment "A" (H-865) proposed the majority report. It proposed replacing the original resolve and changing the name of the round table to the Round Table to Study Economic and Labor Issues Relating to the Forest Products Industry to more accurately reflect the focus of the study.

Senate Amendment "A" to Committee Amendment "A" (S-771) proposed changes to the committee amendment regarding the appointment of members to the round table and member compensation. It also proposed making the resolve emergency legislation.

Enacted law summary

Resolve 1999, chapter 124 establishes the Round Table to Study Economic and Labor Issues Relating to the Forest Products Industry. The round table consists of 19 members. Eight members are appointed by the President of the Senate and eight are appointed by the Speaker of the House. The Commissioner of Conservation, the Commissioner of Labor and the Dean of the College of Natural Sciences, Forestry and Agriculture, University of Maine or their respective designees also serve as voting members. The round table is directed to study trends in the logging industry, including employment relationships, the dynamics of import and export markets for roundwood and other forest products and the status of value-added manufacturing within the forest products industry. The round table is directed to hold a public meeting on its findings and to submit a report to the 120th Legislature by December 5, 2001.

Resolve 1999, chapter 124 was finally passed as an emergency measure effective May 8, 2000.

LD 2086

An Act to Preserve the State's Farm Economy and Heritage

PUBLIC 763

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE	OTP-AM	S-574 S-788 MICHAUD

LD 2086 proposed creating the Maine Farms for the Future Program to assist farms in developing business plans to identify changes in farm management practices and investments in equipment and property with potential to increase the vitality of the farm.

Committee Amendment "A" (S-574) proposed clarifying that the approval of the Commissioner of Agriculture, Food and Rural Resources would be needed for a selected farm to receive more than \$5,000 for contracted services as part of a services package. It also proposed specifying that the annual report by the Commissioner of Agriculture, Food and Rural Resources on this program be made to the joint standing committee having jurisdiction over agricultural matters.

Senate Amendment "A" to Committee Amendment "A" (S-788) proposed reducing the appropriation from \$1,066,728 to a one-time appropriation of \$200,000 and requiring the Department of Agriculture, Food and Rural Resources to contract with an organization that would provide \$200,000 matching nonstate funds for a program total of \$400,000. The amendment proposed prohibiting the contracting organization from expending more than 15% per year of the cost of the program or \$125,000 over the life of the program for administration.

Enacted law summary

Public Law 1999, chapter 763 creates the Maine Farms for the Future Program. This program provides funds to assist farms in developing business plans to identify changes in farm management practices and investments in equipment and property with potential to increase the vitality of the farm.

The program operates in 2 phases; the first phase allows a farm that has 5 or more acres of land in agricultural use to apply for assistance in developing a business plan and the 2nd phase allows a farm that has developed a business plan with the program to apply for investment support to implement the plan. A review panel evaluates and selects applications for participation in the program.

A farm selected in the first phase must enter into a 5-year first farmland protection agreement in which the farmer agrees to protect the farmland from nonagricultural development. A farm selected under the second phase must enter into an additional 5-year farmland protection agreement. The 5-year period must run consecutively with the first farmland protection agreement. The farm may withdraw from the agreement at any point if the farmer repays the program for any outside service reimbursement and any direct services provided the farm by the program.

The Department of Agriculture, Food and Rural Resources is required to contract for the administration of the program through a competitive process. The department is responsible for executing and enforcing the farmland protection agreements. The organization receiving the contract is responsible for promoting the program to farms in the State, organizing the review panel, developing selection criteria for both phases of the program, administering the disbursement of funds, and making a yearly progress report on the program to the Legislature. Chapter 763 appropriates \$200,000 to capitalize the program and specifies that the organization selected to administer the program must provide a \$200,000 match.

LD 2295 **An Act to Clarify Granting Authority Under the Agricultural Development Grant Program** **PUBLIC 563**

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

LD 2295 proposed allowing grants for technical assistance as one category of grants available under the Maine Revised Statutes, Title 7, section 436. This category of grants was inadvertently deleted in Public Law 1999, chapter 72.

Enacted law summary

Public Law 1999, chapter 563 allows grants for technical assistance as one category of grants funded from interest on the balance of the Agricultural Marketing Loan Fund.

LD 2306 **An Act to Amend the Animal Welfare Laws** **PUBLIC 597**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM MAJ ONTP MIN	H-834

LD 2306 proposed amending the late fee for licensing a dog from \$3 to \$10. It also proposed amending the procedures for euthanizing stray dogs by allowing an authorized municipal agent to authorize in writing the euthanasia of severely sick, severely injured or extremely vicious dogs.

This bill also proposed removing the discretion of the court to order psychiatric or psychological counseling at the defendant's expense in matters involving cruelty to animals.

Committee Amendment “A” (H-834) proposed removing the section of the bill that proposed to amend provisions for euthanasia of stray dogs. It also proposed changing the late fee for dog licensing from the

current late fee of \$3 to \$5 for municipalities that do not issue a warrant and clarified that, in municipalities that do issue late warrants, the late fee for dog licensing is \$10. It proposed removing language allowing the court to order a psychological evaluation for a person who violates the civil laws regarding cruelty to animals.

Enacted law summary

Public Law 1999, chapter 597 changes the late fee for dog licensing from the current late fee of \$3 to \$5 for municipalities that do not issue a warrant and clarifies that, in municipalities that do issue late warrants, the late fee for dog licensing is \$10. It also removes statutory language allowing the court to order a psychological evaluation for a person who violates the civil laws regarding cruelty to animals.

LD 2313 An Act to Increase the Rate of Pay for Forest Fire Wardens

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> FERGUSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-520
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LD 2313 increases the rate of pay for forest fire wardens to \$500 per year from \$100 per year.

Committee Amendment "A" (S-520) proposed replacing the original bill. It proposed providing for a forest fire warden to be paid not less than \$100 nor more than \$500, with the amount determined by the warden's completion of specified training and duties.

**LD 2340 An Act to Specify Eligibility for Land Purchases Under the
Agricultural Marketing Loan Fund**

PUBLIC 593

<u>Sponsor(s)</u> CROSS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-833
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LD 2340 proposed specifying the types of land purchases eligible for a loan under the Agricultural Marketing Loan Fund.

Enacted law summary

Public Law 1999, chapter 593 specifies the types of land purchases eligible for an agricultural marketing loan. An agricultural marketing loan may be used to purchase new cranberry acreage, land to provide direct access to water for irrigation, land for the start-up of a new agricultural enterprise and the expansion of an existing agricultural enterprise when the land purchase is necessary to comply with land use regulations. It restricts the amount of a loan for a land purchase by a new agricultural enterprise to \$100,000.

LD 2369

An Act to Require Camp Lot Leases to Include a Clear Statement of Fact

ONTP

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

LD 2369 proposed requiring camp lot leases to include information, in clear, understandable language, regarding the lease fees and what they cover, the responsibilities of the lessee and lessor regarding roads and other maintenance, the designated contact person for lessee concerns and the amount of and an explanation of any fees such as liability insurance. It also proposed requiring a copy of any such insurance policy to be given to the lessee upon request.

Committee Amendment "A" (S-614), the minority report, proposed adding to the list of information that must be contained in camp lot leases the formula used to calculate lease fees, the time period covered by the lease and a description of the lot and its boundaries. It proposed language to clarify that the lessor must provide a copy of the insurance policy only when the lessor requires or provides insurance to lessees through a group plan. The minority report was not adopted.

LD 2376

An Act to Change the Name of the Natural Resources Information and Mapping Center to More Accurately Reflect its Roles and Duties and to Correct Inconsistent Statutes

PUBLIC 556

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

LD 2376 proposed changing the name of the Natural Resources Information and Mapping Center to the Bureau of Geology and Natural Areas to more accurately reflect the responsibilities and duties performed by the center.

Enacted law summary:

Public Law 1999, chapter 556 changes the name of the Natural Resources Information and Mapping Center to the Bureau of Geology and Natural Areas to more accurately reflect the responsibilities and duties performed by this bureau within the Department of Conservation.

LD 2392

An Act to Provide Safety for Forest Rangers and the Public

DIED BETWEEN BODIES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HEIDRICH	OTP-AM A	
BENNETT	ONTP B	

LD 2392 proposed requiring law enforcement officers within the Department of Conservation, Division of Forest Protection to have training equivalent to other law enforcement personnel and authorizing the use of personal protective equipment.

This bill also proposed repealing the provision in Public Law 1999, chapter 352 that requires the Commissioner of Conservation to sell bullet-proof vests, firearms and related equipment for the use of certain Bureau of Forestry employees and the provision that prohibits the commissioner from purchasing similar equipment.

Committee Amendment “A” (H-836) proposed allowing a forest ranger or a State Supervisor, Division of Forest Protection employed prior to July 1, 2000 to continue serving in that capacity without successfully completing the training required of persons appointed to those positions after July 1, 2000. It proposed language to clarify that appointments after July 1, 2000 would be contingent on successful completion of law enforcement training and certification. It proposed directing the Commissioner of Conservation to work with the Commissioner of Public Safety to establish a schedule for completion of training and certification no later than July 1, 2003 at the Maine Criminal Justice Academy.

LD 2435

An Act to Implement the State Policy to Minimize Reliance on Pesticides

ONTP

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

LD 2435 proposed appropriating \$150,000 to the Department of Agriculture, Food and Rural Resources to establish an Integrated Pest Management Research Fund.

LD 2448

An Act to Improve Licensing Efficiency within the Department of Agriculture, Food and Rural Resources

PUBLIC 598

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOSTER	OTP-AM	H-864

LD 2448 proposed to change expiration dates for licenses issued by the Commissioner of Agriculture, Food and Rural Resources for food or food salvage establishments or beverage manufacturing or bottling to coincide with the calendar year.

Committee Amendment “A” (H-864) proposed clarifying that any license issued after August 1, 2000 expires on December 31st of the appropriate year of expiration and that license fees must be prorated based upon the December 31st expiration date.

Enacted law summary

Public Law 1999, chapter 598 changes expiration dates for licenses issued by the Commissioner of Agriculture, Food and Rural Resources for food or food salvage establishments or beverage manufacturing or bottling to coincide with the calendar year.

LD 2457 **Resolve, to Require the State Sealer to Conduct Spot Checks at Timber Mills** **RESOLVE 125**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCGLOCKLIN	OTP-AM MAJ ONTP MIN	H-1175 TOWNSEND H-835

LD 2457 proposed requiring the state sealer to conduct bimonthly spot checks at randomly selected timber mills to help increase the enforcement of the timber weights and measures standards.

Committee Amendment “A” (H-835) proposed clarifying that the state sealer is being directed to do spot checks to determine the accuracy of wood measurements and to enforce the wood measurement laws. It proposed an appropriation of \$50,613 to the Division of Quality Assurance within the Department of Agriculture, Food and Rural Resources for an additional inspector and other costs associated with increased checks.

House Amendment “A” to Committee Amendment “A” (H-1175) proposed replacing the original bill. It provides for an additional one-time appropriation of \$10,000 to the Division of Quality Assurance and Regulation.

Enacted law summary

Resolve 1999, chapter 125 provides for a one-time appropriation of \$10,000 to the Division of Quality Assurance and Regulation for additional spot checks to determine the accuracy of wood measurements and to enforce the wood measurement laws. It requires the Director of the Division of Quality Assurance and Regulation to report to the Legislature by February 15, 2001 on the enhanced monitoring.

LD 2486 **Resolve, to Establish a Legislative Committee to Study Access to Private and Public Land in Maine** **INDEF PP**

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

LD 2486 proposed prohibiting owners or managers of parcels of land of 1,000 acres or more in the unorganized territory who charge an access fee to the forest land or restrict access to great ponds from benefiting under the tree growth tax law.

Committee Amendment "A" (H-1057) proposed replacing the original bill with a resolve. The resolve proposed creating the Legislative Committee to Study Access to Private and Public Lands in Maine. It proposed directing the committee to gather information and study issues relating to access to lands beyond checkpoints operated by landowners and landowner associations. LD 2486 was not enacted.

The Committee to Study Access to Private and Public Lands in Maine was established by Joint Order (H.P. 1951).

LD 2512 An Act to Create a State-sponsored Voluntary Logger Certification Program ONTP

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

LD 2512 proposed directing the Department of Conservation, Bureau of Forestry to develop a low-cost, voluntary logger certification program. The bill would have required the program to include training in first aid and emergency medical response, best management practices and chain saw safety, timber harvesting laws and the fundamentals of forestry.

Committee Amendment "A" (H-991), the minority report of the committee, proposed adding the Department of Education to the list of agencies the Bureau of Forestry must cooperate with in developing a voluntary logger certification program. It proposed expanding eligibility to participate in the program to people seeking training prior to employment in timber harvesting and landowners harvesting timber on their own land. It proposed adding an independent logger to the membership of the advisory board. It proposed requiring the Department of Conservation to report to the joint standing committee of the Legislature having jurisdiction over forestry matters by January 15, 2001 with a plan for a voluntary logger certification program. The minority report was not adopted.

LD 2528 Resolve, Regarding Legislative Review of Chapter (unassigned): Rules Governing the Licensing and Inspection of Farm Cheese, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources RESOLVE 92 EMERGENCY

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

LD 2528 proposed legislative review of Rules Governing the Licensing and Inspection of Farm Cheese, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Enacted law summary

Resolve 1999, chapter 92 authorizes final adoption of Rules Governing the Licensing and Inspection of Farm Cheese, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Resolve 1999, chapter 92 was finally passed as an emergency measure effective March 15, 2000.

LD 2532

An Act to Implement the Recommendations of the Task Force to Study the Need for an Agricultural Vitality Zone Program

PUBLIC 769

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-548 S-761 MICHAUD

LD 2532 proposed requiring that a minimum of \$1,000,000 be available from the Agricultural Marketing Loan Fund for loans to agricultural enterprises engaged primarily in direct marketing. It proposed funding up to 50% of the cost of developing a business plan for an agricultural enterprise applying for a project loan under the Agricultural Marketing Loan Fund program.

It proposed several measures to assess and increase the consumption of locally grown food. It proposed allowing proceeds from the Land for Maine's Future Fund to be used for developing a business plan and capital improvements to farmland when interest in the farmland has been acquired through the Land for Maine's Future Fund.

It proposed authorizing legislation during the 120th Legislature to update and revise provisions in Title 7 regarding agricultural internship and training, agricultural awareness, purchasing of food by state institutions and in-state marketing of food produced in Maine. This bill proposed appropriating \$60,000 to the Department of Agriculture, Food and Rural Resources to assist in developing data regarding food consumption and support activities to increase sales of locally grown food.

Committee Amendment "A" (S-548) proposed clarifications to the original bill. It also proposed reducing the appropriation to \$20,000 and lowering the limit on funds available for developing a business plan.

Senate Amendment "A" (S-761) clarifies that the appropriation is one-time funding and allocates funds to the Maine Milk Commission to be used for dues associated with membership in the Northeast States Association for Agricultural Stewardship.

Enacted law summary

Public Law 1999, chapter 769 requires that a minimum of \$1,000,000 be available from the Agricultural Marketing Loan Fund for loans to agricultural enterprises engaged primarily in direct marketing. These loans may be for traditional equipment and other capital expenses. The requirement that the commissioner make available \$1,000,000 for these projects is repealed December 31, 2002. Chapter 769 specifies circumstances under which the Agricultural Marketing Loan Fund may be used to help fund the cost of developing a business plan for an agricultural enterprise applying for a project loan under the Agricultural Marketing Loan Fund program and sets limits on the amount of funding for the business plan.

Chapter 769 directs the Commissioner of Agriculture, Food and Rural Resources to develop information on the sources of Maine's food supply and to take actions to increase the production and sale of in-state foods. It directs the Commissioner of Agriculture, Food and Rural Resources to provide assistance to farmers' markets. It authorizes the joint standing committee of the Legislature having jurisdiction over agricultural matters to report out legislation during the 120th Legislature to update and revise provisions in Title 7 regarding agricultural internship and training, agricultural awareness, purchasing of food by state institutions and in-state marketing of food produced in Maine. It appropriates \$20,000 to the Department of Agriculture, Food and Rural Resources to assist in developing data regarding food consumption and support activities to increase sales of locally grown food.

Chapter 769 allows proceeds from the Land for Maine's Future Fund to be used for developing a business plan and capital improvements to farmland when interest in the farmland has been acquired through the Land for Maine's Future Fund.

LD 2544 **Resolve, Regarding Legislative Review of Chapter 267: License Fees to Sell Nursery Stock, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources** **RESOLVE 93 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 2544 proposed legislative review of Chapter 267: License Fees to Sell Nursery Stock, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Enacted law summary

Resolve 1999, chapter 93 authorizes final adoption of Chapter 267: License Fees to Sell Nursery Stock, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Resolve 1999, chapter 93 was finally passed as an emergency measure effective March 29, 2000.

LD 2594 **An Act Regarding Forest Practices** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 2594 is a citizens' initiated bill. It proposes limits on timber harvesting on land enrolled under the Maine Tree Growth Tax Law. The harvesting limits proposed would restrict total cutting and cutting for each species group to sustainable cutting levels for any rolling 10-year average, i.e. harvesting could not exceed growth.

The bill proposes requiring a landowner to obtain a permit from the Maine Forest Service prior to undertaking harvesting activities that will result in a clear-cut. Prior to issuing a permit for a clear-cut, the Maine Forest Service would need to determine that the clear-cut is silviculturally justified, that there are

no reasonable alternatives to the proposed clear-cut and that no undue adverse ecological damage will result from the clear-cut or the clear-cutting activities.

The bill proposes the establishment of the Maine Council on Sustainable Forest Management with membership consisting of the Director of the Maine Forest Service, the Director of Baxter State Park’s scientific forestry management area and 7 members appointed by the Governor. The council would be responsible for adopting rules to implement the other provisions in the bill.

This citizens’ initiated bill was not enacted by the Legislature and, therefore, will be referred to the people to be voted on in November of 2000.

LD 2595 **Resolve, Regarding Legislative Review of Chapter (Unassigned): Rules Governing Maine Milk and Milk Products, Major Substantive Rules of the Department of Agriculture, Food and Rural Resources** **RESOLVE 111 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-1013

LD 2595 proposed legislative review of Rules Governing Maine Milk and Milk Products, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (H-1013) proposed revisions to the provisionally adopted rule and requiring that documentation detailing the revisions be filed with the Secretary of State.

Enacted law summary

Resolve 1999, chapter 111 authorizes final adoption of Rules Governing Maine Milk and Milk Products, a major substantive rule of the Department of Agriculture, Food and Rural Resources. The Resolve specifies revisions to the provisionally adopted rule and requires documentation detailing the revisions to be filed with the Secretary of State, and adds a fiscal note.

Resolve 1999, chapter 111 was finally passed as an emergency measure effective April 12, 2000.

LD 2596 **An Act to Revise the Law Protecting Farmers' Right to Farm and to Provide for Nutrient Management Plans to be Confidential** **PUBLIC 723**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
PIEH		OTP-AM		H-1069

LD 2596 proposed changes to the provisions in Maine nuisance law commonly referred to as the “Right-to-Farm Law”. Current law provides that a farm operation may not be considered a nuisance if the farm operation predates a change in land use or occupancy within one mile of its borders, or if the farm operation conforms to best management practices. This bill proposed specifying that a farm that makes a material change to its farm operation after the land use change within one mile must apply best management practices to receive the protections of the right-to-farm law.

It proposed language to specify that attorney's fees may be awarded to the defendant in a nuisance lawsuit involving a complaint against a farm operation if that action was not brought in good faith.

It proposed clarifying that failure to apply best management practices may result in an enforcement action. It also proposed a separate civil violation for failure to apply best management practices as required by the Commissioner of Agriculture, Food and Rural Resources.

It proposed requiring the commissioner to conduct an educational outreach program to increase awareness of the provisions of the Maine Revised Statutes, Title 17, section 2805 and the department's best management practices.

Committee Amendment "A" (H-1069) proposed clarifying that the Commissioner of Agriculture, Food and Rural Resources may prescribe best management practices for any farm or farm operation when a problem is identified that is caused by the failure to use best management practices. It also proposed clarifying the actions the court may order when a person fails to apply best management practices.

This amendment also proposed specifying that nutrient management plans prepared in accordance with the Maine Revised Statutes, Title 7, chapter 747 are confidential and are not a public record.

Enacted law summary

Public Law 1999, chapter 723 allows the Commissioner of Agriculture, Food and Rural Resources to prescribe best management practices for any farm or farm operation when a problem is identified that is caused by the failure to use best management practices. It clarifies the actions the court may order when a person fails to apply best management practices. These actions include abatement of the nuisance, enforcing any applicable state law, injunctive relief and imposing a penalty for a separate civil violation. It requires the commissioner to conduct an educational outreach program to increase awareness of the provisions of Maine's Right-to-Farm law and best management practices.

Chapter 723 also specifies that nutrient management plans prepared in accordance with Maine's Nutrient Management Act are confidential and are not a public record.

LD 2629

An Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the Department of Conservation Under the State Government Evaluation Act

PUBLIC 603

Sponsor(s)

Committee Report

Amendments Adopted

LD 2629 proposed placing oversight for the Land for Maine's Future Board and Program with the joint standing committee having jurisdiction over matters pertaining to state parks and public lands.

Enacted law summary

Public Law 1999, chapter 603 provides for the joint standing committee having jurisdiction over matters pertaining to state parks and public lands to review appointments to the Land for Maine's Future Board. It provides for the biennial report on expenditures from the Land for Maine's Future Fund and the Public

Access to Maine Waters Fund to be submitted to the joint standing committee having jurisdiction over matters pertaining to state parks and public lands.

It also provides for the Land for Maine's Future Board to be reviewed under the State Government Evaluation Act by the joint standing committee having jurisdiction over matters pertaining to state parks and public lands. Prior to enactment of chapter 603 the Government Evaluation Act provided for review of the Land for Maine's Future Board by the State and Local Government Committee as part of its review of the State Planning Office. The Natural Resources Committee reviewed appointments to the board and biennial reports were submitted to the Natural Resources Committee.

LD 2633

An Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the Maine Seed Potato Board Under the State Government Evaluation Act

P & S 93

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
				S-764 MICHAUD

LD 2633 proposed appropriating \$149,000 for capital improvements, equipment and repairs at the Porter Nuclear Seed Facility.

Senate Amendment "A" (S-764) proposed reducing the appropriation and clarifying that the funding is on a one-time basis.

Enacted law summary

Private and Special Law 1999, chapter 93 appropriates \$100,000 to the Porter Nuclear Seed Facility for equipment, capital improvements and repairs.

LD 2634

An Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the State Board of Pesticides Control Under the State Government Evaluation Act

PUBLIC 724

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

LD 2634 proposed suspending for 2 years the statutory requirement that the State Board of Pesticides Control submit an annual report containing the quantity of pesticide products sold the previous year sorted by name and registration number of the pesticides. It directs the board to report on its progress in developing a preferred method of data collection and reporting to track pesticide use. It authorizes the joint standing committee of the Legislature having jurisdiction over agricultural matters to report out legislation regarding data collection and reporting of pesticide use to the Second Regular Session of the 120th Legislature.

Enacted law summary

Public Law 1999, chapter 724 suspends for 2 years the statutory requirement that the State Board of Pesticides Control submit an annual report containing the quantity of pesticide products sold the previous year sorted by name and registration number of the pesticides. It directs the board to report on its progress in developing a preferred method of data collection and reporting to track pesticide use. It authorizes the joint standing committee of the Legislature having jurisdiction over agricultural matters to report out legislation regarding data collection and reporting of pesticide use to the Second Regular Session of the 120th Legislature.

LD 2638

Resolve, Authorizing a Land Transaction by the Bureau of Parks and Lands

RESOLVE 112

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS FOSTER	OTP-AM	S-627

LD 2638 proposed authorizing the Director of the Bureau of Parks and Lands within the Department of Conservation to convey, by quitclaim deed and subject to certain conditions, approximately 600 acres of nonreserved public lands in the towns of New Gloucester, North Yarmouth and Gray to October Corporation for not less than fair market value.

Enacted law summary

Resolve 1999, chapter 112 authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to convey, by quitclaim deed and subject to certain conditions, approximately 600 acres of nonreserved public lands in the towns of New Gloucester, North Yarmouth and Gray to October Corporation for not less than fair market value. These nonreserved public lands, which consist of approximately 300 acres currently leased for agricultural use and approximately 300 acres of interspersed woodlands, are generally contiguous to or in the vicinity of the Pineland Facility campus.

The conveyance is contingent upon exercise of an "Option Agreement," dated January 10, 2000, between the State and October Corporation for the purchase of certain state-owned parcels of real estate and certain buildings associated with the State's Pineland Facility situated primarily in the Town of New Gloucester.

Proceeds from the sale of the nonreserved public lands of the Bureau of Parks and Lands must be used to purchase land to be managed for similar purposes in Cumberland County.

Sponsor(s)

Committee Report

Amendments Adopted

LD 2662

Part A of this bill proposed amending statutory definitions to use terms consistent with definitions in the major substantive rules proposes for authorization in LD 2595. It proposed increasing the fines for violations of the Maine milk laws. It proposed clarifying activities relating to the sale and distribution of milk and milk products that require a license or permit from the Commissioner of Agriculture, Food and Rural Resources.

Part B of this bill proposed makes statutory changes to provide for payment to milk producers using component pricing.

Enacted law summary

Public Law 1999, chapter 679 amends statutory definitions to use terms consistent with definitions in the proposed major substantive rules. It increases the fines for violations of the Maine Milk laws. It clarifies activities relating to the sale and distribution of milk and milk products that require a license or permit from the Commissioner of Agriculture, Food and Rural Resources. Part B of chapter 679 makes statutory changes to provide for payment to milk producers using component pricing. Chapter 679 has an effective date of April 12, 2000.

Sponsor(s)

Committee Report
OTP-AM MAJ

Amendments Adopted

LD 2665 proposed the majority report. It proposed directing the Commissioner of Conservation to provisionally adopt rules to establish statewide standards for timber harvesting activities in areas adjacent to rivers, streams, ponds, wetlands and tidal waters. This bill also proposed eliminating any waiting period for road construction activities associated with forest management activities. See LD 2666 for a summary of minority report. The 2 reports were identical except that the minority report did not propose eliminating the waiting period currently provided for in rule.

Enacted law summary

Public Law 1999, chapter 695 directs the Commissioner of Conservation to provisionally adopt rules to establish statewide standards for timber harvesting activities in areas adjacent to rivers, streams, ponds, wetlands and tidal waters. It requires the rules to retain standards established by the Department of Environmental Protection under the laws relating to mandatory shoreland zoning and natural resources protection when those standards are consistent with standards established by the Maine Land Use Regulation Commission. It authorizes the joint standing committee of the Legislature having jurisdiction

over forestry matters to report out a bill to the Second Regular Session of the 120th Legislature to amend statutes administered and enforced by the Department of Environmental Protection and the Maine Land Use Regulation Commission pertaining to timber harvesting activities. Chapter 695 also eliminates any waiting period for road construction activities associated with forest management activities. A permit by rule becomes effective when the Department of Environmental Protection receives notification of the activity as long as the notification is complete and the activity is eligible for a permit by rule.

LD 2666 **An Act to Provide for Statewide Standards for Timber Harvesting in Shoreland Areas** **NO ACTION TAKEN**

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

LD 2666, which is the minority report, proposed directing the Commissioner of Conservation to adopt rules to establish statewide standards for timber harvesting activities in areas adjacent to rivers, streams, ponds, wetlands and tidal waters. See the bill summary for LD 2665. Because LD 2665 was enacted, the Legislature took no action on this bill.

LD 2687 **An Act to Implement a Maine Meat and Poultry Inspection Program** **PUBLIC 777**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
				H-1119 PIEH S-793 MICHAUD

LD 2687 proposed the establishment of a state meat inspection program.

House Amendment "A" (H-1119) proposed deleting unnecessary language relating to subpoenas issued by the Commissioner of Agriculture, Food and Rural Resources.

Senate Amendment "A" (S-793) proposed deappropriating unnecessary funds from the Harness Racing Commission within the Department of Agriculture, Food and Rural Resources and appropriating one-time funding to establish a poultry and meat inspection program.

Enacted law summary

Public Law 1999, chapter 777 directs the Commissioner of Agriculture, Food and Rural Resources to implement a meat and poultry inspection program. It requires the standards of the state program to be at least as stringent as and consistent with the federal meat inspection program. It requires the identification of inspected products. It establishes licensing provisions for categories of people engaged in intrastate commerce with regard to the processing and selling of meat and meat products.

HP 1951

JOINT ORDER – Relative to the Committee to Study Access to Private and Public Lands in Maine

PASSED

Sponsor(s)

Committee Report

Amendments Adopted

Joint Order HP 1951 creates the legislative Committee to Study Access to Private and Public Lands in Maine. The committee consists of 5 legislators. The committee is directed to gather information and study issues relating to access to lands beyond checkpoints operated by landowners and landowner associations. The committee is required to submit its report by November 1, 2000. The joint standing committee having jurisdiction over matters pertaining to parks and lands is authorized to report out a bill during the 1st Session of the 120th Legislature concerning the findings and recommendations in the report.

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Joint Standing Committee on Banking and Insurance

LD 750

An Act to Establish a Patient's Bill of Rights

PUBLIC 742

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL J	OTP-AM A	H-1061
LAFOUNTAIN	OTP-AM B	H-1165 SAXL J
	OTP-AM C	

LD 750, which was carried over from the First Regular Session, proposed to incorporate into law many of the provisions contained in the proposed federal patient bill of rights legislation including:

1. Coverage of emergency services;
2. Access to out-of-network providers;
3. Access to obstetrical and gynecological care;
4. Access to specialty care;
5. Continuity of care;
6. Access to prescription drugs;
7. Access to clinical trials;
8. Availability of independent external review of appeals;
9. Prohibition on financial incentives for providers; and
10. Right of enrollees to sue health plans.

Committee Amendment "A" (H-1061) is the majority report of the committee and replaced the bill. The amendment proposed to do the following:

1. It requires all managed care plans to provide reasonable access to providers in accordance with the access standards of Bureau of Insurance Rule Chapter 850.
2. It prohibits carriers offering managed care plans from using financial incentives for participating providers to deny, reduce, withhold, limit or delay specific medically appropriate health care services to enrollees.
3. It requires carriers to provide services requested by enrollees who are deaf or hard-of-hearing or visually impaired during the internal and external review processes.

4. It requires carriers to establish policies to allow enrollees with special conditions to receive standing referrals to specialists.
5. It requires carriers to provide continuity of care to enrollees undergoing a course of treatment when the enrollee's provider is terminated as a participating provider by the carrier or the enrollee's coverage changes to another carrier.
6. It requires coverage of emergency services by carriers in accordance with the requirements of Bureau of Insurance Rule Chapter 850.
7. It requires that carriers provide coverage of routine patient costs for qualified enrollees with life-threatening illnesses that participate in clinical trials. The amendment requires carriers to provide coverage for those costs not reasonably expected to be paid for by the sponsors of an approved clinical trial. Approved clinical trials are defined as clinical research studies and clinical investigations approved and funded by the National Institutes of Health.
8. It requires carriers that provide coverage of prescription drugs through a drug formulary to ensure the participation of physicians and pharmacists in the development of the formulary and to provide exceptions to formulary limitations when a nonformulary drug is medically indicated. The amendment also prohibits carriers from denying coverage of a prescribed drug or device on the basis that the use of the drug or device is investigational if the intended use of the drug or device is included in the labeling authorized by the federal Food and Drug Administration or if the use is recognized in one of the standard reference compendia or in peer-reviewed medical literature.
9. It creates a process for the independent external review of adverse health care treatment decisions. The amendment allows an enrollee in a health plan to request external review after the enrollee has exhausted all levels of a carrier's internal grievance procedure or has met the requirements for expedited review. An enrollee must request the review in writing within 12 months of the date an enrollee has received a final adverse health care treatment decision under the internal grievance procedure. The adverse health care treatment decisions that may be reviewed are those decisions that involve issues of medical necessity, preexisting condition determinations and determinations regarding experimental or investigational services or decisions regarding diagnosis, care and treatment when medical services are provided by a health plan. The external review decision will be made by an independent review organization under contract with the Department of Professional and Financial Regulation, Bureau of Insurance. The external review decision is binding on the carrier but not on the enrollee.
10. It gives enrollees the right to sue carriers. The amendment creates a statutory cause of action by an enrollee against a carrier offering a health plan or its agents for harm to an enrollee proximately caused by the failure of a carrier to exercise ordinary care when making health care treatment decisions. An enrollee must exhaust the internal and external review processes before bringing a cause of action and must initiate the action within 3 years after the issuance of an external review decision. The right-to-sue provision allows an enrollee to recover actual damages and limits the recovery of noneconomic damages to a maximum of \$400,000. The recovery of punitive damages is precluded.

The amendment also proposed to add an allocation section and a fiscal note to the bill.

Committee Amendment "B" (H-1062) is a minority report of the committee and replaced the bill. The amendment is the same as the majority report except that it does not contain a right-to-sue provision. Committee Amendment "B" was not adopted.

Committee Amendment "C" (H-1063) is a minority report of the committee and replaced the bill. The amendment differed from the majority report in the right-to-sue provision only.

The amendment proposed to give enrollees the right to sue carriers by creating a statutory cause of action by an enrollee against a carrier offering a health plan or its agents for harm to an enrollee directly caused by the failure of a carrier to exercise ordinary care when making health care treatment decisions that affect the quality of the diagnosis, care or treatment provided to an enrollee. Under this amendment, an enrollee must exhaust the internal and external review processes before bringing a cause of action and must initiate the action within one year after the issuance of an external review decision; the majority report requires that the action be brought within 3 years. Under this amendment, the right-to-sue provision allows an enrollee to recover actual damages and limits the recovery of noneconomic damages to a maximum of \$150,000 and precludes the recovery of punitive damages. The majority report allows a maximum recovery for noneconomic damages of \$400,000

Under this amendment, a carrier has an affirmative defense against a cause of action that the carrier or its agents did not influence, participate in or control the health care treatment decision. The majority report does not provide for an affirmative defense. The amendment also proposed to limit an enrollee's remedy against a carrier for its health care treatment decisions to the statutory cause of action except for other remedies specifically available under other provisions of the Maine Revised Statutes, Title 24-A.

The amendment also proposed to add an allocation section and a fiscal note to the bill. Committee Amendment "C" was not adopted.

House Amendment "A" to Committee Amendment "A" (H-1077) proposed to allow residents of the State to establish medical savings accounts for payment of eligible medical expenses, including the payment of health insurance premiums and deductibles. Contributions to, interest earned on and qualified withdrawals from medical savings accounts would have been exempted from Maine state income tax. House Amendment "A" to Committee Amendment "A" was not adopted.

House Amendment "B" to Committee Amendment "A" (H-1084) proposed to allow health insurers, nonprofit hospital and medical service organizations and health maintenance organizations to offer a catastrophic health plan that does not include any mandated benefits to individuals and small groups. House Amendment "B" to Committee Amendment "A" was not adopted.

House Amendment "C" to Committee Amendment "A" (H-1092) proposed to appropriate \$900,000 to the State Employee Health Insurance Reserve to be used in the event that Blue Cross Blue Shield of Maine increases premiums for health insurance provided to state employees due to the effects of the Patient's Bill of Rights. House Amendment "C" to Committee Amendment "A" was not adopted.

House Amendment "D" to Committee Amendment "A" (H-1165) proposed to add clarifying language to the right-to-sue provision and add language giving carriers an affirmative defense. The amendment also proposed to add language making the right-to-sue provision the sole and exclusive remedy against a carrier except for statutory causes of action under the Maine Insurance Code. It also allows a cause of action to be brought seeking remedies under either the right-to-sue provision or under wrongful death, but not both.

House Amendment "E" to Committee Amendment "A" (H-1166) proposed to remove the right-to-sue provision. House Amendment "E" to Committee Amendment "A" was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-675) proposed to require an enrollee to exhaust the internal and external review processes before bringing a cause of action and must initiate the action within one year after the issuance of an external review decision; Committee Amendment "A" requires that the action be brought within 3 years. Under this amendment, the right-to-sue provision allows an enrollee to recover actual damages and limits the recovery of noneconomic damages to a maximum of \$150,000 and precludes the recover of punitive damages. Committee Amendment "A" allows a maximum recovery for noneconomic damages of \$400,000. Senate Amendment "A" to Committee Amendment "A" was not adopted.

Under this amendment, a carrier has an affirmative defense against a cause of action that the carrier or its agents did not influence, participate in or control the health care treatment decision. Committee Amendment "A" does not provide for an affirmative defense. This amendment also limits an enrollee's remedy against a carrier for its health care treatment decisions to the statutory cause of action except for other remedies specifically available under other provisions of the Maine Revised Statutes, Title 24-A. Senate Amendment "A" to Committee Amendment "A" was not adopted.

Enacted law summary

Public Law 1999, chapter 742 establishes additional requirements for health plans and managed care plans offered in this State and provides additional protections for health plan and managed care enrollees.

The law does the following.

1. It requires all managed care plans to provide reasonable access to providers in accordance with the access standards of Bureau of Insurance Rule Chapter 850.
2. It prohibits carriers offering managed care plans from using financial incentives for participating providers to deny, reduce, withhold, limit or delay specific medically appropriate health care services to enrollees.
3. It requires carriers to provide services requested by enrollees who are deaf or hard-of-hearing or visually impaired during the internal and external review processes.
4. It requires carriers to establish policies to allow enrollees with special conditions to receive standing referrals to specialists.
5. It requires carriers to provide continuity of care to enrollees undergoing a course of treatment when the enrollee's provider is terminated as a participating provider by the carrier or the enrollee's coverage changes to another carrier.
6. It requires coverage of emergency services by carriers in accordance with the requirements of Bureau of Insurance Rule Chapter 850.
7. It requires that carriers provide coverage of routine patient costs for qualified enrollees with life-threatening illnesses that participate in clinical trials. The provision requires carriers to provide

coverage for those costs not reasonably expected to be paid for by the sponsors of an approved clinical trial. Approved clinical trials are defined as clinical research studies and clinical investigations approved and funded by the National Institutes of Health. This provision applies to all policies and contracts issued or renewed on or after January 1, 2001.

8. It requires carriers that provide coverage of prescription drugs through a drug formulary to ensure the participation of physicians and pharmacists in the development of the formulary and to provide exceptions to formulary limitations when a nonformulary drug is medically indicated. The provision also prohibits carriers from denying coverage of a prescribed drug or device on the basis that the use of the drug or device is investigational if the intended use of the drug or device is included in the labeling authorized by the federal Food and Drug Administration or if the use is recognized in one of the standard reference compendia or in peer-reviewed medical literature. This provision applies to all policies and contracts issued or renewed on or after January 1, 2001.
9. It creates a process for the independent external review of adverse health care treatment decisions. The provision allows an enrollee in a health plan to request external review after the enrollee has exhausted all levels of a carrier's internal grievance procedure or has met the requirements for expedited review. An enrollee must request the review in writing within 12 months of the date an enrollee has received a final adverse health care treatment decision under the internal grievance procedure. The adverse health care treatment decisions that may be reviewed are those decisions that involve issues of medical necessity, preexisting condition determinations and determinations regarding experimental or investigational services or decisions regarding diagnosis, care and treatment when medical services are provided by a health plan. The external review decision will be made by an independent review organization under contract with the Department of Professional and Financial Regulation, Bureau of Insurance. The external review decision is binding on the carrier but not on the enrollee.
10. It gives enrollees the right to sue carriers. The provision creates a statutory cause of action by an enrollee against a carrier offering a health plan or its agents for harm to an enrollee proximately caused by the failure of a carrier to exercise ordinary care when making health care treatment decisions affecting the quality of care, diagnosis or treatment provided to an enrollee. An enrollee must exhaust the internal and external review processes before bringing a cause of action and must initiate the action within 3 years after the earlier of the issuance of an external review decision or the issuance of an underlying adverse first-level appeal or grievance determination notice. The right-to-sue provision allows an enrollee to recover actual damages and limits the recovery of noneconomic damages to a maximum of \$400,000. The recovery of punitive damages is precluded. The provision gives carriers an affirmative defense that the carriers or its agents did not influence, participate in or control the health care treatment decision. The provision also makes the cause of action the sole and exclusive remedy against a carrier except for statutory causes of action under the Maine Insurance Code. It also allows a cause of action to be brought seeking remedies under either the right-to-sue provision or under the wrongful death statute, but not both.

LD 1000

An Act to Provide Insurance Parity for Substance Abuse Treatment

ONTP

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

LD 1000, which was carried over from the First Regular Session, proposed to require that all individual and group health insurance contracts provide coverage for substance abuse treatment under the same terms and conditions as coverage for physical conditions and illnesses. The bill would have applied to all policies and contracts issued or renewed on or after January 1, 2000.

LD 1158

An Act to Ensure Equality in Mental Health Coverage for Children and Adults

ONTP

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

LD 1158, which was carried over from the First Regular Session, proposed to require that all individual and group health insurance contracts provide coverage for biologically-based mental illness under the same terms and conditions as coverage for physical illness. The bill proposed to add the eating disorders, anorexia and bulimia, to the list of biologically-based mental illnesses that qualify for parity coverage. LD 1158 also proposed to require that all health insurance contracts provide parity coverage for all mental illnesses and disorders diagnosed in children under 18 years of age listed in the Diagnostic and Statistical Manual of Mental Health Disorders, 4th Edition.

LD 1493

An Act Regarding Private Long-term Disability Insurance for Mental Illnesses

ONTP

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

LD 1493, which was carried over from the First Regular Session, proposed to require all long-term disability insurance policies or contracts offered by group or individual insurers to cover disabilities resulting from certain biologically-based mental illnesses. These mental illnesses would have included major depressive disorder, schizophrenia, obsessive-compulsive disorder, panic disorder, paranoia, bipolar disorder and autism.

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

LD 1619, which was carried over from the First Regular Session, proposed to establish a "Patients' Bill of Rights" for Maine residents enrolled in HMO's and other health plans. The bill proposed to:

1. Ensure access to obstetrical and gynecological care;
2. Ensure access to specialty care for seriously ill patients;
3. Ensure continuity of care when a physician is dropped from a health plan;
4. Ensure access to prescription drugs;
5. Ensure access to clinical trials;
6. Provide patients with access to an independent external review of decisions regarding health care coverage and services;
7. Prohibit offering financial incentives to providers to limit necessary and appropriate medical care;
8. Establish an independent consumer assistance program to provide assistance and advocacy services to patients in selecting a health insurance plan, utilizing the plan and filing grievances and appeals of plan decisions;
9. Provide patients with the right to sue their health plan if the plan's failure to exercise ordinary care in making treatment decisions causes an injury to a patient; and
10. Require health plans to disclose information about their costs, benefits and performance.

See related bill, LD 750.

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

LD 1640, which was carried over from the First Regular Session, proposed to establish regulatory standards for providers of service contracts and exempt these contracts from all other provisions of the Maine Insurance Code. The bill also proposed to exempt from the Maine Insurance Code other types of contracts, including warranties, maintenance agreements, service contracts offered for sale to persons other than consumers and warranties, service contracts and maintenance agreements offered by public utilities on their transmission devices to the extent they are regulated by the Public Utilities Commission.

LD 1787

An Act Regarding Dependent and Family Coverage in the State Employee Health Insurance Program

ONTP

Sponsor(s)
DAGGETT

Committee Report
ONTP

Amendments Adopted

LD 1787, which was carried over from the First Regular Session, proposed to require the state employee health insurance program to treat the children of 2 unmarried state employees the same as it does the children of 2 married state employees when offering and establishing costs for health insurance. The bill proposed to require the state to offer so-called "split contracts" to unmarried state employees on the same basis and cost as if offered to married state employees.

LD 2029

An Act to Update and Amend the Preferred Provider Arrangement Act

PUBLIC 609

Sponsor(s)
SAXL J
ABROMSON

Committee Report
OTP-AM

Amendments Adopted
H-860

LD 2029 was submitted on behalf of the Department of Professional and Financial Regulation and carried over from the First Regular Session. LD 2029 proposed to accomplish the following:

1. It makes definitions in the Maine Revised Statutes, Title 24-A, chapter 32 more consistent with those in Title 24-A, chapter 56-A;
2. It adds geographic accessibility standards for preferred provider arrangements, consistent with those of health maintenance organizations;
3. It provides for the incorporation of downstream risk arrangements;
4. It requires a preferred provider administrator who handles money to be licensed as a 3rd-party administrator, rather than being subject to separate standards as they are currently; and
5. It requires registered preferred provider arrangements to generate annual reports consistent with existing law.

Committee Amendment "A" (H-860) replaced the bill.

Preferred provider arrangements, PPAs, include a contract, agreement or arrangement between a carrier or administrator and a provider in which the provider agrees to provide health care services to a health plan enrollee whose plan benefits include incentives, typically a discount, for the enrollee to use the services of that provider. PPAs often serve as the provider network for carriers offering discount arrangements. In some instances, a PPA is the provider network for health maintenance organizations, HMOs. A gatekeeper PPA mirrors an HMO point-of-service product. Because of the similarities between a PPA and an HMO, the amendment proposed to standardize the reporting and filing requirements.

The amendment proposed to clarify definitions in the PPA statute and make the definitions consistent with the HMO statute. The amendment would make the accessibility and reporting standards for PPAs and HMOs consistent. It also clarified the information that PPAs must file with the Superintendent of Insurance to be registered in the State. The amendment proposed to require preferred provider administrators who transfer funds, manage funds or adjust claims to register as insurance administrators. The amendment would require that carriers offering more than one health plan with different provider networks must register each arrangement as a separate PPA with the superintendent. The amendment would clarify that the rules adopted pursuant to the Maine Revised Statutes, Title 24-A, chapter 56-A are applicable to PPAs.

The amendment proposed to require providers that enter into limited risk arrangements to meet certain criteria to protect enrollees from financial risk. Carriers that enter into downstream risk arrangements with downstream entities must acknowledge responsibility for providing services to enrollees in the event a downstream entity fails financially. Under the amendment, Title 24-A, chapter 56-A, subchapter III would allow the waiver of licensure requirements for downstream risk arrangements that meet safe harbor provisions or meet additional contractual and disclosure requirements specified by the superintendent. This subchapter proposed to establish a risk threshold under which a downstream entity may operate without licensure. Specific contractual and disclosure provisions are established that downstream entities must comply with to meet safe harbor standards. Additionally, the superintendent may waive licensing requirements for downstream entities that exceed the risk threshold if they meet specific contractual and disclosure conditions.

The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 609 makes changes to the laws governing preferred provider arrangements to make them more consistent with the laws governing health maintenance organizations. A preferred provider arrangement is a contract, agreement or arrangement between a health insurance carrier or administrator and a provider in which the provider agrees to provide health care services to a health plan enrollee whose plan benefits include incentives, typically a discount, for the enrollee to use the services of that provider. Because of the similarities between a preferred provider arrangement (PPA) and a health maintenance organization (HMO), Public Law 1999, chapter 609 standardizes the reporting and filing requirements for PPAs and HMOs and makes the definitions consistent with those used in the Maine Revised Statutes, Title 24-A, chapter 56.

Public Law 1999, chapter 609 also makes the accessibility standards for PPAs consistent with the standards for HMOs. It clarifies the information that PPAs must file with the Superintendent of Insurance to be registered in the State. It requires administrators of preferred provider arrangements who transfer funds, manage funds or adjust claims to register as insurance administrators. The law requires that carriers offering more than one health plan with different provider networks must register each arrangement or provider network as a separate PPA with the Superintendent of Insurance. Finally, the law makes the rules adopted pursuant to the Health Plan Improvement Act, Maine Revised Statutes, Title 24-A, chapter 56-A, applicable to PPAs.

Public Law 1999, chapter 609 also enacts a new subchapter regulating downstream risk arrangements. Under a downstream risk arrangement, providers enter into arrangements with carriers that transfer all or part of the financial risk from a carrier's health plan to the provider. The law requires that downstream risk

arrangements be licensed or expressly permitted by the Superintendent unless the arrangements meet certain criteria under which a downstream entity may operate without licensure or obtain a waiver from the Superintendent. Downstream risk arrangements between a carrier and a downstream entity may operate without licensure if the arrangements do not involve substantial insurance risk or substantial enrollee risk and the arrangements meet specific contractual and disclosure requirements. Substantial insurance risk is defined as risk based on the use or costs of referral services only when the downstream entity is at risk for more than 75% of potential payments by the carrier to the downstream entity. Substantial enrollee risk is defined as an arrangement with a downstream entity involving more than 25% of the enrollees served by the carrier. Downstream risk arrangements that exceed the risk threshold for insurance risk or enrollee risk may request and receive a waiver from licensure from the Superintendent. The waiver request must include a plan for managing financial exposure sufficient to quantify in dollars per quarter and per annum all elements of downstream risk to be assumed by the downstream entity.

LD 2043

An Act to Clarify Underinsured Motor Vehicle Coverage

PUBLIC 663

<u>Sponsor(s)</u> LAFOUNTAIN SAXL J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-572
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LD 2043 was recommitted to the Joint Standing Committee on Banking and Insurance near the end of the First Regular Session and carried over to the Second Regular Session. LD 2043 proposed to amend the laws governing underinsured vehicle coverage to address certain cases when more than one person is injured in an accident. It proposed to amend the provision of law construed in Mullen v. Liberty Mutual Insurance Co., 589 A.2d 1275 (Me. 1991) to deny a consumer the full benefit of the purchased insurance coverage in certain circumstances.

In Mullen v. Liberty Mutual Insurance Co., the Supreme Judicial Court determined that under current law the victim of a negligent motorist may be denied the full benefit of the uninsured motorist insurance purchased if multiple people are injured. LD 2043 proposed to amend the provision of law construed in Mullen to ensure that a person who is injured in an automobile accident is covered to the full extent of the underinsured motorist coverage purchased by the injured person when the insurance policy of the negligent motorist does not cover the injured person's claims.

Committee Amendment "B" (S-572) replaced the bill. The amendment proposed to require that, in instances when more than one person is injured in a motor vehicle accident involving an underinsured motor vehicle, the amount of underinsured vehicle coverage available to the injured person is determined by subtracting any payments actually made to the injured person under the motor vehicle liability policy applicable to the particular owner or operator of the underinsured motor vehicle from the injured person's, operator's or owner's underinsured vehicle coverage policy limits if applicable to that person. The amount of recovery must also be reduced by the amount by which the policy limits of the motor vehicle liability policy covering the underinsured motor vehicle exceed the total payments made under that policy to injured persons.

The amendment also proposed to clarify that the requirement that uninsured motor vehicle coverage limits equal the amount of liability coverage under a policy unless lower amounts are expressly rejected applies to personal motor vehicle insurance coverage and not to commercial coverage. It adds a provision governing the manner and time frame in which purchasers of personal motor vehicle insurance coverage may reject

equal amounts of coverage. It also specifies the language that must be included in the rejection form provided to purchasers by insurers. The amendment makes this provision applicable to all motor vehicle liability policies issued or renewed on or after October 1, 2000.

The amendment also proposed to add an emergency preamble and emergency clause to the bill.

Enacted law summary

Public Law 1999, chapter 663 amends the statutory provisions governing underinsured vehicle coverage in situations when more than one person is injured in a motor vehicle accident involving an underinsured motor vehicle. In these situations, the law requires that the amount of underinsured vehicle coverage available to the injured person is determined by subtracting any payments actually made to the injured person under the motor vehicle liability insurance policy applicable to the particular owner or operator of the underinsured motor vehicle from the injured person's, operator's or owner's underinsured vehicle coverage policy limits if applicable to that person. The amount of recovery must also be reduced by the amount by which the policy limits of the motor vehicle liability insurance policy covering the underinsured motor vehicle exceed the total payments made under the policy to the injured person.

Public Law 1999, chapter 663 also clarifies the provision in Public Law 1999, chapter 271 requiring that the uninsured motor vehicle coverage limits of a motor vehicle insurance policy equal the amount of liability coverage under the policy unless lower amounts of coverage are expressly rejected. Public Law 1999, chapter 663 makes clear that this requirement applies to personal motor vehicle insurance coverage and not to commercial coverage. It prescribes the manner and time frame in which purchasers of personal motor vehicle insurance coverage may reject equal amounts of coverage and specifies the language that must be included in the rejection form provided to purchasers by insurers. Finally, Public Law 1999, chapter 663 delays the implementation of the requirement for equal amounts of coverage for uninsured coverage and liability coverage to all personal motor vehicle liability insurance policies issued or renewed on or after October 1, 2000.

Public Law 1999, chapter 663 was enacted as an emergency effective April 11, 2000.

LD 2058

An Act Relative to Insurance Compliance Self-audit

ONTP

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

LD 2058, which was carried over from the First Regular Session, proposed to create a privilege for self-audit documents maintained by insurers to monitor and facilitate compliance with the Maine Insurance Code. The bill proposed to limit discovery of the self-audit documents in civil, criminal or administrative proceedings against an insurer except in certain circumstances. The bill also proposed to make self-audit documents submitted to the Bureau of Insurance confidential after submission and to specify that the self-audit privilege is not waived after submission of the documents. The bill would not have extended the privilege in civil fraud cases or in criminal proceedings if a court ordered disclosure after review of the documents in camera.

LD 2138

An Act to Permit the Transfer of Liabilities by a Member of a Workers' Compensation Group Self-insurer

ONTP

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

LD 2138, which was carried over from the First Regular Session, proposed to enable a member of a workers' compensation self-insured group to withdraw from the group with the approval of the group by insuring the departing member's own liabilities arising from that member's own claims that would otherwise remain the responsibility of the group. It further would authorize the Superintendent of Insurance to approve insurance policy endorsements that would accomplish this.

LD 2225

An Act to Permit Certain Referrals by Health Care Practitioners

**PUBLIC 553
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M	OTP-AM	H-786

Current law prohibits a health care practitioner from referring a patient to another facility in which the practitioner holds an interest unless the practitioner will be personally responsible for the provision of care to that patient. LD 2225 proposed to allow the referral to another office or group of health care practitioners, regardless of whether the referring physician holds an investment interest in that office or group.

Committee Amendment "A" (H-786) proposed to allow a health care practitioner to refer patients to another health care practitioner in a group practice or health care facility in which the referring health care practitioner has invested when there is a demonstrated need for the facility in the community. The amendment specifies that demonstrated need for the facility exists when the quality of health care services in the community would be improved, such as when the facility provides new specialty or subspecialty services.

The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 553 removes the prohibition on a health care practitioner from referring a patient to another facility in which that practitioner holds a financial interest to allow a practitioner to refer patients to another health care practitioner in a group practice or health care facility in which the referring practitioner has invested when there is a demonstrated need for the facility in the community.

Public Law 1999, chapter 533 was enacted as an emergency effective March 15, 2000.

LD 2259

An Act to Amend the Maine Banking Code Pertaining to Interlocking Directors

**PUBLIC 546
EMERGENCY**

<u>Sponsor(s)</u> LAFOUNTAIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-477
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LD 2259 proposed to amend the Maine Banking Code pertaining to laws that affect bank directors. The changes amend the interlocking directors provisions, which need to be changed after Maine's recent adoption of the universal bank charter laws, to allow a director of a traditional bank or credit union to also serve on the board of a financial institution with a limited purpose charter with a waiver from the Superintendent of Banking.

Committee Amendment "A" (S-477) proposed to clarify that any waiver granted by the Superintendent of Banking may be withdrawn upon reasonable written notice to the affected party. The amendment also proposed to add an emergency preamble, emergency clause and a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 546 amends the law prohibiting interlocking directors on the boards of more than one financial institution to allow an individual to serve on the board of a limited purpose bank and a traditional financial institution or credit union with a waiver from the Superintendent of Banking.

Public Law 1999, chapter 546 was enacted as an emergency effective March 6, 2000.

LD 2263

An Act to Regulate Nonprofit Debt Management Service Providers

**PUBLIC 560
EMERGENCY**

<u>Sponsor(s)</u> LAFOUNTAIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-493
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LD 2263 proposed to amend the Maine Consumer Credit Code by enacting a new article providing for the registration and regulation of nonprofit debt management service organizations.

Committee Amendment "A" (S-493) replaced the bill and proposed to enact a new chapter requiring the registration and regulation of nonprofit debt management service providers. Such organizations assist consumers in restructuring their consumer credit obligations and revising their terms of repayment on a voluntary basis, generally by also securing debt restructuring agreements with creditors. Payments made by a consumer do not become the property of the organization and must be deposited in a trust account and paid over to the creditors within 15 days, according to the terms of a written agreement with the consumer. The amendment proposed to give the Office of Consumer Credit Regulation regulatory authority over nonprofit debt management service providers.

The amendment also proposed to add an emergency preamble, an emergency clause and a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 560 requires the registration and regulation of nonprofit debt management service providers by the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation. For-profit organizations that provide debt management services are prohibited. Nonprofit debt management service providers provide services on a voluntary basis to consumers to restructure their consumer credit obligations and to revise their terms of repayment, often by securing debt restructuring agreements with creditors.

Public Law 1999, chapter 560 requires that consumer funds be deposited in a trust account and be paid over to creditors on the consumer's behalf within 15 days of receipt of the funds. It prohibits debt management service providers from performing debt management services for a consumer unless the services are provided pursuant to a written agreement with the consumer. Debt management service providers are also prohibited from purchasing debt, providing credit to consumers, operating as a debt collector, obtaining a mortgage or other security interest in a consumer's property and structuring agreements that would result in negative amortization of a consumer's obligations to creditors.

Public Law 1999, chapter 560 was enacted as an emergency effective March 15, 2000.

LD 2264

An Act Relating to Certain Commercial Insurance Contracts

PUBLIC 538

<u>Sponsor(s)</u> LAFOUNTAIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-472
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LD 2264 proposed to amend the definition of large commercial policyholder to clarify that the premium threshold for property and casualty insurance premiums remains \$50,000 after January 1, 2003.

Committee Amendment "A" (S-472) proposed to correct a cross-reference.

Enacted law summary

Public Law 1999, chapter 538 clarifies that a large commercial policyholder must continue to satisfy the \$50,000 premium threshold for property and casualty insurance after January 1, 2003 in order to qualify for reduced regulation of large commercial insurance policies by the Bureau of Insurance.

Public Law 1999, chapter 538 applies retroactively to September 18, 1999.

LD 2283

An Act to Realign Capital Requirements for Specialty Bank Charters

PUBLIC 539

<u>Sponsor(s)</u> LAFOUNTAIN		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Current law requires initial capital for a merchant bank of \$20,000,000, considerably more than that required for any other financial institution chartered under state law. LD 2283 proposed to realign that minimum capital requirement to be consistent with that which is required for any other bank charter and make other changes in specialty bank laws to create uniformity with respect to statutory capital requirements.

Enacted law summary

Public Law 1999, chapter 539 makes the minimum capital required for merchant banks consistent with the requirement for other bank charters.

LD 2296 An Act to Clarify the Rule-making Authority of the Commissioner of Human Services in Relation to Health Maintenance Organizations and Other Health Plans DIED BETWEEN BODIES

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

Current law grants rule-making authority over health maintenance organization's quality matters and other matters that are within the purpose of the Health Plan Improvement Act to the Superintendent of Insurance.

The Bureau of Medical Services within the Department of Human Services proposed a new department rule: 10-144, chapter 109, Quality Oversight for Commercial Health Maintenance Organizations, that would give authority to the Bureau of Medical Services to oversee quality assurance for commercial health maintenance organizations that are subject to primary regulation and oversight by the Bureau of Insurance.

LD 2296 proposed to prohibit the Commissioner of Human Services from adopting rules relating to quality oversight for commercial health maintenance organizations or other health plans that are subject to the Health Plan Improvement Act.

Committee Amendment "A" (S-608) is the majority report of the committee and replaced the bill. The amendment proposed to designate any rules of the Department of Human Services that relate to quality oversight of health maintenance organizations and other carriers as major substantive rules subject to legislative review by the Joint Standing Committee on Banking and Insurance. Committee Amendment "A" was adopted in the House, but was not adopted in the Senate.

<u>Sponsor(s)</u> GOLDTHWAIT STANWOOD	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-521
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LD 2373 proposed to amend the laws governing mortuary trust funds as follows.

1. It requires that, if money is paid by check, share draft or money order under a prearranged funeral or burial plan, the payee must instruct the payor to make the instrument payable to the financial institution into which it is to be deposited.
2. It requires prearranged funeral and burial plan agreements to state the name of the financial institution into which the money will be deposited and directs the payor to send a copy of the agreement to the named institution.
3. It requires the payee to keep complete records, including the name and address of the institution currently in possession of the funds.
4. Current law allows the payee to withdraw funds on the instructions of the payor. The bill allows the payee only to direct the funds to another institution or to the payor. The funds may be withdrawn by the payee only upon the death of the beneficiary.

Committee Amendment "A" (S-521) proposed to require that the names of the mortuary trustee and the person for whose benefit the payment is made appear on the check, share draft or money order made payable to the financial institution or credit union into which mortuary trust funds are to be deposited. The amendment also would require that withdrawal of mortuary trust funds may be made only upon presentation of a certified copy of the death certificate of the person for whose benefit the funds were paid. The amendment also would clarify the liability of a financial institution or credit union for payment of funds in a mortuary trust account.

The amendment also proposed to add an emergency preamble, emergency clause and a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 590 changes the laws governing mortuary trust funds.

1. It requires that if money is paid by check, share draft or money order under a prearranged funeral or burial plan, the funeral director must instruct the individual making the payment to make the instrument payable to the financial institution into which the funds are to be deposited and to include the names of the funeral director as mortuary trustee and the person for whose benefit the payment is made on the check, share draft or money order.

2. It requires that prearranged funeral and burial plan agreements state the name of the financial institution into which the money is to be deposited and directs the individual establishing the plan to send a copy of the agreement to that financial institution.
3. It to requires the funeral director or mortuary trustee to keep complete records, including the name and address of the financial institution or credit union where the funds are currently deposited.
4. It requires that funds may only be transferred to another institution or directed to the person who established the fund.
5. It requires that funds may be withdrawn by the mortuary trustee only upon presentation of a certified copy of the death certificate of the person for whose benefit the funds were paid.

Public Law 1999, chapter 590 was enacted as an emergency effective March 28, 2000.

LD 2408 **Resolve, to Create a Blue Ribbon Commission to Study the
Creation of a Public/Private Purchasing Alliance to Ensure Access
to Health Care for all Maine Citizens** **ONTP**

<u>Sponsor(s)</u> SAXL J	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2408, which was a concept draft pursuant to Joint Rule 208, proposed to create a blue ribbon commission to study the creation of a public/private purchasing alliance in order to ensure access to health care for all Maine citizens.

See related joint order, HP 1857.

LD 2423 **An Act to Allow Privately Acquired Catastrophic Insurance
Coverage to Supplement the Cub Care Program** **ONTP**

<u>Sponsor(s)</u> SHERMAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2423 proposed to modify the Cub Care law to allow retention of privately provided catastrophic insurance coverage for children, which would serve to supplement coverage under the Cub Care program.

LD 2424

An Act to Require Health Insurance Policies to Cover School-based Services

ONTP

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

LD 2424 proposed to require health insurance policies and contracts that cover children in school to cover services performed by a physician, nurse practitioner or physician assistant who is employed or contracted to provide those services by an elementary or secondary school. The bill also proposed to require the Department of Human Services to adopt rules no later than October 1, 2000 to ensure coverage of those same services under Medicaid.

See related joint order, HP 1864.

LD 2520

An Act to Amend Investment-related Provisions of the Maine Insurance Code

PUBLIC 715

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN SULLIVAN	OTP-AM	S-663

LD 2520 proposed to rewrite certain provisions of the Maine Insurance Code dealing with investments of life and health insurers, including investments in affiliates, foreign investments, encumbrance of securities and limits on both mortgage loans and the use of derivative investments. It would replace portions of current Maine law with provisions drawn from the Investment of Insurers Model Act developed by the National Association of Insurance Commissioners, or "NAIC," and adopted in a number of other states. LD 2520 proposed to do the following:

1. It adds a number of definitions to Maine's investment law to implement the provisions of this bill and repeals the definition of "bona fide hedging transaction."
2. It addresses hedging and other uses of derivative investment instruments, consistent with the model investment law and more recent regulatory developments in other states. It places new limits on the use of derivatives by life and health insurers, while at the same time updating Maine law to recognize the evolution in this area.
3. It amends the diversification requirements of Maine's investment law to specifically apply to derivative transactions, counter-party exposure amounts, securities lending transactions, reverse repurchase transactions, repurchase transactions and dollar roll transactions.
4. It imposes limits on mortgage lending by life and health insurers not now imposed in Maine law. The limits are similar to those contained in the NAIC model investment law.
5. It expands the limitations on foreign investments to match those in the model investment law, allowing Maine life and health insurers greater access to maturing global capital markets.

6. It amends the Maine Revised Statutes, Title 24-A, section 1160, subsection 3 to address a conflict between Maine's investment law and its insurance holding company law with respect to transactions with affiliates. It is consistent with the model law. The result of amending this section is to allow Title 24-A, section 222, subsection 9, paragraph E, subparagraph (1), division (b) to be the exclusive source of regulation on this issue, eliminating confusion caused by the current overlap and inconsistency of the 2 provisions.
7. It addresses ambiguities as to the applicability to securities lending, repurchase, and reverse repurchase transactions of the limits on the percentage of an insurer's assets that may be pledged to secure borrowings by the insurer. The bill also increases the limits to be consistent with the model investment law.

Committee Amendment "A" (S-663) proposed to clarify that the additional definitions and changes to definitions included in the bill apply to life and health insurers. Under the amendment, the definitions in current law as they apply to property and casualty insurers are retained. The amendment proposed to authorize life and health insurers and property and casualty insurers to invest in depository institution subsidiaries to the extent allowed under federal law.

The amendment also proposed to amend the provision governing insurance company transactions with affiliates to address a conflict with the insurance holding company law and makes the holding company law the exclusive source of regulation of transactions with affiliates.

The amendment proposed to address ambiguities concerning how the limits on the percentage of an insurer's assets that may be pledged to secure borrowings by the insurer apply to securities lending and repurchase and reverse repurchase transactions.

Finally, the amendment proposed to make technical changes and other clarifications to the bill.

Enacted law summary

Public Law 1999, chapter 715 rewrites certain provisions of the Maine Insurance Code relating to permissible investments of life and health insurers, including investments in affiliates, foreign investments, encumbrance of securities and limits on both mortgage loans and the use of derivative investments. The new provisions are based on the Investment of Insurers Model Act developed by the National Association of Insurance Commissioners. The law clarifies that the changes to definitions and additional definitions apply only to life and health insurers. The definitions in current law are retained without changes as they apply to property and casualty insurers.

The law authorizes life and health insurers and property and casualty insurers to invest in depository institution subsidiaries to the extent allowed under federal law.

Public Law 1999, chapter 715 also amends the provision governing insurance company transactions with affiliates to address a conflict with the insurance company holding law. The law makes the holding company law the exclusive source of regulation of transactions with affiliates.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN SAXL J	OTP-AM	S-589

LD 2574 proposed to amend the Charitable Solicitations Act to exempt federally-chartered and state-chartered financial institutions and credit unions that are subject to supervision and examination by their respective chartering authorities.

LD 2574 also proposed to permit mutual property and casualty insurance companies in Maine to adopt a mutual holding company structure. The bill was introduced because of a provision of the federal Financial Services Modernization Act of 1999. Unless a state's laws authorize mutual insurers to transfer their domicile to another state and reorganize as a stock insurance company owned by a mutual holding company, the federal law preempts state insurance laws for this type of reorganization. Maine law does not currently authorize that kind of reorganization. By establishing law to allow mutual property and casualty insurers to reorganize, LD 2574 proposed to end the federal preemption and provide flexibility to mutual property and casualty insurers organized in Maine.

Committee Amendment "A" (S-589) proposed to clarify that a health insurance company organized as a mutual insurer may reorganize through the formation of a mutual holding company. The amendment also proposed to remove the provision in the bill that would have allowed challenges to a decision of the Superintendent of Insurance to approve the reorganization of a mutual insurer through the formation of a mutual holding company to be brought up to 180 days after the superintendent's approval of the plan.

The amendment also proposed to add an emergency preamble, emergency clause and fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 656 exempts federally-chartered and state-chartered financial institutions and credit unions that are subject to supervision and examination by their respective chartering authorities from the Charitable Solicitations Act.

Public Law 1999, chapter 656 also permits mutual property and casualty or health insurance companies to reorganize through the formation of a mutual holding company in response to the federal Financial Services Modernization Act of 1999. Unless a state's laws authorize mutual insurers to transfer their domicile to another state and reorganize as a stock insurance company owned by a mutual holding company, the federal law will preempt state insurance laws for this type of reorganization. Since Maine law did not previously authorize mutual insurers domiciled in the State to adopt the mutual holding company structure, Public Law 1999, chapter 656 ends the federal preemption.

Public Law 1999, chapter 656 was enacted as an emergency effective April 10, 2000.

LD 2627

An Act to Create the Community Health Plan Demonstration Project

ONTP

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

LD 2627 proposed to create a Community Health Plan Demonstration Project to be implemented by the Mount Desert Island Community Health Plan with oversight from the Superintendent of Insurance and the Department of Human Services. The target population of the project is small employers and self-insured employers. The purpose of the project is to determine the economic viability and health care quality associated with a community-based health plan providing access to affordable health care to participating purchasers through a purchasing alliance while at the same time providing a reasonable reimbursement to participating health care providers and maintaining local community control.

The bill also proposed to make an appropriation for the Community Health Plan Demonstration Project Guaranty Fund to cover potential losses incurred by the target risk pool during the 3-year benefit period under the project.

See related joint order, HP 1857.

HP 1857

JOINT ORDER – Relative to the Joint Select Committee to Study the Creation of a Public/Private Purchasing Alliance to Ensure Access to Health Care for all Maine Citizens

PASSED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL J ABROMSON		S-720 PINGREE

Joint Order HP 1857, proposed to establish a joint select committee to study the creation of a public/private purchasing alliance to ensure access to health care for all Maine citizens. The select committee would have consisted of the 13 members of the Joint Standing Committee on Banking and Insurance and would have been charged with studying the public policy, regulatory and legislative issues related to the creation of a purchasing alliance. The joint order proposed to have the select committee submit a report, along with any recommended legislation, by December 1, 2000.

Senate Amendment "A" to HP 1857 proposed to include in the committee's duties the possibility of creating a pilot project for a community-based health plan. Senate Amendment "A" was not adopted.

Senate Amendment "B" to HP 1857 proposed to change the membership of the committee from 13 members of the Joint Standing Committee on Banking and Insurance to 5 members who serve as legislators. The amendment also proposed to include in the committee's duties the possibility of creating a pilot project for a community-based health plan. Senate Amendment "B" was adopted in the Senate, but was not adopted in the House.

Senate Amendment "C" to HP 1857 proposed to change the membership of the committee to 13 legislators with preference to members of the Joint Standing Committee on Banking and Insurance; to change the deadline for the first meeting of the committee; and to include in the committee's duties the possibility of creating a pilot project for a community-based health plan.

Enacted law summary

Joint Order HP 1857 establishes a joint select committee to study the creation of a public/private purchasing alliance to ensure access to health care for all Maine citizens. The select committee consists of 13 members and is charged with studying the public policy, regulatory and legislative issues related to the creation of a public/private purchasing alliance. The joint order requires the select committee to submit a report, along with any recommended legislation, by December 1, 2000.

HP 1864

**JOINT ORDER – Relative to the Joint Select Committee on
School-based Health Care Services**

PASSED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER		S-721 PINGREE

Joint Order HP 1864 proposed to establish a joint select committee to study school-based health services. The select committee would have consisted of 5 members and was charged with studying the current funding sources for school-based health services, including the ability of school-based health centers to receive insurance reimbursement from 3rd party payors. The joint order proposed to have the select committee to submit a report, along with any recommended legislation, by December 1, 2000.

Senate Amendment "A" to HP 1864 proposed to change the date of the first meeting of the select committee from May 15, 2000 to June 30, 2000. The amendment also proposed to clarify that members are compensated for attendance only at authorized meetings of the committee.

Enacted law summary

Joint Order HP 1864 establishes a joint select committee to study school-based health services. The select committee consists of 5 members and is charged with studying the current funding sources for school-based health services, including the ability of school-based health centers to receive insurance reimbursement from 3rd party payors. The select committee is required to submit a report, along with any recommended legislation, to the Legislature by December 1, 2000.

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Joint Standing Committee on Business and Economic Development

LD 168 **An Act to License Home Inspectors** **ONTP**

<u>Sponsor(s)</u> HARRIMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 168 was carried over from the First Regular Session and proposed to establish the Maine Board of Home Inspectors and create 3 categories of licensure: apprentice inspector, home inspector and professional inspector.

LD 464 **An Act Concerning Notification by Oil Burner Technicians of Inadequate Chimneys** **ONTP**

<u>Sponsor(s)</u> CAMPBELL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 464 was carried over from the First Regular Session and proposed to exempt oil burner technicians from disciplinary actions involving the installation or servicing of oil burning equipment in an unsafe chimney.

LD 526 **Resolve, Creating the Commission to Study Economic Development Opportunities for Lewiston and Auburn** **ONTP**

<u>Sponsor(s)</u> MENDROS BENNETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 526 was carried over from the First Regular Session and proposed to establish the Commission to Study Economic Development Opportunities for Lewiston and Auburn.

LD 675 **An Act to Amend Consumer Protection Laws with Respect to Internet Service** **ONTP**

<u>Sponsor(s)</u> NUTTING J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 675 was carried over from the First Regular Session and proposed to require Internet providers to identify to each customer any local access numbers and long-distance access numbers that the customer may use to access the provider.

Sponsor(s)
MILLS

Committee Report
ONTP

Amendments Adopted

LD 952 was carried over from the First Regular Session and proposed to:

1. Provide civil remedies for electronic mail providers against registered users who use the provider's equipment located in this State in violation of the provider's policy prohibiting or restricting the use of its service or equipment for the initiation of unsolicited electronic mail advertisements;
2. Provide civil remedies for electronic mail providers against any person who initiates an unsolicited electronic mail advertisement using the provider's equipment located in this State in violation of that provider's policy prohibiting or restricting the use of its equipment to deliver unsolicited electronic mail advertisements to its registered users;
3. Establish criminal penalties for a person who:
 - A. Knowingly accesses and without permission alters, damages, deletes, destroys or otherwise uses any data, computer, computer system or computer network in order to:
 - (1) Devise or execute any scheme or artifice to defraud, deceive or extort; or
 - (2) Wrongfully control or obtain money, property or data;
 - B. Knowingly accesses and without permission takes, copies or makes use of any data from a computer, computer system or computer network, or takes or copies any supporting documentation, whether existing or residing inside or outside a computer, computer system or computer network;
 - C. Knowingly and without permission uses or causes to be used computer services;
 - D. Knowingly accesses and without permission adds, alters, damages, deletes or destroys any data, computer software or computer programs that reside or exist inside or outside a computer, computer system or computer network;
 - E. Knowingly and without permission disrupts or causes the disruption of computer services or denies or causes the denial of computer services to an authorized user of a computer, computer system or computer network;
 - F. Knowingly and without permission provides or assists in providing a means of accessing a computer, computer system or computer network;
 - G. Knowingly and without permission accesses or causes to be accessed any computer, computer system or computer network;

- H. Knowingly introduces any computer contaminant into any computer, computer system or computer network; or
- I. Knowingly and without permission uses the Internet domain name of another individual, corporation or entity in connection with the sending of one or more electronic mail messages, and thereby damages or causes damage to a computer, computer system or computer network.

LD 1094 An Act to Promote Economic Development in Northern Maine ONTP

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

LD 1094 was carried over from the First Regular Session. It was a concept draft pursuant to Joint Rule 208 and proposed to:

1. Improve the infrastructure;
2. Enhance existing businesses and encourage job growth;
3. Attract high-tech and high-wage jobs; and
4. Promote a stable economic environment through the review of current rules and regulations and taxes and make any necessary changes.

LD 1147 An Act to Decriminalize Resource Protection Violations by Seafood Dealers ONTP

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

LD 1147 was carried over from the First Regular Session and proposed to establish the Board of Seafood Dealers to enforce violations, review complaints against seafood dealers and take disciplinary action.

LD 1176 An Act to Amend the Real Estate Brokerage Laws Regarding Property Disclosure ONTP

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

LD 1176 was carried over from the First Regular Session and proposed to exempt nonresidential property sales from the Maine Real Estate Commission rules on property disclosure.

LD 1253

An Act to Create the Board of Cemetery and Crematory Services

ONTP

Sponsor(s)
CAMPBELL

Committee Report
ONTP

Amendments Adopted

LD 1253 was carried over from the First Regular Session and proposed to create the Board of Cemetery and Crematory Services to assist the Attorney General in the investigation of consumer complaints concerning cemeteries and crematories and to work closely with the Department of Human Services, Bureau of Health and Office of Data Research and Vital Statistics on issues relating to cemetery and crematory operations.

LD 1414

Resolve, to Support Downtown Revitalization through the Location of State Facilities and Targeting Economic Development Funding

ONTP

Sponsor(s)
TREAT
COLWELL

Committee Report
ONTP

Amendments Adopted

LD 1414 was carried over from the First Regular Session and proposed to direct the Department of Economic and Community Development to develop a state policy that would give preference to downtown areas for the location of state facilities and would avoid contributing to urban sprawl. Under the bill, the Department of Economic and Community Development would work with other state agencies in developing the policy including the Department of Administrative and Financial Services, the Department of Transportation, the Maine State Housing Authority and the Finance Authority of Maine.

LD 1665

Resolve, to Promote Natural Resource-based Industries

RESOLVE 99

Sponsor(s)
KILKELLY
DUNLAP

Committee Report
OTP-AM

Amendments Adopted
S-549

LD 1665 was carried over from the First Regular Session and proposed to direct the State Planning Office to develop a report that:

1. Proposed ways to ensure that state resources dedicated to natural resource-based industries are equitable with state resources dedicated to other business development;
2. Analyzed the current needs of the workforce for natural resource-based industries and the education programs that service that workforce; and
3. Proposed new education programs that will encourage individuals to enter into the fishing, farming and forestry industry.

The report would be submitted to the Second Regular Session of the 119th Legislature by January 1, 2000.

Committee Amendment “A” (S-549) proposed to change the reporting date from January 1, 2000 to January 1, 2001 and proposed to require the State Planning Office to submit the report to the joint standing committee of the Legislature having jurisdiction over business and economic development matters instead of to the Legislature. The amendment also proposed to direct the State Planning Office to include in its report the identification of barriers to and opportunities for natural resource-based industries. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Resolve 1999, chapter 99 directs the State Planning Office to develop a report that:

1. Proposes ways to ensure that state resources dedicated to natural resource-based industries are equitable with state resources dedicated to other business development;
2. Analyzes the current needs of the workforce for natural resource-based industries and the education programs that service this workforce;
3. Proposes new education programs that will encourage individuals to enter into the fishing, farming and forestry industry; and
4. Identifies barriers to and opportunities for natural resource-based industries.

The report will be submitted to the Joint Standing Committee of the Legislature having jurisdiction over business and economic development matters by January 1, 2001.

LD 1726 An Act to Ensure Fair Competition within the Motor Fuels Industry ONTP

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

LD 1726 was carried over from the First Regular Session and proposed to amend the Petroleum Market Share Act by requiring the State to eliminate anti-competitive situations among Maine’s petroleum marketers.

LD 1789 An Act to Improve the Licensing Procedures for Veterinarians ONTP

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

LD 1789 was carried over from the First Regular Session and proposed to enable the Board of Veterinary Medicine to charge a lesser licensing fee for veterinarians who are no longer engaged in active practice but who want to remain licensed. The bill also proposed to clarify administrative procedures for the relicensing of veterinarians.

LD 1846 **An Act to Require Motion Picture Distributors to Give Exhibitors an Equal Opportunity to Bid for the Right to Exhibit Motion Pictures** **ONTP**

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

LD 1846 was carried over from the First Regular Session and proposed to require that motion picture distributors give motion picture exhibitors an equal opportunity to bid on the right to exhibit motion pictures in the State.

LD 1895 **An Act to Establish Enterprise Zones to Fund Businesses in Areas of High Unemployment** **ONTP**

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

LD 1895 was carried over from the First Regular Session. It was a concept draft pursuant to Joint Rule 208 and proposed to establish enterprise zones in areas of the State in which the unemployment rate exceeds the statewide average unemployment rate by 75% or more. The enterprise zones would receive priority for all state economic development funds. LD 1895 also proposed to establish a fund in the Finance Authority of Maine and finance the fund through bonds issued by FAME. Under the bill, a business located in an enterprise zone could receive loans from the fund, based on criteria established and administered by FAME.

LD 1910 **An Act to Promote Economic Development in Central Maine** **ONTP**

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

LD 1910 was carried over from the First Regular Session. It was a concept draft pursuant to Joint Rule 208 and proposed to implement legislation to improve central Maine. It proposed to:

1. Issue a \$5,000,000 bond to establish a revolving loan fund to capitalize the Community Industrial Buildings Fund, a fund to assist local development corporations in constructing community industrial

buildings in economically deprived rural and urban areas. The fund would be matched with at least \$1,250,000 in private and public contributions;

2. Provide \$1,000,000 in funding to the Business Attraction Marketing Program in the Department of Economic and Community Development;
3. Require that 1% of all funds appropriated for research and development projects in this State be used to attract new businesses to locate in Maine to manufacture the items that are the products of the research and development;
4. Require the State Economic Development Strategy to include provisions for regional components that are consistent with economic development district plans;
5. Implement the recommendations of the Downtown Initiative in the Department of Community and Economic Development focusing on how to revitalize downtown areas in Maine;
6. Require that economic development districts be given a copy of results of any research by the Department of Economic and Community Development into industries and communities that are at risk for loss of jobs and businesses. The districts must use the results to develop a volunteer stakeholder task force to find solutions to any of the problems raised by the research and report back to the Governor and the Legislature with solutions and funding suggestions;
7. Appoint a volunteer stakeholder group to establish a Winter Harbor Development Group. The goal of the group is to explore and suggest alternative uses for the Winter Harbor base such as an international hotel, recreation facility, conference center or retreat;
8. Expand and modify the current local administrative contracting program for road building to provide for the construction of local roads quicker and less expensively;
9. Provide appropriate assistance, such as funding and state regulation application assistance, to expedite the dredging of the Penobscot River for the purpose of improving the navigable channel;
10. Establish an intermodal passenger system for Bangor International Airport by linking a terminal on airport grounds with rail and road access, including access to the state-owned Brewer-to-Calais railroad from the airport and Northern Maine Junction. Airport terminal access by road would be improved through the appropriation of funds and matching federal funds to reroute Maine Avenue;
11. Require the Department of Transportation to develop and implement a strategy to provide, where practical, connections from each state-owned or state-leased rail line to multiple railroad common carriers in order that Maine businesses and the public have affordable and unhampered access to the national rail transportation system;
12. Provide tax-exempt status to the sale or lease of an aircraft based in this State and regularly engaged in air commerce, or the replacement or repair parts for such an aircraft;
13. Eliminate permits for 53-foot truck trailers;
14. Exempt diesel fuel used while on the Maine Turnpike from the diesel fuel tax;

15. Provide to lessees of trucking equipment, such as a truck or trailer, used in interstate commerce the same sales tax exemption that is currently provided to owners of trucking equipment that is used in interstate commerce. Alternatively, a \$600 maximum would be placed on the sales tax imposed on any such equipment;
16. Require the Department of Environmental Protection to change the regulatory process from an instruction-based approach to a contractual, performance-based approach, thereby rewarding companies and businesses that meet or exceed the environmental objectives established by the department; and
17. Attract high-tech and high-wage jobs. This would be partially accomplished through the appropriation of \$300,000 each to Eastern Maine Technical College and Kennebec Valley Technical College to expand technical education programs in industries needing technically skilled workers.

LD 1917

An Act to Encourage Growth and Development in Cumberland County

ONTP

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

LD 1917 was carried over from the First Regular Session. It was a concept draft pursuant to Joint Rule 208 and proposed to implement legislation to improve Cumberland County. It proposed to:

1. Improve the infrastructure;
2. Enhance existing businesses and encourage job growth by providing a dollar-for-dollar reduction of a business' gross income, for purposes of computing income taxes owed by a business, for funds given by an employer to an employee to pay for that employee to attend an accredited Maine school;
3. Encourage investment in Maine businesses by providing a waiver of the capital gains tax to any person who invests a capital gain within 12 months of the realization of that gain in a business or corporation that is based or headquartered in Maine;
4. Attract and provide high-tech and high-wage jobs by providing an appropriation of \$400,000 per year to the Southern Maine Technical College to create or expand technical education programs in industries needing technically skilled workers. A matching contribution of 25% would be sought from the private sector in the form of cash, equipment, materials or scholarship funds; and
5. Promote a stable economic environment through the review of current rules and regulations and taxes and make any necessary changes.

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

LD 1919 was carried over from the First Regular Session. It was a concept draft pursuant to Joint Rule 208 and proposed to implement legislation to improve eastern Maine. It proposed to:

1. Improve the infrastructure, including the development of a rail line from Brewer to Eastport within 5 years and obtain appropriations to bring U.S. Route 1 from Steuben to Danforth up to national highway standards within 10 years;
2. Enhance existing businesses and encourage job growth by:
 - A. Creating an enterprise zone in Washington County. The enterprise zone would be based upon the former Job Opportunity Zones Act enacted in 1987 and repealed in 1993. The purpose of the enterprise zone is to establish a program of economic development incentives targeted to areas that are economically distressed or adversely affected by sudden or severe dislocation of the economy;
 - B. Creating a free-trade zone in Calais with an extension to Eastport. This would be similar to the current authorization given to the Loring Development Authority of Maine to apply for designation as a free port area by providing an exemption from stock-in-trade tax and other taxes and customs normally levied on personal property in transit; and
 - C. Providing a General Fund appropriation in the amount of \$50,000 annually to fund an economic development specialist position. The specialist would work under the direction of the Department of Economic and Community Development in rural communities in eastern Maine to create economic opportunities by working with local development organizations. The duties of the specialist would include providing grant writing assistance, business consultation and small business development recommendations;
3. Attract high-tech and high-wage jobs. This would be partially accomplished through the appropriation of \$150,000 to Washington County Technical College to expand technical education programs in industries needing technically skilled workers; and
4. Promote a stable economic environment through the review of current rules and regulations and taxes and making any necessary changes.

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

LD 1922 was carried over from the First Regular Session. It was a concept draft pursuant to Joint Rule 208 and proposed to establish an Internet policy for the State. The policy would include:

1. The facilitation of electronic commerce for Maine companies by:
 - A. Providing the same legal and binding status to transactions occurring over the Internet as to transactions in the traditional environment;
 - B. Requiring the Department of Economic and Community Development to establish and certify security procedures used to verify signatures, identity and the true form of a document or communication;
 - C. Providing support and encouraging effective industry self-regulation through the use of seals or other labels indicating that the business has been recognized as employing fair, honest and consumer friendly business practices;
 - D. Establishing a presence on the Internet where consumers may obtain information on the self-regulation program, common practices and conditions of electronic commerce and known consumer scams and frauds; and
 - E. Encouraging the establishment and growth of Maine-based digital enterprises by altering and extending current economic development incentives to the digital business environment.

2. Making government more accessible to the citizens by:
 - A. Requiring all state departments and agencies to expand service delivery and information gathering on an Internet-based platform at a minimum cost or no cost to users;
 - B. Providing assistance to state departments and agencies to ensure the expeditious implementation of the Internet policy;
 - C. Encouraging and supporting state and local governments, school systems and public libraries to pool their buying power to provide wider access at lower costs to information services and data bases purchased for public use or the provision of services to the public;
 - D. Directing state agencies to assist in the provision of affordable high speed Internet access in rural and underserved areas of the State;
 - E. Requiring the posting on the Internet of forms and information needed to interact with State Government, such as tax forms, registration forms and ballots;
 - F. Encouraging the timely posting on the agency or department web sites of information determined necessary or beneficial to the public; and
 - G. Amending the Freedom of Information Act to include the posting of requested documents or delivery through e-mail as a way of meeting Freedom of Information Act requirements;

3. The protection of consumer and citizen privacy by:
 - A. Establishing and enforcing an Internet privacy policy that includes the extension of current privacy laws to electronic transmissions, notice of what is to be done with information that the consumer or

user is providing, the right to opt out and a procedure to measure compliance with the policy. Information collected from a user would be limited to that which is necessary and relevant to the transaction and the user must be allowed the opportunity to verify and correct the information. Violation of the policy would be a crime;

- B. Protecting the privacy of children 13 years of age and younger;
 - C. Exercising criminal and civil jurisdiction over persons using Internet service providers or facilities located in Maine in violation of the policy; and
 - D. Permitting citizens to use an appropriate level of encryption to protect the privacy and security of their communications over the Internet, except for the use of encryption to avoid detection in the commission of an illegal act;
4. The mitigation of unsolicited bulk e-mail or spamming by:
- A. Defining spamming and providing appropriate criminal penalties;
 - B. Clarifying that the use of an Internet service provider's facilities and computer network located in Maine subjects the user to Maine jurisdiction;
 - C. Establishing theft of services crimes for the unauthorized or fraudulent use of e-mail header information in connection with the transmission of unsolicited bulk e-mail or obtaining an Internet service provider account for the purpose of gathering e-mail addresses for the purpose of spamming; and
 - D. Establishing civil and criminal penalties for persons who assist spamming by facilitating the transmission of falsified e-mail or the distribution of specially designed software that aids spamming;
5. The regulation of hate mail and pornography by:
- A. Directing an appropriate agency to establish a web site through which information and recommendations are provided to parents, guardians, local officials and others on specific problems involving the protection of children from inappropriate material over the Internet;
 - B. Requiring all public and publicly funded institutions to establish a management system and policy for Internet access within their institutions;
 - C. Making it at least a Class C crime for the on-line dissemination of obscene or harmful material for the purpose of inducing children to engage in or perform sexual acts; and
 - D. Making it at least a Class C crime to post on a pornographic Internet site information about a child's identity; and
6. The regulation of other crimes by:
- A. Clarifying that a crime in the nondigital domain is a crime in the electronic environment;

- B. Empowering law enforcement agencies to establish procedures for the investigation and prosecution of crimes committed using the Internet;
- C. Amending the rules of evidence to include Internet-related activities; and
- D. Requiring law enforcement agencies to establish Internet sites to receive reports of suspected illegal activities over the Internet.

LD 1931

An Act to Amend the Franchise Law

**PUBLIC 766
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	OTP-AM	S-554 S-787 MICHAUD

LD 1931 was carried over from the First Regular Session. It proposed to amend certain provisions of the law pertaining to automobile manufacturers, franchisees and other dealers to ensure fair treatment of all dealers.

Committee Amendment "A" (S-554) proposed to replace the original bill. The amendment proposed to amend certain provisions of the law pertaining to automobile manufacturers and dealers. It would have added an additional action that would have been considered an unfair method of competition and deceptive practice. It would have put certain limits on a franchisor's ability to exercise a right of first refusal. It would have added a corporate affiliate of a manufacturer, distributor or wholesaler to the list that cannot offer discounts without making the same offer to all dealers in the market area. Finally, it would have provided that a franchisor could not recover its cost for reimbursing a franchisee for parts and labor provided in satisfaction of a warranty.

Senate Amendment "B" to Committee Amendment "A" (S-787) proposed to amend Committee Amendment "A" in the following ways:

1. It proposed to add an emergency preamble and an emergency clause;
2. It proposed to remove the part of Committee Amendment "A" that proposed to prohibit a franchisor from recovering its cost for reimbursing a franchisee for parts and labor provided in satisfaction of a warranty;
3. It proposed to establish the Commission to Study the Most Effective Method of Providing Retail Rate Reimbursement for Parts and Labor to study how to most effectively implement the retail rate reimbursement provisions of the Maine Revised Statutes, Title 10, section 1176 while protecting the interests of consumers of warranty and nonwarranty repair services, the interests of franchisees in receiving retail rate reimbursement and the interests of franchisors. Under the amendment, the commission would have comprised 2 members of the Senate, appointed by the President of the Senate; 2 members of the House, appointed by the Speaker of the House; 2 franchised automobile dealers who are members of the Maine Auto Dealers Association; and one franchisor who is a member of the Alliance of Automobile Manufacturers;

4. It proposed a commission reporting date of November 1, 2000;
5. It proposed to authorize reimbursement for public members of the commission not otherwise compensated; and
6. It proposed to provide that the section of the bill as amended that proposed to establish the study commission would take effect when approved.

Enacted law summary

Public Law 1999, chapter 766 amends certain provisions of the law pertaining to automobile manufacturers and dealers. It adds an additional action that is considered to be an unfair method of competition and deceptive practice. It puts certain limits on a franchisor's ability to exercise a right of first refusal. It adds a corporate affiliate of a manufacturer, distributor or wholesaler to the list that cannot offer discounts without making the same offer to all dealers in the market area. Finally, it establishes the Commission to Study the Most Effective Method of Providing Retail Rate Reimbursement for Parts and Labor.

Public Law 1999, chapter 766, section 4 (study commission), was enacted as an emergency measure effective May 8, 2000.

LD 1962 An Act to Establish the State Revolving Loan Fund for Small Business Initiatives ONTP

<u>Sponsor(s)</u> SHOREY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1962 was carried over from the First Regular Session and proposed to establish the State Revolving Loan Fund for Small Business Initiatives within the Department of Economic and Community Development. Under the bill, the fund would be established initially as a pilot project in Washington County and Hancock County to be administered by the Eastern Maine Development Corporation. The bill also proposed to appropriate \$2,100,000 from the General Fund as initial funding, divided evenly between the counties. Approximately \$100,000 of the initial funding would represent anticipated administration charges for the first year to cover the cost of lending. The bill also proposed to establish a maximum loan of \$175,000 that could be used for capital expenditures and training expenses.

LD 2057 An Act to Amend the Regulation of Dentists Regarding the Use of Anesthesia ONTP

<u>Sponsor(s)</u> GOODWIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2057 was carried over from the First Regular Session and proposed to codify the rules of the Board of Dental Examiners, with additional changes, pertaining to the use of anesthesia by dentists.

LD 2060

An Act to License Home Building Contractors

ONTP

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

LD 2060 was carried over from the First Regular Session and proposed to require home building contractors to be licensed. It also proposed to establish the Board of Home Building Construction to oversee the licensing of home building contractors and home construction supervisors.

LD 2105

An Act to Improve the Maine Economy Through Small Businesses

ONTP

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

LD 2105 was carried over from the First Regular Session and proposed to establish the Maine Microenterprise Initiative Fund in the Department of Economic and Community Development. Under the bill, the department would give grants from the fund to community-based organizations providing training, technical assistance and loans to microenterprises. Priority consideration would be given to grant applications that were joint or targeted low-income individuals or areas of high unemployment. The bill would require that grants for loans be accompanied by a certain level of matching funds and adequate technical assistance. The department would adopt rules, subject to legislative review, to establish grant application procedures and criteria. The bill also proposed to appropriate from the General Fund a nonlapsing \$1,500,000 per year of the biennium to the Maine Microenterprise Initiative Fund.

The provisions of this bill were amended and incorporated into the Part II Budget, Public Law 1999, chapter 731, Part VVV.

LD 2115

An Act to Promote Economic Development in Western Maine

ONTP

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

LD 2115 was carried over from the First Regular Session. It was a concept draft pursuant to Joint Rule 208 and proposed to implement legislation to improve western Maine. It proposed to:

1. Improve the infrastructure;
2. Enhance existing businesses and encourage job growth;

3. Attract high-tech and high-wage jobs; and
4. Promote a stable economic environment through the review of current rules and regulations and taxes and make any necessary changes.

LD 2142 An Act to Change Laws Pertaining to the Loring Development Authority of Maine DIED BETWEEN BODIES

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

LD 2142 was carried over from the First Regular Session and proposed to reconfigure the composition of the board of trustees for the Loring Development Authority of Maine so that the City of Caribou, the Town of Caswell and the Town of Limestone would each nominate one member to the board; 3 members of the board would be nominated by any other municipality in Aroostook County; and one member would be nominated by the county commissioners of Aroostook County. This bill also proposed to allow the current members of the board of trustees to finish their terms and the reconfigured board to be phased in as the current members' terms expire.

Committee Amendment "A" (H-924) proposed to reconfigure the composition of the board of trustees for the Loring Development Authority of Maine. Under the amendment, 6 of the trustees would be appointed as follows: the City of Caribou, the Town of Limestone, the Town of Caswell, the Town of Fort Fairfield, the City of Presque Isle and the Town of Van Buren would each nominate 1 trustee who was a resident of Aroostook County. If one of these municipalities did not submit a nomination, the Governor would appoint a trustee nominated by any municipality in Aroostook County. One Aroostook County trustee would be nominated by any municipality in Aroostook County, excluding the municipalities specifically identified as a nominating municipality. Four trustees would not be residents of Aroostook County. One trustee would reside anywhere in Maine. Committee Amendment "A" was not adopted.

House Amendment "A" to Committee Amendment "A" (H-1019) proposed to clarify the method for filling vacancies on the board. House Amendment "A" was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-604) proposed to clarify that for the 6 specifically identified municipalities, the Governor would appoint a trustee from a list of nominations submitted by the municipality. Senate Amendment "A" was not adopted.

Senate Amendment "B" to Committee Amendment "A" (S-635) proposed to revise the appointment process for the 7 trustees from Aroostook County by requiring the Governor to select 7 trustees from a pool of nominees submitted by the City of Caribou, the Town of Limestone, the Town of Caswell, the Town of Fort Fairfield, the City of Presque Isle, the Town of Van Buren and the county commissioners of Aroostook County. Senate Amendment "B" was not adopted.

LD 2163

An Act to Require Contractor Registration

ONTP

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

LD 2163 was carried over from the First Regular Session and proposed to establish in the Department of Professional and Financial Regulation a comprehensive public register of contractors doing business in the State. Under the bill, contractor was defined to mean a person or entity that enters into a construction contract.

LD 2210

An Act to Encourage Expanded Use of Maine's Port Facilities

ONTP

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

LD 2210 was carried over from the First Regular Session by the Joint Standing Committee on Appropriations and Financial Affairs. In the Second Regular Session, the bill was re-referred to the Joint Standing Committee on Business and Economic Development. LD 2210 proposed to appropriate \$125,000 from the General Fund for a one-year pilot project that would create incentives to utilize the port of Winterport for maritime shipping.

LD 2217

An Act to Promote Economic Development in Androscoggin County

ONTP

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

LD 2217 was carried over from the First Regular Session. It was a concept draft pursuant to Joint Rule 208 and proposed to implement legislation to improve Androscoggin County. It proposed to:

1. Improve the infrastructure. In effecting this goal, the recommendations of the Downtown Initiative in the Department of Economic and Community Development focusing on how to revitalize downtown areas in Maine would be implemented;
2. Enhance existing businesses and encourage job growth. As part of this goal, the manufacture of a prefabricated industrial park, ready to be occupied by businesses, would be encouraged;
3. Attract high-tech and high-wage jobs. This would be partially accomplished through the appropriation of \$300,000 each to Central Maine Technical College and Lewiston-Auburn College;
4. Encourage and promote tourism, convention activities and special events by emphasizing and advertising Androscoggin County as a destination point for these activities. Additionally, the feasibility of a convention center, built to service the State, would be explored and developed; and

- Promote a stable economic environment through the review of current rules and regulations and taxes and making any necessary changes.

LD 2262

An Act to Prohibit the Sale of Items in Storage Owned by a 3rd Party

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AMERO	ONTP A	
	RE-REF B	
	OTP-AM C	

LD 2262 proposed to make the following changes to the Maine Self-service Storage Act.

- It proposed to require a person placing items in storage to specify whether some of the items are owned by another person.
- It proposed to exempt from the lien currently given to an operator of a self-service storage facility those items that have been identified as belonging to a 3rd party if it can be proven that the items belonged to the 3rd party prior to being placed in storage and during the time the items were in storage. Under the bill, in order to get this exemption, the following requirements would have to be met:
 - The occupant would have to specify the name of the 3rd party;
 - The 3rd party would have to provide proof of ownership; and
 - The 3rd party would have to claim the items within 14 days of notification by the operator or prior to the sale of the items by the operator, whichever occurred later.

If the 3rd party failed to meet these requirements, the operator could treat the items as if they were the property of the occupant of the facility, offering them for sale to satisfy the lien.

- It proposed to require the operator of a self-service storage facility to provide notice by certified and regular mail to 3rd parties that had been identified as owners of items placed in a storage facility if the occupant of the storage facility defaults on the rental agreement.

Committee Amendment “A” (S-492) was committee report C. It proposed to provide that proof of ownership by a 3rd party would have to be provided to the operator by the occupant or the 3rd party. The amendment also proposed to add a provision that would allow a 3rd party to redeem the 3rd party’s property from a storage unit notwithstanding a section of law that vests the exclusive custody of all property in the occupant. Committee Amendment “A” was not adopted.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNE DAGGETT	OTP-AM	H-846

LD 2266 proposed to allow a Maine-registered apprenticeship program to have a maximum of 12 helper or apprentice electricians under direct supervision.

Committee Amendment "A" (H-846) proposed to clarify that the increase in the number of helper or apprentice electricians that a master electrician can supervise applies to apprenticeship programs that are registered by the Department of Labor. The amendment also proposed to increase the maximum total value of each installation from \$2,500 to \$5,000. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 606 allows an apprenticeship program that is registered by the Maine Department of Labor to have a maximum of 12 helper or apprentice electricians under direct supervision of a master electrician while making electrical installations, as long as the total value of each installation does not exceed \$5,000.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS	OTP-AM	S-526

LD 2279 proposed to do the following:

1. Terminate the SBIR (small business innovation research) technical assistance program and the Centers for Innovation; and
2. Amend the Maine Science and Technology Foundation's duty to solely administer the Maine Experimental Program to Stimulate Competitive Research by directing joint administration of the program with the University of Maine System and the Maine Experimental Program to Stimulate Competitive Research steering committee.

Committee Amendment "A" (S-526) proposed to delete sections of the bill that repealed the Centers for Innovation. The amendment also proposed to move administration for the small business innovation research program to the Maine Technology Institute. It proposed to provide for staggered terms for the Board of Directors of the Maine Science and Technology Foundation and it proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 608 moves administration for the small business innovation research program to the Maine Technology Institute. It directs joint administration of the Maine Experimental Program to Stimulate Competitive Research by the Maine Science and Technology Foundation, the University of Maine and the Maine EPSCoR (Experimental Program to Stimulate Competitive Research) steering committee. It changes appointments to the board of the Maine Science and Technology Foundation to 3 year terms. It requires the Maine Science and Technology Foundation to manage an interactive web-based clearinghouse of science and technology information.

LD 2344 An Act to Repeal the Nondiscrimination in Pharmaceuticals Pricing PUBLIC 574
Law

<u>Sponsor(s)</u> BRUNO		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 2344 proposed to repeal the Maine Revised Statutes, Title 32, chapter 117, subchapter 10 of the Maine Pharmacy Act, which requires unitary pricing of pharmaceuticals.

Enacted law summary

Public Law 1999, chapter 574 repeals the Maine Revised Statutes, Title 32, chapter 117, subchapter 10 of the Maine Pharmacy Act, which requires unitary pricing of pharmaceuticals.

LD 2359 An Act to Clarify the Authority of the State Board of Optometry PUBLIC 607
EMERGENCY

<u>Sponsor(s)</u> KONTOS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-527
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LD 2359 proposed to allow the State Board of Optometry to hire independent staff as may be necessary to conduct the business of the board.

Committee Amendment "A" (S-527) proposed to provide that the authority of the State Board of Optometry to hire clerical personnel is subject to the Civil Service Law. It also proposed to add an allocation section and a fiscal note.

Enacted law summary

Public Law 1999, chapter 607 authorizes the State Board of Optometry to hire clerical personnel subject to the Civil Service Law.

Public Law 1999, chapter 607 was enacted as an emergency measure effective March 31, 2000.

LD 2385

An Act to Allow Maine Pharmacies to Operate more Efficiently and Improve the Delivery of Services

ONTP

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

LD 2385 proposed to do the following:

1. It proposed to allow the Maine Board of Pharmacy to grant waivers of rules that have been adopted by the board regulating the practice of pharmacy in Maine. Under the bill, the waiver could have been granted to allow the development of demonstration projects whose purpose was to ameliorate the shortage of qualified pharmacists in Maine; and
2. It proposed to allow a pharmacy to send prescriptions to a central location where the drug order would be filled and then sent back to the pharmacy. The pharmacy would have maintained the responsibility for dispensing the drug and advising the patient. The Maine Board of Pharmacy would have been required to oversee this arrangement and regulate it through rulemaking.

LD 2388

An Act Relating to Licensing Board Fees

PUBLIC 685

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS	OTP-AM	S-613

LD 2388 proposed to increase the fee cap on physician and physician assistant license renewal.

Committee Amendment "A" (S-613) proposed to increase the license fee caps for the Board of Funeral Service, the Oil and Solid Fuel Board, the State Board of Certification of Geologists and Soil Scientists, the State Board of Alcohol and Drug Counselors, the Maine Athletic Commission and athletic trainers.

The amendment also proposed to authorize the Director of the Office Licensing and Registration within the Department of Professional and Financial Regulation to set fees by rule for the Board of Funeral Service, the Oil and Solid Fuel Board, the State Board of Certification of Geologists and Soil Scientists, the State Board of Alcohol and Drug Counselors, the Maine Athletic Commission and the Board of Licensure of Podiatric Medicine.

The amendment proposed to establish a fee cap for transient sellers of consumer goods and door-to-door home repair transient sellers and proposed to increase the gate tax for the Maine Athletic Commission.

The amendment also proposed to change the renewal cycle from biennial to annual for the State Board of Alcohol and Drug Counselors and adjust the mandatory continuing education hours for renewal to correspond with the change in the renewal cycle.

Finally, the amendment proposed to add an allocation section and fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 685 makes the following changes to various occupational licensing board statutes:

1. It increases the fee cap on physician and physician assistant license renewal;
2. It increases the license fee caps for the Board of Funeral Service, the Oil and Solid Fuel Board, the State Board of Certification of Geologists and Soil Scientists, the State Board of Alcohol and Drug Counselors, the Maine Athletic Commission and athletic trainers;
3. It authorizes the Director of the Office Licensing and Registration within the Department of Professional and Financial Regulation to set fees by rule for the Board of Funeral Service, the Oil and Solid Fuel Board, the State Board of Certification of Geologists and Soil Scientists, the State Board of Alcohol and Drug Counselors, the Maine Athletic Commission and the Board of Licensure of Podiatric Medicine;
4. It establishes a fee cap for transient sellers of consumer goods and door-to-door home repair transient sellers;
5. It increases the gate tax for the Maine Athletic Commission; and
6. It changes the renewal cycle from biennial to annual for the State Board of Alcohol and Drug Counselors and adjusts the mandatory continuing education hours for renewal to correspond with the change in the renewal cycle.

LD 2395

An Act Concerning Disclosure Requirements Under the Used Car Information Laws

**PUBLIC 617
EMERGENCY**

Sponsor(s)
SAXL M

Committee Report
OTP-AM

Amendments Adopted
H-880

LD 2395 proposed to maintain the past statutory requirement that automobile collision damage that costs more than \$1,500 to repair must be disclosed to consumers.

Committee Amendment "A" (H-880) proposed to provide that car dealers need not disclose substantial collision damage unless the cost of repairing it exceeds \$2,000. This amendment also proposed to create a cross-reference to maintain consistency between the Motor Vehicle Code and the Insurance Code relative to accidents. This amendment also proposed to set the effective date at 30 days after approval and proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 617 amends the used car information laws to provide that collision damage must be disclosed to consumers if the cost of repairing the damage exceeds \$2,000. It also amends the Automobile Insurance Cancellation Control Act by permitting an insurer to choose not to renew a personal automobile insurance policy when a named insured or other person insured under the policy is individually or aggregately involved in two or more vehicle accidents while operating a motor vehicle insured under the policy resulting in either personal injury or property damage in excess of the amount defined as a reportable

accident in the Motor Vehicle Code. These amendments were necessary to correct indirect results of PL 1999, chapter 61 which amended the Motor Vehicle Code by increasing the monetary amount of property damage for which a motor vehicle accident must be reported.

Public Law 1999, chapter 617 was enacted as an emergency measure and approved on April 3, 2000 to take effect 30 days later.

LD 2433 **An Act to Penalize a Company that Does Not Submit the Report
Required by Law Regarding State Assistance** **ONTP**

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

LD 2433 proposed to withhold further state subsidies from a private company that has received a state subsidy and has not followed required reporting procedures.

Committee Amendment "A" (H-925) was the minority report and proposed to add a fiscal note to the bill. Committee Amendment "A" was not adopted.

LD 2441 **An Act to Provide Flexibility in the Distribution of Funds by the
Department of Economic and Community Development** **PUBLIC 612**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEAL MACKINNON	OTP-AM	H-884

LD 2441 proposed to remove the requirement that funds in the Community Industrial Buildings Fund be distributed to separate rural and urban accounts.

Committee Amendment "A" (H-884) proposed to remove the responsibility of marketing and promoting community buildings from the Department of Economic and Community Development. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 612 removes the requirement that funds in the Community Industrial Buildings Fund be distributed to separate rural and urban accounts. It also removes the responsibility of marketing and promoting community buildings from the Department of Economic and Community Development.

LD 2443

An Act to Provide for Statewide Redemption of Returnable Containers

ONTP

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

LD 2443 proposed to provide that a returnable container purchased in this State could be redeemed anywhere in the State.

LD 2444

An Act to Clarify the Law on Ownership of Certified Public Accounting Firms and to Establish a Peer Review Program

PUBLIC 619

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR KONTOS	OTP-AM	H-879

LD 2444 proposed to correct internal inconsistencies within the certified public accountancy firm ownership law enacted in 1999 and remove a possible conflict with other laws governing limited liability companies, limited liability partnerships and professional associations. It also proposed to establish a practice monitoring program for certified public accountancy firms.

Committee Amendment "A" (H-879) proposed to delete references in the bill to practice monitoring programs. It also proposed to exclude firms that provide compilations from the peer review requirement. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 619 establishes a peer review program for certified public accountancy firms that provide a defined service other than compilations. Chapter 619 also amends the certified public accountancy firm ownership law to correct internal inconsistencies that were created by the enactment of Public Law 1999, chapter 200. Public Law 1999, chapter 200 allowed accounting firms with a minority of nonlicensed owners to apply for a firm permit to practice. However, all members of professional service corporations and limited liability companies must be members of the same profession, pursuant to the Professional Service Corporation Act (13 MRSA §710) and the Limited Liability Company law (31 MRSA §611), respectively. Chapter 619 clarifies that CPA firms may have minority ownership by non-CPAs notwithstanding the Limited Liability Company law and the Professional Service Corporation Act. Chapter 619 also clarifies that a firm may not use a title that indicates that the firm is composed of certified accountants unless the firm holds a valid firm permit and a simple majority of all partners, officers, shareholders, members or managers of the firm hold certificates.

LD 2478

An Act to License Cued Speech Transliterators for the Deaf and Hard-of-hearing

ONTP

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

LD 2478 proposed to establish licensure requirements for cued speech transliterators. Under the bill, the Commissioner of the Department of Professional and Financial Regulation would have been authorized to license cued speech transliterators and to consult with an advisory council regarding the regulation of transliterators.

LD 2502

An Act to Support the Maine Rural Development Council and its Community Capacity Building Work in Distressed Rural Areas in the State

ONTP

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

LD 2502 proposed to direct the Maine Rural Development Council to provide advocacy for the social and economic needs of rural Maine communities and to develop community capacity building projects. It also proposed to appropriate \$125,000 to the council.

The provisions of this bill were incorporated into Part II Budget, Public Law 1999, chapter 731, Part VVV.

LD 2505

An Act to Support Child Care Education and Services

PUBLIC 783

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM	S-580 S-782 MICHAUD

LD 2505 proposed to lower eligibility standards for child development students to apply to the Educators for Maine Program; allow child development students to fulfill Educators for Maine Program return service requirements by working in a child care facility; and appropriate funds to the Quality Child Care Education Scholarship Fund.

Committee Amendment "A" (S-580) proposed to make the following changes to the Educators for Maine Program:

1. It proposed to resolve a conflict in the Educators for Maine Program as amended by Public Law 1999, chapter 401, Part OOO, section 6 and chapter 441, section 6;

2. It proposed to delete the exemption for child development students from the requirement to show evidence of academic achievement;
3. It proposed to establish loan limits for child development students;
4. It proposed to limit the maximum amount of loan forgiveness available to child development students; and
5. It proposed to make changes to the return service requirement for child development services.

The amendment also proposed to decrease the appropriation for the Quality Child Care Education Scholarship Fund, remove the emergency preamble and emergency clause and add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-782) proposed to remove the provisions of the committee amendment that limit the maximum amount of loan forgiveness and also proposed to strike the appropriation.

Enacted law summary

Public Law 1999, chapter 783 amends both the Quality Child Care Education Scholarship Fund and the Educators for Maine Program. It allows Quality Child Care Education Scholarships to be distributed to students in courses at institutions that have articulated agreements with accredited institutions of higher education. It makes the following changes to the Educators for Maine Program:

1. It resolves a conflict in the program as it was amended by PL 1999, chapter 401, Pt. 000, §6 and chapter 441, §6;
2. It establishes program loan limits for child development students; and
3. It specifies return service requirements for child development students.

Chapter 783 also directs the Department of Human Services to develop a list of quality child care sites in the State.

Note: \$145,356 was allocated to the Quality Child Care Education Scholarship Fund in the Part II Budget, PL 1999, chapter 731, Part NN.

LD 2506

An Act to Establish the Applied Technology Development Center System

INDEF PP

Sponsor(s)
TESSIER
DAGGETT

Committee Report
OTP-AM

Amendments Adopted

LD 2506 proposed to establish the Applied Technology Center System. Under the bill, the system would be a component of the State's efforts to foster new technology-based businesses in fields such as biotechnology, aquaculture and marine technology, composite materials technology, environmental

technology, advanced technologies for forestry and agriculture, information technology and precision manufacturing technology. The system would consist of a network of self-managed, state-coordinated centers strategically placed throughout the State and administered under the auspices of the Maine Technology Institute. Each applied technology center would provide to selected tenants shared, low-cost space and business support in order to encourage the establishment and growth of technology-based businesses.

Committee Amendment "A" (H-962) proposed to change the name of the system that would permit early-stage development of technology-based businesses from the Applied Technology Center System to the Applied Technology Development Center System. The amendment also proposed to move the administration of the system from the Maine Technology Institute to the Department of Economic and Community Development and add a representative of the Maine Technology Institute to the Applied Technology Development Center System Coordinating Board. The amendment proposed to set a limit on the amount of state funding each center could have received. The amendment proposed to authorize the Department of Economic and Community Development to adopt routine technical rules and proposed to appropriate funds to the Target Technology Center at Orono. Finally, the amendment proposed to decrease the appropriation of funds to the Applied Technology Development Center System and clarified that applicants for these funds would not have to be new centers to be eligible for funding.

The provisions of the committee amendment were incorporated into the Part II Budget, Public Law 1999, chapter 731, part UUU.

**LD 2535 Resolve, to Establish the Commission to Study Ownership Patterns RESOLVE 136
in Maine**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROWE PINGREE	OTP-AM	H-1184 O'NEAL H-932

LD 2535 proposed to:

1. Establish an employee ownership feasibility fund to be administered by the Department of Economic and Community Development. The fund would be available as grants to employees of businesses in the State to be used to analyze the potential for employee ownership;
2. Direct the Department of Economic and Community Development to contract with a community development corporation to conduct an education and outreach program for Maine businesses on employee ownership options; and
3. Establish a commission to study ownership patterns in the State.

Committee Amendment "A" (H-932) proposed to:

1. Change the bill to a resolve;
2. Delete the establishment of an employee ownership feasibility fund and delete the establishment of an education and outreach program for Maine businesses on employee ownership options;

3. Add to the duties of the Commission to Study Ownership Patterns in Maine the duty to study the feasibility of an employee ownership feasibility program and fund and the duty to make recommendations for an education and outreach program for Maine businesses on employee ownership options;
4. Change the membership of the commission and change the due date of the commission's final report to November 15, 2000; and
5. Add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-1184) proposed to change the date by which the first meeting of the Commission to Study Ownership Patterns in Maine would be called.

Enacted law summary

Resolve 1999, chapter 136 establishes the Commission to Study Ownership Patterns in Maine. The commission is directed to investigate the current patterns of in-state, out-of-state and international ownership of Maine businesses and to study the feasibility of an employee ownership feasibility program. The Commission will be staffed by the State Planning Office.

LD 2557

An Act to Implement the Recommendations of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy

PUBLIC 762

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1050 COLWELL S-632
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LD 2557 proposed to implement recommendations of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy. It proposed to require state departments and agencies to implement procedures for accepting payment by major credit cards or other electronic means. It proposed to enact the Uniform Electronic Transactions Act and the Maine Digital Signature Act. Finally, it proposed to authorize the Blue Ribbon Commission to Establish a Comprehensive Internet Policy to meet to conclude its work following the conclusion of the Second Regular Session of the 119th Legislature.

Committee Amendment "A" (S-632) proposed to make the following changes to the proposed Maine Digital Signature Act:

1. It proposed to define "state agency"; and
2. It proposed to provide that information filed electronically with a state agency that uses a digital signature would have the same force and effect as a paper document filed with a manual signature.

The amendment also proposed to put an effective date of July 1, 2001 on the required acceptance of credit cards by state agencies and directed the Bureau of Revenue Services and the Department of Professional

and Financial Regulation to submit reports on the budgetary impact of their acceptance of credit cards. Finally, it proposed to add an appropriation section and a fiscal note to the bill.

House Amendment "A" (H-1050) was presented on behalf of the Committee on Engrossed Bills to correct a provision to accurately reflect changes to existing law.

Enacted law summary

Public Law 1999, chapter 762 implements the recommendations of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy. It directs the Bureau of Revenue Services and the Department of Professional and Financial Regulation to submit, by January 20, 2001, reports on the budgetary impact of their acceptance of credit cards. It requires state departments and agencies to implement procedures for accepting payment by major credit cards or other electronic means by July 1, 2001. It enacts the Uniform Electronic Transactions Act and the Maine Digital Signature Act. It also authorizes the Blue Ribbon Commission to Establish a Comprehensive Internet Policy to meet to conclude its work following the conclusion of the Second Regular Session of the 119th Legislature.

LD 2558

An Act to Improve the Regulation of Occupations and Professions

PUBLIC 687

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	S-593
	ONTP MIN	

LD 2558 proposed to enact the recommendations of the Commissioner of Professional and Financial Regulation to the Joint Standing Committee on Business and Economic Development, pursuant to the report required by Public Law 1999, chapter 16, Part L.

It proposed to revise the Maine Revised Statutes, Title 3, the State Government Evaluation Act, to remove board-by-board sunset review by the committee of jurisdiction. Individual boards would be reviewed as part of the Department of Professional and Financial Regulation, Office of Licensing and Registration.

It proposed to amend Title 5 to standardize the per diem compensation rate for board members of boards within the department and two boards affiliated with the department at \$35 dollars per day. Under the bill, Title 5 would be amended to limit new professional and occupational regulatory boards to a maximum of 9 members, including 2 public members.

It proposed to allow for the sharing of confidential information with the affiliated boards; increase the administrative authorities of the Office of Licensing and Registration, including the power to set fees below a cap and the elimination of separate board accounts; and allow for license recognition between states. The bill also proposed to transfer existing law from Title 32 to Title 10, consolidating all department general authorities into one location.

It proposed to amend individual board statutes. Under the bill, Title 10 would have been amended to remove a requirement that all Manufactured Housing Board licensees receive personal notice of all meetings and hearings and copies of rules. Title 32 would have been amended to allow the Board of Boilers and Pressure Vessels to extend an inspection certificate beyond 14 months. The number of board members on the Board for Licensure of Architects, Landscape Architects and Interior Designers; the

Radiologic Technology Board of Examiners; the Board of Counseling Professionals Licensure; and the Board of Barbering and Cosmetology would have been reduced to 9. Physician members would be removed from the Board of Hearing Aid Dealers and Fitters, the Board of Examiners on Pathology and Audiology and the Radiologic Technology Board of Examiners. All changes in board composition would occur through attrition.

It proposed to appropriate funds for one health board investigator position.

It proposed to direct the joint standing committee of the Legislature having jurisdiction over business and economic development to report out to the First Regular Session of the 120th Legislature a bill to make statutory changes necessary to correct cross-references to sections of law repealed by this Act.

Committee Amendment "A" (S-593) proposed to amend the bill to maintain the provisions of current law that require separate dedicated revenue accounts for each board, commission and regulatory program, as well as the requirement that these boards, commissions and programs be self-supporting. The amendment also proposed to authorize the Director of the Office of Licensing and Registration to establish fees for each program through rulemaking, subject to the individual fee caps established by the Legislature, and to establish a uniform policy with respect to late renewals.

The amendment also proposed to clarify that application review performed by staff of the Office of Licensing and Registration would be done in accordance with criteria established by statute or through rules adopted by a board or commission.

The amendment proposed to move the provisions of the Maine Revised Statutes, Title 32, section 60-C, regarding disposition of fees, to Title 10, section 8003-F.

The amendment also proposed to amend certain provisions of Title 32 governing when inspections of boilers and pressure vessels must be performed.

Finally, the amendment proposed to add an allocation section for one Health Board Investigator position and one Manufactured Housing Board Field Inspector position. The amendment also proposed to add an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 687 enacts the recommendations of the Commissioner of Professional and Financial Regulation to the Joint Standing Committee on Business and Economic Development, pursuant to the report required by Public Law 1999, chapter 16, Part L as follows:

1. It revises the State Government Evaluation Act to remove board-by-board sunset review by the committee of jurisdiction. Individual boards will be reviewed as part of the Department of Professional and Financial Regulation, Office of Licensing and Registration.
2. It standardizes, at \$35 dollars per day, the per diem compensation rate for board members of boards within the Department of Professional and Financial Regulation and two boards affiliated with the department. New professional and occupational regulatory boards are limited to a maximum of 9 members, including 2 public members.

3. It allows for the sharing of confidential information with the affiliated boards, and it allows for license recognition between states.
4. It maintains the provisions of current law that require separate dedicated revenue accounts for each board, commission and regulatory program, as well as the requirement that these boards, commissions and programs be self-supporting. It also authorizes the Director of the Office of Licensing and Registration to establish fees for each program through rulemaking, subject to the individual fee caps established by the Legislature, and to establish a uniform policy with respect to late renewals.
5. It allows application review to be performed by staff of the Office of Licensing and Registration in accordance with criteria established by statute or through rules adopted by a board or commission.
6. It amends individual board statutes. Title 10 is amended to remove a requirement that all Manufactured Housing Board licensees receive personal notice of all meetings and hearings and copies of rules. Title 32 is amended to allow the Board of Boilers and Pressure Vessels to extend an inspection certificate beyond 14 months and provisions that govern when inspections of boilers and pressure vessels must be performed are amended. The number of board members on the Board for Licensure of Architects, Landscape Architects and Interior Designers; the Radiologic Technology Board of Examiners; the Board of Counseling Professionals Licensure; and the Board of Barbering and Cosmetology is reduced to 9. Physician members are removed from the Board of Hearing Aid Dealers and Fitters, the Board of Examiners on Pathology and Audiology and the Radiologic Technology Board of Examiners.
7. It provides for an allocation for one Health Board Investigator position and one Manufactured Housing Board Field Inspector position.

LD 2560

An Act to Amend the Acreage Requirements for a Cemetery to Contain a Columbarium

PUBLIC 620

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN LAFOUNTAIN	OTP-AM	H-926

LD 2560 proposed to reduce the number of acres from 20 to 5 that a cemetery must have in order to erect a columbarium, community mausoleum or crematory.

Committee Amendment "A" (H-926) proposed to clarify that the acreage requirement is reduced only to erect a columbarium.

Enacted law summary

Public Law 1999, chapter 620 reduces the number of acres from 20 to 5 that a cemetery must have in order to erect a columbarium.

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

LD 2570 proposed to prohibit an individual who actually installed, serviced or sold elevator or lift equipment from inspecting that equipment. The bill also proposed to limit the prohibition to a 12-month period following the installation, service or sale of that equipment.

Enacted law summary

Public Law 1999, chapter 627 prohibits a person who is licensed as an elevator and lift inspector from inspecting any equipment that person has installed, serviced or sold within the preceding 12-month period.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS O'NEAL	OTP-AM MAJ OTP-AM MIN	S-658

LD 2578 proposed to establish the allocations of the state ceiling on issuance of tax-exempt bonds for calendar year 2000. Under federal law, a maximum of \$150,000,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine each year. The bill allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Committee Amendment "A" (S-658) is the majority report and replaced the bill. The amendment proposed to reallocate \$10,000,000 of the state ceiling for calendar year 1999 previously allocated to the Finance Authority of Maine for educational loans to the Maine Educational Loan Authority for the issuance of supplemental education loans.

Under federal law, a maximum of \$150,000,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine each year. The amendment proposed to allocate the state ceiling for calendar year 2000 among the state-level issuers of tax-exempt bonds in the following manner:

1. Ten million dollars to the Maine Municipal Bond Bank;
2. Ninety million dollars to the Maine State Housing Authority;
3. Twenty-five million dollars to the Finance Authority of Maine;
4. Ten million dollars to the Maine Educational Loan Authority; and
5. Fifteen million dollars is unallocated and must be reserved for future allocation.

The amendment also proposed to make partial allocations of the state ceiling for calendar year 2001 among the state-level issuers of tax-exempt bonds in the following manner:

1. Ten million dollars to the Maine Municipal Bond Bank;
2. Forty million dollars to the Maine State Housing Authority;
3. Twenty-five million dollars to the Finance Authority of Maine;
4. Up to \$10,000,000 to the Maine Educational Loan Authority in the event that the 1999 reallocation of \$10,000,000 is not reallocated; and
5. Sixty-five million dollars is unallocated and must be reserved for future allocation.

Committee Amendment "B" (S-659) is the minority report and replaced the bill. The amendment proposed to reallocate \$10,000,000 of the state ceiling for calendar year 1999 previously allocated to the Finance Authority of Maine to the Maine Educational Loan Authority for the issuance of supplemental education loans.

Under federal law, a maximum of \$150,000,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine each year. The amendment proposed to allocate the state ceiling for calendar year 2000 among the state-level issuers of tax-exempt bonds in the following manner:

1. Ten million dollars to the Maine Municipal Bond Bank;
2. Ninety million dollars to the Maine State Housing Authority;
3. Twenty-five million dollars to the Finance Authority of Maine;
4. Ten million dollars to the Maine Educational Loan Authority; and
5. Fifteen million dollars is unallocated and must be reserved for future allocation.

The amendment also proposed to make partial allocations of the state ceiling for calendar year 2001 among the state-level issuers of tax-exempt bonds in the following manner:

1. Ten million dollars to the Maine Municipal Bond Bank;
2. Forty million dollars to the Maine State Housing Authority;
3. Twenty-five million dollars to the Finance Authority of Maine; and
4. Seventy-five million dollars is unallocated and must be reserved for future allocation.

The amendment differs from Committee Amendment "A" because it does not propose to allocate any portion of the state ceiling for calendar year 2001 to the Maine Educational Loan Authority. Committee Amendment "B" was not adopted.

Enacted law summary

Private and Special Law 1999, chapter 82 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar year 2000 and makes partial allocations of the state ceiling for calendar year 2001 among the state-level issuers of tax-exempt bonds. Under federal law, a maximum of \$150,000,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine each year.

The law also reallocates \$10,000,000 of the state ceiling for calendar year 1999 previously allocated by Public Law 1999, chapter 443 to the Finance Authority of Maine to the Maine Educational Loan Authority.

Private and Special Law 1999, chapter 82 was enacted as an emergency measure effective April 14, 2000.

LD 2610 **An Act to Require Warranty Certification for Snowmobiles and All-terrain Vehicles** **PUBLIC 692**

<u>Sponsor(s)</u> CAMPBELL FERGUSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-988
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LD 2610 proposed to require a person who registers a snowmobile or ATV for the first time in Maine to present a certificate from a licensed dealer that the snowmobile or ATV has had all recall or service update repairs performed on the snowmobile or ATV. The bill also proposed to require that the owner be registered with the manufacturer of that snowmobile or ATV so that the owner would receive future recall or service notices from the manufacturer.

Committee Amendment "A" (H-988) proposed to replace the original bill. It proposed to require that a person who registers a new snowmobile or ATV provide proof that the vehicle has been registered with the manufacturer of the snowmobile or ATV for warranty protection and safety or recall notices.

Enacted law summary

Public Law 1999, chapter 692 requires that a person who registers a new snowmobile or ATV provide proof that the vehicle has been registered with the manufacturer of the snowmobile or ATV for warranty protection and safety or recall notices.

LD 2640 **An Act to Amend the Program Evaluation Report Contents of the State Government Evaluation Act** **PUBLIC 661**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 2640 implements a recommendation of the Task Force to Study the Effect of Government Regulation on Small Businesses. It adds a requirement that each agency or program under a State Government Evaluation Act review:

1. Identify how the agency works with other state and federal agencies to coordinate services and eliminate redundant and overlapping requirements; and
2. Compare federal laws and regulations to state laws and rules implemented by the agency.

The bill includes a fiscal note.

Enacted law summary

Public Law 1999, chapter 661 implements a recommendation of the Task Force to Study the Effect of Government Regulation on Small Businesses. It adds a requirement that each agency or program under a State Government Evaluation Act review:

1. Identify how the agency works with other state and federal agencies to coordinate services and eliminate redundant and overlapping requirements; and
2. Compare federal laws and regulations to state laws and rules implemented by the agency.

LD 2650

An Act to Clarify the Enforcement Authority of the Manufactured Housing Board

**PUBLIC 725
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE	OTP-AM	S-649

LD 2650 was a concept draft pursuant to Joint Rule 208. The bill proposed to clarify the enforcement authority of the Manufactured Housing Board.

Committee Amendment "A" (S-649) proposed to permit the Manufactured Housing Board to enforce the preemption provisions of the Maine Revised Statutes, Title 10, section 9042, subsection 3 against municipalities and to allow a more expansive private right of action in favor of those adversely affected by a violation of the manufactured housing law. It also proposed to clarify the role of municipal code enforcement officers regarding the inspection of new manufactured housing for violations of the manufactured housing law and the rules adopted pursuant to that law. The amendment also proposed to provide the Manufactured Housing Board with the authority to review denials of applications for certificates of occupancy in certain limited situations and proposed to authorize the Manufactured Housing Board to issue certificates of occupancy. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 725 permits the Manufactured Housing Board to enforce the preemption provisions of the Maine Revised Statutes, Title 10, section 9042, subsection 3 against municipalities and allows a more expansive private right of action in favor of those adversely affected by a violation of the manufactured housing law. It also clarifies the role of municipal code enforcement officers regarding the inspection of new manufactured housing for violations of the manufactured housing law and the rules adopted pursuant to that law. Finally, it provides the Manufactured Housing Board with the authority to review denials of applications for certificates of occupancy in certain limited situations and authorizes the Manufactured Housing Board to issue certificates of occupancy.

Public Law 1999, chapter 725 was enacted as an emergency measure effective April 14, 2000.

LD 2675

An Act to Create a Linked Investment Program for Child Care Providers

INDEF PP

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

LD 2675 proposed to implement one of the recommendations of the Business Advisory Commission on Quality Child Care Financing. It proposed to establish a linked investment program for child care providers.

LD 2683

An Act to Enhance Economic Development in the State of Maine

ONTP

Sponsor(s)

Committee Report

Amendments Adopted

LD 2683 was a committee bill reported out of the Business and Economic Development Committee pursuant to Joint Order (S.P. 1002). Part A of the bill proposed to modify the Economic Recovery Program administered by the Finance Authority of Maine by making the programs more flexible to meet the needs of Maine businesses.

The proposed modifications would allow the Finance Authority of Maine to establish repayment terms reflective of the risk of a particular loan by allowing the authority to use financing techniques such as obtaining repayment based on the performance of the company through royalty payments, repayment tied to actual cash flow or through a convertible debenture, which would allow the debt to be converted to equity in the company.

Part A also proposed to repeal the requirement that an applicant must have been turned down by all other lenders. This would allow the Finance Authority of Maine to participate in financing packages with commercial lenders and other economic development agencies.

The provisions of Part A were incorporated into the Part II Budget, Public Law 1999, chapter 731, sections VVV-4, VVV-5 and VVV-6.

Part B proposed to modify the Maine Economic Development Venture Capital Revolving Investment Program Fund administered by the Finance Authority of Maine.

It would clarify that capitalization of the fund may come from sources other than direct appropriations.

It would amend the law to allow the authority to invest in newly established venture capital funds that show evidence of likelihood of success by the manager's background and other factors, as well as established venture capital funds.

It would amend the law to require that a private venture capital fund receiving an investment from the authority certify to the authority that it will undertake to invest in an amount equal to the authority's investment in Maine manufacturers or Maine companies that are involved in the development or application of advanced technologies that provide a product or service that is sold or projected to be sold predominantly outside the State or that otherwise bring capital into the State.

It would repeal the prohibition on an officer or employee of a private venture capital firm from participating in a decision on a project in which the officer or employee has a direct financial interest. It would replace that provision with a requirement that the authority's contract with the private venture capital firm give the authority rights and access equal to all other investors in the venture capital firm.

It would amend the law to allow the venture capital funds receiving an investment to use up to 4% annually of the funds received from the authority for administrative purposes.

It would repeal a provision that requires that a private venture capital firm invest 80% of all its funds in a business that is eligible for the Maine Seed Capital Tax Credit.

It would add a requirement that private venture capital funds that receive an investment from the authority report on the amount of funds invested in Maine manufacturers or Maine companies that are involved in the development or application of advanced technologies, that provide a product or service sold or projected to be sold predominantly outside the State or that otherwise bring capital into the State.

It would transfer funds that have revolved back into the Economic Recovery Program Fund to the Maine Economic Development Venture Capital Revolving Investment Program Fund.

The provisions of Part B were incorporated into the Part II Budget, Public Law 1999, chapter 731, sections VVV-7, 8, 9 and 10.

Part C proposed to appropriate funds to the Department of Economic and Community Development for an information technology manager to work with the Maine Business Works program. The provisions of Part C were incorporated into the Part II Budget, Public Law 1999, chapter 731, Section VVV-16.

Part D proposed to appropriate funds to the Department of Economic and Community Development to allow the department to contract with a field representative to serve in a currently underserved and economically depressed area. The provisions of Part D were incorporated into the Part II Budget, Public Law 1999, chapter 731, section VVV-17.

Part E proposed to direct the Maine Rural Development Council to provide advocacy for the social and economic needs of rural Maine communities and to develop community capacity building projects, and it proposed to appropriate \$125,000 to the council. The provisions of Part E were incorporated into the Part II Budget, Public Law 1999, chapter 731, sections VVV-15 and VVV-20.

Part F proposed to establish the Maine Microenterprise Initiative Fund in the Department of Economic and Community Development. Under the bill, the department would give grants from the fund to community-based organizations providing training and technical assistance to microenterprises. Priority consideration would be given to grant applications that are joint applications or target low-income individuals or areas of high unemployment. The department would be required to adopt rules to establish grant application procedures and criteria. The bill also proposed to appropriate from the General Fund a nonlapsing \$1,000,000 to the Maine Microenterprise Initiative Fund. The provisions of Part F were incorporated into the Part II Budget, Public Law 1999, chapter 731, sections VVV-1 and VVV-18.

Part G proposed to establish the Regional Economic Development Assistance Fund in the Department of Economic and Community Development. The department would award grants from the fund to nonprofit community organizations providing local or regional economic development programs. The bill also proposed to appropriate \$500,000 from the General Fund to the fund. The provisions of Part G were incorporated into the Part II Budget, Public Law 1999, chapter 731, sections VVV-2 and VVV-19.

Part H proposed to amend the law creating the Agricultural Products Utilization Commission by authorizing the commission to identify issues related to the development of agriculturally derived fuel industries in Maine, to identify agriculturally derived fuel development programs and to analyze the

potential for agriculturally derived fuel production in Maine. It also proposed to add the chief executive officer of the Finance Authority of Maine to the commission membership and add a requirement to report to the joint standing committee of the Legislature having jurisdiction over business and economic development matters. The provisions of Part H were incorporated into the Part II Budget, Public Law 1999, chapter 731, section VVV-3.

Part I proposed to appropriate funds to the Maine Technical College System for a pilot program for the Aroostook County Machine Tool Program. The provisions of Part I were incorporated into the Part II Budget, Public Law 1999, chapter 731, section VVV-21.

LD 2684 **An Act to Improve Oversight and Accountability of Student Loan Programs Funded with an Allocation of the State Ceiling on Private Activity Tax-exempt Bonds** **PUBLIC 728**

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

LD 2684 was reported out by the Joint Standing Committee on Business and Economic Development pursuant to Public Law 1999, chapter 443 in response to the report of the Commission on the Ceiling on Tax-Exempt Bonds.

LD 2684 proposed to enact the following provisions to increase the state's oversight of student loan programs funded through an allocation of the state ceiling on private activity tax-exempt bonds.

The bill proposed to add the Commissioner of Economic and Community Development or the commissioner's designee as a nonvoting member of the group that makes recommendations for the allocation of the state ceiling and provide that the Treasurer of State will no longer be a voting member of that group. It would require that bond cap allocation must be done with the written agreement of 4 of the 5 voting members of the bond cap allocation group. It would require that the State Planning Office conduct an annual analysis related to allocation of the state ceiling. It would require that recipients of an allocation of the state ceiling provide annual audited financial statements and demonstrate the benefits of their programs to the Legislature. The bill proposed to clarify that any further allocation or reallocation of the state ceiling from one eligible issuer to another issuer must be done with the agreement of a super majority of the bond cap allocation group. The bill also would make the meetings and records of the bond allocation group subject to the freedom of access laws.

The bill proposed to prohibit interlocking directors between the Finance Authority of Maine, "FAME," the Maine Educational Loan Authority, "MELA" and the Maine Educational Loan Marketing Corporation, "MELMAC."

The bill would retain the requirement that recipients of an allocation of the state ceiling for the issuance of student loans use FAME as the sole guarantor for student loan notes.

The bill proposed to prohibit MELMAC from originating student loans or extending credit and from discriminating against financial institutions or credit unions authorized to do business in this State with respect to the acquisition of loans. It would retain the requirement that MELMAC use FAME as the sole

guarantor for student loan notes acquired on the secondary market. It proposed to add 4 public members appointed by the Governor and confirmed by the Legislature to the MELMAC board. It would make MELMAC's books and records subject to the freedom of access laws. The bill would require MELMAC to use competitive bidding for its loan servicing and administrative services contracts. The bill also would require that MELMAC demonstrate that its use of bond proceeds is consistent with a public purpose and submit copies of IRS files and returns with the Attorney General and the Legislature on an annual basis. The bill also proposed to add language allowing the Governor to request that one or more state agencies acquire student loans on the secondary market if MELMAC fails to comply with the new statutory requirements.

The bill proposed to replace MELMAC's president as a member of the MELA board with a representative from technical colleges appointed by the Governor. The bill would provide that the Treasurer of State will no longer be a voting member of the MELA board. It would require MELA to use competitive bidding for administrative and clerical services. It would add language clarifying that MELA has authority to issue supplemental education loans only. It would require MELA to provide public notice of its activities and demonstrate that its use of bond proceeds is consistent with a public purpose. The bill would add a sunset of March 15, 2001 to the statutory provision allowing MELA to delegate its powers and duties to a nonprofit corporation and ask the MELA board to recommend whether the statutory provision should be retained. The bill also would require that the MELA board study the issue of whether to move the functions of MELA to FAME and report back to the First Regular Session of the 120th Legislature.

The bill proposed to remove language authorizing an allocation of the state ceiling to FAME for the Loans to Lenders Pilot Program.

The bill proposed to change the timing of required disclosures to a time before any loans using bond cap money are issued.

The bill proposed to clarify that the provisions in the bill are not intended to impair any outstanding bond obligations or contracts of MELMAC or MELA or adversely impact the exclusion from gross income of interest on outstanding tax-exempt bonds previously issued by MELMAC or MELA.

The bill also includes a fiscal note.

Committee Amendment "A" (S-683) is the minority report of the committee. The amendment differs from the bill because it proposed to require the Governor to appoint 3 public members to the board of the Maine Educational Loan Marketing Corporation. The bill required the Governor to appoint 4 public members. Committee Amendment "A" was not adopted.

Senate Amendment "A" (S-694) proposed to provide that, as a condition of its receipt of an allocation of the state ceiling for the issuance of education loans after the effective date of the bill, a nonprofit corporation formed under the provisions of the bill include 4 public members appointed by the Governor on its board of directors. Senate Amendment "A" was not adopted.

Enacted law summary

Public Law 1999, chapter 728 addresses state oversight of student loan programs funded through allocation of the state ceiling on private activity tax-exempt bonds.

The law makes the following changes to the process and structure of the group that recommends allocations of the state ceiling to the Legislature:

1. It adds the Commissioner of Economic and Community Development or the Commissioner's designee as a non-voting member and provides that the State Treasurer will no longer be a voting member of the bond cap allocation group;
2. It requires that any allocation of the state ceiling must be done with the written agreement of 4 of the 5 voting members of the bond cap allocation group;
3. It requires that the State Planning Office conduct an annual analysis related to the allocation of the state ceiling;
4. It requires that recipients of an allocation provide annual audited financial statements and demonstrate the benefits of their programs to the Legislature;
5. It clarifies that any further allocation or reallocation of the state ceiling from one eligible issuer to another issuer must be done with the agreement of 4 or 5 members of the bond cap allocation group; and
6. It makes the meetings and records of the bond cap allocation group subject to the freedom of access laws.

Public Law 1999, chapter 728 prohibits interlocking directors between the Finance Authority of Maine (FAME), the Maine Educational Loan Authority (MELA) and the Maine Educational Loan Marketing Corporation (MELMAC). The law requires that MELMAC and MELA use FAME as its sole guarantor for student loan notes acquired through an allocation of the state ceiling on private activity tax-exempt bonds. The law prohibits MELMAC from originating student loans or extending credit for the purpose of originating student loans. It also prohibits MELMAC from discriminating against financial institutions or credit unions authorized to do business in this state with respect to the acquisition of student loans.

The law adds 4 public members to the MELMAC board to be appointed by the Governor and confirmed by the Legislature. The law makes MELMAC's books and records subject to the freedom of access laws and requires MELMAC to use competitive bidding for its loan servicing and administrative contracts. It also requires that MELMAC demonstrate that its use of bond proceeds is consistent with a public purpose and submit copies of its IRS returns and filings to the Attorney General and the Legislature on an annual basis.

In the event that MELMAC fails to comply with the statutory requirements included in Public Law 1999, chapter 728, the law gives the Governor the authority to request that one or more state agencies acquire student loan notes on the secondary market in place of MELMAC.

Public Law 1999, chapter 728 also clarifies that MELA has statutory authority to issue supplemental education loans only. It requires that MELA use competitive bidding for its administrative and clerical services contracts. It replaces the MELMAC president as a member of the MELA board with a member representing the technical college system that will be appointed by the Governor and also provides that the Treasurer of State will no longer be a voting member of the MELA board. The law requires MELA to provide public notice of its activities and demonstrate that its use of bond proceeds is consistent with a public purpose.

The law requires that the MELA board conduct a study and recommend whether or not to move the functions of MELA to FAME to the First Regular Session of the 120th Legislature.

Public Law 1999, chapter 728 removes language authorizing FAME to administer the Loans to Lenders Program.

Finally, Public Law 1999, chapter 728 clarifies that the law is not intended to impair any outstanding bond obligations or contracts of MELMAC or MELA or adversely impact the exclusion from gross income of interest on outstanding tax-exempt bonds previously issued by MELMAC or MELA.

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Joint Standing Committee on Criminal Justice

LD 266

An Act to Require Records Checks for Persons Providing Direct Care to Clients of the Department of Mental Health, Mental Retardation and Substance Abuse Services

ONTP

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

LD 266 proposed to require criminal history record checks for direct care employees and prospective employees of the Department of Mental Health, Mental Retardation and Substance Abuse Services and facilities and entities providing services to clients of the department. The bill proposed to provide for the confidentiality of criminal history record information and access and review for the person whose record is checked. The bill proposed to require rulemaking as necessary to implement the new provision.

LD 308

An Act to Implement the Recommendations of the 118th Legislative Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators

PUBLIC 788

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY THOMPSON	OTP-AM	S-621

LD 308 was the unanimous statutory recommendations of the Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators, created by Joint Order, House Paper 1653, 118th Maine Legislature. The complete recommendations and background information are contained in the Select Committee's final report.

The bill proposed changes to provide for longer terms of imprisonment, longer periods of probation and the imposition of supervised release when a term of imprisonment expires for dangerous sexual offenders.

Committee Amendment "A" (S-279) proposed to strike sections 2 and 3 of the bill and change the history line of section 5 of the bill to account for changes made by Public Law 1999, chapter 24, sections 2 and 3. The amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

LD 308 was recommitted to committee and carried over to the Second Regular Session of the 119th Legislature.

Committee Amendment "B" (S-621) proposed to make technical changes to the bill that reflect changes that were made to certain sections of law by Public Law 1999, chapter 24 as proposed in Committee Amendment "A" (S-279). The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 788 comprises the unanimous statutory recommendations of the Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators, created by Joint Order, House Paper 1653, 118th Maine Legislature. The complete recommendations and background information are contained in the Select Committee's final report.

Public Law 1999, chapter 788 makes a number of changes to the current punishment provisions in the Maine Criminal Code, Part III in an effort to allow courts to deal more effectively with the dangerous sexual offender. These changes provide for longer terms of imprisonment, longer periods of probation and the imposition of supervised release when a term of imprisonment expires.

Public Law 1999, chapter 788 defines what is meant by "dangerous sexual offender." The definition targets those sexual offenders who commit a new gross sexual assault under the Maine Revised Statutes, Title 17-A, section 253 after having been previously convicted and sentenced for a serious sexual assault. Because prior intervention of the criminal justice system has failed to deter the offender and because the offender's own repetitive criminal behavior currently serves as the most accurate indicator of future dangerousness, the new sentencing options are consistent with the "just deserts" philosophy of the Maine Criminal Code and serve primarily to enhance public safety through restraint and post-release management. Public Law 1999, chapter 788 makes 4 changes respecting punishment for the dangerous sexual offender.

First, Title 17-A, section 1252, subsection 4-B removes the current ceiling for terms of imprisonment for the "dangerous sexual offender." A court is authorized to impose a straight term of imprisonment or a split term of imprisonment of "any term of years."

Second, Title 17-A, section 1202, subsection 1-A removes the current probation period caps for the "dangerous sexual offender." A court is authorized to impose a period of probation of "any term of years."

Third, Title 17-A, chapter 50 proposes a new post-release mechanism identified as "supervised release." Supervised release is used in conjunction with the imposition of a straight term of imprisonment and is modeled to some degree upon federal law regarding supervised release (see 18 U.S.C. §3583). A term of supervised release of "any term of years" may be imposed by a court at the time of imposing a straight term of imprisonment. Sanctioning for a violation of a supervised release operates like sanctioning for a violation of probation. As with probation, the sanction imposed upon revocation is intended to sanction the violator for failing to abide by the court-ordered conditions. Even in the context of new criminal conduct, the violator is sanctioned for the breach of trust, leaving the actual punishment for any new underlying criminal conduct to the court ultimately responsible for imposing punishment for that new crime.

Fourth, Title 17-A, section 1203, subsection 1 is replaced with subsection 1-A to allow a court to revoke probation if, during the initial unsuspended portion of the term of imprisonment, a person sentenced as a "dangerous sexual offender" refuses to actively participate in a sex offender treatment program, in accordance with the expectations and judgment of the treatment providers, when requested to do so by the Department of Corrections. By virtue of new Title 17-A, section 1233, supervised release may be revoked by a court before the completion of the straight term of imprisonment.

Finally, Public Law 1999, chapter 788 provides for the inclusion of a period of supervised release after imprisonment for any person convicted of a Title 17-A, section 253 offense. Unlike the dangerous sexual offender group, however, the length of the period authorized depends upon the class of the gross sexual

assault for which the person is convicted (up to 10 years for a Class A section 253 violation and up to 6 years for a Class B or Class C section 253 violation). Additionally, as is true of the dangerous sexual offender group, the time of additional imprisonment to serve may equal all or part of the period of supervised release with no credit being given for any time actually served on supervised release, but may not exceed 1/3 of the straight term of imprisonment imposed.

LD 353

An Act Regarding the Administration of Polygraph Tests to Prospective Law Enforcement Personnel

ONTP

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

LD 353 proposed to eliminate employees of or applicants for employment with law enforcement agencies from the list of exceptions for which employers may request polygraph tests. The bill proposed to specify that only law enforcement officers or applicants for employment as law enforcement officers may be asked to undergo polygraph tests.

Committee Amendment "A" (H-819) was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to specify that only the following employees or applicants for employment with a law enforcement agency may be polygraphed: a law enforcement officer, police communications operator, transport officer, motor carrier inspector, criminal intelligence analyst, court officer or forensic laboratory employee. The amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

LD 354

An Act to Establish Certain Crimes of Domestic Violence

ONTP

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

LD 354 proposed to create 2 new offenses in the criminal code: domestic violence assault for assault against a family member and domestic violence terrorizing for terrorizing a family member. As proposed, both of these new offenses would be Class D crimes, except in cases of assault by a person 18 years of age or older against a person under 6 years of age, which would be a Class C crime. As proposed, both of these new offenses would require a judge, not a bail commissioner to set bail.

Committee Amendment "A" (H-951) was the minority report of the Joint Standing Committee on Criminal Justice, and it proposed to add a fiscal note to the bill. This amendment was not adopted.

LD 454

An Act to Expand the Warrantless Arrest Law and to Establish the Crime of Obstructing the Report of a Crime or Injury

PUBLIC 644

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MUSE DOUGLASS	OTP-AM	H-921

LD 454 proposed to make it a Class D crime for a person committing a crime involving domestic abuse to cause a telephone to be inoperable during the commission of that abuse.

Committee Amendment "A" (H-921) proposed to replace the bill and change the title. The amendment proposed to expand the warrantless arrest law to include criminal threatening, terrorizing, stalking, criminal mischief and obstructing the report of a crime or injury if the officer reasonably believes that the person and the victim are family or household members. The amendment also proposed to create the Class D crime of obstructing the report of a crime or injury. As proposed, a person would be guilty of obstructing the report of a crime or injury if that person intentionally, knowingly or recklessly disconnects, damages, disables, removes or uses physical force or intimidation to block access to a telephone, radio or other electronic communication device with the intent to obstruct, prevent or interfere with another person's report to a law enforcement agency or request for an ambulance or emergency medical assistance to a governmental agency, hospital, physician or other medical service provider. The amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 1999, chapter 644 expands the warrantless arrest law to include criminal threatening, terrorizing, stalking, criminal mischief and obstructing the report of a crime or injury if the officer reasonably believes that the person and the victim are family or household members. Public Law 1999, chapter 644 also creates the Class D crime of obstructing the report of a crime or injury. A person is guilty of obstructing the report of a crime or injury if that person intentionally, knowingly or recklessly disconnects, damages, disables, removes or uses physical force or intimidation to block access to a telephone, radio or other electronic communication device with the intent to obstruct, prevent or interfere with another person's report to a law enforcement agency or request for an ambulance or emergency medical assistance to a governmental agency, hospital, physician or other medical service provider.

LD 474

An Act Relating to the Crime of Murder and to the Murder of Children

PUBLIC 536

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON AHEARNE	OTP-AM	S-511

LD 474 proposed to create a fourth alternative of murder. The bill proposed to make an assault of a child 4 years of age or younger that results in the child's death punishable as murder.

Committee Amendment "A" (S-511) proposed to replace the bill. The amendment proposed to require that in the first step of the sentencing process to determine the base sentence for a person convicted of

proposed to make changes to Titles 12 and 38 so that they reflect the amendments to the law enforcement training laws.

Enacted law summary

Public Law 1999, chapter 682 exempts municipal shellfish conservation wardens and harbor masters from the basic law enforcement training requirements under the Maine Revised Statutes, Title 25, section 2804-C. In addition to any other training that may be required by law, municipal shellfish conservation wardens and harbor masters who wish to make arrests or carry a firearm must successfully complete only the preservice law enforcement training requirements under Title 25, section 2804-B and the in-service law enforcement training requirements under Title 25, section 2804-E.

LD 629

Resolve, to Create a Seamless Treatment Plan for the Juvenile Offender with Substance Abuse Problems

**RESOLVE 123
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER MURRAY	OTP-AM	H-851 S-743 MICHAUD

LD 629 proposed to direct the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to create, implement and operate a comprehensive substance abuse treatment program for juveniles. The bill proposed that the program include uniform clinical assessment of juveniles to identify substance abuse problems, to ensure access to a comprehensive substance abuse treatment program that facilitates participation of the juvenile and the juvenile's family and to provide a system to monitor treatment progress and a follow-through mechanism to ensure treatment completion. The bill proposed to require the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to prepare and present a proposal to implement and fund a comprehensive substance abuse treatment program to the Joint Standing Committee on Criminal Justice by May 1, 1999. The bill proposed that the proposal include funding for at least 9 Regional Treatment Alternative to Street Crime Substance Abuse Managers who must be contracted with community treatment agencies. The bill also proposed to require that the proposal include a plan to make annual reports to the Joint Standing Committee on Criminal Justice regarding the progress of juvenile substance abuse treatment programs.

Committee Amendment "A" (H-851) proposed to direct the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to continue to develop and implement a comprehensive substance abuse treatment program for juveniles committed to the Department of Corrections' custody. The amendment proposed that the program include screening, assessment and treatment for all juveniles committed to a juvenile correctional facility, 4 regional treatment networks, a targeted capacity expansion program and 5 juvenile drug treatment courts. The amendment proposed that the program facilitate participation of the juvenile and the juvenile's family and provide a system to monitor treatment progress and completion.

The amendment also proposed to require that the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse report annually by March 1st their progress in implementing and funding the comprehensive substance abuse treatment program to the joint standing committee of the Legislature having jurisdiction over juvenile justice issues.

The amendment also proposed to add a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-743) proposed to replace Committee Amendment "A" (H-851). The amendment proposed to change the bill to a resolve and incorporate the treatment program requirements in Committee Amendment "A" (H-851) and require that the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services submit a proposal that includes annual reports to the joint standing committee of the Legislature having jurisdiction over juvenile justice matters. The amendment also proposed to remove direct references to funding in the fiscal note.

Enacted law summary

Resolve 1999, chapter 123 directs the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to continue to develop a comprehensive substance abuse treatment program for juveniles. The program must include uniform clinical assessment and treatment for all juveniles committed to a juvenile correctional facility, 4 regional treatment networks, a targeted expansion program and 5 juvenile drug treatment courts. The program also must facilitate participation of the juvenile and the juvenile's family, provide a system to monitor treatment progress and a follow-through mechanism to ensure treatment completion.

Resolve 1999, chapter 123 requires the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to prepare and present a proposal to implement and fund a comprehensive substance abuse treatment program for juveniles to the joint standing committee having jurisdiction over juvenile justice matters by December 6, 2000. The proposal must include a plan to make annual reports to the joint standing committee having jurisdiction over juvenile justice matters regarding the progress of juvenile substance abuse treatment programs.

Resolve 1999, chapter 123 was finally passed as an emergency measure effective May 8, 2000.

LD 637

An Act to Amend the Law Enforcement Officer Certification Standards

PUBLIC 630

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY MCALEVEY	OTP-AM	S-578

LD 637 proposed to delete references to training standards for part-time and full-time law enforcement officers approved by the Board of Trustees of the Maine Criminal Justice Academy. This bill proposed to require levels of certification to be based on the officer's demonstration of having acquired specific knowledge and skills directly related to job performance rather than full-time or part-time employment.

The bill proposed to implement in statute the proposed training and certification requirements in LD 2628, Resolve, Regarding Legislative Review of Certification of Law Enforcement Officers, a Major Substantive Rule of the Maine Criminal Justice Academy.

Committee Amendment "A" (S-578) proposed to replace the bill. The amendment proposed to repeal the provision that required the Board of Trustees of the Maine Criminal Justice Academy to adopt major substantive rules identifying the permissible duties of part-time law enforcement officers. In LD 2628, Resolve, Regarding Legislative Review of Chapter 6: Certification of Law Enforcement Officers, a Major Substantive Rule of the Maine Criminal Justice Academy, the board conditionally adopted a rule regarding part-time law enforcement officers, but the Joint Standing Committee on Criminal Justice did not authorize adoption of the rule.

Enacted law summary

Public Law 1999, chapter 630 repeals the provision that required the Board of Trustees of the Maine Criminal Justice Academy to adopt major substantive rules identifying the permissible duties of part-time law enforcement officers. In LD 2628, Resolve, Regarding Legislative Review of Chapter 6: Certification of Law Enforcement Officers, a Major Substantive Rule of the Maine Criminal Justice Academy, the board conditionally adopted a rule regarding part-time law enforcement officers, but the Joint Standing Committee on Criminal Justice did not authorize adoption of the rule. See Resolve 1999, chapter 103.

LD 678

An Act to Require Completion of an Ambulance Operator Course

PUBLIC 764

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL KONTOS	OTP-AM	H-1173 TOWNSEND H-888

LD 678 proposed to require a person who routinely operates an ambulance to complete an ambulance operator course beginning January 1, 2002.

Committee Amendment "A" (H-888) proposed to replace the bill. The amendment proposed to require that by January 1, 2003, all persons whose job description includes operating an ambulance in an emergency mode or transporting a patient must possess certification of successful completion of a basic ambulance vehicle operator course or a course that has been approved by the Emergency Medical Services' Board as an equivalent. The amendment proposed that a person whose job description includes operating an ambulance in an emergency mode or transporting a patient who successfully completes a basic ambulance vehicle operator course may apply to the Emergency Medical Services' Board for reimbursement for the cost of the course.

The amendment also proposed to add an appropriation section and a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-1173) proposed to direct the Department of Public Safety, Maine Emergency Medical Services to set up a pilot project to develop a plan for implementation of the ambulance operator training requirements and report to the joint standing committee of the Legislature having jurisdiction over public safety matters by January 1, 2001. The amendment proposed that the committee may introduce legislation following receipt of the study. The amendment also proposed to replace the appropriation with a one-time appropriation of funds for a consultant for the pilot project.

Senate Amendment "A" to Committee Amendment "A" (S-744) proposed to implement the same provisions as House Amendment "A" to Committee Amendment "A" (H-1173). This amendment was not adopted.

Enacted law summary

Public Law 1999, chapter 764 requires that by January 1, 2003, all persons whose job description includes operating an ambulance in an emergency mode or transporting a patient must possess certification of successful completion of a basic ambulance vehicle operator course or a course that has been approved by the Emergency Medical Services' Board as an equivalent. Public Law 1999, chapter 764 specifies that a person whose job description includes operating an ambulance in an emergency mode or transporting a patient who successfully completes a basic ambulance vehicle operator course may apply to the Emergency Services' Board for reimbursement for the cost of the course.

Public Law 1999, chapter 764 directs the Department of Public Safety, Maine Emergency Medical Services to set up a pilot project to develop a plan for implementation of the ambulance operator training requirements and report to the joint standing committee of the Legislature having jurisdiction over public safety matters by January 1, 2001. The committee may introduce legislation following receipt of the report. Public Law 1999, chapter 764 creates a one-time appropriation of funds for a consultant for the pilot project.

LD 903

An Act to Amend the Concealed Weapons Permit Laws

ONTP

<u>Sponsor(s)</u> WHEELER E		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 903 proposed to make the following changes to the chapter regarding permits to carry concealed firearms:

1. Specify that the only issuing authorities for permits are a full-time chief of police for legal residents of a municipality and the Chief of the State Police for all others;
2. Clarify that an issuing authority verify information about an applicant and ensure all criteria are satisfied before issuing a permit to an applicant;
3. Require an applicant for a permit to be at least 21 years of age;
4. Require an applicant for a permit to be photographed and for any permit issued to include that photograph;
5. Require an applicant for a permit to submit to a criminal history record check;
6. Repeal the provisions regarding permit renewals;
7. Increase the permit fee to \$45 for legal residents and private investigators licensed in the State and \$75 for nonresidents;

8. Clarify that the Attorney General shall develop all forms for the Chief of the State Police and forms for police chiefs that are necessary for the permitting process and that those issuing authorities shall provide and use only those forms;
9. Lengthen the term of a permit from 4 years to 5 years; and
10. Clarify that a person may not carry a concealed firearm without having the permit in that permit holder's immediate possession and that the permit holder may not fail to display the permit holder's permit to a law enforcement officer upon that officer's demand. As proposed, a person who violated these provisions would commit a civil violation.

LD 1095 An Act to Expand the Geographic Availability of the Supervised Community Confinement Program ONTP

<u>Sponsor(s)</u> SIROIS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1095 proposed to require that the Commissioner of Corrections ensure that the supervised community confinement program is operational in all geographic regions of the State.

LD 1202 An Act to Ensure Just Sentences ONTP

<u>Sponsor(s)</u> MILLS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1202 proposed to amend the mandatory minimum sentence for the crime of murder to accommodate the substantial reduction in earned good time and meritorious good time effective October 1, 1995. The 1995 amendment required that the parties and the sentencing courts adjust their sentencing recommendations and practices to accommodate the increase in the actual period of incarceration resulting from the significant decrease in good time. In the case of 25-year minimum sentences, such an adjustment is not possible. This bill proposed to partially address this inequity by reducing the minimum mandatory sentence to 20 years.

Secondly, this bill proposed to provide a "safety valve" for sentencing courts in cases where a mandatory minimum sentence would result in substantial injustice and a frustration of the general purposes of sentencing as outlined in the Maine Criminal Code. The bill proposed to allow the court to take into consideration documented evidence of severe hardship to the offender as well as the wishes of the victim.

Finally, this bill proposed to remove mandatory minimum sentences for the crime of aggravated trafficking or furnishing scheduled drugs.

LD 1280

An Act to Provide Funding for School Drug Awareness and Education Programs

ONTP

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

LD 1280 proposed to establish the Drug Awareness and Education for Schools Fund. As proposed, the fund would have been a nonlapsing interest-bearing account. The bill proposed that ten percent of all fines paid for violations of the Maine Revised Statutes, Title 17-A, chapter 45 be deposited into the fund and be used to support school programs for drug awareness and education, including the DARE program.

LD 1369

An Act to Transfer Responsibility for Youth Corrections from the Department of Corrections to the Department of Human Services

ONTP

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

LD 1369 proposed to amend current law to transfer responsibility for the Maine Youth Center and the Northern Maine Regional Juvenile Detention Facility from the Department of Corrections to the Department of Human Services. The bill proposed to retain the current structure of the facilities and their relationships with the other departments and with the federal Department of Justice.

LD 1583

An Act to Amend the Definition of Sex Offender and to Require Sheriffs to Notify the State Bureau of Identification of a Sex Offender's Release from Jail for Purposes of Registration and Notification

ONTP

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

LD 1583 proposed to expand the definition of "sex offender" for purposes of the Sex Offender Registration and Notification Act to include all sex offenses in the Maine Revised Statutes, Title 17-A, chapter 11 that are Class A, B or C crimes and the crime of sexual exploitation of a minor. For purposes of registration and notification, the bill also proposed to require county sheriffs to notify the Department of Public Safety, State Bureau of Identification when a sex offender is released from a county jail.

LD 1803

An Act to Revoke Probation and Require Incarceration for Repeated Domestic Abuse

ONTP

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

LD 1803 proposed to require probation officers to arrest and bring a motion to revoke the probation of a person who, while on probation, commits a criminal violation of a protection from abuse order issued against that person. The bill also proposed to require the court to revoke probation if the court found by a preponderance of the evidence that the person committed the crime.

LD 1858

An Act to Amend the Possession of Firearms by Felons

ONTP

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

LD 1858 proposed to prohibit the use, possession and control of a firearm by a person convicted of certain Class D or Class E crimes involving domestic violence. As proposed, the prohibition would last until the person served the sentence resulting from the conviction.

The bill proposed that a crime of domestic violence is defined as a crime in which:

1. The person used or attempted to use physical force, or threatened to use a deadly weapon; and
2. The person and the victim have or had a family-like relationship. Specifically, the person committing the crime must be a current or former spouse, parent or guardian of the victim; a person with whom the victim has a child; or a person who is cohabiting with or has cohabited with the victim as a spouse, parent or guardian or has a similar relationship.

In addition, the bill proposed that the person who was convicted must have had the assistance of counsel in the proceeding or must have knowingly and intelligently waived the assistance of counsel. The bill proposed that if the person had a right to a jury trial for the domestic violence prosecution, then the case must have been tried by a jury or the person must have knowingly and intelligently waived the right to a trial by jury.

LD 1899

Resolve, to Require the Department of Public Safety to Study the Security and Protection of State Government Employees

ONTP

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

LD 1899 proposed to require that the Department of Public Safety, within its existing resources, study current measures affecting the safety of state employees and report to the Joint Standing Committee on Criminal Justice and the Joint Standing Committee on State and Local Government not later than February 1, 2000. The bill proposed that the committees could report out legislation regarding this study.

LD 1933

An Act to Promote Sharing of Information Between Schools and Criminal Justice Agencies

PUBLIC 595

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRIMAN	OTP-AM MAJ OTP-AM MIN	S-522

LD 1933 proposed to allow a juvenile’s school to distribute information about an adjudicated juvenile to the court and a criminal justice agency under certain conditions. As proposed, the information would remain confidential and could not be further distributed. The authority for this sharing of information is found under FERPA (Federal Education Rights and Privacy Act). FERPA allows schools to distribute information if: 1) a state has enabling legislation that authorizes the distribution; 2) the distribution is to help serve the rehabilitation needs of a juvenile; 3) the information is distributed to a criminal justice agency; and 4) there are specific written guidelines in place governing the process. Currently, the information the bill seeks to allow to be shared may be released from schools to criminal justice agencies if parents consent to the release. Prosecutors may also subpoena these records.

Committee Amendment "A" (S-522) proposed to replace the bill and was the majority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to authorize schools to disseminate education records of preadjudicated juveniles to criminal justice agencies or agencies that by court order or agreement of the juvenile are responsible for the health or welfare of the juvenile. The amendment proposed that the education records be disseminated only if the records are relevant to and disseminated for the purpose of creating or maintaining an individualized plan for the juvenile's rehabilitation. The amendment proposed that education records received are confidential and may not be further disseminated, except to the court or as otherwise provided by law. The amendment proposed that the persons to whom the education records are disseminated certify in writing to the school that the records will not be disclosed to any other party, except the court or as otherwise provided by law, without the written consent of the juvenile or the juvenile's parent or guardian.

Committee Amendment "B" (S-523) proposed to replace the bill and was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to create a 16-member study commission to review the current laws and processes for sharing information about juveniles; to identify the information needs of agencies with respect to their ability to provide for the health and welfare of juveniles, including the creation and maintenance of individualized plans to ensure the success and the rehabilitation of juveniles; and to make necessary recommendations to propose changes to the current laws and processes regarding the sharing of information among schools, criminal justice agencies and other agencies responsible for the health and welfare of juveniles. The amendment proposed that the commission report its findings and any recommended legislation to the First Regular Session of the 120th Legislature by November 1, 2000. The amendment also proposed to add a fiscal note. This amendment was not adopted.

Enacted law summary

Public Law 1999, chapter 595 authorizes schools to disseminate education records of preadjudicated juveniles to criminal justice agencies or agencies that by court order or agreement of the juvenile are responsible for the health or welfare of the juvenile. The education records may be disseminated only if the records are relevant to and disseminated for the purpose of creating or maintaining an individualized plan for the juvenile's rehabilitation. Education records received are confidential and may not be further disseminated, except to the court or as otherwise provided by law. The persons to whom the education records are disseminated shall certify in writing to the school that the records will not be disclosed to any other party, except the court or as otherwise provided by law, without the written consent of the juvenile or the juvenile's parent or guardian.

LD 2069 An Act to Establish a Critical Incident Review Panel Regarding ONTP
Physical Force Used by Officers Causing Serious Bodily Injury or
Death to Another Person

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

LD 2069 proposed to require that any investigation conducted by the Attorney General or a law enforcement agency of any incident in which a law enforcement officer used physical force in performing that officer's duties that resulted in serious bodily injury or death to another person be completed within 30 days.

The bill also proposed to establish a critical incident review panel to review the use of physical force by law enforcement or corrections officers that results in serious bodily injury or death to another person.

LD 2174 An Act to Protect the Citizens of Maine from the Dangers of PUBLIC 767
Counterfeit Consumer Goods EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY FISHER	OTP-AM	S-612 S-781 MICHAUD

LD 2174 proposed that a person who may be prosecuted under Title 17-A, §705 and under Title 17-A, §705-A, a new crime “trademark counterfeiting,” must be prosecuted under §705-A. LD 2174 proposed that a person is guilty of trademark counterfeiting if that person willfully manufactures, uses, displays, advertises, distributes, offers for sale, sells or possesses with intent to sell or distribute an item or services bearing or identified by a counterfeit mark. LD 2174 proposed that a person having possession, custody or control of more than 25 items bearing a counterfeit mark is presumed to possess those items with intent to sell or distribute.

LD 2174 proposed that an item bearing a counterfeit mark or used in connection with a violation of this section must be seized by a law enforcement officer.

Committee Amendment "A" (S-612) proposed to replace the bill. The amendment proposed to amend provisions dealing with deceptive business practices under the fraud provisions of the Maine Criminal Code. The amendment proposed to specify that "mislabeled" for the purposes of the deceptive business practices law includes counterfeiting or unauthorized reproducing of a trademark.

This amendment proposed to add to the deceptive business practices law a seizure provision that specifies that any item that bears marks in violation of that law or any property that was used in or can be connected to the violation is contraband and may be seized by a law enforcement officer.

The amendment proposed to establish the Commission to Study Counterfeiting and the Unauthorized Sale of Consumer Goods and Labels. The amendment proposed that the commission's duties include examining the effect of counterfeit goods in this State, including the effect of counterfeit Universal Price Code labels on state revenue, losses to merchants and manufacturers of legitimate goods and the impact on consumers; examining the sale of consumer products at unused property sales and flea markets, including whether these sales are authorized and the potentially harmful consequences of the sale of these products; and examining whether current state law acts as an appropriate deterrent or imposes sufficient sanctions for such conduct. The amendment proposed that the commission report its findings and any recommended legislation to the First Regular Session of the 120th Legislature by December 1, 2000.

This amendment also proposed to add an appropriation and a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-781) proposed to remove the language establishing the Commission to Study Counterfeiting and the Unauthorized Sale of Consumer Goods and Labels and the appropriation for that commission.

Enacted law summary

Public Law 1999, chapter 767 amends provisions dealing with deceptive business practices under the fraud provisions of the Maine Criminal Code. Public Law 1999, chapter 767 specifies that "mislabeled" for the purposes of the deceptive business practices law includes counterfeiting or unauthorized reproducing of a trademark.

Public Law 1999, chapter 767 adds to the deceptive business practices law a seizure provision that specifies that any item that bears marks in violation of that law or any property that was used in or can be connected to the violation is contraband and may be seized by a law enforcement officer.

Public Law 1999, chapter 767 was enacted as an emergency measure effective May 8, 2000.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL	OTP-AM	H-945 H-980 POVICH

LD 2196 proposed to establish the Central Maine Regional Public Safety Communication Center to provide emergency communication services to participating state, county and municipal entities. The bill proposed to establish a governing council and a board of directors to establish policy and to provide administrative oversight.

Committee Amendment "A" (H-945) proposed to replace the bill. The amendment proposed to establish the Central Maine Regional Public Safety Communication Center to provide the governmental function of emergency communication services to participating state, county and municipal entities in the central Maine region. The amendment proposed that the following agencies and municipalities may participate in the establishment of the center: the Maine State Police, the Kennebec County Sheriff's office and the municipalities of Gardiner, Augusta, Waterville, Winslow and Oakland.

The amendment proposed to establish the center as a body corporate and politic with a governing council and a board of directors to establish policy and to provide administrative oversight.

The amendment also proposed to add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-980) proposed to remove the requirement that the Board of Directors of the Central Maine Regional Public Safety Communication Center approve job descriptions for staff of the center. The amendment proposed to remove language governing employees of the center and provide that the initial staff of the center must be selected from within the pool of current dispatch employees employed by any municipality or agency that joins the center. The amendment proposed that the rights and obligations of any municipality or agency that joins the center that arise out of an existing collective bargaining agreement to which it is a party may not be abrogated by the creation of the center. The amendment also proposed to require the center to bargain with any local union selected by the employees that is entitled to recognition as the collective bargaining agent.

Enacted law summary

Private and Special Law 1999, chapter 85 establishes the Central Maine Regional Public Safety Communication Center to provide the governmental function of emergency communication services to participating state, county and municipal entities in the central Maine region. The following agencies and municipalities may participate in the establishment of the center: the Maine State Police, the Kennebec County Sheriff's office and the municipalities of Gardiner, Augusta, Waterville, Winslow and Oakland.

Private and Special Law 1999, chapter 85 establishes the center as a body corporate and politic with a governing council and a board of directors to establish policy and to provide administrative oversight.

Private and Special Law 1999, chapter 85 also provides that the initial staff of the center must be selected from within the pool of current dispatch employees employed by any municipality or agency that joins the center. Private and Special Law 1999, chapter 85 also provides that the rights and obligations of any

municipality or agency that joins the center that arise out of an existing collective bargaining agreement to which it is a party may not be abrogated by the creation of the center and requires the center to bargain with any local union selected by the employees that is entitled to recognition as the collective bargaining agent.

Private and Special Law 1999, chapter 85 specifies that the Central Maine Regional Public Safety Communication Center takes effect only when 2 or more eligible municipalities or agencies agree to participate.

LD 2315

An Act to Amend the Department of Corrections Statutes

PUBLIC 583

<u>Sponsor(s)</u> MURRAY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-512
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LD 2315 proposed to change the Department of Corrections laws to reflect restructuring of the department facilities.

Committee Amendment "A" (S-512) proposed to eliminate an outdated provision, whose subject matter is covered comprehensively in the Maine Revised Statutes, Title 30-A, section 1656. The amendment proposed to clarify the relationship between the Department of Corrections confidentiality statute and other confidentiality provisions. The amendment proposed to provide for consistency of references to juvenile correctional facilities.

This amendment proposed to incorporate recommended reporting requirements by the Department of Corrections pursuant to the report of the Study Group to Review Procedures and Consider Improvements in Juvenile and Adult Probation Services, pursuant to Resolve 1997, chapter 124.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 583 amends the Department of Corrections laws to reflect institutional restructuring. Public Law 1999, chapter 583 clarifies the relationship between the Department of Corrections confidentiality statute and other confidentiality provisions in law and incorporates Department of Corrections reporting requirements that were part of the recommendations of the Study Group to Review Procedures and Consider Improvements in Juvenile and Adult Probation Services, pursuant to Resolve 1997, chapter 124.

LD 2362

An Act to Establish State Death Benefits for Law Enforcement Officers Killed in the Line of Duty

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> AMERO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-1002 POVICH S-579
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LD 2362 proposed to establish a state death benefit of \$50,000 for state police officers killed in the line of duty. The bill proposed to designate to whom the benefit is paid and in what proportion and would allow for an interim payment of up to \$3,000 to the surviving spouse, child or parent of the slain state police officer. As proposed, a benefit paid under this section would not be subject to execution or attachment. If the state police officer received or the officer's estate received a disability payment from the Maine State Retirement System, the death benefit would not be payable. The bill proposed that the Chief of the State Police is required to adopt major substantive rules to carry out the purposes of the bill.

Committee Amendment "A" (S-579) proposed to replace the bill. The amendment proposed to establish a state death benefit of \$50,000 for law enforcement officers killed in the line of duty, payable by the Chief of the State Police. As proposed, the amendment designates to whom the benefit is paid and in what proportion and allows for an interim payment of up to \$3,000 to the surviving spouse, child or parent of the law enforcement officer. A benefit paid under the Maine Revised Statutes, Title 25, section 1612 would not be subject to execution or attachment, nor could it be used to reduce any accidental death benefit amount payable under the Maine State Retirement System. The amendment proposed that the Chief of the State Police is required to adopt major substantive rules to carry out the purposes of the amendment. The amendment also proposed to add an appropriation section and a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-1002) proposed to clarify that the death benefits may be paid when the officer dies while in the line of duty.

LD 2406

An Act to Amend the Felony-operating-under-the-influence Laws

PUBLIC 703

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JABAR	OTP-AM	H-810

LD 2406 proposed to make it a Class C crime to operate a motor vehicle under the influence if a person previously has been convicted of a Class C OUI within the 10 years prior to the violation.

Under current law, it is a Class D crime if a person operates a motor vehicle under the influence of intoxicants or with a blood-alcohol level of .08% or more, unless that person causes serious bodily injury or death to another person, in which case it is a Class C crime.

Committee Amendment "A" (H-810) proposed to replace the title and replace the bill. The amendment proposed to make it a Class C crime to operate a motor vehicle under the influence of intoxicating liquor or drugs if a person has a prior conviction for a Class C crime under the aggravated punishment category of criminal OUI or if the person has a prior criminal homicide conviction involving or resulting from the operation of a motor vehicle while under the influence of intoxicating liquor or drugs or with a blood alcohol content of 0.08% or more.

The amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 1999, chapter 703 makes it a Class C crime to operate a motor vehicle under the influence of intoxicating liquor or drugs if a person has a prior conviction for a Class C crime under the aggravated punishment category of criminal OUI or if the person has a prior criminal homicide conviction involving or

resulting from the operation of a motor vehicle while under the influence of intoxicating liquor or drugs or with a blood alcohol content of 0.08% or more.

LD 2421 An Act to Combat Domestic Violence ONTP

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

LD 2421 proposed to establish the crime of domestic destruction. The bill proposed that a person is guilty of domestic destruction if that person intentionally, knowingly or recklessly damages or destroys property in a dwelling place while a family or household member is present in that dwelling place. As proposed, domestic destruction was a Class E crime except that if a family or household member present had not attained 16 years of age it was a Class D crime. The bill also proposed to add domestic destruction to the list of offenses for which a law enforcement officer may make a warrantless arrest.

LD 2432 An Act to Provide Additional Options for Services to Troubled Teens ONTP

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

LD 2432 proposed to allow judges to directly commit juveniles to private residential treatment facilities in lieu of incarceration and other dispositional alternatives when appropriate.

Committee Amendment "A" (H-829) was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to add a fiscal note to the bill. This amendment was not adopted.

LD 2439 An Act to Relieve Counties from the Expense and Responsibility of Transporting Certain Prisoners between Correctional Facilities and Courts DIED ON ADJOURNMENT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOGLUND PINGREE	OTP-AM	H-881

LD 2439 proposed to relieve all counties from the expense and responsibility of transporting a client from a correctional facility to any court in the State.

Committee Amendment "A" (H-881) proposed to replace the bill and change the title. As proposed, the amendment would relieve the counties of the responsibility of transporting prisoners between a correctional

facility and a court when the transportation was in connection with the prosecution of the prisoner for a crime committed within a correctional facility. The amendment proposed to require the Department of Corrections to transport such prisoners. The amendment also proposed to add an appropriation section and a fiscal note.

LD 2447

An Act to Amend the Maine Juvenile Code

PUBLIC 624

<u>Sponsor(s)</u> POVICH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-885 S-591 MURRAY
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Part A of LD 2447 proposed to do the following:

1. Expand the time for a juvenile detention court hearing from 24 hours to 48 hours following a placement in detention except for juveniles being held in a jail or other secure adult-serving detention facility whose hearing must be held within 24 hours;
2. Eliminate the ability of adult-serving jails to detain juveniles other than for 6 hours on an emergency basis unless a jail is located in a rural area, in which case the jail may detain a juvenile for up to 24 hours;
3. Clarify that the general public may not be excluded from a juvenile proceeding for a minor juvenile crime if the juvenile has already been adjudicated of a juvenile crime of any severity other than a Class E crime;
4. Require that shock sentences for juveniles be served concurrently with any other period of detention previously imposed or imposed on the same date; and
5. Require the termination of the probation of a person on juvenile probation who is 18 years of age or older and who commits a probation violation consisting of criminal conduct so that the person may be dealt with exclusively by way of the adult criminal process.

Part B of LD 2447 proposed to change references from "juvenile caseworker" to "juvenile community corrections officer" and to make several other technical changes to ensure conformity and consistency in terms.

Committee Amendment "A" (H-885) proposed to do the following:

1. Clarify and update the cross-references to the Maine Revised Statutes, Title 17-A probation provisions;
2. Correct a provision regarding juvenile detention hearings to be consistent with the rest of the bill;
3. Add provisions that are needed for proper implementation of a juvenile drug treatment court program;
4. Strike the provision that would have amended access by the public to the juvenile proceedings;

5. Require that shock sentences be served concurrently with any other period of detention previously imposed and not fully discharged or imposed on the same date; and
6. Add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-591) proposed to incorporate changes made to the Maine Revised Statutes, Title 34-A, section 4102 in Public Law 1999, chapter 583. This amendment was presented on behalf of the Committee on Bills in the Second Reading.

Enacted law summary

Public Law 1999, chapter 624 does the following:

1. Expands the time for a juvenile detention court hearing from 24 hours to 48 hours following a placement in detention except that hearings for juveniles being held in a jail or other secure adult-serving detention facility must be held within 24 hours;
2. Eliminates the ability of adult-serving jails to detain juveniles other than for 6 hours on an emergency basis unless a jail is located in a rural area, in which case the jail may detain a juvenile for up to 24 hours;
3. Requires that shock sentences for juveniles be served concurrently with any other period of detention previously imposed and not fully discharged or imposed on the same date;
4. Clarifies and updates the cross-references to the Maine Revised Statutes, Title 17-A probation provisions;
5. Adds provisions that are needed for proper implementation of a juvenile drug treatment court program; and
6. Changes references from "juvenile caseworker" to "juvenile community corrections officer" as well as makes several other technical changes to ensure conformity and consistency in terms.

LD 2449

An Act to Allow the State Police to Accept Funds from Private Entities for Services Provided

PUBLIC 653

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH	OTP-AM MAJ ONTP MIN	H-828

LD 2449 proposed to allow the State Police to provide services to private entities and persons and to charge for providing the services. The bill proposed to require that revenue collected for payment of services be allocated for the purpose of funding the cost of providing the services.

Current law allows the State Police to provide services and to seek reimbursement for those services from the Maine Turnpike, federal agencies and municipalities that lack an organized police department.

Committee Amendment "A" (H-828) was the majority report of the Joint Standing Committee on Criminal Justice. This amendment proposed to clarify that the State Police may provide services for public safety purposes only to private entities and may charge for providing the services. The amendment proposed to require that the revenue collected be allocated for the purpose of funding the cost of providing the services. The amendment also proposed to require that the State Police, beginning in 2001, report annually to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding these activities. The amendment proposed to repeal on July 30, 2002, the authority of the State Police to provide assistance to federal agencies, municipalities and private entities.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 653 authorizes the State Police to provide services for public safety purposes only to private entities. The State Police may be reimbursed for providing these services, and revenue collected must be allocated for the purpose of funding the cost of providing the services. Public Law 1999, chapter 653 requires the State Police to report annually to the joint standing committee of the Legislature having jurisdiction over criminal justice matters and repeals the authority of the State Police to provide services to entities on July 30, 2002.

LD 2455 **An Act to Provide Parity for Federal Drug Enforcement Agents in the State of Maine** **ONTP**

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

LD 2455 proposed to expand the definition of "federal officer" to include agents of the federal Drug Enforcement Administration.

LD 2466 **An Act to Promote the Safe Conduct of Fireworks Displays in the State of Maine** **PUBLIC 671**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY	OTP-AM	H-1031

LD 2466 proposed to do the following:

1. Add definitions to clarify the regulation of fireworks and special-effect pyrotechnics;
2. Establish application procedures for obtaining a fireworks display permit;
3. Establish a mechanism for the Commissioner of Public Safety to deny or revoke a fireworks display permit;

4. Establish licensing qualifications, application procedures and fees for persons using or discharging fireworks and for persons assisting in the discharge of fireworks during a display;
5. Establish a mechanism for the Commissioner of Public Safety to deny, suspend or revoke a fireworks technician or fireworks technician assistant license; and
6. Authorize the Commissioner of Public Safety to adopt rules in accordance with the Maine Administrative Procedure Act for the use, storage, transportation and display of fireworks.

Committee Amendment "A" (H-1031) proposed to do the following:

1. Strike from the bill language defining "fireworks technician assistant" and outlining the licensing process for assistants;
2. Strike from the bill the requirement that an applicant for a fireworks technician license be a high school graduate;
3. Amend the experience requirements for an applicant for a fireworks technician license by requiring an applicant to have experience working under a fireworks technician in at least 5 shows;
4. Clarify the permitting, denial, suspension and revocation provisions regarding possession and display of fireworks; and
5. Add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 671 adds definitions to clarify the regulation of fireworks and special-effect pyrotechnics; establishes procedures for obtaining a fireworks display permit; and establishes grounds and procedures for revocation, suspension and denial of fireworks display permits and fireworks technician licenses.

LD 2479

An Act to Enhance Public Safety By Updating the Laws Pertaining to Explosives and Flammable Liquids

PUBLIC 652

Sponsor(s)
MCALEVEY

Committee Report
OTP-AM

Amendments Adopted
H-986

LD 2479 proposed to amend the laws pertaining to explosives and flammable liquids in the following ways:

1. Correct cross-references in the Maine Revised Statutes;
2. Repeal an outdated law pertaining to smoking in certain buildings and public places;
3. Repeal an outdated reference to obtaining a search warrant for explosives;

4. Repeal an outdated law allowing a representative of the Commissioner of Public Safety to be reimbursed for mileage costs while escorting shipments of explosives over the road;
5. Repeal certain laws pertaining to gas-fueled appliances; and
6. Repeal the laws pertaining to the regulation of explosives and flammable liquids and enact new laws on this subject, including laws governing the procedure to obtain permits; grounds for revocation, suspension and denial of permits; qualifications for permittees; fees; and penalties.

Committee Amendment "A" (H-986) proposed to make the following changes:

1. Correct a cross-reference in the Maine Revised Statutes;
2. Clarify new provisions of law pertaining to the regulation of explosives and flammable liquids, including the permitting procedure; grounds for revocation, suspension and denial of permits; fees; and penalties;
3. Make Maine law consistent with federal law by specifying that permitting provisions in the Maine Revised Statutes, Title 25, chapter 318 do not apply to a person who possesses, uses, stores or transports within the State 50 pounds or less of smokeless powder or black powder or 10,000 or fewer primers; and
4. Add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 652 amends the laws pertaining to explosives and flammable liquids in the following ways:

1. Clarifies new provisions of law pertaining to the regulation of explosives and flammable liquids, including the permitting procedure; grounds for revocation, suspension and denial of permits; fees; and penalties;
2. Makes Maine law consistent with federal law by specifying that permitting provisions in the Maine Revised Statutes, Title 25, chapter 318 do not apply to a person who possesses, uses, stores or transports within the State 50 pounds or less of smokeless powder or black powder or 10,000 or fewer primers;
3. Repeals an outdated law pertaining to smoking in certain buildings and public places;
4. Repeals an outdated reference to obtaining a search warrant for explosives;
5. Repeals an outdated law allowing a representative of the Commissioner of Public Safety to be reimbursed for mileage costs while escorting shipments of explosives over the road;
6. Repeals certain laws pertaining to gas-fueled appliances; and
7. Corrects cross-references in the Maine Revised Statutes.

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

LD 2484 proposed to prohibit the issuance of a concealed firearms permit to a person who has been the subject of a permanent protection from abuse order within 2 years of the date of the application.

Under current law, a person is prohibited from owning or possessing a firearm if that person is the subject of an order that restrains that person from harassing, stalking or threatening an intimate partner or child of that partner, except that this prohibition applies only to a court order issued after a hearing for which that person received notice and had a chance to participate and that includes a finding that the person represents a credible threat to the physical safety of the partner or child or the order explicitly prohibits the use or threat of physical force against the partner or child that would be expected to cause bodily injury.

Committee Amendment "A" (H-922) proposed to replace the bill and was the majority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to prohibit the issuance of a concealed firearms permit to a person who is the subject of a protective order and specify that the person cannot apply to receive a concealed firearms permit until at least 2 years after the person is no longer the subject of the protective order. As proposed, if a concealed firearms permit holder became the subject of a protective order, that person's permit would be revoked and that person could not reapply for a permit for at least 2 years after the person was no longer the subject of the protective order. The amendment also proposed to add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-958) proposed to allow a resident of another state who holds a permit to carry a concealed firearm or who otherwise has the legal right to carry a concealed firearm to carry a concealed firearm in this State without obtaining a permit in this State.

This amendment was not adopted.

House Amendment "B" to Committee Amendment "A" (H-960) proposed to remove from current law the requirement that a person obtain a permit to carry a concealed firearm. The amendment proposed that a person may carry a concealed firearm unless that person has been convicted of certain crimes or carries the firearm with the intent or declared purpose of injuring another person, except in self-defense, or with the intent or declared purpose of committing a crime, which is similar to Vermont law. This amendment proposed to retain the intent of Committee Amendment "A" by prohibiting a person who is the subject of a protective order from carrying a concealed weapon for at least 2 years after the person is no longer the subject of the protective order. This amendment also proposed to repeal the provision of law that declares possession of a loaded firearm on or within 10 feet of a paved way to be evidence of hunting.

This amendment was not adopted.

House Amendment "C" to Committee Amendment "A" (H-961) proposed to allow an applicant for a concealed firearms permit to appeal a denial of that permit to the Chief of the State Police. The amendment

proposed that the chief make a decision on the permit within 21 days of receipt of the appeal; otherwise, the permit must be granted. This amendment was not adopted.

House Amendment "D" to Committee Amendment "A" (H-974) proposed to provide that an application for a concealed firearms permit submitted by a person who obtains a protective order must be granted or denied within 3 business days. This amendment was not adopted.

House Amendment "E" to Committee Amendment "A" (H-985) proposed to retain the provisions of Committee Amendment "A" but require that Committee Amendment "A" apply only to a person who is the subject of a protective order that has been issued after there has been a finding that the person actually committed an act involving domestic abuse. This amendment was not adopted.

House Amendment "F" to Committee Amendment "A" (H-987) proposed to change Committee Amendment "A" in the following ways:

1. Mirror current law regarding the possession of a firearm to require the revocation of a concealed firearms permit or prohibit the person from applying for a concealed firearms permit if the person is the subject of a protective order that was issued after a hearing for which the person received actual notice and at which the person had the opportunity to participate and that:
 - A. Includes a finding that the person represents a credible threat to the physical safety of an intimate partner or child; or
 - B. By its terms, explicitly prohibits the use, attempted use or threatened use of physical force against an intimate partner or child that would reasonably be expected to cause bodily injury; and
2. Allow a person who has been the subject of such a protective order to apply or reapply for a concealed firearms permit as soon as the protective order lapses. This amendment was not adopted.

House Amendment "G" to Committee Amendment "A" (H-1009), in addition to the provisions of Committee Amendment "A," proposed to allow a person who obtains a protective order to obtain a concealed firearms permit as long as that person:

1. Is at least 18 years of age;
2. Has not been convicted of a crime that is punishable by a year or more imprisonment;
3. Has not been convicted of a crime that involved use of a dangerous weapon or firearm against another person; or
4. Is not prohibited from obtaining a concealed firearms permit because the person is the subject of a protective order.

The amendment proposed that the issuing authority make a decision regarding the issuance of the permit within 48 hours of receipt of a written application, and, if the issuing authority failed to make a decision, the application would be granted. This amendment was not adopted.

LD 2494

Resolve, to Create a Commission to Study the Regulation of Firearms in Maine

DIED IN CONCURRENCE

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

LD 2494 proposed to hold public hearings to receive testimony from the public regarding the effectiveness of Maine’s laws in reducing the regulation of gun-related violence. The resolve proposed to direct the commission to file a report, including recommendations from the public, for proposed legislation by December 31, 2000.

Committee Amendment "A" (H-923) proposed to replace the bill and was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to create a 15-member study commission to review existing federal and state laws regarding the manufacture, sale, possession and use of handguns; to identify barriers to enforcement of those laws in Maine; to propose changes to those laws if necessary; to use the principles of responsible gun ownership to identify methods to improve safety and protect citizens from unintended, as well as intended, injury; and to identify effective handgun-related educational programs that prevent misuse and abuse of handguns for all age groups and identify a sustainable funding source to ensure that these programs are available to all. The amendment proposed to require that the commission report its findings and any recommended legislation to the First Regular Session of the 120th Legislature by November 1, 2000. The amendment also proposed to add an appropriation and a fiscal note.

LD 2531

An Act to Institute a System of Parole for Certain Maine Criminal Code Prisoners

ONTP

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

LD 2531 proposed to permit the State Parole Board to grant parole to a person who was sentenced to a term of imprisonment of at least 2 years on or after the effective date of this bill if that person served at least 1/2 of the sentence and there was a reasonable probability that that person would live and remain at liberty without violating the law and that release was not incompatible with the welfare of society. The amendment proposed that the person seeking parole must demonstrate that that person has available a safe and secure lodging, a job providing regular and constant income and the support of several law-abiding citizens of the community. The amendment proposed that a crime victim may appear before the board or submit a statement concerning whether a person should be released on parole or about the nature of any terms or conditions to be imposed upon such release. The amendment proposed that the board may release on medical parole a person serving a sentence of imprisonment, except a person convicted of a formerly capital offense, if that person has been diagnosed as suffering from a terminal condition, disease or syndrome and is so debilitated or incapacitated by such condition, disease or syndrome as to be physically incapable of presenting a danger to society.

LD 2573

**An Act to Prohibit Persons Under 21 Years of Age from Purchasing
Handguns** **DIED BETWEEN
BODIES**

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

LD 2573 proposed to make it a Class C crime to sell handguns in Maine to anyone under 21 years of age. As proposed, handguns are firearms, as defined in Title 17-A, §2, that have a barrel of less than 15 inches.

Current state law, Title 17-A, §554-A, prohibits a person from knowingly transferring a firearm to another person under 16 years of age unless the actor is the parent, foster parent or guardian of the minor. Unlawful transfer of a firearm to a minor is a Class D crime.

Current federal law prohibits a licensed firearms dealer from selling a handgun or handgun ammunition to a person under 21 years of age and prohibits any individual from selling a handgun or handgun ammunition to a person under 18 years of age.

Committee Amendment "A" (S-611) proposed to change the title, replace the bill and was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to reflect current federal law regarding the transfer of handguns to minors, including exceptions to prohibitions. Specifically, the amendment proposed to do the following:

1. Prohibit a person from transferring a handgun or ammunition that is suitable for use only in a handgun to persons less than 18 years of age;
2. Prohibit federally licensed firearm importers, manufacturers, dealers or collectors from selling or delivering a handgun or ammunition that is suitable only for use in a handgun to persons less than 21 years of age;
3. Make these violations Class D crimes; and
4. Add a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-653) proposed to clarify that a handgun may be transferred to a minor with written consent of the minor's parent or guardian or for employment, target practice, hunting or instructions. This amendment also proposed to remove the provisions of Committee Amendment "A" specifying how the minor must transport the handgun.

LD 2575

An Act to Restore the Chaplaincy in the Maine Correctional Center in South Windham

INDEF PP

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

LD 2575 proposed to appropriate funds to reestablish a chaplain position for the Maine Correctional Center at South Windham.

House Amendment "A" (H-1167) proposed to replace the appropriation section of the bill.

LD 2612

An Act to Adopt a New Interstate Compact Regarding Adults Who are on Probation or Parole

ONTP

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

LD 2612 proposed to create the Interstate Compact for Adult Offender Supervision.

Committee Amendment "A" (H-946) was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to add a fiscal note to the bill. This amendment was not adopted.

LD 2628

Resolve, Regarding Legislative Review of Chapter 6: Certification of Law Enforcement Officers, a Major Substantive Rule of the Maine Criminal Justice Academy

RESOLVE 103

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-943

LD 2628 proposed to provide for legislative review of Chapter 6: Certification of Law Enforcement Officers, a major substantive rule of the Maine Criminal Justice Academy.

Committee Amendment "A" (H-943) proposed to replace the resolve. The amendment proposed to specify that final adoption of Chapter 6: Certification of Law Enforcement Officers, a provisionally adopted major substantive rule of the Maine Criminal Justice Academy regarding part-time law enforcement officers, was not authorized.

Enacted law summary

Resolve 1999, chapter 103 specifies that final adoption of Chapter 6: Certification of Law Enforcement Officers, a provisionally adopted major substantive rule of the Maine Criminal Justice Academy regarding part-time law enforcement officers, is not authorized.

LD 2651

Resolve, to Establish the Commission to Study Domestic Violence

**RESOLVE 126
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY MITCHELL B	OTP-AM	H-1017 S-779 MICHAUD

LD 2651 proposed to establish the Commission to Study Domestic Violence and to require the commission to study the problem of domestic violence and to determine methods of alleviating this problem through: better communication among the courts, law enforcement and other government agencies; stricter bail and probation conditions; education in elementary and secondary schools; and improved procedures for domestic violence cases from investigation to sentencing. The bill proposed to require the commission to submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters for consideration in the Second Regular Session of the 120th Legislature.

Committee Amendment "A" (H-1017) proposed to change the membership to include one Senate member and one House member who serve on the Joint Standing Committee on Judiciary. The amendment proposed to clarify that the member who is a clerk works in the District Court. The amendment also proposed to add a survivor of domestic violence and the chair of the Maine Association of Batterers Intervention Programs and to replace the Commissioner of Public Safety with the Chief of the State Police. The amendment proposed to clarify that legislative members serve only while Legislators, and if necessary, the presiding officers appoint new legislative members.

The amendment proposed to narrow the commission's duties by eliminating those duties related to education and sentencing.

The amendment also proposed to add a fiscal note to the resolve.

Senate Amendment "A" to Committee Amendment "A" (S-779) proposed to replace Committee Amendment "A" (H-1017). The amendment proposed to keep provisions in Committee Amendment "A" (H-1017) and to add the Commissioner of Human Services or the commissioner's designee to the membership of the commission and to require the President of the Senate and the Speaker of the House to give preference to members of the Joint Standing Committee on Criminal Justice and the Joint Standing Committee on Judiciary when making appointments to the commission.

Enacted law summary

Resolve 1999, chapter 126 establishes the Commission to Study Domestic Violence. The commission's duties include determining methods to: alleviate domestic violence through better communication among the courts, law enforcement and other government agencies; create stricter bail and probation conditions; and provide improved procedures for the investigation and prosecution of domestic violence cases. The commission is required to submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters for consideration in the Second Regular Session of the 120th

Legislature, and that committee may submit a bill to the Second Regular Session of the 120th Legislature to implement the commission's recommendations.

Resolve 1999, chapter 126 was finally passed as an emergency measure effective May 8, 2000.

LD 2672

An Act to Amend the Unlawful Sexual Contact Penalties

ONTP

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

LD 2672 proposed to make unlawful sexual contact with a person under 12 years of age a Class C crime.

Committee Amendment "A" (H-1101) proposed to replace the bill and was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to create a mandatory sentencing alternative of 5 years of imprisonment, of which none may be suspended, for a violation of the unlawful sexual contact statute if: the victim, who is not the actor's spouse, has not in fact attained the age of 14 years of age and the actor is at least 3 years older; the victim has not in fact attained 18 years of age and the actor is a parent, guardian or person responsible for the long-term care of that other person; or the victim submits as a result of compulsion. The amendment also proposed to add a fiscal note. This amendment was not adopted.

LD 2673

An Act to Implement the Recommendations of the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims

**PUBLIC 719
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-674 MICHAUD

LD 2673 was proposed pursuant to Resolve 1999, chapter 84 by the Joint Standing Committee on Criminal Justice to implement the recommendations of the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims. The bill proposed to outline the responsibilities of the Victims' Compensation Board, hospitals and health care practitioners and law enforcement agencies in regards to forensic examinations of alleged victims of gross sexual assault.

Senate Amendment "A" (S-674) proposed to remove the appropriation from the General Fund and the allocation from the Highway Fund to the Bureau of State Police that provided funding for the costs of providing forensic examination kits to hospitals and health care practitioners.

Enacted law summary

Public Law 1999, chapter 719 implements the recommendations of the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims, which was established pursuant to Resolve 1999, chapter 84. The legislation was submitted by the Joint Standing Committee on Criminal Justice. Public Law 1999, Chapter 719 outlines the responsibilities of the Victims' Compensation Board,

hospitals and health care practitioners and law enforcement agencies in regards to forensic examinations of alleged victims of gross sexual assault.

Public Law 1999, chapter 719 requires the Victims' Compensation Board to pay for all forensic examinations conducted on or after November 1, 2000 from the Victims' Compensation Fund and to track expenditures for forensic examinations separately. The board shall determine by rule what a forensic examination may include for purposes of payment. An examination must include at least all services directly related to the gathering of forensic evidence and related testing and treatment for pregnancy and sexually transmitted diseases. Forensic examination payments are not subject to any other provision of the victims' compensation program and are not considered payments to victims for purposes of the cap.

Public Law 1999, chapter 719 directs the Department of Public Safety to determine by rule what a standardized forensic examination kit includes and to furnish the kits to hospitals and health care practitioners who perform forensic examinations of alleged victims of gross sexual assault.

A hospital or health care practitioner that completes a forensic examination shall bill the Victims' Compensation Board directly for payment. The board shall pay the hospital or health care practitioner the actual costs of the examination up to a maximum of \$500. Hospitals and health care practitioners performing forensic examinations shall use uniform kits developed and furnished by the Department of Public Safety. A victim is not required to report the alleged offense to law enforcement in order for the board to pay for the examination. If an alleged victim of gross sexual assault has a forensic examination but has not reported the alleged offense to a law enforcement agency when the examination is complete, the hospital or health care practitioner that completed the forensic examination shall notify the nearest law enforcement agency. That law enforcement agency shall transport the completed kit, identified only by a tracking number assigned by the hospital or health care practitioner, to its evidence storage facility and shall store the kit for at least 90 days from the time of receipt. If the victim reports the offense during the 90 days, the victim may contact the hospital or health care practitioner to determine the tracking number and which law enforcement agency is storing the kit. The law enforcement agency then shall transport the kit to the Maine State Police Crime Laboratory. If the victim reports the alleged offense to a law enforcement agency by the time the examination is complete, the investigating law enforcement agency shall transport the kit directly to the Maine State Police Crime Laboratory.

Public Law 1999, chapter 719 also requires district attorneys to pay the expense of the analysis of a drug or alcohol test performed as part of the forensic examination to obtain evidence for the prosecution.

Public Law 1999, chapter 719 was enacted as an emergency measure effective April 14, 2000, in order to give the Victims' Compensation Board and the Department of Public Safety time to adopt the rules required under this Act and so that payment for all forensic examinations for alleged victims of gross sexual assault conducted on or after November 1, 2000 will be made by the Victims' Compensation Board.

LD 2685

**An Act to Implement the Recommendations of the Commission to
Consider the Enhancement of Fire Protection Services Throughout
the State**

INDEF PP

Sponsor(s)

Committee Report

Amendments Adopted

Pursuant to Resolve 1999, chapter 65, the Criminal Justice Committee submitted LD 2685 to implement the recommendations of the Commission to Study the Enhancement of Fire Protection Services Throughout the State. This bill proposed to do the following:

1. Establish the Maine Fire Protection Services Commission, whose duties include assessing the fire protection service system and firefighter training needs in the State and reporting and recommending potential changes to the Legislature and the executive;
2. Appropriate one-time funds to the Maine Fire Protection Services Commission to allow for the investigation of options to provide a health insurance bridge for retired career firefighters and a length-of-service incentive program for volunteer firefighters;
3. Establish the Maine Firefighters Training Fund, which annually would provide \$100 per qualified firefighter for training. The Maine Firefighters Training Fund would be administered by the Maine Fire Training and Education Program under rules adopted by the Maine Fire Protection Services Commission;
4. Establish a \$50,000 death benefit administered by the State Fire Marshal for firefighters and emergency medical services persons who die in the line of duty;
5. Appropriate funds to implement the firefighter training component of the strategic plan of the Maine Fire Training and Education Program; and
6. Appropriate funds to create 3.5 new positions in the Office of the State Fire Marshal for the purpose of completing inspections.

Although this bill was indefinitely postponed, the Maine Fire Protection Services Commission and the firefighter training component of the strategic plan of the Maine Fire Training and Education Program were enacted in Public Law 1999, chapter 731, Part AAAA, 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, 2000 and June 30, 2001.

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Joint Standing Committee on Education and Cultural Affairs

LD 490

An Act to Assist Students with Disabilities

**DIED IN
CONCURRENCE**

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

LD 490 was carried over from the First Regular Session and proposed to require that educational services be provided to a student with a disability who is suspended for behavior that is caused by the student's disability. It proposed that schools conduct a prompt review of whether the misconduct for which the school seeks to suspend a student with a disability is a manifestation of the student's disability. If the misconduct is a manifestation of the student's disability, the school could still suspend the student, but must provide services consistent with the student's individual education plan during the suspension.

LD 870

An Act to Improve School Safety and Learning Environments

PUBLIC 789

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE SAXL M	OTP-AM	H-1102 STANLEY H-1190 TOWNSEND S-657

LD 870 was carried over from the First Regular Session and proposed to increase state funding for public school construction and renovations. First, it proposed to increase the school construction debt service limit incrementally until reaching \$80,000,000 beginning in fiscal year 2002-03. Second, it proposed to provide a one-time General Fund appropriation of \$20,000,000 to the General Purpose Aid for Local Schools program to accelerate the retirement of the state share only of older school construction debt. Finally, it proposed to provide a one-time \$20,000,000 appropriation to the School Revolving Renovation Fund to allow additional school renovation projects to be funded.

Committee Amendment "A" (S-657) proposed to strike and replace the bill. The amendment proposed to clarify that the Legislature must make separate decisions regarding the specific amounts of General Fund appropriations that are allocated to the foundation, debt service and adjustment components of the General Purpose Aid to Local Schools account.

The amendment also proposed to increase the school construction debt service limit over the next 2 biennia to \$74,000,000 in fiscal year 2001-02 and to \$80,000,000 for fiscal year 2002-03 and fiscal year 2003-04 and further proposed to increase the school construction debt service limit to \$84,000,000 in fiscal year 2004-05.

The amendment proposed to direct the State Board of Education to study the so-called "debt service circuit breaker" and to report back to the joint standing committee of the Legislature having jurisdiction over education matters with policy recommendations by December 14, 2001.

The amendment also proposed to add a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-1102) In order to improve school safety and learning environments, this amendment proposed to allow a municipality to expend funds held in its ministerial trust for school construction or renovation if the expenditure is approved by voters of the municipality.

House Amendment "B" to Committee Amendment "A" (H-1190) proposed to direct the State Board of Education and the Department of Education to conduct a study and create a plan to address the needs for improved and new school facilities for those school facility projects beyond Project #22 of the school facility projects on the current major capital improvement priority list. The State Board of Education and the Department of Education plan will be presented to the 120th Legislature no later than January 15, 2001 and must include a review of the rules related to the protected status of projects in the current 2-year rating cycle, a review of the debt service limits and consideration of a "hold harmless" provision related to actions taken by local school administrative units to remediate existing Priority I health or safety issues as defined by Department of Education rules.

The amendment also proposed to appropriate an additional \$1,000,000 from the General Fund as a one-time appropriation to further capitalize the School Renovation Fund for the purpose of addressing existing health, safety and compliance deficiencies such as air quality, leaking roofs, asbestos removal, oil tank and ADA compliance that have been identified in public school facilities across the State.

Enacted law summary

Public Law 1999, chapter 789 directs the State Board of Education and the Department of Education to conduct a study and create a plan to address the needs for improved and new school facilities for those school facility projects beyond Project #22 of the school facility projects on the current major capital improvement priority list. The State Board of Education and the Department of Education plan will be presented to the 120th Legislature no later than January 15, 2001 and must include a review of the rules related to the protected status of projects in the current 2-year rating cycle, a review of the debt service limits and consideration of a "hold harmless" provision related to actions taken by local school administrative units to remediate existing Priority I health or safety issues as defined by Department of Education rules.

The law also appropriates an additional \$1,000,000 from the General Fund as a one-time appropriation to further capitalize the School Renovation Fund for the purpose of addressing existing health, safety and compliance deficiencies in public school facilities across the State. In order to improve school safety and learning environments, the law allows a municipality to expend funds held in its ministerial trust for school construction or renovation if the expenditure is approved by voters of the municipality.

LD 933

**An Act to Permit the Submission of Citizens' Initiatives and
Citizens' Vetoes to School Districts**

ONTP

Sponsor(s)
GLYNN

Committee Report
ONTP

Amendments Adopted

LD 933 was carried over from the First Regular Session and proposed a direct initiative and people's veto process for school policies and rules to be exercised by the voters of any school unit. The processes proposed are similar to those available under the Constitution of Maine for initiation and veto of legislation by the voters of the State.

LD 1261

**An Act to Require the Training of School Personnel Who
Administer Medications**

PUBLIC 669

Sponsor(s)
PENDLETON

Committee Report
OTP-AM

Amendments Adopted
S-634

LD 1261 was carried over from the First Regular Session and proposed to require unlicensed school personnel to be trained before administering medication to students in Maine's public schools and approved private schools.

Committee Amendment "A" (S-634) proposed to replace the bill, add a mandate preamble and accomplish the following.

1. It proposed to require the Commissioner of Education to adopt or amend rules for the administration of medication to students in public or approved private schools. These rules must follow the training model and use the training manual developed by the School Health Advisory Committee.
2. It proposed to require public or approved private schools to develop written local policies and procedures for administering medication by the start of the 2001-02 school year; local policies must include a requirement that all unlicensed personnel who administer medications receive training before they are authorized to do so.
3. It proposed to provide that these requirements be added to the standards for basic school approval. These state rules and local policies and procedures must be developed and implemented for the start of the 2001-02 school year.
4. It proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 669 requires public and approved private schools to develop written local policies and procedures for administering medication by the start of the 2001-02 school year; local policies must include a requirement that all unlicensed personnel who administer medications receive training before they are authorized to do so. The law also adds these requirements to the standards for basic school approval; and requires the Commissioner of Education to adopt or amend rules for the administration of

medication to students in public or approved private schools based on the training model and the training manual developed by the School Health Advisory Committee.

LD 1305

An Act to Establish and Fund Conflict Resolution Education Programs in the Public Schools

PUBLIC 781

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON LONGLY	OTP-AM	H-1005 S-746 MICHAUD

LD 1305 was carried over from the First Regular Session and proposed to create a grant program within the Department of Education to encourage conflict resolution education programs in public elementary and secondary schools. Under this proposed bill, the programs may include peer mediation programs and may be directed at students and teachers, administrators and other staff.

Committee Amendment "A" (H-317) proposed to implement part of the recommendations of the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings. This amendment is the majority report of the committee and proposed to change the title of the bill. The amendment further proposed to direct and provide funding for the Department of Education to provide technical assistance to schools in developing violence prevention and intervention training for educators, staff and students that emphasize conflict resolution education, peer mediation and early identification and response to signs of violence. The amendment also proposed to establish a grant program to be administered by the Department of Education to support the establishment of conflict resolution and peer mediation programs in schools. Finally, the amendment proposed to provide funding support for the Attorney General's Civil Rights Team Project.

Committee Amendment "B" (H-1005), the majority report of the committee, proposed to implement one of the recommendations of the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings. The amendment proposed to direct and provide funding for the Department of Education to provide technical assistance to schools in developing violence prevention and intervention training for educators, staff and students that emphasizes conflict resolution education, peer mediation and early identification and response to signs of violence. The amendment also proposed to establish a grant program to be administered by the Department of Education to support the establishment of conflict resolution and peer mediation programs in schools.

The amendment also proposed to add an appropriation and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "B" (S-746) proposed to reduce the amount appropriated for school conflict resolution programs from \$100,000 to \$50,000, and proposed to clarify that the appropriation provides one-time funds.

Enacted law summary

Public Law 1999, chapter 781 implements one of the recommendations of the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings. The law directs the Department of Education to provide technical assistance to schools in developing violence prevention and intervention training for educators, staff and students that emphasizes conflict resolution

education, peer mediation and early identification and response to signs of violence. The law also provides a one-time appropriation of \$50,000 to establish a grant program to be administered by the Department of Education to support the establishment of conflict resolution and peer mediation programs in schools.

LD 1346

**An Act to Improve the School Administrative District and
Community School District Budget Development and Approval
Process**

PUBLIC 710

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS	OTP-AM MAJ ONTP MIN	H-1079

LD 1346 which proposed to amend the School Administrative District (SAD) budget approval process was carried over from the First Regular Session. Under current law, when the voters in a SAD that uses the alternative budget approval process fail to adopt their budget by referendum, the board of directors of the SAD can exercise an option to bring the budget to a 2nd or subsequent vote at an open meeting rather than by referendum. LD 1346 proposed that, in those situations, school budgets must be adopted by referendum. The bill also proposed that an SAD budget proposal submitted a 3rd time may not be greater than the previous school year's budget plus an increase adjusted for the Consumer Price Index. For a budget submitted more than 3 times, the budget proposal submitted to referendum must be lower than the proposal made at the previous referendum.

Committee Amendment "A" (H-1079) is the majority report of the committee and replaced the bill. The amendment proposed an optional new school budget cost center format and budget approval process for use by school administrative districts and community school districts. The new options replace format and approval options that are available under current law and that will no longer be available for adoption, but, if in place, may continue to be used. No district will be required to adopt either the new format or the budget approval process. However, after the effective date of this Act, if a district wishes to change the format or process it currently uses, the new options will be the only alternatives available. Both the budget format and the budget approval process may be adopted by the voters of the district at referendum. In certain circumstances, the new format may also be adopted by the local school board on its own initiative. The cost center summary budget format may be adopted separately or the new format and the approval process may be adopted together to complement each other.

The new optional budget format consists of 6 standard expenditure areas and 3 standard revenue areas, each with accompanying plain language explanations. There is also an overall summary expenditure item. The 9 cost centers and summary under the new budget format form the basis for the budget warrant articles that are submitted to district voters for approval annually. The amendment authorizes school boards to transfer up to 5% of the school budget between budget cost centers without voter approval.

The new optional budget approval process allows district voters to add a 2nd step to the process for finalization of the school budget. If the new process is adopted by voters, after initial approval of the district budget at a district budget meeting, the total budget approved must be submitted to the voters of the district for final validation at a district referendum within 3 days of the district budget meeting. If the voters reject the budget at referendum, another budget must be considered at a district budget meeting at least 10 days after the referendum. The budget adopted at the subsequent district budget meeting must then be submitted to the voters for validation in a separate referendum vote. The process is

repeated until a final budget is approved at a district budget meeting and validated at referendum.

The amendment proposed that the State Board of Education develop a model comprehensive school budget approval procedure that maximizes local collaboration among school officials, municipal officers and the public in developing and approving school budgets and encourages school administrative units to adopt the procedure as local school policy. The amendment also proposed that the state board study the new budget format and approval process and report back to the joint standing committee of the Legislature having jurisdiction over education matters by January 31, 2004. In the interim, the amendment directed the Department of Education to monitor the impact of the new law and to report annually to the committee on its effect, and the Department of Education and the State Board of Education are charged with the responsibility of developing a system to provide assistance to school administrative units wishing or attempting to implement the law.

Enacted law summary

Public Law 1999, chapter 710 establishes an optional new school budget format and budget approval process for use by school administrative districts and community school districts. The new options replace format and approval options that are available under current law and that will no longer be available for adoption, but, if in place, may continue to be used. No district will be required to adopt either the new cost center summary budget format or budget validation referendum approval process. However, after the effective date of this Act, if a district wishes to change the format or process it currently uses, the new options will be the only alternatives available. Both the budget format and the budget referendum approval process may be adopted by the voters of the district at referendum. In certain circumstances, the new format may also be adopted by the local school board on its own initiative. The cost center summary budget format may be adopted separately or the new format and the referendum approval process may be adopted together to complement each other.

The new optional budget format presents budgeted expenditures in 6 standard areas and budgeted revenues in 3 standard areas, each with accompanying plain language explanations. There is also an overall summary expenditure item and explanation. The 9 cost centers and summary under the new budget format form the basis for the budget warrant articles that are submitted to district voters for approval annually. The amendment authorizes school boards to transfer up to 5% of the school budget between budget cost centers without voter approval.

The new optional budget approval process allows district voters to add a second step to the process for finalization of the school budget. If the new process is adopted by voters, after initial approval of the district budget at a district budget meeting, the total budget approved must be submitted to the voters of the district for final validation at a district referendum within 3 days of the district budget meeting. If the voters reject the budget at referendum, another budget must be considered at a district budget meeting at least 10 days after the referendum. The budget adopted at the subsequent district budget meeting must then be submitted to the voters for validation in a separate referendum vote within 3 days of the second approval. The process is repeated until a final budget is approved at a district budget meeting and validated at referendum.

The State Board of Education is directed to develop a model comprehensive school budget approval procedure that maximizes local collaboration among school officials, municipal officers and the public in developing and approving school budgets and encourages school administrative units to adopt the procedure as local school policy. The state board is also required to study the new cost center summary budget format and budget validation referendum process and to report back to the joint standing committee

of the Legislature having jurisdiction over education matters by January 31, 2004. In the interim, the Department of Education is directed to monitor the impact of the new law and to report annually to the committee on its effect, and the Department of Education and the State Board of Education are charged with the responsibility of developing a system to provide assistance to school administrative units wishing or attempting to implement the law.

LD 1561 **An Act to Require High School Students to Earn a Certificate of Mastery Before Graduating** **ONTP**

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

LD 1561 was carried over from the First Regular Session and proposed that, beginning in the 2005-06 school year, all students in grade level 12 must earn a certificate of mastery based on the State's learning results standards before graduating.

LD 1725 **An Act to Allow the Towns of Wells and Ogunquit to Withdraw from Their Community School District** **P & S 83**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE WHEELER G	OTP-AM MAJ ONTP MIN	S-531

LD 1725 was carried over from the First Regular Session and proposed to amend the Private and Special Law establishing the Wells-Ogunquit Community School District to allow either the Town of Wells or the Town of Ogunquit to withdraw from the district.

Committee Amendment "A" (S-531) is the majority report of the committee and replaced the bill. The amendment proposed changing the current formula for distribution of the costs for kindergarten through grade 12 education within the Wells-Ogunquit Community School District. As currently provided by law, the educational costs of the school district are apportioned between the 2 towns based entirely on relative property valuation. The amendment proposed a phased-in change beginning in fiscal year 2000-01 that will result after 3 years in a sharing of costs based 2/3 on property valuation and 1/3 on student population of the towns. After fiscal year 2002-03, the costs will continue to be shared 2/3 based on property valuation and 1/3 on student population unless each town approves an alternative sharing arrangement by majority vote.

Enacted law summary

Private and Special Law 1999, chapter 83 changes the current formula for distribution of the costs for kindergarten through grade 12 education within the Wells-Ogunquit Community School District. As currently provided by law, the educational costs of that school district are apportioned between the 2 towns based entirely on relative property valuation. The amendment provides for a phased-in change beginning in fiscal year 2000-01 that will result after 3 years in a sharing of costs based 2/3 on relative property

valuation and 1/3 on relative student population of the towns. After fiscal year 2002-03, the costs will continue to be shared 2/3 based on property valuation and 1/3 based on student population unless each town approves an alternative sharing arrangement by majority vote.

LD 1799

An Act Regarding the School Funding Formula

ONTP

<u>Sponsor(s)</u> BRENNAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1799 was carried over from and proposed to ensure that pupil equity and taxpayer equity would be achieved through the school funding formula. This bill proposed the following.

1. It would have clarified that the statutory provisions requiring the state share of school construction debt service costs must be supported by General Fund appropriations by:
 - A. Indicating that the Legislature shall annually report the aggregate amount of the state share of the allocation for debt service costs as a separate line item and program account in the budget bill submitted to the Legislature for consideration; and
 - B. Indicating that the Legislature shall annually appropriate an amount to capitalize the state share of debt service costs that is separate from the appropriation for general purpose aid for local schools.
2. It would have suspended the annual updating of the income weight in the School Finance Act of 1995 by establishing that the income weight used in fiscal year 1997-98 must be used beginning in fiscal year 1999-00 and must remain fixed at the level of the median household income data reported in the United States Census data. Fiscal year 1997-98 median household income data must be used for the statewide component and for the local municipality component of income weighting for each fiscal year until fiscal year 2001-02 when the department would use the median household income data reported in the United States Census for 2000 report for each fiscal year until fiscal year 2011-12 when the data for the United States Census for 2010 must be used.
3. It would have replaced the so-called "cost-of-living adjustment" in the School Finance Act of 1995 with a regionalized cost-adjustment model that is based on a public education price index. The cost-adjustment model must be updated every three years. The Department of Education would have developed a regional education cost-adjustment model based on a public education price index and this new regionalized cost-adjustment model would replace the National Chamber of Commerce model beginning in fiscal year 2000-01.
4. It would have provided a \$25,000 General Fund appropriation to the Department of Education to develop a regional education cost-adjustment model based on a public education price index.
5. It would have provided a \$29,493,680 General Fund appropriation to the Department of Education to fully fund actual local program costs in the school funding formula.

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

LD 1964 was carried over from the First Regular Session. The bill proposed to establish the Charter School Authority to oversee the establishment, location and funding of charter schools throughout the State; to adopt a comprehensive charter school plan; to provide technical assistance for groups wishing to start a charter school; and to allocate funds for the creation of charter schools consistent with the plan. See LD 2027.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POWERS AMERO	OTP-AM	H-1020

LD 2027 was carried over from the First Regular Session. The bill proposed that local school boards, the Department of Education and Maine post secondary institutions be authorized to approve the establishment of charter schools to be a part of the State's system of public education and to oversee operation of those charter schools. Charter schools may consist of existing public schools or school units, new schools or existing nonprofit, nonsectarian schools that convert to charter status

As proposed in the bill, charter schools must be open to all students equally, though they may specialize in serving a particular age group, a specific geographic area or a student population with specific needs. A charter school may require a demonstration of interest from students if it offers a specific curriculum or teaching methodology. Charter schools may not be affiliated with religious institutions and must be nonsectarian in their programs, practices and policies. Charter school staff include teachers holding teaching certificates. Teachers in charter schools may be employees of the charter school and have the right to organize and bargain collectively in a separate unit; or teachers may choose to operate the charter school themselves, as partners or members of a cooperative.

Under the bill, funding for charter schools is paid directly by the State in an amount equal to the average amount per pupil spent statewide. Approved special education costs incurred beyond that amount must be paid by the student's resident school administrative unit.

Committee Amendment "A" (H-1020) replaced the bill and proposed several changes in current law to encourage public school alternative education programs. The Commissioner of Education must require public school alliances to set consistent standards for regional public school choice programs. The amendment proposed that shared service agreements between schools may include alternative education programs and establishes alternative education as a component of secondary technical education programs. The amendment also proposed that the commissioner take steps to encourage school-based management decision making. Finally, the amendment proposed the establishment of a stakeholders group chosen by the commissioner to study the possibility of the State applying for grant funds under the federal charter schools legislation. The amendment also proposed adding a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 683 makes several changes in current law to encourage public school alternative education programs. The Commissioner of Education is directed to require public school alliances to set consistent standards for regional public school choice programs. Shared service agreements between schools are encouraged to include alternative education programs and alternative education is established in law as a component of secondary technical education programs. The commissioner is also directed to take steps to encourage school-based management decision-making. Finally, chapter 683 establishes a stakeholders group chosen by the commissioner to study the feasibility of the State applying for grant funds under the federal charter schools legislation.

LD 2054

An Act to Extend New Teachers' Probationary Periods

**DIED IN
CONCURRENCE**

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

LD 2054 was carried over from the First Regular Session and would have provided that a probationary period may not exceed 2 years for a person who has been employed as a teacher for more than 3 years or 3 years for a person who has been employed as a teacher for 3 or fewer years.

LD 2260

An Act to Provide Degree-granting Authority to the SALT Institute for Documentary Field Studies

P & S 64

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE SAXL M	OTP-AM	S-476

LD 2260 proposed authorizing the SALT Center for Documentary Field Studies in Portland to grant degrees.

Committee Amendment "A" (S-476) proposed to correct the name of the SALT Institute for Documentary Field Studies in the bill.

Enacted law summary

Private and Special Law 1999, chapter 64 grants degree-granting authority to the SALT Institute for Documentary Field Studies in Portland.

LD 2291

An Act to Make Organizational Changes in the Maine State Cultural Affairs Council

**PUBLIC 573
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROWE	OTP-AM	H-825

LD 2291 proposed adding representatives of the Maine Humanities Council, the Maine Historical Society and the Archives Advisory Board to the membership of the Maine State Cultural Affairs Council.

Committee Amendment "A" (H-825) proposed to create the New Century Program Fund to be used to implement the Maine Communities in the New Century Program established last year for the purpose enhancing preservation of local cultural resources and proposed to designate the Maine State Cultural Affairs Council as the entity responsible for administering the fund on behalf of all state cultural agencies. The amendment also proposed adding a fiscal note, an allocation section, an emergency preamble and an emergency clause to the bill.

Enacted law summary

Public Law 1999, chapter 573 adds representatives of the Maine Humanities Council, the Maine Historical Society and the Archives Advisory Board to the membership of the Maine State Cultural Affairs Council. The law also creates the New Century Program Fund to be used to implement the Maine Communities in the New Century Program established last year to enhance preservation of local cultural resources. Finally, chapter 573 designates the Maine State Cultural Affairs Council as the entity responsible for administering the fund on behalf of all state cultural agencies.

Public Law 1999, chapter 573 was enacted as an emergency measure effective March 22, 2000.

LD 2299

An Act to Set Minimum Air Quality Standards for Schools

ONTP

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

LD 2299 is a concept draft pursuant to Joint Rule 208 that proposed to establish minimum air quality standards for schools. The bill was reported ONTP, and the committee sent a letter to the Maine Indoor Air Quality Council requesting that Sen. Daggett and Rep. Watson be added to its membership and that the council study and report to the Education Committee by December, 31, 2000 on whether specific air quality standards should be implemented in schools.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERUBE	OTP-AM MAJ ONTP MIN	S-610

LD 2301 proposed to create a new certificate authorizing a person to teach in an area determined to be a "teacher shortage area," which the Department of Education would issue only when certain criteria are met and special circumstances exist.

Committee Amendment "A " (S-610) is the majority committee report on the bill. The amendment proposed to designate the rules to be developed by the State Board of Education as "major substantive" rules.

The amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 1999, chapter 673 creates a new certificate authorizing a person to teach in an area determined to be a "teacher shortage area," which the Department of Education would issue only when certain criteria are met and special circumstances exist. The law also directs the State Board of Education to develop rules to implement this new certificate and designates these rules as "major substantive" rules subject to legislative review.

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

LD 2304 proposed that the Department of Education contract with an independent entity to conduct an audit of the Child Development Services System and to assess its compliance with existing laws and rules. The committee did not accept the idea of an audit and the resolve was reported ONTP; but, pursuant to Joint Order, the committee reported out LD 2636 that proposed statutory changes in the process for hiring regional site therapists. See LD 2636.

**An Act to Authorize School Administrative Units to Utilize
Alternative Delivery Methods for a Limited Range and Number of
School Construction Projects, Including the use of an Owner's
Representative for Certain School Construction Projects**

<u>Sponsor(s)</u> PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1036 CAMERON S-623
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LD 2311 proposed to clarify that the school construction method set out in the Maine Revised Statutes, Title 5, section 1743-A and Title 20-A, chapter 609 is the traditional, competitive “design-bid-build” method. It further proposed to provide for a 5-year pilot program for the use of design-build and construction-manager-at-risk methods. Generally, during the pilot program, all projects with total costs less than \$2,500,000 would be allowed to use either a design-build or construction-manager-at-risk method. Two projects in a school administrative unit that do not exceed \$10,000,000 in total cost would be allowed to use design-build methods, and 2 projects in a school administrative district that do not exceed \$10,000,000 or more in total costs would be allowed to use construction-manager-at-risk methods. All other school construction projects with total costs of \$10,000,000 or more would be required to employ a project manager.

Committee Amendment "A" (S-623) proposed to replace the bill and change the title of the bill. The amendment proposed to accomplish the following.

1. It proposed to add a mandate preamble to the bill.
2. It proposed to clarify that the school construction method set out in the Maine Revised Statutes, Title 5, section 1743-A and Title 20-A, chapter 609 is the traditional, competitive “design-bid-build” method.
3. It proposed to provide for a 5-year pilot program for use of design-build, construction-manager-advisor and construction-manager-at-risk methods and proposed to allow the use of an owner's representative for certain school construction projects.
4. It proposed to provide that, during the pilot program, 3 design-build and 3 construction-manager-advisor or construction-manager-at-risk projects with total costs less than \$2,500,000 would be allowed to use design-build, construction-manager-advisor or construction-manager-at-risk methods. Two projects in school administrative units that exceed \$2,500,000 in total project cost but do not exceed \$10,000,000 in total cost would be allowed to use the design-build method, and 2 projects in school administrative units that exceed \$2,500,000 in total project cost but do not exceed \$10,000,000 in total costs would be allowed to use the construction-manager-advisor or the construction-manager-at-risk method.
5. It proposed to provide during the 5-year pilot program period, that all other approved design-bid-build school construction projects with total costs of \$10,000,000 or more would be required to employ an owner's representative; and
6. It proposed to allow the Department of Education, in accordance to the provisions of the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A, to file the substantive rule for Chapter 64:

Maine School Facilities Finance Program and School Revolving Renovation Fund, as amended by Resolve 1999, chapter 14 (April 16, 1999) during the First Regular Session of the 119th Legislature.

The amendment also proposed to add a mandate preamble and fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-1036) is being presented on behalf of the Committee on Bills in the Second Reading and proposed to correct section 1 of the amendment to accurately reflect existing law regarding final adoption of a provisionally-adopted, major-substantive rule.

Enacted law summary

Private and Special Law 1999, chapter 79 provides for a 5-year pilot program for use of design-build, construction-manager-advisor and construction-manager-at-risk methods and requires the use of an owner's representative for school construction projects with total costs of \$10,000,000 or more during the 5-year pilot program period. The law also allows the Department of Education to file for the final adoption of the major substantive rule for Chapter 64: Maine School Facilities Finance Program and School Revolving Renovation Fund, as amended by Resolve 1999, chapter 14 during the First Regular Session of the 119th Legislature.

LD 2320

An Act to Increase the Bonding Limit of the Trustees of the City of Brewer High School District from \$2,500,000 to \$5,000,000

**P & S 65
EMERGENCY**

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

LD 2320 increases the debt limit of the City of Brewer High School District from \$2,500,000 to \$5,000,000 subject to approval at referendum by the voters of the City of Brewer.

Enacted law summary

Private and Special Law 1999, chapter 65 increases the debt limit of the City of Brewer High School District from \$2,500,000 to \$5,000,000 subject to approval at referendum by the voters of the City of Brewer.

Private and Special Law 1999, Chapter 65 was enacted as an emergency measure effective March 14, 2000.

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

LD 2326 proposed to authorize Portland College to grant degrees.

Committee Amendment "A" (H-1078) is the majority report of the committee and proposed to clarify the degrees that may be granted by Portland College. The amendment also proposed that the State Board of Education review the start-up operations of Portland College and issue an interim report to the joint standing committee of the Legislature having jurisdiction over education matters by January 1, 2002 and a final report by January 1, 2003. The amendment also proposed adding a fiscal note to the bill.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN	OTP-AM	H-1097 S-794 MICHAUD

LD 2327, a resolve, proposed to establish the Commission to Study Teacher Recruitment and Retention.

Committee Amendment "A" (H-1097) proposed to make the following changes to the resolve:

1. It proposed to change the title of the resolve to align with the additional duties of addressing administrator shortages in the State;
2. It proposed to increase the commission membership total to 14 members by adding 5 new members;
3. It proposed to clarify the convening process for the commission and the appointment process for the commission chair;
4. It proposed to add 3 new duties to the commission charge, including the duty of addressing administrator shortages in the State and the duty of studying financial incentives for the recruitment and retention of teachers;
5. It proposed to allow the commission to request that consulting services be provided to provide staffing assistance and research services for this commission;
6. It proposed to clarify that the commission shall submit its report, together with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs during the First Regular Session of the 120th Legislature; and
7. It proposed to add an appropriation section and a fiscal note to the resolve.

Senate Amendment "A" to Committee Amendment "A" (S-794) proposed to add an emergency preamble and an emergency clause; proposed to require the Commissioner of Education to convene the first meeting of the commission; proposed to require the Department of Education to provide staffing assistance; proposed to change the date by which the commission must make its report to December 1, 2000; and proposed to decrease the appropriation to \$30,000 by requiring the commission members to serve without compensation.

Enacted law summary

Resolve 1999, chapter 130 establishes the Commission to Study Kindergarten-to-grade 12 Educator Recruitment and Retention. The commission shall study the supply of teachers and administrators in the State, including the causes of and the reasons cited for educator shortages, the types and numbers of educators that Maine schools will need to hire during the next decade and the conditions, practices and types of financial incentives that may lead to the recruitment and retention of educators. The law requires the Commissioner of Education to convene the first meeting of the commission and requires the Department of Education to provide staffing assistance and research services for the commission. The commission shall submit its report and any necessary implementing legislation to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs during the First Regular Session of the 120th Legislature no later than December 1, 2000. The law also provides a \$30,000 appropriation to the State Board of Education to complete school funding research related to the essential programs and services model of school funding.

Resolves 1999, chapter 130 was finally passed as an emergency measure effective May 10, 2000.

LD 2345

Resolve, to Enhance the Availability of Neuropsychological Assessment to Maine's Children

ONTP

Sponsor(s)
KANE

Committee Report
ONTP

Amendments Adopted

LD 2345, proposed that the Department of Education adopt rules allowing and prescribing the use of neuropsychological technicians in the administration and scoring of neuropsychological tests of school children and collaborate with the State Board of Examiners of Psychologists to create a licensure category for neuropsychological technicians. The committee reported the bill out ONTP. By letter the committee requested that the Commissioner of Professional and Business Regulation conduct an independent assessment of the need to regulate neuropsychological technicians under the Sunrise Law. Until July 1, 2001, the Department of Education agreed to permit psychologists to employ neuropsychological technicians to administer and score neurological assessments and to amend the State Plan for special education services under the IDEA to all that to happen.

LD 2366

An Act to Create Equity in Access to Secondary Education

ONTP

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

LD 2366 proposed to establish and fund a grant program for those island families that must send their children to boarding school as they have no regular transportation or ferry service.

LD 2387

An Act to Amend the Qualifying Examination for Initial Teacher Certification

PUBLIC 569

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

LD 2387 proposed to replace the core battery of the national teachers exam with a different basic skills test. An individual would need to pass this test in order to become fully certified as a teacher in Maine.

Enacted law summary

Public Law 1999, chapter 569 replaces the core battery of the national teachers exam with a different basic skills test. The law provides that an individual needs to pass this test in order to become fully certified as a teacher in Maine.

LD 2393

An Act to Appropriate Funding for the Maine School of Science and Mathematics for Fiscal Year 1999-00

**P & S 100
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEAL PARADIS	OTP-AM	H-1180 TOWNSEND

LD 2393 was referred to the Appropriations and Financial Affairs Committee and proposed to appropriate \$160,000 for Fiscal Year 2000-01 to the Maine School of Science and Mathematics.

House Amendment "A" (H-1180) proposed to add an emergency preamble and emergency clause and proposed to change the General Fund appropriation request to fiscal year 1999-00 in order to provide \$171,000 on a one-time basis to be applied toward a principal payment remaining on a \$3,000,000 dormitory at the Maine School of Science and Mathematics.

Enacted law summary

Private and Special Law 1999, chapter 100 appropriates \$171,000 on a one-time basis to be applied toward a principal payment remaining on a \$3,000,000 dormitory at the Maine School of Science and Mathematics.

Private and Special Law 1999, chapter 100 was enacted as an emergency measure effective May 18, 2000.

**LD 2398 An Act to Expand Educational Opportunities for Elderly Persons DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> BRENNAN		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 2398 proposed to provide a General Fund appropriation of \$150,000 in fiscal year 2000-01 to the University of Maine System for the operations of the Senior College. While this bill died on adjournment, the funding proposed in the bill was included in the supplemental appropriations bill in fiscal year 2000-01 (see Public Law 1999, chapter 731, part A, section A-1).

**LD 2401 An Act to Amend the Laws Regarding the Change of a Cost-sharing ONTP
Formula in a School Administrative District**

<u>Sponsor(s)</u> TUTTLE MACKINNON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2401 proposed that a cost-sharing formula for a school administrative district may be changed only if the change is approved by a majority of those voting in each of the municipalities in a school administrative district referendum. Current law provides that such a change may occur if approved by a majority vote of the district. The committee requested the State Board of Education to conduct a study of the process for changing SAD and CSD cost sharing formulas and to report back to the committee later this year.

LD 2414 An Act to Support and Expand the Maine Writing Project P & S 78

<u>Sponsor(s)</u> GREEN CATHCART		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-859
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LD 2414 was referred to the Appropriations and Financial Affairs Committee and proposed to provide funds to support and expand the Maine Writing Project. The Maine Writing Project follows the National Writing Project model of collaborative university and school programs, the goals of which are to improve

student achievement in learning and writing, which is a major feature of the Maine Learning Results and the Maine Educational Assessment.

Committee Amendment "A" (H-859) proposed to decrease the amount appropriated to the Maine Writing Project from \$10,000 to \$5,000 and further proposed to require that the money appropriated must be supplemented by funds provided by the University of Maine System of \$4,500 in fiscal year 2000-01 in the form of scholarships for teachers in the Maine Writing Project.

The amendment also proposed to add a General Fund deappropriation of \$5,000 in fiscal year 2000-01 from the Professional Development program within the Department of Education and to add a fiscal note to the bill.

Enacted law summary

Private and Special Law 1999, chapter 78 decreases the amount appropriated to the Maine Writing Project from \$10,000 to \$5,000 and further requires that the money appropriated must be supplemented by funds provided by the University of Maine System of \$4,500 in fiscal year 2000-01 in the form of scholarships for teachers in the Maine Writing Project. The law also deappropriates \$5,000 in General Funds in fiscal year 2000-01 from the Professional Development program within the Department of Education.

LD 2425 An Act to Amend a Formula to Allocate Child Development Funds ONTP

<u>Sponsor(s)</u> SULLIVAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2425 proposed to prohibit the Department of Education from adopting rules that decrease the amount of funding allocated to a Child Development Services Regional Site from the previous fiscal year. The prohibition on funding decreases would be retroactive to the effective date of Public Law 1999, chapter 296 that required the development of a funding formula for CDS sites and adoption of rules to implement the formula. The bill also proposed appropriating \$300,000 to Child Development Services System regional sites in York County to cover a shortfall in funding from the previous fiscal year.

LD 2429 An Act to Address the Teacher Shortage in Maine ONTP

<u>Sponsor(s)</u> LAVERDIERE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2429 proposed to establish the Teachers for Critical and Qualifying Areas Program to provide for the repayment of student loans to teachers who are hired in schools that are faced with a shortage of teachers in certain academic areas. Once the Commissioner of Education makes the determination that a school is a critical area school or qualifying area school, a teacher hired by that school to work in the underserved academic area would have been eligible for repayment of student loans incurred for postsecondary education. A teacher working in a critical area school who works for 4 years in the school would have been

eligible to have 100% of the education loans repaid; a teacher who works in a qualifying area school for 4 years would have been eligible to have 50% of the education loans repaid.

LD 2440 **Resolve, to Equalize State Funding of Higher Education Programs within the University of Maine System** **ONTP**

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

LD 2440 proposed to require the University of Maine System to annually fund the School of Law at a rate comparable to the funding provided to other schools within the University of Maine System and proposed to provide funds for that purpose. Under current practice, the University of Maine School of Law is self-supported; that is, other than funding for the library, the cost of running the law school is paid through tuition. The School of Law is the only school within the University of Maine System where this is the case. While the “ought not pass” committee report on this bill was accepted, the supplemental appropriations bill included a provision requiring, by June 30, 2006, the University of Maine System to annually fund the School of Law at a rate comparable to the funding provided to other schools within the University of Maine (see Public Law 1999, chapter 731, part LLL, section LLL-1).

LD 2467 **An Act to Generate Economic Development Through Community Service and Education** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROWE LAWRENCE	OTP-AM	

LD 2467 proposed to provide a one-time appropriation of \$8,400,000 to the University of Maine System for technology and facility upgrades at university centers. The funds would have been used to increase student capacity at centers in economically disadvantaged communities across the State.

While this bill was indefinitely postponed, the supplemental appropriations bill included one-time funds in fiscal year 2000-01 for technology and facility upgrades as follows: \$9,000,000 for Aubert Hall at the University of Maine, \$3,500,000 for Lewiston-Auburn College, \$2,000,000 for the university center in Houlton, \$1,000,000 for the Northern Aroostook Technical Center, \$1,500,000 for University College of Bangor, and \$250,000 for the university center in Calais (see Public Law 1999, chapter 731, part A, section A-1). The supplemental appropriations bill also included \$1,300,000 in fiscal year 2000-01 to establish the Maine Technical College System’s Penquis facility, an education and training center in Dover-Foxcroft (see Public Law 1999, chapter 731, part A, section A-1).

LD 2469

An Act to Revitalize Teacher Certification

INDEF PP

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

LD 2469 proposed to restore structure, money and focus to local teacher certification support teams. The bill also proposed to require increased staffing for the Department of Education's certification office.

LD 2485

An Act to Promote Educational Opportunity and Economic Development

ONTP

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

LD 2485 proposed to establish the Business Information Technology program, the "BIT program," to provide financial assistance and incentives to postsecondary students in information technology education programs. The BIT program proposed to provide loans to information technology students, which would have been repaid by one year of service in a Maine information technology business for each year a person receives a BIT loan. The BIT program would have been administered by the Business Information Technology Board.

LD 2490

An Act to Provide Funding for Background Checks and Fingerprinting for School District Employees

**PUBLIC 791
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B MENDROS	OTP-AM MAJ OTP-AM MIN	S-474 S-801 MURRAY

LD 2490 proposed to require the State to pay the costs of the fingerprinting and background checks. This bill also proposed to require the reimbursement of those employees or schools that have paid for the fingerprinting and background checks.

Under current law, beginning September 1, 1999, a person seeking new employment in an elementary or secondary school is required to undergo fingerprinting and criminal background checks; beginning July 1, 2000, all elementary or secondary school employees must undergo fingerprinting and criminal history record checks. The employee is required to pay the costs associated with the fingerprinting and background checks.

Committee Amendment "A" (S-474) is the majority report of the committee. The amendment proposed to provide that the State would have paid for the criminal history record check required for any person regularly employed in a public school during the 1999-2000 school year who requires Department of Education certification, authorization or approval to continue in that person's position. Under this amendment, the State would have paid for the initial \$49 cost for fingerprinting and conducting the state

and federal criminal history record checks, as well as the recurring \$24 fee to the Federal Bureau of Investigation for the criminal history record check.

The amendment further proposed to provide a 5-year phase-in period for the 13,500 other individuals in the approval category to permit compliance in the remaining timeframe. The amendment also proposed to postpone fingerprinting for contracted services providers until the 2001-02 school year to allow the Department of Education to collect data on the number of contracted services providers who are employed by school administrative units in the State.

The amendment also proposed to specify that the State would have provided reimbursement for any contracted services provider who has already paid for the fingerprinting and criminal history record check. The amendment proposed to add an emergency preamble and emergency clause to the bill. Finally, the amendment proposed to add appropriation and allocation sections and a fiscal note to the bill and proposed to appropriate funds to pay for the expenses of the criminal history record checks for the 1999-2001 biennium.

Committee Amendment "B" (S-475) is the minority report of the committee. The amendment proposed to provide that the State would have paid for the criminal history record check required for any person regularly employed in a public school during the 1999-2000 school year who requires Department of Education certification, authorization or approval. Under this amendment, the State would have been required to pay for the initial \$49 cost for fingerprinting and conducting the state and federal criminal history record checks, as well as the recurring \$24 fee to the Federal Bureau of Investigation for the criminal history record check.

The amendment also proposed to provide that all persons who begin work in a public school after July 1, 2000 must pay for the expense of obtaining the information required to meet the provisions of the criminal history record check law. Finally, the amendment proposed to change the title of the bill, add an appropriation section that appropriates funds to pay for the expenses of the criminal history record checks for the 1999-2000 and 2000-2001 biennium and add a fiscal note to the bill. This amendment was not adopted.

Senate Amendment "D" to Committee Amendment "A" (S-801) This amendment to Committee Amendment "A" proposed to provide a 5-year phase in for those school personnel who are in the approval category to permit compliance in the remaining timeframe. The amendment also proposed to postpone fingerprinting for substitutes and contracted services providers until the 2001-2002 school year to allow the Department of Education to collect data on the number of affected individuals.

The amendment also proposed to specify that the State will provide reimbursement for any person, organization, school administrative unit or school who has already paid for the fingerprinting and criminal history record check. The amendment further proposed to require that the State Bureau of Identification may not use the fingerprints of educational personnel for any other purpose than employment screening as provided in the Maine Revised Statutes, Title 20-A, section 6103.

This amendment proposed to provide that national criminal history record checks for educational personnel need to be conducted only once unless a person has not been continuously employed in a position requiring certification, authorization or approval under the Maine Revised Statutes, Title 20-A, chapters 501 and 502. A person who has a break in employment service, other than school vacations, would be required to submit to a national criminal history record check at the time of the renewal of the certification,

authorization or approval. Nothing in this amendment proposed to preclude an individual from requesting a state criminal history record check for educational personnel at any time.

Finally, the amendment proposed to add an appropriation section to the bill and appropriate funds to pay for the expenses of the criminal history record check for fiscal years 1999-00 and 2000-01.

Please also see LD 2540 regarding fingerprinting and criminal history record checks for educational personnel.

Enacted law summary

Public Law 1999, chapter 791 provides that the State shall pay for the criminal history record check required for any person regularly employed in a public school during the 1999-2000 school year who requires Department of Education certification, authorization or approval to continue in that person's position. The law specifies that national criminal history record checks for educational personnel need to be conducted only once unless a person has not been continuously employed in a position requiring certification, authorization or approval. A person who has a break in employment service, other than school vacations, must submit to a national criminal history record check at the time of the renewal of the certification, authorization or approval.

The law further provides a 5-year phase-in period for those school personnel who are in the approval category to permit compliance in the remaining timeframe; and also postpones fingerprinting for substitutes and contracted services providers until the 2001-02 school year to allow the Department of Education to collect data on the number of affected individuals who are employed by school administrative units in the State.

The law also specifies that the State will provide reimbursement for any person, organization, school administrative unit or school who has already paid for the fingerprinting and criminal history record check. The law further requires that the State Bureau of Identification may not use the fingerprints of educational personnel for any other purpose than employment screening as provided in the Maine Revised Statutes, Title 20-A, section 6103.

Public Law 1999, chapter 791 was enacted as an emergency measure effective May 18, 2000.

LD 2492

An Act to Ensure Adequate Funding of Adult Education

**P & S 96
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOWNSEND MICHAUD	OTP-AM	H-848 S-756 MICHAUD

LD 2492 was referred to the Appropriations and Financial Affairs Committee and proposed to appropriate funds to the Department of Education to increase the state subsidy for adult education programs.

Committee Amendment "A" (H-848) proposed to strike the appropriation section of the bill and replace it with a new appropriation section and an allocation section. The new proposed sections would organize

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE ROWE	OTP	S-769 MICHAUD

LD 2519 proposed to increase access to the Maine Technical College System. The first part of the bill proposed to provide funding to add 250 additional students systemwide beginning in the fall of 2000.

The 2nd part of the bill proposed to address the Maine Technical College System's need to provide students with the ability to take courses and do research over the Internet. The bill proposed to provide funding to migrate to Asynchronous Transfer Mode, or ATM, delivery that will provide greater speed and access by students to the Internet. In addition, this bill proposed to provide funding to develop curriculum in all areas of study for courses to be taught via web-based delivery, as well as the training of faculty in the use of web-based delivery.

Senate Amendment "A" (S-769) proposed to strike the appropriation section of the resolve. While Senate Amendment "A" was accepted, the supplemental appropriations bill included \$2,000,000 in one-time funds in fiscal year 2000-01 for technology improvements and operational support and further provided \$900,000 in fiscal year 2000-01 for operational support and increased access for students (see Public Law 1999, chapter 731, part A, section A-1).

Enacted law summary

Resolve 1999, chapter 128 provides that the Maine Technical College System shall attempt to increase its system-wide enrollment to 10,000 students during the two biennia by authorizing the technical colleges to attempt to enroll 1,000 newly matriculated students system-wide over the next four years. The resolve also states that the Legislature intends to appropriate and allocate the funds necessary to reach these enrollment targets.

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

LD 2538 proposed to require the Department of Education and every school administrative unit in the State to provide professional development to the unit's administrators, teachers and educational technicians and to develop a professional development plan. This bill also proposed that the department summarize the performance of these plans and report this summary to the Legislature every 2 years and to award grants to school administrative units that need to bring their plans to standards or that have special professional development needs. Finally, the bill proposed to appropriate funds to implement the bill.

LD 2539

Resolve, to Make Community College Partnership Programs More Accessible and Affordable

ONTP

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

LD 2539, a resolve, was referred to the Appropriations and Financial Affairs Committee and proposed to establish endowments for scholarships at the University of Maine System and Maine Technical College System. The interest from these proposed endowments would have been dedicated to scholarships for students who were enrolled in courses offered under the community college partnership and who demonstrated the requisite need for financial assistance.

LD 2540

An Act Concerning Fingerprinting and Background Checks for School Employees

VETO
SUSTAINED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERUBE BRENNAN	OTP-AM A OTP-AM B OTP-AM C	S-692 S-735 MURRAY

LD 2540 is a concept draft pursuant to Joint Rule 208. It proposed to affect current law that requires teachers and other school employees in public schools or approved private schools to undergo fingerprinting and state and national criminal history record checks.

Committee Amendment "A" (S-691) is the majority report of the committee.

1. It proposed to provide payment of the full \$49 cost for all employees of public schools and approved private schools, and for all substitutes, but not subsequent costs such as the cost of obtaining court documents if required.
2. It proposed to postpone the fingerprinting requirement for certified individuals not employed in a school until they become so employed.
3. It proposed to provide a 2-year delay for contracted service providers, to allow data collection on the number of providers and to permit compliance in the remaining time frame for all employed personnel.
4. It proposed to provide a 6-month delay for substitutes to permit compliance for regular employees in the remaining time frame. It proposed to provide a 5-year phase-in for the 13,400 other individuals in the approval category to permit compliance in the remaining time frame. Since the Department of Education has not had to maintain accurate records of the number of individuals in the approval category in the past, numbers were inaccurate and there is insufficient time to complete all fingerprinting and record checks without a phase-in. This permits more stability in the number of individuals to be reviewed and processed in each year in the future.
5. It proposed to clarify that individuals employed in private schools approved for tuition purposes and for whom certification and authorization is not required prior to their being hired or placed under

contract are not subject to fingerprinting and record checks unless that school enrolls 60% or more publicly funded students.

6. It proposed to establish the procedures and grounds for denial, revocation, suspension or reinstatement of certification, authorization or approval of educational personnel and proposed to expand the authority of the Commissioner of Education to deny, revoke, suspend or reinstate the authorization or approval of educational personnel who are subject to the authorization and approval requirements under Title 20-A, chapters 501 and 502.
7. It proposed to require the Commissioner of Public Safety to reimburse those persons, schools or school districts who, between September 1, 1999 and the effective date of this Act, paid for fingerprinting and criminal history record checks.
8. It proposed to add an appropriation section, an allocation section and a fiscal note.

Committee Amendment "B" (S-692) is one of 2 minority reports. The amendment proposed to do the following.

1. It proposed to define relevant terms.
2. It proposed to clarify that the provisions of the Maine Revised Statutes, Title 20-A, chapter 211, subchapter III regarding criminal history record checks do not apply to a person who has already obtained certification or authorization under Title 20-A, chapter 501 or 502, unless and until that person is seeking employment with another school administrative unit or private school in this State.
3. It proposed to clarify that the criminal history record check provisions apply to initial applicants for any educational personnel position who hold an educational credential from another state and who are seeking employment with a school administrative unit in this State.
4. It proposed to allow the Department of Education to treat a person whose credential or approval has lapsed for more than 2 years beyond the renewal date as an initial applicant for the purposes of the criminal history record check provisions.
5. It proposed to designate the Department of Public Safety as the authorized agency for the purpose of reporting, receiving and disseminating state and federal criminal history records through the national criminal history background check system. A superintendent may request through the Department of Education that the Department of Public Safety obtain a criminal history record check from the Federal Bureau of Investigation.
6. It proposed to direct the Department of Education to obtain criminal history record information containing a record of conviction data from the Maine Criminal Justice Information System for an applicant. Upon the request of a superintendent, the Department of Education would have provided conviction data to the superintendent.
7. It proposed to direct the Department of Education to request that the Department of Public Safety obtain a criminal history record check from the Federal Bureau of Investigation. The Department of Public Safety would have obtained the criminal history record check from the Federal Bureau of Investigation and would have provided the state and federal criminal history records to the Department of Education. Upon the request of a superintendent, the Department of Education would have reviewed

the state and federal criminal history records and would have communicated its determination concerning the approval or disapproval of the applicant to the superintendent.

8. It proposed to require the State to reimburse individuals or schools who had paid for fingerprinting and criminal history record checks from September 1, 1999 to August 1, 2000.
9. It proposed to establish the procedures and grounds for denial, revocation, suspension or nonrenewal of certification, authorization or approval of educational personnel. It proposed to expand the authority of the Commissioner of Education to deny, revoke, suspend or not renew the authorization or approval of educational personnel who are subject to the authorization and approval requirements under Title 20-A, chapters 501 and 502.
10. It proposed to require that fingerprints taken from educational personnel who would have been grandfathered by this Act must be removed from the files of the bureau.
11. It proposed to add an effective date of August 1, 2000 for the new criminal history record check process.
12. It proposed to make cross-reference corrections.
13. It proposed to add an appropriation section, an allocation section and a fiscal note.

Committee Amendment "C" (S-693) is one of 2 minority reports of the Joint Standing Committee on Education and Cultural Affairs. This amendment proposed to repeal the requirement that school employees be subjected to criminal history records checks as part of their initial application or renewal application to be certified, authorized or approved by the Department of Education. It further proposed to repeal all references to criminal history records checks in the Maine Revised Statutes, Title 20-A, including the approval category established for the purpose of conducting criminal history records checks for educational personnel not subject to certification and authorization requirements under chapters 501 and 502. The amendment also proposed to repeal all references to criminal history records checks for educational personnel in Title 25.

Senate Amendment "A" to Committee Amendment "B" (S-735) proposed to maintain the discretion of a school superintendent to request criminal history record checks for applicants as in Committee Amendment "B," but would have specified that if a superintendent required a criminal history record check for an employee who is certified, authorized or approved and employed in another school administrative unit or private school and who subsequently applied for employment in that superintendent's school administrative unit or private school, then criminal history record checks must be obtained for all applicants to that school administrative unit whom the superintendent would have determined are candidates to whom the superintendent intended to extend an offer of employment.

The amendment proposed to change the date on which fingerprinting, conducting of criminal history record checks and forwarding of the results by the Department of Public Safety, State Bureau of Identification would have begun.

This amendment further proposed to clarify that it would have been the Department of Public Safety that obtained criminal history record checks and that criminal history record checks must have included a check of the criminal history record information maintained by the Maine Criminal Justice Information System and by the Federal Bureau of Investigation.

The amendment also proposed to specify that the Department of Education would have indicated to the school superintendent approval for an applicant, unless the applicant was subject to denial, revocation, suspension or nonrenewal under the Department of Education standards.

While Committee Amendment "B" as amended by Senate Amendment "A" was passed to be enacted by both bodies and sent to the Governor for approval, the Governor vetoed the bill and the Legislature failed to override the veto. Please also see LD 2490 regarding fingerprinting and criminal history record checks for educational personnel.

LD 2546 **Resolve, to Ensure Equity to High School Athletes Participating in Skiing** **ONTP**

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

LD 2546 proposed to extend the 1999-2000 high school downhill and cross-country skiing season until March 19, 2000. Under the current rules adopted by the Maine Principals' Association, the governing body for high school sports, the 1999-2000 high school downhill and cross-country skiing season is scheduled to end February 26, 2000; and competitions and the coaching of student athletes are prohibited beyond February 26, 2000.

LD 2549 **An Act to Implement Recommendations Concerning Protection of Indian Archaeological Sites** **PUBLIC 748**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH	OTP	S-763 MICHAUD

LD 2549 proposed increased protection for archaeological sites by amending the laws governing these sites in the following ways. It proposed:

1. To amend the definition of an archaeological site on state-controlled land to include a site judged eligible for listing on the National Register of Historic Places by the Maine Historic Preservation Commission and approved by the appropriate land managing agency director or local governing body. Current law requires the site to be listed on the National Register of Historic Places.
2. To make the unlawful excavation of a protected archaeological site a Class E crime for which a fine of not less than \$250 must be adjudged. To provide that the court may order the defendant to pay an amount equal to the reasonable cost of a proper archaeological excavation had the area that was unlawfully excavated been properly excavated. Current law provides that unlawful excavation is a civil violation for which a forfeiture of not less than \$50 must be adjudged.
3. To provide that an emergency archaeological site designation may be made for a period not to exceed 10 years and that the Director of the Maine Historic Preservation Commission and the landowner shall specify in writing the area that is the subject of such a designation.

4. To provide funding for increased monitoring of archaeological sites. This funding supports a part-time monitoring coordinator using existing part-time project personnel and site monitors. It also provides funds for the development and delivery of training materials for law enforcement officers.

Senate Amendment "A" (S-763) proposed that the funding be on a one-time basis.

Enacted law summary

Public Law 1999, chapter 748 provides increased protection for archaeological sites by amending the laws governing these sites in the following ways.

1. It amends the definition of an archaeological site on state-controlled land to include a site judged eligible for listing on the National Register of Historic Places by the Maine Historic Preservation Commission and approved by the appropriate land managing agency director or local governing body. Current law requires the site to be listed on the National Register of Historic Places.
2. It makes the unlawful excavation of a protected archaeological site a Class E crime for which a fine of not less than \$250 must be adjudged. It provides that the court may order the defendant to pay an amount equal to the reasonable cost of a proper archaeological excavation had the area that was unlawfully excavated been properly excavated. Current law provides that unlawful excavation is a civil violation for which a forfeiture of not less than \$50 must be adjudged.
3. It provides that an emergency archaeological site designation may be made for a period not to exceed 10 years and that the Director of the Maine Historic Preservation Commission and the landowner shall specify in writing the area that is the subject of such a designation.
4. It provides one-time funding for increased monitoring of archaeological sites. This funding supports a part-time monitoring coordinator using existing part-time project personnel and site monitors. It also provides funds for the development and delivery of training materials for law enforcement officers.

LD 2572

An Act to Fund the Cost of the Waiver of Tuition, Fees and Other Expenses for Native American Students in the Maine Technical College System, University of Maine System and Maine Maritime Academy

ONTP

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

LD 2572 was referred to the Appropriations and Financial Affairs Committee and proposed to provide funds to cover the cost of the waiver of tuition, fees and other expenses for students who are Native Americans in the Maine Technical College System, the University of Maine System and the Maine Maritime Academy.

LD 2593

An Act to Extend the Use of Emotional Disability as an Indicator in the Identification of Exceptional Children

PUBLIC 721

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

LD 2593 was reported by the Joint Standing Committee on Education and Cultural Affairs pursuant to Public Law 1999, chapter 424, Part A, section 11. The bill proposed to extend to June 30, 2002 the use of emotional disability as a factor in the identification of exceptional children from birth to 9 years of age. The bill also proposed that the Department of Education study the impact of the use of emotional and behavioral indicators and the likely impact of the use of developmental delay categories in the identification of exceptional children and issue an interim report in 2001 and a final report in 2002.

Enacted law summary

Public Law 1999, chapter 721 extends to June 30, 2002 the use of emotional disability as an identifying factor in the identification of exceptional children from birth to 9 years of age. The law also directs the Department of Education to study the impact of the use of emotional and behavioral indicators and the likely impact of the use of developmental delay categories in the identification of exceptional children.

LD 2598

An Act to Enhance Teacher Development and Meet the Special Needs of Students at the Southern Maine Juvenile Facility

DIED BETWEEN BODIES

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

LD 2598 was referred to the Appropriations and Financial Affairs Committee and proposed to make an appropriation to the Southern Maine Juvenile Facility to enhance teacher development and meet special educational needs of students at the facility. Specifically, the bill proposed to provide \$100,000 for professional development in special education and alternative education, \$39,794 for an additional special education teacher and \$75,000 for tutors and short-term substitutes necessary to address the educational needs of students when the student population is at maximum capacity.

LD 2608

An Act to Improve Educational Programming at Juvenile Correctional Facilities

PUBLIC 770 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN BERUBE	OTP-AM	H-956 S-777 MICHAUD

LD 2608 proposed to do the following:

1. It proposed to require juvenile correctional educational programs and schools to receive annual approval by the Department of Education;
2. It proposed to amend the membership, duties, meeting and reporting requirements of the policy review council; and
3. It proposed to establish a task force to study educational programs at juvenile correctional facilities.

Committee Amendment "A" (H-956) proposed to clarify that the legislative members of the policy review council are voting, ex officio members. The amendment also proposed to make a technical correction to language in the bill and proposed to add an appropriation section and a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-777) proposed to replace the committee amendment. The amendment proposed to clarify the membership of the task force on educational programming at juvenile correctional facilities and proposed to add an emergency preamble and clause.

Enacted law summary

Public Law 1999, chapter 770 requires juvenile correctional educational programs and schools to receive basic school approval by the Department of Education on an annual basis. The law also adds the chairpersons of the joint standing committee of the Legislature having jurisdiction over education matters as voting, ex officio members of the policy review council and requires the policy review council to meet at least four times a year and to submit a report each year to the Legislature. The law establishes a task force to study educational programs at juvenile correctional facilities, including the best methods of delivering educational services to students at these educational programs. The task force shall submit its report and any legislation necessary to the 120th Legislature by November 1, 2000. Public Law 1999, chapter 770 was enacted as an emergency measure effective May 8, 2000.

LD 2636

An Act to Improve the Accountability of the Child Development Services System

PUBLIC 621

Sponsor(s)

Committee Report

Amendments Adopted

LD 2636 was reported by the committee pursuant to joint order. It proposed changes in the process for hiring Child Development Services Regional Site therapists. See LD 2304.

Enacted law summary

Public Law 1999, chapter 621 requires the Department of Education, in collaboration with boards of directors of the regional sites in the Child Development Services System, to provide for an annual fiscal and compliance audit of the sites, including review of decisions to hire site staff. The bill also requires site boards of directors to consult with regional provider advisory boards prior to hiring site staff and to provide documentation of the need for hiring such staff.

LD 2647

An Act to Authorize a General Fund Bond Issue in the Amount of \$25,550,000 to Renovate Teaching Laboratories, Classrooms and Dormitories of the Maine Maritime Academy, the Maine technical College System and the University of Maine System

ONTP

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

LD 2647 was referred to the Appropriations and Financial Affairs Committee and proposed a bond issue in the amount of \$25,550,000, that would have been used to renovate higher education laboratories, classrooms and dormitories of the Maine Maritime Academy, the Maine Technical College System and the University of Maine System. While this bill failed to be enacted, the supplemental appropriations bill included \$22,550,000 in fiscal year 2000-01 to renovate higher education laboratories, classrooms and dormitories of the Maine Maritime Academy, the Maine Technical College System and the University of Maine System (see Public Law 1999, chapter 731, part A, section A-1).

LD 2657

An Act to Clarify the Tuition Waiver Program for Persons Who Resided in Foster Care as Children

PUBLIC 774

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		H-1073 BRENNAN

LD 2657 proposed to eliminate the unmet need provisions of the tuition waiver program for foster children. The bill also proposed to clarify that 25 new foster children are eligible for a tuition waiver in each year.

House Amendment "A" (H-1073) proposed to require that the state postsecondary educational institutions affiliated with the University of Maine System, the Maine Maritime Academy and the Maine Technical College System shall absorb the reduction in tuition revenues that results from providing a tuition waiver to an eligible person under the tuition waiver program for students who resided in foster care as children. The amendment also proposed to specify that these institutions may not request additional General Fund appropriations from the Legislature to offset the reduction in tuition revenues.

Enacted law summary

Public Law 1999, chapter 774 eliminates the unmet need provisions of the tuition waiver program for foster children and clarifies that 25 new foster children are eligible for a tuition waiver in each year. The law also requires that the state postsecondary educational institutions affiliated with the University of Maine System, the Maine Maritime Academy and the Maine Technical College System shall absorb the reduction in tuition revenues that results from providing a tuition waiver to an eligible person under the tuition waiver program for students who resided in foster care as children. The law further specifies that these institutions may not request additional General Fund appropriations from the Legislature to offset the reduction in tuition revenues.

LD 2661

An Act to Implement Recommendations of the Joint Standing Committee on Education and Cultural Affairs Relating to the Review of the State Cultural and Other Agencies under the State Government Evaluation Act

PUBLIC 706

Sponsor(s)

Committee Report

Amendments Adopted

LD 2661 proposed to implement the recommendations made by the Joint Standing Committee on Education and Cultural Affairs as a result of the committee's review of state cultural agencies and other agencies under the State Government Evaluation Act. The bill proposed to:

Enacted law summary

Public Law 1999, chapter 706 implements the recommendations made by the Joint Standing Committee on Education and Cultural Affairs as a result of the committee's review of state cultural agencies and other agencies under the State Government Evaluation Act. The law:

1. Repeals the law establishing the Maine Conservation School; the school will continue as a nonprofit corporation operating under general Maine law;
2. Reduces the term of members of the Maine State Museum Commission from 6 years to 4 years, establishes a 2-term limit for members and provides for the transition from the old law to the new law;
3. Repeals obsolete provisions and enacts an updated law governing the qualifications, appointment and duties of the State Historian;
4. Increases from \$40,000 to \$50,000 the cap on Percent for Art Program projects for public schools that elect to participate in the program; and
5. Provides for a separate annual budget line for the Maine Humanities Council.

LD 2679

An Act to Establish the Council on Children and Families and to Ensure the Continuation of the Governor's Children's Cabinet

**PUBLIC 785
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted
S-780 MICHAUD

LD 2679 proposed to establish the Council on Children and Families to advise the Governor, certain state departments, the Legislature and the judiciary regarding the following goals: to encourage a coordinated system of education and services for children and families, to evaluate the allocation of resources, to promote coordinated budgets and policy, to evaluate program effectiveness and to promote an informal information exchange. The proposed membership of 13 includes 5 commissioners of state departments, a judge and 7 Legislators. Staffing is proposed to be provided primarily by the Governor's office, which would also administer the budget. The bill further proposed to ensure that the Governor's Children's Cabinet, and the resultant collaboration on children's policy development and program implementation that

it has created, would continue beyond the end of the current administration. The proposal to codifying the Governor's Children's Cabinet in statute and endorse the expectation of interdepartmental program coordination and the use of so-called "pooled-flexible funds" to provide integrated programs and services to children and families was one of the recommendations of the Task Force to Study the Implementation of Alternative Programs and Interventions for Violent and Chronically Disruptive Students.

Senate Amendment "A" (S-780) proposed to strike out sections of law that were repealed by Public Law 1999, chapter 668. The amendment proposed to add an emergency preamble and emergency clause, revise the limitations of appointments of members, limit Legislators serving on the Council on Children and Families to the period of their legislative term and insert an annual reporting date.

Enacted law summary

Public Law 1999, chapter 785 establishes the Council on Children and Families to advise the Governor, certain state departments, the Legislature and the Judiciary regarding the following goals: to encourage a coordinated system of education and services for children and families, to evaluate the allocation of resources, to promote coordinated budgets and policy, to evaluate program effectiveness and to promote an informal information exchange. This law also ensures the continuation of the Governor's Children's Cabinet by codifying the cabinet in statute and endorsing the expectation of interdepartmental program coordination and the use of so-called "pooled-flexible funds" to provide integrated programs and services to children and families.

Public Law 1999, chapter 785 was enacted as an emergency measure effective May 10, 2000.

LD 2690

An Act to Implement the Recommendations of the Task Force to Review the Educational Program and the Governance System of the Governor Baxter School for the Deaf

PUBLIC 775

Sponsor(s)

Committee Report

Amendments Adopted

LD 2690 is the unanimous report of the committee pursuant to HP 1587. The bill proposed to make several changes to the governance system and the educational programs of the Governor Baxter School for the Deaf. The bill proposed to amend the structure of the school board and to make a number of transition provisions to grant the school board greater autonomy in governing and operating the programs of the school. The bill proposed to accomplish the following.

1. It proposed to provide for a transition over a 2-year period to achieve greater autonomy from State Government; the proposed transition would be fully accomplished by July 1, 2002.
2. It proposed to require the Department of Education and the School Board of the Governor Baxter School for the Deaf to adopt or amend rules related to funding the programs authorized by the school; and it proposed to permit the School Board of the Governor Baxter School for the Deaf greater budget flexibility in operating the school.
3. It proposed to establish a School Board for the Governor Baxter School for the Deaf appointed by the Governor and confirmed by the Legislature.

4. It proposed to allow the school board to authorize and operate satellite school programs.
5. For the next 2 years, it proposed to establish a limit on the number of students enrolled in the residential program at Mackworth Island. The superintendent of the school may request a waiver of the residential enrollment limit from the commissioner on a case-by-case basis if a student's individualized education plan requires a placement in a residential program. Also beginning with the 2002-03 school year, the school board must establish a satellite school program that offers an array of educational programs.
6. It proposed to require a needs assessment to be conducted by a team appointed by the State Board of Education to determine the educational needs of deaf and hard-of-hearing students in all geographic areas of the State. A preliminary report from the proposed needs assessment team must be presented to the Legislature by February 1, 2001 and the final report is due by February 1, 2002. The proposed needs assessment team would also make recommendations on the continued need for a limit on enrollment for the residential program on Mackworth Island and the enrollment capacity of the residential program at both Mackworth Island and any satellite program.
7. It proposed to require submission of an annual budget request to the Legislature for approval and proposed to provide that the Governor Baxter School for the Deaf may keep any lapsed balances in its program account in fiscal years 1999-00 and 2000-01 for the purposes of implementing the basic school approval corrective action plan and preparing to accomplish the transition.

Enacted law summary

Public Law 1999, chapter 775 implements several recommendations of the Task Force to Review the Educational Program and the Governance System of the Governor Baxter School for the Deaf. The law makes several changes to the governance system and the educational programs of the Baxter School, including providing the school board of the Baxter School with greater budget flexibility in operating the school, altering the composition and appointment process of the school board and making a number of transition provisions over the next two years to grant the school board greater autonomy from state government in governing and operating the programs of the school.

The law clarifies that the school board is authorized to operate satellite school programs. The law also establishes a limit on the number of students enrolled in the residential program at Mackworth Island for the next 2 years; and creates an administrative mechanism to allow the superintendent of the school to request a waiver of the residential enrollment limit from the commissioner on a case-by-case basis. The law further provides that, beginning with the 2002-03 school year, the school board must establish a satellite school program that offers an array of educational programs.

In addition, the law requires the school board to make provisions for a needs assessment to determine the educational needs of deaf and hard-of-hearing students in all geographic areas of the State. The needs assessment team will also make recommendations on the continued need for a limit on enrollment for the residential program on Mackworth Island and the enrollment capacity of the residential program at both Mackworth Island and any satellite program established by the school board. The needs assessment will be conducted by a team appointed by the State Board of Education; and the school board will provide a preliminary report of the results of the needs assessment to the Legislature by February 1, 2001. The final report is due to the Legislature by February 1, 2002.

HP 1938

**JOINT ORDER – Relative to the Joint Study Committee to Study
Bomb Threats in Maine Schools**

PASSED

Sponsor(s)

Committee Report

Amendments Adopted

Joint Order HP 1938 was read and passed in both chambers and establishes the Joint Study Committee to Study Bomb Threats in Maine Schools to study the problem of bomb threats in schools in the State and possible methods of deterring bomb threats in schools, including withholding privileges, such as driver's licenses and other licenses, from a student convicted of or participating in making a bomb threat until the student is 20 years of age.

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Joint Standing Committee on Health and Human Services

LD 42

Resolve, to Improve the Quality of Long-term Care Services

DIED ON
ADJOURNMENT

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-1089

LD 42 contains the recommendations of the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities. It proposed to require the Department of Human Services to undertake pilot projects on long-term care reimbursement that are based on performance criteria, to report to the Joint Standing Committee on Health and Human Services on potential changes in the Medicaid principles of reimbursement for nursing facilities, to present a proposal to the Joint Standing Committee on Health and Human Services on minimum staffing requirements, to report to the Joint Standing Committee on Health and Human Services on a plan for paperwork reduction, to improve the provision of public information on long-term care and to report to the Joint Standing Committee on Health and Human Services on reducing or removing regulatory barriers to high-quality care. The bill proposed to require the Bureau of Insurance to report to the Joint Standing Committee on Health and Human Services on long-term care insurance and tax credits to encourage the purchase of long-term care insurance. The bill proposed to require the Commissioner of Human Services to report to the Joint Standing Committee on Health and Human Services on changes in the delivery of long-term care services.

Committee Amendment "A" (H-1089) proposed to replace the bill with a resolve. The amendment proposed to appropriate \$13,045,463 to improve the quality of long-term care services. It contains the following provisions.

1. The amendment proposed to appropriate funds for home-based and community-based services for elderly adults and persons with disabilities on waiting lists for long-term care services. It proposed to provide funding to increase wages to direct-care workers by \$1 per hour. It proposed to include funding for increased cost of home care programs due to changes in the cost-sharing formula. It proposed to appropriate \$4,000,000 for these purposes.
2. The amendment proposed to direct the Department of Human Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Public Safety and the Maine State Housing Authority to work with providers of long-term care services and residential options to develop new services and options. It proposed to appropriate \$4,600,000 for this purpose.
3. The amendment proposed to direct the Department of Human Services to amend its rules regarding Medicaid and home care programs to ensure flexibility and continuity of care. It proposed to appropriate \$173,000 for this purpose.
4. The amendment proposed to direct the Department of Human Services to amend its rules regarding eligibility for long-term care services to provide for continuing eligibility for consumers of long-term care services who have chronic conditions that change on a cyclical basis. It proposed to appropriate \$731,000 for this purpose.

5. The amendment proposed to direct the Department of Human Services and the State Board of Nursing to work with consumers, providers and interested parties to adopt or amend rules to address labor shortage issues and create career ladders.
6. The amendment proposed to direct the Department of Human Services to amend its rules regarding appeal rights in the department's home care programs. It proposed to appropriate \$45,000 for this purpose.
7. The amendment proposed to direct the Department of Human Services to participate in best practices forums regarding long-term care services.
8. The amendment proposed to direct the Department of Human Services to develop and adopt rules to require the use of standardized contracts for long-term care services.
9. The amendment proposed to direct the Department of Human Services and the Department of Public Safety to amend their rules regarding licensing for long-term care services to provide for default licensing for new applicants under certain conditions.
10. The amendment proposed to direct the Department of Human Services, the Department of Public Safety and municipal fire officials to work together to devise ways to expand delegation of the National Fire Protection Association Life Safety Code inspections.
11. The amendment proposed to direct the Department of Human Services to amend the principles of reimbursement for nursing facilities to ensure that reimbursement reflects the current cost of providing services in an efficient manner. It proposed to appropriate \$2,500,000 for this purpose.
12. The amendment proposed to direct the Department of Human Services, the Maine State Retirement System and the State Employee Health Program to work together to study the provision of group long-term care insurance.
13. The amendment proposed to direct the Department of Human Services, Bureau of Elder and Adult Services and the Bureau of Health to work together on a public awareness campaign on the benefits of a healthy lifestyle and long-term care insurance.
14. The amendment proposed to require the Department of Human Services to adopt rules increasing the minimum staffing ratios in long-term care. It proposed to define direct care and direct-care providers. It proposed to require pilot projects on mealtime ratios and a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2001. It proposed to appropriate \$2,500,000 for this purpose.
15. The amendment proposed to require the Department of Human Services to review its rules and, to the extent consistent with federal law and regulations, to amend the rules regarding duration of licenses for providers of long-term care services and surveys for those providers.
16. The amendment proposed to direct the Department of Human Services to review its rules regarding medical eligibility for reimbursement for services under the Medicaid program for long-term care. The amended rule must be flexible, objective, provide standards for the nurse assessor and consider input from the consumer's family and physician. It proposed to appropriate \$600,000 for this purpose.

17. The amendment proposed to require the Department of Human Services, considering input from the Department of Mental Health, Mental Retardation and Substance Abuse Services and its providers, to undertake aging in place pilot projects.
18. The amendment proposed to require the Department of Human Services, considering input from the Department of Mental Health, Mental Retardation and Substance Abuse Services and its providers, to undertake pilot projects that provide vouchers or flexible funding for long-term care services. It proposed to appropriate \$50,000 for this purpose.
19. The amendment proposed to require the Department of Human Services to review its rules on reimbursement for long-term care services and report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2001 its recommendations for including in the reimbursement formulas a factor for acuity of consumer condition and level of need for services.
20. The amendment proposed to establish the Long-term Care Implementation Committee to monitor the progress of state departments and offices in implementing the legislation.

The total cost of these provisions would be \$15,224,000 in General Fund money.

21. The amendment proposed to add an appropriation section, allocation section and fiscal note to the bill.

See Public Law 1999, chapter 731, Part BBBB.

LD 114 An Act Regarding Medicaid Managed Care Ombudsman Services PUBLIC 681

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-978
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LD 114 proposed to implement the recommendations of the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services relating to the Department of Human Services.

Committee Amendment "A" (H-978) proposed to replace the bill. It proposed to require the Department of Human Services to contract for ombudsman services, with a nonprofit organization other than the health benefits advisor, for the Medicaid managed care population provided that non-General Fund money is used for the state seed to pay for the services. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 681 requires the Department of Human Services to contract for ombudsman services, with a nonprofit organization other than the health benefits advisor, for the Medicaid managed care population provided that non-General Fund money is used for the state seed to pay for the services.

LD 256

**An Act to Enhance the Health of Maine Citizens by Improving
Community Health Programs**

ONTP

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

LD 256 proposed to expand the responsibilities of the Maine Center for Public Health Practice to include evaluation of the health of Maine residents and the quality and effectiveness of health care and health programs and making recommendations to improve the health of Maine residents and their access to health care and health programs.

LD 528

**An Act to Implement the Recommendations of the Task Force to
Study the Need for an Ombudsman for the Department of Human
Services and the Department of Mental Health, Mental Retardation
and Substance Abuse Services Relating to the Department of
Mental Health, Mental Retardation and Substance Abuse Services**

P & S 95

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1080 S-742 MICHAUD

LD 528 proposed to implement the recommendations of the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services related to the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Committee Amendment "A" (H-1080) proposed to replace the bill. It reflects the work of the Joint Standing Committee on Health and Human Services on children's ombudsman functions. The amendment contains the following provisions.

1. The amendment proposed to repeal the statute that established the Child Welfare Services Ombudsman in the Department of Human Services, which has not been funded in recent years.
2. The amendment proposed to establish the Child Ombudsman Office to provide ombudsman services to children and families through a contract with a nonprofit organization. The office would be able to answer inquiries and investigate and work toward resolution of complaints regarding services and programs for children and families, provide information, assistance and legal representation services, provide an outreach program, collect and analyze information and report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters.
3. The amendment proposed to provide for access to records, confidentiality of those records and immunity from civil and criminal liability.
4. The amendment proposed to appropriate funds for the contract for the Child Ombudsman Office.

to provide independent clinical oversight for cases in the Department of Human Services. The bill proposed to give legislators access to records maintained by the ombudsman relating to child custody cases in which the department is involved, as long as the parents of the child agree.

LD 1322 **An Act to Ensure the Provision of Long-term Care Services** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERUBE LOVETT	OTP-AM	

LD 1322 proposed to ensure that in-home care for persons who are in need of long-term care is made available to all eligible participants. This bill proposed to provide that funds appropriated to the in-home care account do not lapse at the end of the fiscal year, but carry over to the next fiscal year. It also proposed to require that funds appropriated to the nursing home account but not spent be transferred to the in-home care account.

LD 1378 **An Act to Ensure Access to Long-term Care Services for Persons with Dementia** **ONTP**

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

LD 1378 proposed to require the Department of Human Services to include in its medical eligibility assessment criteria a certain definition of the term "problem behavior" in order to ensure access to appropriate long-term care services for persons with dementia.

LD 1432 **An Act to Improve Care to Nursing Home Residents by Requiring Adequate Staff to Provide Hands-on Care** **ONTP**

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

LD 1432 proposed to increase the ratios of direct-care providers to residents, define "direct care" as hands-on care and require extra staff at meal times to ensure adequate nutrition to residents. This bill proposed to require the Department of Human Services to contract with one or more experts in the field of nurse staffing research and long-term care to recommend a methodology for determining appropriate nursing facility staffing levels based on resident acuity and to report back to the Legislature by May 1, 1999.

See Public Law 1999, chapter 731, Part BBBB.

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

LD 1477 proposed to extend Medicaid coverage to the parents or the caretaker relative of those children who are eligible for the Maine Medicaid program if their family income is below 150% of the nonfarm income official poverty line. The bill proposed to increase eligibility up to 185% of the nonfarm income official poverty line when nonfarm income official matching funds become available.

See Public Law 1999, chapter 731, part BBBB.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN	OTP-AM	H-1103 S-768 MICHAUD

LD 1623 proposed to establish the Children in Need of Services Program. The program proposed to provide for a safety plan consisting of housing, medical care, nutritional care and education for children 15 years of age and under who have been determined to be in need of supervision.

Committee Amendment "A" (H-1103) proposed to establish the Youth in Need of Services Program. The program would provide for a preliminary assessment and safety plan consisting of housing, medical care, food, education, mental health and substance abuse services and treatment and support services for youth under 16 years of age who have been determined to be in need of services. The amendment proposed to provide for a proceeding in the District Court to obtain services for youth determined to be in imminent danger of serious physical, mental or emotional injury or at risk of prosecution for a juvenile offense. If a court finds that a youth is in need of services and is in imminent danger or at risk of prosecution for a juvenile offense, the amendment would require the court to order that those services be offered. The amendment proposed to require the establishment of a court-ordered service system for youth in need of services by July 1, 2001, with statewide operation by November 1, 2001. The amendment proposed to clarify that youth may receive treatment through religious means and that receiving treatment through religious means does not in itself qualify a youth as being in need of services.

The amendment proposed to establish the Youth in Need of Services Oversight Committee for children's issues when services are provided or funded by the State or when a youth would be eligible for state services or state-funded services, with the exception of mental health issues. The amendment proposed to require the Youth in Need of Services Oversight Committee to report to the Legislature by January 15, 2001 on court-ordered services for youth in need of services.

The amendment proposed to provide for the expansion to Region II of the Homeless Youth Demonstration Project created in Resolve 1999, chapter 55 and proposed to require the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services to report on their

evaluation of the project and the recommendations of the stakeholders to the Youth in Need of Services Oversight Committee by February 1, 2001.

The amendment proposed to require the Department of Corrections, the Department of Education, the Department of Human Services, the Department of Public Safety and the Department of Mental Health, Mental Retardation and Substance Abuse Services to work together to identify and develop plans to address the needs of youth in need of services, proposed to require them to begin discussions to sign memoranda of understanding to provide necessary services to youths 12 to 20 years of age and proposed to require them to report the results of their work to the joint standing committee of the Legislature having jurisdiction over health and human services matters and to the Youth in Need of Services Oversight Committee by March 1, 2001. The amendment proposed to add an appropriation section and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-768) proposed to replace Committee Amendment "A." The amendment proposed to establish the Youth in Need of Services Pilot Program. The program would provide for a preliminary assessment and safety plan consisting of housing, medical care, food, education, mental health and substance abuse services and treatment and support services for youth under 15 years of age who have been determined to be in need of services. The amendment proposed to provide for a proceeding in the District Court to obtain services for youth determined to be in imminent danger of serious physical, mental or emotional injury or at risk of prosecution for a juvenile offense. If a court finds that a youth is in need of services and is in imminent danger or at risk of prosecution for a juvenile offense, the amendment proposed to require the court to order that those services be offered.

The amendment proposed to establish the Youth in Need of Services Oversight Committee and to provide for the expansion to Region II of the Homeless Youth Demonstration Project created in Resolve 1999, chapter 55 and proposed to require the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services to report on their evaluation of the project and the recommendations of the stakeholders to the Youth in Need of Services Oversight Committee by February 1, 2001.

The amendment also proposed to add an appropriation section.

Enacted law summary

Public Law 1999, chapter 778 establishes the Youth in Need of Services Pilot Program. The program provides for a preliminary assessment and a safety plan consisting of housing, medical care, food, education, mental health and substance abuse services and treatment and support services for youth under 15 years of age who have been determined to be in need of services. The law provides for a proceeding in the District Court to obtain services for youth determined to be in imminent danger of serious physical, mental or emotional injury or at risk of prosecution for a juvenile offense. If a court finds that a youth is in need of services and is in imminent danger or at risk of prosecution for a juvenile offense, the law requires the court to order that those services be offered.

The law expands to Region II the Homeless Youth Demonstration Project created in Resolve 1999, chapter 55. It requires the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services to report on their evaluation of the project and the recommendations of the stakeholders to the Youth in Need of Services Oversight Committee by February 1, 2001.

LD 1668

An Act Regarding Promoting Access to Transportation

PUBLIC 631

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE QUINT	OTP-AM	S-595

LD 1668 proposed to establish the Drive ME Wheels-to-work Program and requires the Commissioner of Human Services to adopt rules to implement the program, which would provide loans for the purchase of used vehicles and for the purchase of repair and maintenance services to people who receive assistance through the federal Temporary Assistance for Needy Families program. The loans would be provided through community action agencies at below-market rates. The bill also proposed to create a revolving loan fund to finance the program.

Committee Amendment "A" (S-595) proposed to replace the bill. It proposed to exempt from the used car dealer licensing requirements public agencies or nonprofit organizations that receive donated vehicles, place them in good operating order and provide them to low-income people for no more than the cost of ensuring that they are in good operating condition. Public or nonprofit organizations that provide vehicles in this manner would be subject to the used car information provisions of the Maine Revised Statutes, Title 10, chapter 217 and would be required to register with the Secretary of State and maintain a certificate of training as required by the Secretary of State.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 631 exempts from the used car dealer licensing requirements public agencies or nonprofit organizations that receive donated vehicles, place them in good operating order and provide them to low-income people for no more than the cost of ensuring that they are in good operating condition. Public or nonprofit organizations that provide vehicles in this manner are subject to the used car information provisions of the Maine Revised Statutes, Title 10, chapter 217 and are required to register with the Secretary of State and maintain a certificate of training as required by the Secretary of State.

LD 1733

An Act to Amend the Laws Regarding the Provision of Services to Persons with Alzheimer's Disease

ONTP

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

LD 1733 proposed to require the Department of Human Services to consider the fluctuating nature of Alzheimer's disease so that the medical and social needs of a person being evaluated for the disease could be fully assessed and the appropriate level of services provided.

See Public Law 1999, chapter 731, part BBBB.

LD 1807

Resolve, to Encourage Access and Quality Care for People with Alzheimer's Disease in Residential Care Facilities

ONTP

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

LD 1807 proposed to require the Department of Human Services to review the case mix assessment tool and reimbursement rate for residential care facilities to ensure access and quality care for persons with Alzheimer's disease or other types of dementia.

See Public Law 1999, chapter 731, part BBBB.

LD 1814

An Act Establishing the Newborn Hearing Program

PUBLIC 647

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER TREAT	OTP-AM	H-931

LD 1814 proposed to establish the Newborn Hearing Program to provide hearing screening, evaluation, treatment and intervention to newborn children and to children within 3 months of the date of their birth. The program would be within the Department of Human Services and would be overseen by the Newborn Hearing Screening Advisory Board. The bill proposed to require insurance policies and contracts and health maintenance organization contracts to provide coverage for newborn children hearing screening.

Committee Amendment “A” (H-931) proposed to replace the bill. The amendment proposed to remove the oversight responsibilities of the Newborn Hearing Screening Advisory Board, making it advisory only. The amendment proposed to remove the requirement that health coverage contracts provide newborn hearing screening and be subject to assessment to pay for screening.

Enacted law summary

Public Law 1999, chapter 647 establishes the Newborn Hearing Program to provide hearing information on screening, evaluation, treatment and intervention to newborn children and to children within 3 months of the date of their birth. The program is within the Department of Human Services, with advice provided by the Newborn Hearing Screening Advisory Board.

LD 1838

An Act to Include Mental Retardation, Developmental Disability and Substance Abuse Services in the Community Service System of the Department of Mental Health, Mental Retardation and Substance Abuse Services and to Consolidate Those Advisory Bodies to the Department

ONTP

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

LD 1838 proposed to restructure the delivery of services by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

See also LD 2150.

LD 1839

An Act to Maintain High-quality Services in Long-term Care in Maine

ONTP

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

LD 1839 proposed to make modifications to the reimbursement system to more accurately reflect the actual cost of services in all segments of the continuum of long-term care. The bill proposed to: require the Department of Human Services to utilize 1997 data, rather than 1993 data as is currently the standard, for calculating reimbursement rates and cost components; provide for calculation of a facility's case mix based on the facility's total population, regardless of source of payment; reclassify certain cost components as direct costs; and direct the department to establish annually the maximum reimbursement rates by taking into account the size of the facility and by utilizing current year-end data. It also proposed to direct the department to recognize as an allowable fixed cost the nursing facility's allocated share of debt service or outstanding debt resulting from either the sale of licensed beds by a facility or the closure of a nursing facility.

The bill also proposed to establish the Medicaid Automation Grant Fund for the purpose of facilitating the improved efficiency of facility operations. The bill proposed to authorize the department to establish criteria for approving disbursements from the fund to facilities.

The bill proposed to repeal the requirement that a nursing facility that participates in the Medicaid program also must participate in the Medicare program as a skilled nursing facility.

The bill proposed to provide facilities with a limited opportunity to utilize nursing facility beds for the provision of residential care services if there are no residential care beds available within 25 miles of that facility or if necessary to meet the care needs of an existing resident.

The bill proposed to address the problem of an existing over-supply of nursing facility beds. The department would be authorized to entertain proposals from nursing facilities to sell some or all of their

licensed beds back to the department. The bill proposed to provide funding for this purpose through loans from Maine Health and Higher Educational Facilities Authority.

The bill proposed to provide for the allocation of the total net outstanding debt among remaining facilities within a multi-facility operator's system in proportion to the number of licensed beds owned by each remaining nursing facility.

The bill proposed to eliminate the requirement for obtaining approval of the care plan by the department or by the home health care agency; eliminate the condition that the home health care agencies in the area indicate that they are unable to provide the services in question; and add the requirement that the facilities must notify the home health agencies of the fact that the facilities will be providing those services.

The bill proposed to revise the medical eligibility provisions applicable to the Medicaid program to require the department to discontinue its current practice of denying all reimbursement to a nursing facility that inadvertently misses the established deadline for asking the department to reassess a resident's eligibility.

The bill proposed to require the department to utilize 1997 data for calculating the maximum allowable reimbursement for facilities' routine costs. The bill proposed to require that the department distinguish between facilities with 30 or more beds and those with fewer than 30 beds in establishing the maximum amount of reimbursable costs for the various cost categories established for residential care.

The bill proposed to direct the department to resume its approval of staffing requests by residential care facilities as had been the department's practice prior to June of 1998.

The bill proposed to prohibit the department from reducing the Medicaid home health benefit.

The bill proposed to establish the Commission to Study Job Training and Career Advancement for Long-term Care Health Professionals and Personnel. The commission would consist of representatives of the affected agencies and health workers for the purpose of establishing a set of health practitioner job descriptions and training requirements that are simple, are logically sequential and build up into a career ladder for individuals in the field.

Finally, the bill proposed to provide for a \$1,000,000 appropriation from the General Fund to provide additional respite, homemaker and home-based care services to individuals who have been placed on the department's waiting list for these services.

See also Public Law 1999, chapter 731, part BBBB.

LD 1952

An Act to Simplify the Process of Determining the Eligibility of Homeless Persons for General Assistance

ONTP

Sponsor(s)
KANE

Committee Report
ONTP

Amendments Adopted

LD 1952 proposed to make the municipality where the shelter is located the municipality of administrative responsibility for the purposes of general assistance and proposed to require the Department of Human Services to reimburse that municipality for 100% of the general assistance issued to the local homeless

shelter. The department's responsibility to provide 100% reimbursement would be limited to the recipient's first 45 consecutive days in the institution. The bill also proposed to clarify that hotels, motels or rooming houses would be considered to be homeless shelters when the municipality places applicants in transient housing facilities because no permanent housing for the applicant is available. Finally, this bill proposed to clarify that any general assistance issued by a municipality that is reimbursed 100% by the department will not be counted as net general assistance for the purpose of calculating the level of non-100% reimbursement that is provided the municipality by the department.

LD 1963 An Act to Establish the Maine Council on Aging DIED BETWEEN BODIES

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

LD 1963 proposed to establish the Maine Council on Aging as an independent advisory council. The council's duties would include advising, consulting and assisting the executive and legislative branches of State Government on issues and activities related to older people; advocating on behalf of older people; disseminating information, sponsoring forums and holding a statewide Blaine House Conference on Aging at least every 2 years.

LD 1984 An Act to Establish Department of Human Services Review Panels ONTP

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

LD 1984 proposed to establish 6 regional Department of Human Services review panels that would review all services provided by the department for efficiency and cost effectiveness. The panels would report to the Governor and the joint standing committee of the Legislature having jurisdiction over human services matters and make recommendations to the Commissioner of Human Services.

LD 2046 An Act to Amend the Powers of Hospital Administrative District No. 1 P & S 84 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART MICHAUD	OTP-AM	S-607

LD 2046 proposed to amend the powers of Hospital Administrative District No. 1.

Committee Amendment "A" (S-607) proposed to replace the bill and add emergency language. It proposed to retain most of the provisions of the bill regarding the powers of Hospital Administrative District No. 1. The amendment proposed to remove the provisions of the bill that pertain to an executive committee of the board of directors. The provision pertaining to the voting lists would be repealed and reenacted to correct a numbering error in the law.

The amendment proposed to require a public informational meeting to be held prior to the directors voting on a project to be bonded. It proposed to increase the debt limitation to \$7,000,000. It proposed to amend the petition for referendum provision to lower the number of signatures required, increase the time period for collecting signatures, provide that the clerks of the municipalities verify the signatures on the petitions and change the vote from a districtwide meeting at which the vote is taken to a vote in each municipality, in the same manner as a general election. It proposed to require the referendum vote to be held within 120 days from receipt of the petition. It proposed to prohibit splitting a project for purposes of evading a requirement of law. It proposed to add a provision that subjects to referendum all bond issues in an amount of \$2,000,000 or more that are approved by the board of directors of the Hospital Administrative District after January 1, 2002.

This amendment proposed to add municipal mandate override language because of the provision that requires the clerks of the municipalities to verify the signatures on the petitions.

It also proposed to add a fiscal note to the bill.

Enacted law summary

Private and Special Law 1999, chapter 84 amends the powers of Hospital Administrative District No. 1 in Lincoln. It requires a public informational meeting to be held prior to the directors voting on a project to be bonded. It increases the debt limitation to \$7,000,000. It amends the petition for referendum provision to lower the number of signatures required, increase the time period for collecting signatures, provide that the clerks of the municipalities verify the signatures on the petitions and change the vote from a districtwide meeting at which the vote is taken to a vote in each municipality, in the same manner as a general election. It requires the referendum vote to be held within 120 days from receipt of the petition. It prohibits splitting a project for purposes of evading a requirement of law. It adds a provision that subjects to referendum all bond issues in an amount of \$2,000,000 or more that are approved by the board of directors of the Hospital Administrative District after January 1, 2002.

Private and Special Law 1999, chapter 84 was enacted as an emergency measure effective April 14, 2000.

LD 2119

An Act to Enhance Competition and Public Health

ONTP

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

LD 2119 proposed to prohibit the free distribution of tobacco products to any person in the ordinary course of trade, business or other corporate enterprise and create a civil penalty similar to that in current law for the sale of unpackaged cigarettes. This prohibition is distinguished from another in current law that prohibits the free distribution of tobacco products to minors by any person whether that person is acting in

the course of business or not. The bill proposed to prohibit self-service displays of tobacco products except in a business establishment where the primary business is the retail sale of tobacco products. The bill also proposed to prohibit the producers of tobacco products from offering incentives as a reward for increasing sales of tobacco products. The penalty for a violation of these prohibitions would be the same as for violations of other tobacco product sales prohibitions, such as sales to minors and sales through vending machines in unlawful ways.

LD 2128 Resolve, Regarding Public Health Supervision of Dental Hygienists RESOLVE 104

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOVETT PARADIS	OTP-AM	H-930

LD 2128 proposed to amend the laws governing the licensure of dental hygienists in the following ways.

1. It proposed to add 3 members to the Board of Dental Examiners, 2 additional dental hygienists and one additional representative of the public.
2. It proposed to set standards for the licensure of dental hygienists by the Board of Dental Examiners.
3. It proposed to increase the number of hours of continuing education that a dental hygienist must successfully complete as a condition of renewal of a license to practice.

Committee Amendment "A" (H-930) proposed to change the title and format of the bill and direct the Board of Dental Examiners to amend the rule regarding public health supervision of dental hygienists in order to provide less restrictive public health supervision of dental hygienists. The purpose of the rule change would be to encourage greater utilization of services in institutional, public health and other settings outside a dental office. Rules adopted pursuant to this provision would be designated as routine technical rules. The amendment proposed to add a fiscal note.

Enacted law summary

Resolve 1999, chapter 104 directs the Board of Dental Examiners to amend the rule regarding public health supervision of dental hygienists in order to provide less restrictive public health supervision of dental hygienists. The purpose of the rule change is to encourage greater utilization of services in institutional, public health and other settings outside a dental office. Rules adopted pursuant to this provision are designated as routine technical rules.

LD 2150 An Act to Ensure Community-based Services for Persons With ONTP
Mental Retardation or Autism

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

LD 2150 proposed to incorporate into statute portions of the 1994 Community Consent Decree for the provision of services to persons with mental retardation or autism.

This bill proposed to establish a policy of providing education, training and support services and programs to persons with mental retardation or autism and establish a committee to study whether to identify the population eligible for services and programs within the scope of the Maine Revised Statutes, Title 34-B, chapter 4 as persons with developmental disabilities, or whether to continue to identify the population as persons with mental retardation or autism.

The bill proposed to continue the current practice of person-centered planning as a means for identifying and articulating the needs of clients for services and programs, to require that the Department of Mental Health, Mental Retardation and Substance Abuse Services maintain the ratio of caseworkers to clients required by the decree and to require that the department maintain the current system of crisis and respite services.

The bill proposed to provide mechanisms to promote the level of programs and services specified by the decree and require that the department provide a system for speedy resolution of grievances and appeals in cases where needs go unmet. It proposed to require that the department maintain accurate records about needs for services, conduct public hearings and summarize and report the status of the system to the Legislature as well as plan to correct identified deficiencies. The bill proposed to continue the Consumer Advisory Board as an independent oversight body with reporting responsibilities and to require the department to develop a quality assurance plan.

LD 2187 Resolve, to Study Youth Homelessness

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
QUINT PARADIS	OTP-AM	

LD 2187 proposed to implement 4 recommendations of the Interagency Task Force on Homelessness and Housing Opportunities, issued pursuant to Public Law 1997, chapter 643, Part XX, section 5. The following are the 4 recommendations implemented by this resolve.

1. The resolve proposed to establish a study of a potential Maine runaway and homeless youth system to examine, for runaway and homeless youth, community-based options, low-barrier access, assessment, treatment, family mediation and outreach services that are consistent statewide to determine what minimal level of service is required to ensure the safety and well-being of unaccompanied homeless youths. The resolve proposed to establish a 10-member task force to conduct the study and submit a report of its findings, together with any recommended implementing legislation to the Legislature by March 1, 2000. The resolve proposed to appropriate \$20,000 through the Maine State Housing Authority to pay for the study.
2. The resolve proposed to appropriate \$100,000 each for the Department of Corrections, Department of Human Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, Department of Labor and Department of Education to develop additional services and plans to serve youths who have outgrown the system. These services and plans would assist youths who are up to 21

years of age and who are leaving the care of a department to undertake job training and to pursue education and housing programs.

3. The resolve proposed to establish a study of the impact of legislative changes over the last 8 years to General Assistance. The study would focus on effectiveness, administrative practices at the local and state level, cost of delivering General Assistance, client benefits and the effect on homelessness. This resolve proposed to establish a 9-member task force to conduct the study and submit a report of its findings, together with any recommended implementing legislation to the Legislature by March 1, 2000. The resolve proposed to appropriate \$5,000 through the Department of Human Services to pay for the study.
4. The resolve proposed to increase the funding for the Temporary Housing Assistance Program by \$250,000, from \$250,000 to \$500,000. The amount increased would be dedicated to serve homeless families or homeless youths staying in shelters by providing security deposits and rental assistance. The Community Action Agencies would administer the dedicated funds.

The total amount of the proposed appropriations contained in this resolve equals \$1,025,000.

LD 2212 An Act to Revise Laws Regarding Persons with Mental Retardation ONTP

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

LD 2212 proposed to revise and update the laws in the Maine Revised Statutes, Title 34-B dealing with persons with mental retardation or autism in order to more accurately reflect current practices and to bring the law into compliance with judicial mandates.

LD 2269 An Act to Make Changes to the Cub Care Program INDEF PP

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

LD 2269 proposed to make the following changes to the laws governing the Cub Care program. It proposed to allow the program to serve children who have not attained one year of age and set premiums for families with incomes between 185% and 200% of the nonfarm income official poverty line.

See Public Law 1999, chapter 731, Part PP.

LD 2272

An Act to Increase the Availability of Family Foster Homes

PUBLIC 599

<u>Sponsor(s)</u> BROOKS	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 2272 proposed to extend the term of a family foster home or specialized foster home license from a one-year period to a 2-year period.

Enacted law summary

Public Law 1999, chapter 599 extends the term of a family foster home or specialized foster home license from a one-year period to a 2-year period.

LD 2273

An Act Regarding Asthma Management Education

ONTP

<u>Sponsor(s)</u> DESMOND	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2273 proposed to direct the Department of Human Services to adopt rules no later than October 1, 2000 to provide Medicaid coverage for certified medical professionals in any health care setting to provide asthma management education.

LD 2305

An Act to Amend the Child Care Licensing Laws

ONTP

<u>Sponsor(s)</u> TOWNSEND	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2305 proposed to clarify that both criminal and civil penalties may be imposed for violations of child care licensing laws.

This bill also proposed to allow the assessment of civil forfeitures of not more than \$500 per incident or per child above the limit set by law against child care facilities in violation of state licensing standards. It also proposed to allow the Department of Human Services to seek injunctive relief when necessary.

LD 2308

Resolve, to Provide Adequate Reimbursement for Speech and Language Pathologists and Audiologists and a Study of Medicaid Reimbursement

INDEF PP

<u>Sponsor(s)</u> CATHCART	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u>
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LD 2308 proposed to direct the Department of Human Services to increase the reimbursement rate by 18% for speech and language pathologist services to match the recent increase in Medicaid reimbursement rates for speech and language centers.

LD 2324 Resolve, to Increase the Reimbursement Amount for Occupational and Physical Therapy Services Under the Medicaid Program INDEF PP

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

LD 2324 proposed to require the Department of Human Services to adopt rules that would take effect on January 1, 2001 and that would increase the amount of reimbursement under the Medicaid program for occupational and physical therapy services to 50% of the usual and customary charge.

LD 2358 An Act to Ban Smoking in Enclosed Areas of Places Licensed for the Sale of Food or Alcohol ONTP

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

This bill proposed to prohibit smoking in the enclosed areas of places licensed for the sale of food and alcohol under licenses issued to taverns and lounges while they are open for that purpose. Current law prohibits smoking in the enclosed areas of restaurants and most other places, but does not prohibit smoking in places that are licensed to serve food and alcohol under the license issued to taverns and lounges.

LD 2360 An Act to Provide Equitable Delivery of Mental Health Services ONTP

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

LD 2360 proposed to provide equitable delivery of mental health services to all consumers in the State.

LD 2368 An Act to Promote Bone Marrow Donation INDEF PP

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

LD 2368 proposed to create the Human Leukocyte Antigen Screening Fund to help cover the costs of screening and registration for bone marrow donors.

Committee Amendment "A" (S-596) proposed to replace the bill. It proposed to retain the provisions of the bill that establish the Human Leukocyte Antigen Screening Fund, replace the provisions assessing a fee of 25¢ per insured person on health insurance carriers and provide funding in the first year of \$250,000 from the Fund for a Healthy Maine and continuing funding through a voluntary income tax contribution checkoff created in the Maine Revised Statutes, Title 36. It proposed to add an allocation of the \$250,000, an appropriation section and to a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-695) proposed to strike the appropriation section for the administrative costs of the Bureau of Revenue Services within the Department of Administrative and Financial Services.

See Public Law 1999, chapter 731, Part SS.

LD 2374 Resolve, to Implement the Recommendations Contained in the RESOLVE 129
Report Entitled "Women's Health: An Action Plan for Maine"

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B KANE	OTP-AM	S-585 S-749 MICHAUD

LD 2374 proposed to establish the Office of Women's Health in the Department of Human Services, Bureau of Health, with resources and personnel also drawn from the Department of Mental Health, Mental Retardation and Substance Abuse Services, to provide leadership and coordination in developing a comprehensive outlook on the overall health status of women.

Committee Amendment "A" (S-585) proposed to replace the bill. It proposed to establish the Office of Women's Health, within the Department of Human Services, to provide leadership in the field of health for women and girls and to improve their health status and their access to health services. The office would develop programs and services, make grants to nonprofit and community organizations for the purpose of improving women's health, coordinate women's health efforts and advise the Commissioner of Human Services and Commissioner of Mental Health, Mental Retardation and Substance Abuse Services. The amendment also proposed to establish the Women's Health Advisory Committee to advise and assist the Director of the Office of Women's Health, to advocate on behalf of women and girls with respect to health and to gather and disseminate information and commission studies and publicize the results. The amendment proposed to appropriate \$408,057 for these purposes and to add a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-749) proposed to strike the committee amendment and provide one-time funds for the Department of Human Services, Bureau of Health to contract with a nonprofit organization to implement the recommendations contained in the report entitled "Women's Health: An Action Plan for Maine," prepared by Medical Care Development, Inc. in July 1999.

See also LD 2495.

Enacted law summary

Resolve 1999, chapter 129 provides one-time funds of \$200,000 for the Department of Human Services, Bureau of Health to contract with a nonprofit organization to implement the recommendations contained in the report entitled "Women's Health: An Action Plan for Maine," prepared by Medical Care Development, Inc. in July 1999.

LD 2379

An Act to Establish a Comprehensive Electronic Claims-filing System for the Medicaid Program

INDEF PP

<u>Sponsor(s)</u> AMERO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-679
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LD 2379 proposed to prohibit the imposition of a processing fee or the restructuring of the reimbursement rate for electronically submitted claims for Medicaid pharmacy benefits. The bill proposed to establish a requirement that the Department of Human Services conduct a current cost-of-dispensing survey prior to any subsequent revisions to the dispensing fee.

Committee Amendment "A" (S-679) proposed to replace the bill. The amendment proposed to:

1. Provide a new title;
2. Require the Department of Human Services to develop and implement a comprehensive electronic claims-filing system available to all providers in the Medicaid program. The system would be funded with state and federal funds. The amendment proposed to require a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 2, 2002 on the pharmacy services study;
3. Require the Department of Human Services to conduct an in-depth study of pharmacy services prior to changing the dispensing fee for pharmacy service claims. This study would determine the full cost of filling a prescription and providing pharmacy services, including reasonable profits, in the Medicaid program, Cub Care program, elderly low-cost drug program and Maine resident low-cost prescription drug program. The department would be required to consider the results of this study when determining pharmacy reimbursement rates. By January 2, 2002, the department would be required to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters the results of the study of the pharmacy services; and
4. Add a fiscal note to the bill.

See Public Law 1999, chapter 731, Part A, Section 1.

LD 2415

An Act to Remove Certain Barriers for Low-income Working Parents

PUBLIC 637

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCGLOCKLIN TREAT	OTP-AM	H-868

LD 2415 proposed to provide information about services to help low-income families in order to maintain employment and to eliminate certain barriers to receiving food stamps for those families. Under current law there is a vehicle asset limit that prevents certain families that own dependable vehicles from receiving food stamps. This bill proposed to authorize certain low-income households to receive referral services through the Temporary Assistance to Needy Families block grant, and to make such households categorically eligible for food stamps.

Committee Amendment "A" (H-868) proposed to change references in the bill from "minor child" to "child who would be a dependent child under the Temporary Assistance for Needy Families program," and to add a fiscal note.

Enacted law summary

Public Law 1999, chapter 637 provides information about services to help low-income families maintain employment and to eliminate certain barriers to receiving food stamps for those families. Under current law there is a vehicle asset limit that prevents certain families that own dependable vehicles from receiving food stamps. This law allows certain low-income households to receive referral services through the Temporary Assistance to Needy Families block grant and makes such households categorically eligible for food stamps.

LD 2434

An Act to Improve the Lives of People with Disabilities

PUBLIC 615

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

LD 2434 proposed to authorize an individual eligible for the consumer-directed personal assistance services program to hire certain family members as personal assistants to the degree permitted by federal law, retroactively to the date the federal law was effective. This bill proposed to direct the Department of Human Services to adopt rules to implement this provision.

Enacted law summary

Public Law 1999, chapter 615 authorizes an individual eligible for the consumer-directed personal assistance services program to hire certain family members as personal assistants to the degree permitted by federal law, retroactively to the date the federal law was effective. This law directs the Department of Human Services to adopt rules to implement this provision.

LD 2454

Resolve, to Provide Medicaid Reimbursement for Hospice Care

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
QUINT RAND	OTP-AM	H-1023 QUINT H-971

LD 2454 proposed to direct the Department of Human Services to adopt rules to amend its state plan to provide Medicaid reimbursement for hospice care.

LD 2463

An Act to Establish the Tobacco Smokers Medical Fund

ONTP

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

LD 2463 proposed to use 75% of the funds received as a result of the tobacco settlement to establish a fund to be used for medical treatment for individuals with diseases determined to result from smoking or secondhand smoke.

See Public Law 1999, chapter 731.

LD 2465

An Act to Enhance Day Care Opportunities for Latchkey Children

ONTP

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

LD 2465 proposed to increase the number of children to whom a home day care provider may provide day care services from 12 to 17 if at least 5 of the children are only present in the home from 1:00 p.m. to 6:00 p.m. on school days.

LD 2475

An Act to Encourage Assisted Living Facilities Projects in the State

ONTP

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

LD 2475 proposed to direct the Bureau of Elder and Adult Services within the Department of Human Services to reimburse assisted living facilities that are renovating existing buildings at the same rate as for new construction.

LD 2476

An Act to Promote Improvements to and Evaluation of Services by Long-term Care Providers

ONTP

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

LD 2476 proposed to require that, before any changes are made to the principles of reimbursement for a long-term care provider, there must be in place in each facility mechanisms to promote internal quality improvements, consumer councils and a system to measure and evaluate consumer satisfaction. The bill also proposed to require an independent review of the financial stability, fiscal management and other management practices of long-term care providers.

LD 2495

An Act to Coordinate and Improve Access to Health Care for Women

ONTP

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

LD 2495 proposed to establish the Women's Health Initiative, coordinated by an employee in the Department of Human Services, Bureau of Health, Division of Community and Family Health. The initiative would be administered by the recipient of a state contract under the guidance of an appointed steering committee. The purpose of the initiative would be to improve the health status of and access to health services for women and girls. The initiative would be funded with General Fund money for one position and related expenses in the Department of Human Services and for an amount to be contracted out to the entity that provides the administrative services for the program. The bill proposed an effective date of July 1, 2000.

See also LD 2374.

LD 2513

Resolve, Regarding Services for Older Persons with Mental Illness

RESOLVE 106

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS	OTP-AM	S-586

LD 2513 was a concept draft pursuant to Joint Rule 208.

In the First Regular Session of the 119th Legislature, the Joint Standing Committee on Health and Human Services requested that the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services work with the Joint Advisory Committee on Select Services for the Elderly to study the provision of mental health services to the elderly and report its findings to the joint standing committee by January 1, 2000. Specifically, the joint standing committee requested that the departments and the advisory committee review the mental health service needs of the elderly, the extent to which services are available and unavailable and any information on disparities in unmet need by

geographic region, service setting or residential setting of the older person. LD 2513 proposed to implement the recommendations of the departments and the advisory committee.

Committee Amendment "A" (S-586) proposed to replace the bill. It proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Human Services to undertake initiatives regarding services to older persons with special needs, require the Department of Mental Health, Mental Retardation and Substance Abuse Services to adopt quality assurance measures and performance indicators and require the two departments to support the Joint Advisory Committee on Select Services for Older Persons, which would advise the departments and monitor new initiatives. The amendment also proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 1999, chapter 106 requires the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Human Services to undertake initiatives regarding services to older persons with special needs, requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to adopt quality assurance measures and performance indicators and requires the two departments to support the Joint Advisory Committee on Select Services for Older Persons, which will advise the departments and monitor new initiatives.

LD 2523

An Act to Establish Fair Pricing for Prescription Drugs

ONTP

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

LD 2523 proposed to establish the Maine Prescription Drug Fair Pricing Act. LD 2523 proposed to do the following:

1. It proposed to establish the Fair Drug Pricing Board. The board, with the approval of the Legislature, would set the maximum prices for prescription drugs based upon a specific formula. The board would be required to work with the Department of Human Services, the Department of Professional and Financial Regulation and the Maine Board of Pharmacy and to report regularly to those entities and the Legislature. The board would be empowered to enter into agreements with other States or Canadian provinces to ensure uniform prices for prescription drugs. The board would also be required to maintain an Internet site to give the public access to the price schedule established by the board.
2. The Attorney General would be given specific enforcement power of the Act. If the Attorney General finds that a violation of certain laws has occurred, the Attorney General would recommend the suspension or revocation of a manufacturer's certificate of registration. If 50 or more Maine citizens petition the Attorney General alleging excessive prescription drug prices, the Attorney General would be required to investigate.
3. The sale of prescription drugs over the Internet would be prohibited.
4. The current prohibition against profiteering in necessities would be expanded to include prescription drugs.

See also LD 2599.

LD 2559 **An Act to Amend the Charter of Hospital Administrative District** **P & S 70**
No. 4

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

LD 2559 proposed to increase the maximum debt limit for Hospital Administrative District #4 (Mayo Hospital) from \$7,000,000 to an amount not to exceed 2% of the total current state valuation of all towns and plantations that are members of the district.

Enacted law summary

Private and Special Law 1999, chapter 70 increases the maximum debt limit for Hospital Administrative District #4 (Mayo Hospital in Dover-Foxcroft) from \$7,000,000 to an amount not to exceed 2% of the total current state valuation of all towns and plantations that are members of the district.

LD 2580 **Resolve, Regarding Access to Marijuana for Medical Use** **RESOLVE 137**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND QUINT	OTP-AM	S-597 S-797 RAND

LD 2580 proposed to create a voluntary registry for eligible patients and designated caregivers under the Maine Medical Marijuana Act of 1998 in the Department of Human Services, Bureau of Medical Services, Division of Licensing and Certification. The bill also proposed to create a distribution system for such individuals to secure marijuana from the Department of Public Safety, Maine Drug Enforcement Agency. An eligible patient or designated caregiver would need a valid registry identification card in order to secure marijuana from the Maine Drug Enforcement Agency.

Committee Amendment "A" (S-597) proposed to replace the bill, change the title and change the form of the bill to a resolve. It proposed to direct the Attorney General to convene a task force to study and make recommendations on implementation of the marijuana for medical purposes law and access to marijuana for medical purposes. It proposed to provide for the appointment of legislative members of the task force. It proposed to require a report to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Criminal Justice by October 1, 2000.

Senate Amendment "A" to Committee Amendment "A" (S-776) proposed to add an emergency preamble and an emergency clause to the resolve and to require the Speaker of the House to give preference to members of the Joint Standing Committee on Criminal Justice, the Joint Standing Committee on Judiciary and the Joint Standing Committee on Health and Human Services when making appointments to the task force.

Enacted law summary

Resolve 1999, chapter 137 directs the Attorney General to convene a task force to study implementation of the marijuana for medical purposes law and to recommend steps to implement the law and provide access to marijuana for medical purposes. The task force must be broadly representative. The President of the Senate appoints 2 Senators and the Speaker of the House appoints 5 Representatives. By October 1, 2000, the task force is required to report its recommendations and any suggested legislation to the joint standing committees on criminal justice and health and human services.

LD 2597

An Act to Improve Public Water Supply Protection

PUBLIC 761

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1106
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LD 2597 proposed to implement the recommendations of the Task Force to Study the Improvement of Public Water Supply Protection, established pursuant to Resolve 1999, chapter 80. The bill proposed to strengthen notice requirements for projects that could threaten water supplies and to require a municipality to give a water supplier notice if a project is proposed near its groundwater wells or surface water intakes.

The bill proposed to move the Maine Drinking Water Program from the Department of Human Services to the Department of Environmental Protection and to require the Department of Environmental Protection to hire a consultant to help integrate the program into its overall structure. The bill proposed to allow the Department of Environmental Protection to deny, based on the presence of existing threats, an application to establish a new public water supply. The bill also proposed to require the Land and Water Resources Council to develop an education strategy for public water supply protection aimed at municipalities and the general public.

Committee Amendment "A" (H-1106) proposed to strengthen the authority of the drinking water program to deny an application for a new water supply in the vicinity of potential sources of contamination that already exist.

The amendment proposed, instead of moving the drinking water program effective July 1, 2001, to require the Department of Human Services and the Department of Environmental Protection to jointly hire a consultant to review the drinking water and plumbing control programs and evaluate the strengths and weaknesses of various agencies to house the programs. The consultant would be required to submit a report outlining the findings of the review to the joint standing committees of the Legislature having jurisdiction over natural resources and human services matters by February 1, 2001.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE	OTP-AM MAJ	H-1187 ROWE
ROWE	OTP-AM MIN	S-803 PINGREE

LD 2599 proposed to establish the Maine Prescription Drug Fair Pricing Act. The Maine Prescription Drug Fair Pricing Act (Part A of this bill) would accomplish that purpose by doing the following.

1. It proposed to establish the Fair Drug Pricing Board. The board, with the approval of the Legislature, would set the maximum prices for prescription drugs based upon a specific formula. The maximum price schedule established by the board would take effect only if:
 - A. The board determines that the prices of prescription drugs in Maine are above the prices set in the schedule; and
 - B. Other nonregulatory programs enacted by the Legislature, such as the Medicaid drug rebate program and the Maine resident low-cost prescription drug program, will not reduce the price of prescription drugs in Maine to or below the prices set in the schedule.

The board would be required to work with the Department of Human Services, the Department of Professional and Financial Regulation and the Maine Board of Pharmacy and to report regularly to those entities and the Legislature. Prices established by the board could be appealed by a manufacturer. The board could enter into agreements with other states or Canadian provinces to ensure uniform prices for prescription drugs. The board would be required to maintain an Internet site to give the public access to the price schedule established by the board.

2. It proposed to state the purpose and intent of the Legislature in enacting the Maine Prescription Drug Fair Pricing Act, which is to provide affordable access to medically necessary prescription drugs to Maine citizens by nonregulatory means. If such nonregulatory programs do not succeed in ensuring that prescription drugs are sold in Maine at fair and nondiscriminatory prices, a fair pricing program that prohibits excessive and discriminatory pricing would be the most effective and timely alternative to lower drug prices for all Maine citizens and the protection of the health and safety of citizens.
3. It proposed to require Maine health care providers, if appropriate, to inform their patients of pharmaceutical manufacturer patient assistance programs and state programs and measures that provide those patients with affordable access to prescription drugs. These programs and measures include the Medicaid prescription drug waiver, the Medicaid drug rebate program, exploration of regional strategies and purchasing alliances, the Maine resident low-cost prescription drug program, a report from the Maine Ambulatory Care Coalition on possibilities for lowering drug prices and the Medicaid program physician directed drug initiative established in the Department of Human Services, Bureau of Medical Services.
4. It proposed to give specific enforcement power of the Maine Prescription Drug Fair Pricing Act to the Attorney General through the Maine Unfair Trade Practices Act and proposed to appropriate \$500,000 for that purpose.

5. It proposed to direct the Maine Ambulatory Care Coalition to investigate lower prices under the federal Public Health Services Act.
6. It proposed to appropriate \$50,000 for the purposes of the Fair Drug Pricing Board.

Part B of this bill proposed to modernize Medicaid recovery procedures and increase the eligibility level for the supplemental component of the elderly low-cost drug program established in the Maine Revised Statutes, Title 22, section 254.

Senate Amendment "A" (S-803) proposed to replace the bill. It proposed to do the following.

1. Part A proposed to enact a new chapter on prescription drug access. Enacted in this chapter would be the following:
 - A. Subchapter I would establish the Maine Rx Program to reduce prescription drug prices for residents of the State. The program would utilize manufacturer rebates and pharmacy discounts to reduce prescription drug prices. The State would serve as a pharmacy benefit manager in negotiating rebates and discounts on behalf of qualified residents. The program would depend on manufacturers and labelers of prescription drugs to pay rebates to the State that are used to provide discounted prices to qualifying Maine residents when they purchase prescription drugs.
 - B. It would establish the Maine Rx Dedicated Fund to receive revenue due to the program, to make payments to retail pharmacies as required by the program and to pay for contracted services, administrative costs and other program costs.
 - C. It would authorize the Department of Human Services to coordinate the Maine Rx Program with other medical and pharmaceutical assistance programs.
 - D. Subchapter II would enact the Prescription Drug Price Reduction Act. This subchapter would establish the Prescription Drug Advisory Commission, a 12-member commission that would advise the Commissioner of Human Services regarding access to prescription drugs and prescription drug prices. The commission would advise the commissioner on major substantive rules regarding the procedures to be used in setting and reviewing maximum retail prices for prescription drugs. The commission would be required to provide annual reports to the Commissioner of Human Services, the Governor and the Legislature by April 1, 2001 and by the 2nd week in January each succeeding year.
 - E. The Commissioner of Human Services would be required by January 5, 2003 to undertake a process to determine the need for maximum retail prices for prescription drugs. If the process results in a requirement that maximum retail prices be established, those prices would take effect by July 1, 2003. An appeal mechanism would be provided and also a mechanism for addressing situations that may threaten or endanger the public health or welfare. A violation of the maximum retail prices would be an unfair trade practice.
 - F. Subchapter III would contain a prohibition on profiteering in prescription drugs by manufacturers, their affiliates and subsidiaries, distributors and labelers of prescription drugs. Profiteering would be punished as a civil violation and would result in an award of triple damages, attorney's fees, punitive damages and costs. A violation of the subchapter would be a violation of the Maine Unfair Trade Practices Act.

2. It would authorize the State to negotiate and enter into purchasing alliances and regional strategies with governments and public and private entities for the purpose of reducing prescription drug prices for residents of the State.
3. It would provide statements of findings, intent and purpose.
4. It would provide appropriations and allocations to fund the provisions of the amendment.
5. If the Commissioner of Human Services establishes maximum retail prices for prescription drugs under the Maine Revised Statutes, Title 22, section 2693, the amendment would direct the commissioner to establish a drug formulary and prior authorization for dispensing drugs in the elderly low-cost drug program. Beginning January 1, 2001, it would require manufacturers and labelers of drugs that participate in the Medicaid program to participate in the drug rebate program in the elderly low-cost drug program.
6. If the Commissioner of Human Services establishes maximum retail prices for prescription drugs under Title 22, section 2693, the amendment would direct the commissioner to require prior authorization for the dispensing of drugs in the Medicaid program that would apply to drugs that are priced above the established maximum retail prices. It would direct the department to require prior authorization for the dispensing of drugs in the Medicaid program that are provided from manufacturers and labelers who do not enter into rebate agreements with the State under the Maine Rx Program.

Enacted law summary

Public Law 1999, chapter 786 does the following:

1. Part A enacts a new chapter on prescription drug access. Enacted in this chapter are the following elements:
 - A. Subchapter I contains the Maine Rx Program to reduce prescription drug prices for residents of the State. The program utilizes manufacturer rebates and pharmacy discounts to reduce prescription drug prices. The State will serve as a pharmacy benefit manager in negotiating rebates and discounts on behalf of qualified residents. The program depends on manufacturers and labelers of prescription drugs to pay rebates to the State that are used to provide discounted prices to qualifying Maine residents when they purchase prescription drugs. The Department of Human Services is directed to release the names of manufacturers and labelers that do not participate in the Maine Rx Program.
 - B. It establishes the Maine Rx Dedicated Fund to receive revenue due to the program, to make payments to retail pharmacies as required by the program and to pay for contracted services, administrative costs and other program costs.
 - C. It authorizes the Department of Human Services to coordinate the Maine Rx Program with other medical and pharmaceutical assistance programs.
 - D. Subchapter II contains the Prescription Drug Price Reduction Act. This subchapter establishes the Prescription Drug Advisory Commission, a 12-member commission that advises the Commissioner of Human Services regarding access to prescription drugs and prescription drug prices. The

commission advises the commissioner on major substantive rules regarding the procedures to be used in setting and reviewing maximum retail prices for prescription drugs. The commission is required to provide annual reports to the Commissioner of Human Services, the Governor and the Legislature by April 1, 2001 and by the 2nd week in January each subsequent year.

- E. The Commissioner of Human Services is required by January 5, 2003 to undertake a process to determine the need for maximum retail prices for prescription drugs. If the process results in a requirement that maximum retail prices be established, those prices must take effect by July 1, 2003. An appeal mechanism is provided and also a mechanism for addressing situations that may threaten or endanger the public health or welfare. A violation of the maximum retail prices is an unfair trade practice.
- F. Subchapter III contains a prohibition on profiteering in prescription drugs by manufacturers, their affiliates and subsidiaries, distributors and labelers of prescription drugs. Profiteering may be punished as a civil violation and may result in an award of triple damages, attorney's fees, punitive damages and costs. A violation of the subchapter is a violation of the Maine Unfair Trade Practices Act.

- 2. It authorizes the State to negotiate and enter into purchasing alliances and regional strategies with governments and public and private entities for the purpose of reducing prescription drug prices for residents of the State.
- 3. It provides statements of findings, intent and purpose.
- 4. It provides appropriations and allocations to fund the provisions of the law.
- 5. If the Commissioner of Human Services establishes maximum retail prices for prescription drugs, the law directs the commissioner to establish a drug formulary and prior authorization for dispensing drugs in the Elderly Low-cost Drug Program. Beginning January 1, 2001, it requires manufacturers and labelers of drugs that participate in the Medicaid program to participate in the drug rebate program in the Elderly Low-cost Drug Program.
- 6. If the Commissioner of Human Services establishes maximum retail prices for prescription drugs, the law directs the commissioner to require prior authorization for the dispensing of drugs in the Medicaid program that would apply to drugs that are priced above the established maximum retail prices. It directs the department to require prior authorization for the dispensing of drugs in the Medicaid program that are provided from manufacturers and labelers who do not enter into rebate agreements with the State under the Maine Rx Program.

LD 2606

An Act to Amend the Laws Regarding Foster Parents

**PUBLIC 675
EMERGENCY**

Sponsor(s)
COTE
PARADIS

Committee Report
OTP

Amendments Adopted

LD 2606 proposed to remove the repealer on the section of law allowing foster parents, preadoptive parents or relatives providing care for a child to attend a review or hearing that is held with respect to the child.

Enacted law summary

Public Law 1999, chapter 675 removes the repealer on the section of law allowing foster parents, preadoptive parents or relatives providing care for a child to attend a review or hearing that is held with respect to the child.

Public Law 1999, chapter 675 was enacted as an emergency measure effective April 12, 2000.

LD 2623

An Act to Clarify Terms of Appointment to the Advisory Committee on Family Development Accounts

PUBLIC 628

<u>Sponsor(s)</u> KONTOS		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 2623 proposed to clarify the terms for which members are appointed to the Advisory Committee on Family Development Accounts and includes provisions for vacancies and absences.

Enacted law summary

Public Law 1999, chapter 628 clarifies the terms for which members are appointed to the Advisory Committee on Family Development Accounts and includes provisions for vacancies and absences.

LD 2644

An Act Relating to Eligibility for the Elderly Low-cost Drug Program

PUBLIC 707

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-1088
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Prior to changes to the elderly low-cost drug program enacted in Public Law 1999, chapter 401, Part KKK, eligibility for the program extended to all members of a household if any household member was determined to be eligible. The changes enacted in Public Law 1999, chapter 401, Part KKK, inadvertently caused some household members to lose eligibility. LD 2644 proposed to restore household eligibility as it applied before the 1999 changes.

Committee Amendment "A" (H-1088) proposed to replace the bill. Current law provides that a person who was eligible for the elderly low-cost drug program under the Maine Revised Statutes, Title 22, section 254 at any time from August 1, 1998 to July 31, 1999 retains eligibility until February 28, 2001 if that person is a member of a household of an eligible person. This amendment would continue such eligibility beyond February 28, 2001. The amendment proposed to clarify that those persons who receive Medicaid benefits who are ineligible for the elderly low-cost drug program are those who receive Medicaid pharmaceutical benefits.

Enacted law summary

Current law provides that a person who was eligible for the elderly low-cost drug program under the Maine Revised Statutes, Title 22, section 254 at any time from August 1, 1998 to July 31, 1999 retains eligibility until February 28, 2001 if that person is a member of a household of an eligible person. Public Law 1999, chapter 707 continues such eligibility beyond February 28, 2001 and clarifies that those persons who receive Medicaid benefits who are ineligible for the elderly low-cost drug program are those who receive Medicaid pharmaceutical benefits.

LD 2654

**An Act to Amend the Laws Regarding the Board of Licensure of
Water Treatment Plant Operators**

PUBLIC 688

Sponsor(s)

Committee Report

Amendments Adopted

LD 2654 proposed to amend the laws regarding the Board of Licensure of Water Treatment Plant Operators. It proposed to do the following:

1. It proposed to modify the definition of "operator" to coincide with the federal definition;
2. It proposed to clarify the classification requirements to apply to all community public water systems and all noncommunity nontransient water systems;
3. It proposed to increase the membership on the Board of Licensure of Water Treatment Plant Operators from 7 to 9, in order to provide representation to the new classes of supply that are required to have licensed operators;
4. It proposed to authorize the board to suspend or revoke a license of a certified operator;
5. It proposed to repeal the provision that grandfathered operators who operated between October 1, 1966 and October 1, 1969; and
6. It proposed to repeal the provision that authorized a 13-month waiver provision to allow an applicant time to pass an annual exam.

Enacted law summary

Public Law 1999, chapter 688 amends the laws regarding the Board of Licensure of Water Treatment Plant Operators. It does the following:

1. Modifies the definition of "operator" to coincide with the federal definition;
2. Clarifies the classification requirements to apply to all community public water systems and all noncommunity nontransient water systems;

3. Increases the membership on the Board of Licensure of Water Treatment Plant Operators from 7 to 9, in order to provide representation to the new classes of supply that are required to have licensed operators;
4. Authorizes the board to suspend or revoke a license of a certified operator;
5. Repeals the provision that grandfathered operators who operated between October 1, 1966 and October 1, 1969; and
6. Repeals the provision that authorized a 13-month waiver provision to allow an applicant time to pass an annual exam.

LD 2658

Resolve, Regarding Legislative Review of Chapter 1: Rights of Recipients of Mental Health Services Who are Children in Need of Treatment, Section A-VII, Rights to Due Process With Regard to Grievances and Section A-IX, Confidentiality of and Access to Mental Health Records, a Major Substantive Rule of the Department of Mental Health, Mental Retardation and Substance Abuse Services

**RESOLVE 117
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2658 proposed to provide for legislative review of Chapter 1: Rights of Recipients of Mental Health Services Who are Children in Need of Treatment, Section A-VII, Rights to Due Process With Regard to Grievances and Section A-IX, Confidentiality of and Access to Mental Health Records, a major substantive rule of the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Enacted law summary

Resolve 1999, chapter 117 provides for legislative review of Chapter 1: Rights of Recipients of Mental Health Services Who are Children in Need of Treatment, Section A-VII, Rights to Due Process With Regard to Grievances and Section A-IX, Confidentiality of and Access to Mental Health Records, a major substantive rule of the Department of Mental Health, Mental Retardation and Substance Abuse Services. This resolve approves the adoption of the proposed rule.

Resolve 1999, chapter 117 was finally passed as an emergency measure effective April 14, 2000.

LD 2659

Resolve, Regarding Legislative Review of Portions of Sections 61, 62, 63, 68 and 73 of 10-49, Chapter 5, Bureau of Elder and Adult Services Policy Manual, a Major Substantive Rule of the Department of Human Services

**RESOLVE 118
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-1099

LD 2659 proposed to provide for legislative review of portions of Sections 61, 62, 63, 68 and 73 of 10-49, Chapter 5, Bureau of Elder and Adult Services Policy Manual, a major substantive rule of the Department of Human Services.

Committee Amendment "A" (H-1099) proposed to amend the resolve by providing that the rules for adult day services, Alzheimer's respite, congregate housing services, the homemaker program, home-based care for elders and adults with disabilities and consumer-directed home-based care programs require that consumers who may qualify for a waiver be informed of the right to apply for a waiver. The amendment also proposed to provide that the rules for in-home and community support services and personal care assistance for severely physically disabled adults refer to determination of the dependent allowance in agreement with the method used in the Medicaid program. The amendment also proposed to add a fiscal note.

Enacted law summary

Resolve 1999, chapter 118 provides for legislative review of portions of Sections 61, 62, 63, 68 and 73 of 10-49, Chapter 5, Bureau of Elder and Adult Services Policy Manual, a major substantive rule of the Department of Human Services. It requires that the rules for adult day services, Alzheimer's respite, congregate housing services, the homemaker program, home-based care for elders and adults with disabilities and consumer-directed home-based care programs require that consumers who may qualify for a waiver be informed of the right to apply for a waiver. It also provides that the rules for in-home and community support services and personal care assistance for severely physically disabled adults refer to determination of the dependent allowance in agreement with the method used in the Medicaid program.

Resolve 1999, chapter 118 was finally passed as an emergency measure effective April 14, 2000.

LD 2681

An Act to Require Rules on Temporary Campgrounds to be Major Substantive Rules

PUBLIC 727

Sponsor(s)

Committee Report

Amendments Adopted

LD 2681 proposed to provide that rules adopted by the Department of Human Services regulating tent and recreational vehicle parks, agricultural fair camping facilities, temporary campgrounds and wilderness recreational parks are major substantive rules beginning March 1, 2001. This provision proposed to repeal March 1, 2004.

Enacted law summary

Public Law 1999, chapter 727 provides that rules adopted by the Department of Human Services regulating tent and recreational vehicle parks, agricultural fair camping facilities, temporary campgrounds and wilderness recreational parks are major substantive rules beginning March 1, 2001. The law contains a future repeal date of March 1, 2004.

HP 1955

JOINT ORDER – Relative to the Joint Select Committee on the Psychiatric Treatment Initiative

PASSED

Sponsor(s)

Committee Report

Amendments Adopted

Joint Order HP 1955 proposed to establish the Joint Select Committee on the Psychiatric Treatment Initiative.

Enacted law summary

Joint Order HP 1955, as passed in both the House and Senate, establishes the Joint Select Committee on the Psychiatric Treatment Initiative, an 8-member committee authorized to meet up to 4 times between September 1, 2000 and November 1, 2000. The committee's duties include overseeing the efforts of the Department of Mental Health, Mental Retardation and Substance Abuse Services to address the recommendations for action regarding the delivery of mental health services in the community outlined in the report "Maine Treatment Initiative: Civil and Forensic." The committee is also charged with working with community providers and reporting by November 1, 2000 on actions taken by the department to the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Criminal Justice and the Joint Standing Committee on Health and Human Services.

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Committee Amendment "A" (S-551) proposed to replace the bill and to allows children 12 years of age and younger to fish from shore with a single baited hook and line during the open water fishing season on certain areas of the Aroostook River and its tributaries in Caribou and Fort Fairfield.

Enacted law summary

Public Law 1999, chapter 642 allows children 12 years of age or younger to fish from shore with a single baited hook and line during the open water fishing season on certain areas of the Aroostook River and its tributaries in Caribou and Fort Fairfield.

Public Law 1999, chapter 642 was enacted as an emergency measure effective April 7, 2000.

LD 343 **An Act to Protect Deer in Wintering Areas** **ONTP**

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

LD 343 proposed to appropriate an additional \$20,000 annually to the Department of Inland Fisheries and Wildlife for the coyote control program to be used to pay experienced trappers to catch coyotes in areas of the State where coyote predation in deer wintering areas is limiting the department's effort to rebuild the deer herd.

LD 371 **An Act to Allow A Disabled Person to Use a Crossbow during Archery Hunting Season** **ONTP**

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

LD 371 proposed to allow a disabled person to use a crossbow during archery hunting season.

LD 481 **An Act to Keep Public Lands Open to Hunting, Fishing and Trapping** **ONTP**

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

LD 481 proposed to allow hunting, fishing and trapping on all nonreserved public lands, reserved public lands and undeveloped areas within state parks.

LD 730

An Act to Allow Certain Disabled Persons to Fly-fish With Any Type of Rod and Reel

PUBLIC 632

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY R	OTP-AM	H-887

LD 730 proposed to require the Commissioner of Inland Fisheries and Wildlife to adopt rules permitting a physically disabled person to fly-fish with an open-faced reel if that disability would prevent that person from fly-fishing without the use of this type of reel.

Committee Amendment "A" (H-887) proposed to replace the bill and to allows a person who possesses a valid fishing license and has suffered the physical loss of an arm to use any type of rod and reel to fish with a fly on waters open to fly-fishing. The amendment defined the term "loss of an arm" to mean the physical loss of the arm above the wrist.

Enacted law summary

Public Law 1999, chapter 632 allows a person who possesses a valid fishing license and has suffered the physical loss of an arm to use any type of rod and reel to fish with a fly on waters open to fly-fishing. The term "loss of an arm" means the physical loss of the arm above the wrist.

LD 846

An Act to Allow Elderly License Holders and Children to Fish by Any Method

ONTP

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

LD 846 proposed to allow elderly license holders and children to take fish by any method.

LD 971

An Act to Allow Three Hunters to Hunt Deer Together

PUBLIC 588

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERKINS	OTP-AM MAJ ONTP MIN	H-799

LD 971 allows 3 hunters to hunt deer together without being guilty of driving deer.

Committee Amendment "A" (H-799), the majority report of the Joint Standing Committee on Inland Fisheries and Wildlife, amends the bill by clarifying that 3 or fewer persons may hunt together without being guilty of driving deer, provided that they do not use noisemaking devices.

Enacted law summary

Public Law 1999, chapter 588 allows 3 or fewer persons to hunt together without being guilty of driving deer, provided that they do not use noisemaking devices.

LD 1026 **An Act to Allow Crossbow Use During Archery Season by a Person who has Lost the Use of a Hand** **ONTP**

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

LD 1026 proposed to allow a person who has permanently lost the use of one or both hands to use a crossbow during the archery hunting season and during any open season.

LD 1052 **An Act to Assist Disabled Fly-fishing Anglers** **ONTP**

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

LD 1052 allows a person with a disability to utilize a spin-casting reel and rod and an artificial fly when fishing in waters designated as fly-fishing-only waters.

LD 1225 **Resolve, to Direct the Department of Inland Fisheries and Wildlife to Review Rules for Compliance with the Americans With Disabilities Act** **RESOLVE 101**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY R	OTP-AM	H-886

LD 1225 requires the Commissioner of Inland Fisheries and Wildlife to review the departmental rules and regulations to ensure compliance with the federal Americans With Disabilities Act. This resolve also requires the commissioner to report back to the Joint Standing Committee on Inland Fisheries and Wildlife by January 15, 2000 with regard to rule modifications to obtain compliance with the Americans With Disabilities Act.

Committee Amendment "A" (H-886) replaces the resolve. The amendment requires the Commissioner of Inland Fisheries and Wildlife to comprehensively review the issue of expanding hunting and fishing opportunities to disabled persons and to report the findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by January 1, 2001. The report must include a review of the department's current authority to issue unconventional or special privilege licenses for any type of disability, including temporary disabilities, and the criteria and standards used by the Department of Inland Fisheries and Wildlife to determine eligibility for such licenses. The report must also include recommendations for improving the promotion of hunting and fishing opportunities in the State to the disabled community, on the use of special or group hunts or special seasons for the disabled, on allowing another person to assist a disabled person to hunt or fish and on methods to address any safety issues that may be associated with hunting or fishing by disabled persons.

The amendment also authorizes the Joint Standing Committee on Inland Fisheries and Wildlife to report out a bill on the issue of expanding hunting and fishing opportunities for persons with a disability to the First Regular Session of the 120th Legislature.

The amendment adds a fiscal note to the bill.

Enacted law summary

Resolve 1999, chapter 101 requires the Commissioner of Inland Fisheries and Wildlife to comprehensively review the issue of expanding hunting and fishing opportunities to disabled persons and to report the findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by January 1, 2001. The report must include a review of the department's current authority to issue unconventional or special privilege licenses for any type of disability, including temporary disabilities, and the criteria and standards used by the Department of Inland Fisheries and Wildlife to determine eligibility for such licenses. The report must also include recommendations for improving the promotion of hunting and fishing opportunities in the State to the disabled community, on the use of special or group hunts or special seasons for the disabled, on allowing another person to assist a disabled person to hunt or fish and on methods to address any safety issues that may be associated with hunting or fishing by disabled persons.

This resolve also authorizes the Joint Standing Committee on Inland Fisheries and Wildlife to report out a bill on the issue of expanding hunting and fishing opportunities for persons with a disability to the First Regular Session of the 120th Legislature.

LD 1313 **An Act to Give the Commissioner of Inland Fisheries and Wildlife the Sole Discretion to Determine the Need for and Location of Boat Launches** **ONTP**

<u>Sponsor(s)</u> CLARK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1313 prohibits the construction of a boat launch in the State unless the launch is approved by the Commissioner of Inland Fisheries and Wildlife.

LD 1338 **An Act to Provide a Free Hunting License to a Person Who Has Lost the Use of One Arm** **ONTP**

<u>Sponsor(s)</u> AHEARNE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1338 allows the Commissioner of Inland Fisheries and Wildlife to issue complimentary hunting and fishing licenses to a Maine resident who suffers from the loss of the use of one arm.

LD 1370

An Act to Reduce the Age at which a Maine Citizen May Obtain a Free Fishing and Hunting License and to Provide Free Licenses for Military Personnel

ONTP

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

LD 1370 allows a resident of the State who is 65 years of age or older to receive a free hunting and fishing license. The bill also allows a person who is in active military service to receive a free hunting and fishing license.

Committee Amendment "A" (H-806), the minority amendment, amends the bill by striking the section of the bill that reduces the age at which a citizen of the State may obtain a free fishing and hunting license. The amendment also changes the title and adds a fiscal note to the bill.

LD 1390

An Act to Expand Hunting Options for Disabled Military Veterans

ONTP

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

LD 1390 allows disabled veterans to receive complimentary antlerless deer permits and one-time complimentary moose hunting permits.

LD 1435

An Act to Promote Equitable and Professional Management of Moose

ONTP

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

LD 1435 amends the moose hunting statutes to allow the number of permits to hunt moose to be based on current information available rather than set limits. It also changes the fee amounts for the permits and applications, as well as assigning money from the applications to youth conservation education programs. It repeals sections that establish public auctions for moose hunting permits.

LD 1830 **An Act to Provide Complimentary Hunting and Fishing Licenses to Persons on Active Military Duty and Low-cost Licenses to Their Families** **ONTP**

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

LD 1830 proposed to provide a complimentary hunting and fishing license to a member of the Armed Forces of the United States on active duty whose home of record is Maine and to allow that person’s family members to purchase that license for \$15, plus the issuing fee.

LD 1904 **Resolve, to Study Issues Related to the Muzzle-loading Season** **ONTP**

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

LD 1904 proposed to authorize a study within existing resources of the Department of Inland Fisheries and Wildlife to address various issues relating to the muzzle-loading season.

LD 2274 **An Act to Clarify the Authority of Maine Game Wardens to Stop Motor Vehicles** **DIED BETWEEN BODIES**

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

LD 2274 proposed to repeal a sunset on a provision of law allowing game wardens to stop vehicles if it is necessary to protect a person from the threat of death or personal injury.

Committee Amendment "A" (H-800) was the majority report of the committee and proposed to clarify that, while game wardens have the same powers as sheriffs, including the authority to stop a motor vehicle if there is a reasonable and articulable suspicion of a violation of law or to protect public safety, game wardens' primary responsibilities lie in the enforcement of laws protecting fish and wildlife.

Although this bill died between houses, a bill submitted by the Governor (see summary for LD 2691) addressing this issue was enacted as Public Law of 1999, chapter 738.

LD 2284

An Act to Maintain the Eel and Elver Management Fund and Regulate Permits for Eel Weirs

PUBLIC 549

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

LD 2284 proposed to maintain the Eel and Elver Management Fund as well as the moratorium on permitting eel weirs that was enacted in 1996 and to authorizes the Department of Inland Fisheries and Wildlife to adopt routine technical rules regulating the issuance of eel weir permits.

Enacted law summary

Public Law 1999, chapter 549 authorizes the Department of Inland Fisheries and Wildlife to adopt routine technical rules regulating the issuance of eel weir permits.

LD 2310

An Act to Change the Name in the Statutes of a Native American Organization Able to Issue Hunting and Fishing Licenses

**PUBLIC 558
EMERGENCY**

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

LD 2310 proposed to change the name of the organization that issues hunting, trapping and fishing licenses to Native Americans from the Central Maine Indian Association to "Wesget-Suppo."

Enacted law summary

Public Law 1999, chapter 558 changes the name of the organization that issues hunting, trapping and fishing licenses to Native Americans from the Central Maine Indian Association to "Wesget-Suppo." This reference was corrected to "Wesget-Sipu" in Public Law 1999, chapter 790, the Judiciary Committee's Errors and Inconsistencies bill (see Judiciary Committee summaries, LD 2334).

Public Law 1999, chapter 558 was enacted as an emergency measure effective March 15, 2000.

LD 2346

An Act to Extend the Time Period for Municipalities to Make Recommendations Concerning Great Pond Surface Use Restrictions

**PUBLIC 701
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP-AM	H-883 S-571 TREAT

LD 2346 proposed to extend by one year the time period in which municipalities can make recommendations to the Department of Inland Fisheries and Wildlife about surface use restrictions on great ponds within or bordering on those municipalities.

Committee Amendment "A" (H-883) was the majority report of the committee and proposed to extend until December 1, 2000 the deadline for municipalities to submit recommendations to the Department of Inland Fisheries and Wildlife on great pond surface use restrictions. The amendment proposed that initial recommendation packages in 2000 may be submitted only during July, although material supplementing any municipality's recommendations may be submitted until December 1, 2000.

This amendment also proposed to require that towns include a written explanation of the rationale for each recommendation and an explanation of what issues were considered in the development of each recommendation and requires that in a town whose legislative body is the town meeting, recommendations may only be considered and approved during the annual town meeting held pursuant to the Maine Revised Statutes, Title 30-A, section 2525.

Senate Amendment "A" to Committee Amendment "A" (S-571) extended until December 1, 2001 the period during which municipalities may submit recommendations for regulating the use, operation and type of watercraft on great ponds.

Enacted law summary

Public Law 1999, chapter 701, extends until December 1, 2001 the deadline for municipalities to submit recommendations to the Department of Inland Fisheries and Wildlife on great pond surface use restrictions. Initial recommendations in 2000 may be submitted only during July, although material supplementing any municipality's recommendations may be submitted until December 1, 2001. Those recommendations will be considered by the Legislature in the First Regular Session of the 120th Legislature.

This public law also requires that towns include a written explanation of the rationale for each recommendation and an explanation of what issues were considered in the development of each recommendation and requires that in a town whose legislative body is the town meeting, recommendations may only be considered and approved during the annual town meeting held pursuant to the Maine Revised Statutes, Title 30-A, section 2525.

Public Law 1999, chapter 701 was enacted as an emergency measure effective April 14, 2000.

LD 2386

An Act to Allow Deer Hunting with Local Approval in Certain Areas Previously Permanently Closed to Deer Hunting

PUBLIC 636

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT VOLENIK	OTP-AM	S-575

LD 2386 proposed to establish a deer hunting season in the Town of Cranberry Isles in order to address deer overpopulation of 5 islands in this community.

Committee Amendment "A" (S-575) proposed to replace the bill and change the title of the bill. The amendment proposed to clarify that a permit is required from the Commissioner of Inland Fisheries and Wildlife in order for a person or persons to assist the commissioner in the taking and destroying of wildlife, repeal the requirement that special hunts take place between the close of the special muzzle-loading season

and January 31st and repeal the statutory prohibition on deer hunting in wildlife sanctuaries. The amendment also proposed to allow the commissioner to provide for an open season on deer in certain areas previously permanently closed to deer hunting if the affected towns approved of the opening. The amendment also proposed to allow, after July 1, 2001, deer hunting with shotgun or archery equipment on the Cranberry Isles under all applicable laws and regulations. The amendment also proposed to direct the commissioner to hold a depredation hunt for deer on the Cranberry Isles before holding any open season on those islands.

Enacted law summary

Public Law 1999, chapter 636, clarifies that a permit is required from the Commissioner of Inland Fisheries and Wildlife in order for a person or persons to assist the commissioner in the taking and destroying of wildlife, repeals the requirement that special hunts take place between the close of the special muzzle-loading season and January 31st and repeals the statutory prohibition on deer hunting in wildlife sanctuaries. This public law also allows the commissioner to provide for an open season on deer in certain areas previously permanently closed to deer hunting if the affected towns approve of the opening. The public law also allows, after July 1, 2001, deer hunting with shotgun or archery equipment on the Cranberry Isles under all applicable laws and regulations and directs the commissioner to hold a depredation hunt for deer on the Cranberry Isles before holding any open season on those islands.

LD 2468 An Act to Establish the Watercraft Enforcement Fund ONTP

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

LD 2468 was a concept draft which proposed to establish a Watercraft Enforcement Fund administered by the Department of Inland Fisheries and Wildlife to be used to support boating enforcement.

LD 2579 An Act to Provide an Angling Season for Atlantic Salmon DIED BETWEEN BODIES

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

LD 2579 proposed to allow a person to angle for and release unharmed Atlantic salmon from Maine waters from May 1st to July 5th and from the Sunday before Labor Day to October 10th.

Committee Amendment "A" (S-590) was the minority report of the committee and proposed to replace the bill and to designate the Penobscot River upstream of the Joshua Lawrence Chamberlain Bridge connecting the cities of Bangor and Brewer, the St. Croix River and the Saco River as Atlantic salmon restoration rivers. The amendment also proposed to establish catch and release fly-fishing only seasons for Atlantic salmon on those rivers. The amendment also proposed prohibiting the Atlantic Salmon

Commission from adopting rules placing limits on seasons or methods of taking Atlantic salmon on those rivers that are more restrictive than those established in this amendment.

LD 2603 **Resolve, Regarding Legislative Review of Chapter 25: Leashed Tracking Dog License Rules, Major Substantive Rules of the Department of Inland Fisheries and Wildlife** **RESOLVE 95 EMERGENCY**

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

LD 2603 proposed to authorize final adoption of Chapter 25 of the rules of the Department of Inland Fisheries and Wildlife pertaining to leashed tracking dog licenses.

Enacted law summary

Resolve 1999, chapter 95 approves major substantive rules of the Department of Inland Fisheries and Wildlife, Chapter 25, Leashed Tracking Dog License Rules.

Resolve 1999, chapter 95 was finally passed as an emergency measure effective March 30, 2000.

LD 2622 **Resolve, Authorizing the Commissioner of Inland Fisheries and Wildlife to Allow a Well and Waterline Easement** **RESOLVE 102 EMERGENCY**

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

LD 2622 proposed to authorize the Commissioner of Inland Fisheries and Wildlife to enter into an amendment of the conservation easement in the Rangeley River conservation corridor to allow the Department of Environmental Protection to develop a potable water supply for residents of Oquossoc Village in Rangeley.

Enacted law summary

Resolve 1999, chapter 102 authorizes the Commissioner of Inland Fisheries and Wildlife to enter into an amendment of the conservation easement in the Rangeley River conservation corridor to allow the Department of Environmental Protection to develop a potable water supply for residents of Oquossoc Village in Rangeley.

Resolve 1999, chapter 102 was finally passed as an emergency measure effective April 7, 2000.

LD 2645

**Resolve, to Create the Commission to Study Equity in the
Distribution of Gas Tax Revenues Attributable to Snowmobiles,
All-terrain Vehicles and Watercraft**

**RESOLVE 131
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

S-778 MICHAUD

LD 2645 is a unanimous bill reported by the Joint Standing Committee on Inland Fisheries and Wildlife pursuant to a Joint Order.

The resolve proposed to create the 15-member Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft. The proposed duties of the commission are:

1. To undertake a comprehensive effort to collect and analyze all existing data regarding the amount and type of fuel purchased for and consumed within this State by snowmobiles, all-terrain vehicles and motorboats and of fuel purchased in this State for those vehicles and consumed outside the jurisdiction of this State. The commission shall identify areas where such information is either incomplete or out of date or has not yet been collected and shall undertake such research as is necessary and within its resources to collect and update that information;
2. Based upon an analysis of the data collected, to determine the percentage of gasoline taxes collected under the Maine Revised Statutes, Title 36, section 2903 that is paid on gasoline consumed by snowmobiles, all-terrain vehicles and motorboats;
3. To assess the needs within the Department of Inland Fisheries and Wildlife, the Department of Conservation and the Department of Marine Resources for enforcement of existing snowmobile, all-terrain vehicle and watercraft laws; assess the capital needs for equipment or facilities for maintenance of trails or access to land or water; and determine how existing revenues received for snowmobile, all-terrain vehicle and watercraft programs are used within those departments;
4. To seek input from the public; and from organizations representing snowmobile, all-terrain vehicle and watercraft users, including the Maine Snowmobile Association, the University of Maine Agricultural Research Station and the Maine Marine Trade Association; and from other interested persons or organizations. In seeking that input, the commission shall, within its budgeted resources, hold its meetings in geographically diverse locations throughout the State;
5. To review a strategic boating plan developed by the Department of Inland Fisheries and Wildlife, the Department of Conservation and the Department of Marine Resources. Those departments are required to jointly prepare and submit to the commission a strategic boating plan that includes a plan for meeting the future freshwater and saltwater access and enforcement needs of the State; and
6. To collect other data and make such other recommendations as the commission considers appropriate on the issue of off-road fuel consumption.

The resolve proposed that the commission submit its report, along with any implementing legislation, to the First Regular Session of the 120th Legislature no later than November 1, 2000. The bill also proposed an

appropriation for the per diem and expenses of legislative members of the commission and other expenses of the commission, including expenses for meeting notices and printing of the required report.

Senate Amendment "A" (S-778) proposed to strike and replace the bill and to clarify the appointment of members to the study commission.

Enacted law summary

Resolve 1999, chapter 131 creates the 15-member Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft. The duties of the commission are to undertake a comprehensive effort to collect and analyze all existing data regarding the amount and type of fuel purchased for and consumed within this State by snowmobiles, all-terrain vehicles and motorboats and of fuel purchased in this State for those vehicles and consumed outside the jurisdiction of this State. The commission is required to submit its report, along with any implementing legislation, to the First Regular Session of the 120th Legislature no later than November 1, 2000.

Resolve 1999, chapter 131 was enacted as an emergency measure effective May 10, 2000.

LD 2670

An Act Regarding Lifetime Hunting and Fishing Licenses

**PUBLIC 690
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u> H-1064 DUNLAP
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LD 2670 is reported out unanimously by the Joint Standing Committee on Inland Fisheries and Wildlife pursuant to House Paper 1866.

The bill proposed to make lifetime hunting and fishing licenses available in January of 2001 for residents from 6 to 15 years of age, inclusive. The bill also proposed a sliding scale fee for the existing senior lifetime licenses and clarifies that persons 70 years of age or older remain entitled to a complimentary lifetime hunting and fishing license.

The bill also proposed that adult lifetime hunting and fishing licenses be available in January of 2006 for persons from 16 to 64 years of age and requires the Department of Inland Fisheries and Wildlife to submit its recommendations for a fee structure for such licenses to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters in January of 2005. That committee may then report out a bill to the first regular session of the 122nd Legislature to implement a fee structure for the adult lifetime hunting and fishing licenses.

House Amendment "A" (H-1064) proposed to strike the appropriation section and revise the fiscal note.

Enacted law summary

Public Law, chapter 690, makes lifetime hunting and fishing licenses available in January of 2001 for residents from 6 to 15 years of age, inclusive, creates a sliding scale fee for the existing senior lifetime licenses and clarifies that persons 70 years of age or older remain entitled to a complimentary lifetime hunting and fishing license.

This law also establishes that adult lifetime hunting and fishing licenses be available in January of 2006 for persons from 16 to 64 years of age and requires the Department of Inland Fisheries and Wildlife submit its recommendations for a fee structure for such licenses to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters in January of 2005. That committee may then report out a bill to the first regular session of the 122nd Legislature to implement a fee structure for the adult lifetime hunting and fishing licenses.

Public Law, chapter 690 was enacted as an emergency measure effective April 13, 2000.

LD 2671

**An Act to Implement Municipal Recommendations Regarding
Surface Water Use on Great Ponds**

**PUBLIC 697
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
S-639 GOLDTHWAIT

LD 2671 was reported out by a majority of the members of the Joint Standing Committee on Inland Fisheries and Wildlife pursuant to House Paper 1840.

This bill proposed to implement municipal recommendations regarding surface water use on great ponds (see enacted law summary for details).

Committee Amendment "A" (H-1030), the minority report of the Joint Standing Committee on Inland Fisheries and Wildlife, proposed the same measures as did the majority report except that it proposed to remove from the bill surface water use recommendations on 11 great ponds that were rejected by the subcommittee that reviewed the initial recommendations but were subsequently included in the bill by a majority vote of the committee.

Senate Amendment "A" (S-639) proposed to prohibit the operation of personal watercraft on Some Pond, Long Pond and Little Long Pond.

Enacted law summary

Public Law 1999, chapter 697 prohibits the operation of personal watercraft on Megunticook Lake in the Town of Camden, the Town of Hope and the Town of Lincolnville; on Hobbs Pond, Fish Pond and Alford Lake in the Town of Hope; on Norton Pond and Coleman Pond in the Town of Lincolnville; on Pitcher Pond in the Town of Lincolnville and the Town of Northport; on Torsey Lake in the Town of Mount Vernon and the Town of Readfield; on Trickey Pond in the Town of Naples; between sunset and 9:00 a.m. on Brandy Pond in the Town of Naples; on Fulton Lake in the Town of Northfield; on Knight Pond in the Town of Northport; on Moose Pond and Saturday Pond in the Town of Otisfield; on Tripp Pond, Upper Range Pond and Middle Range Pond in the Town of Poland; on Keewaydin Lake, Virginia Lake, Trout Pond, Weymouth Pond and Whitney Pond in the Town of Stoneham; on Lermond Pond in the Town of Union and the Town of Hope; on Pocasset Lake and Pickerel Pond in the Town of Wayne; on Androscoggin Lake in the Town of Wayne and the Town of Leeds; on Little Cobbosseecontee Lake in the Town of Winthrop, on Some Pond and Little Long Pond in the Town of Mount Desert and on Long Pond in the Towns of Mount Desert and Southwest Harbor.

The bill also prohibits the operation of watercraft at greater than headway speed within 1/2 mile of the boat launches located on the north and south ends of Torsey Lake in the Town of Mount Vernon and the Town of Readfield, prohibits the operation of a watercraft equipped with a motor greater than 10 horsepower on Cold Rain Pond in the Town of Naples and on Holt Pond in the Town of Naples and the Town of Bridgton and prohibits the operation of a watercraft equipped with a motor greater than 5 horsepower on Moose Pond in the Town of Otisfield. A prohibition on the operation of watercraft at greater than headway speed on Pickerel Pond in the Town of Wayne was added by PL 1999, chapter 790, the errors and inconsistencies legislation (see Judiciary Committee's bill summaries, LD 2334).

The bill also prohibits the operation of a rented or leased personal watercraft on Brandy Pond in the Town of Naples and on Long Lake in the Town of Naples, the Town of Bridgton and the Town of Harrison unless that personal watercraft has a decal affixed to it that identifies the rental agent.

Public Law 1999, chapter 697 was enacted as an emergency measure effective April 13, 2000.

LD 2691

An Act to Clarify the Law Enforcement Authority of Game Wardens

**PUBLIC 738
EMERGENCY**

<u>Sponsor(s)</u> KILKELLY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 2691 proposed to clarify the law enforcement authority of game wardens. See LD 2274, a similar bill.

Enacted law summary

Public Law 1999, chapter 738 amends the laws delineating wardens' powers to provide authority to stop a motor vehicle or watercraft, as those terms are defined in the fish and wildlife laws, only when the warden is in uniform and has reasonable and articulable suspicion to believe that a violation has taken place or is taking place. This power is consistent with the general authority of law enforcement officers to stop motor vehicles under the Maine Revised Statutes, Title 29-A.

This law authorizes game wardens to make regulatory stops to determine compliance with license, permit, equipment or other requirements or restrictions when the following circumstances exist:

1. The game warden is in uniform;
2. The person is in the act of hunting, fishing or trapping; and
3. The person is not in or on a motor vehicle. The definition of "motor vehicle" in the fish and wildlife laws excludes motorboats but includes all other motor-driven vehicles.

This law also clarifies that wardens have the authority to establish checkpoints to collect statistics and determine compliance with the fish and wildlife laws. Such checkpoints must be established pursuant to policy established by the Commissioner of Inland Fisheries and Wildlife. Current law authorizes wardens to issue citations and prosecute violations and to seize fish and wildlife unlawfully taken.

Finally, this law states that wardens' primary responsibility is enforcement of laws protecting fish and wildlife.

Public Law 1999, chapter 738 was enacted as an emergency measure effective April 25, 2000.

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Joint Standing Committee on Judiciary

LD 260

An Act to Enhance the Enforcement of Civil and Criminal Violations

PUBLIC 771

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON MILLS	OTP-AM	H-1056 S-741 MICHAUD

LD 260 was a concept draft pursuant to Joint Rule 208. The bill proposed to build on the work undertaken by the task force created by Resolve 1997, chapter 103 by doing at least the following:

1. Increase the collection of fines, forfeitures and costs imposed by courts for civil and criminal violations;
2. Expand the jurisdiction of the District Court Violations Bureau to include all civil violations;
3. Prohibit issuance and renewal of any license or other credential issued by the State if fines, penalties or forfeitures to the State remain unpaid; and
4. Decriminalize selected motor vehicle, marine resources and fish and wildlife violations.

Committee Amendment "A" (H-1056) proposed to replace the bill.

Part A proposed to expand the jurisdiction of the Violations Bureau of the District Court to include all civil violations, not just traffic infractions, except specific civil violations. Part B proposed to make certain crimes enforced by the Department of Inland Fisheries and Wildlife civil violations. Part C proposed to make certain marine resources crimes civil violations. Part D proposed to make certain motor vehicle crimes traffic infractions. It also proposed to revise the law governing permitting unlawful use.

Senate Amendment "A" to Committee Amendment "A" (S-741) proposed to strike Part A of Committee Amendment "A," which proposed to expand the jurisdiction of the violations bureau of the District Court, and Part E, which proposed to provide funds for costs associated with the expansion of the violations bureau.

Enacted law summary

Public Law 1999, chapter 771 enhances the enforcement of certain fish and game, marine resources, and motor vehicle laws by making certain crimes civil violations. Violations that are affected include:

1. For the Department of Inland Fisheries and Wildlife violations, certain water-skiing, motorboat, airmobile, snowmobile, all-terrain vehicle and field dog training violations;
2. For the Department of Marine Resources violations, violations relating to obstructing fishways, fish kills, lobster harvester logbooks, dumping dead marine animals or scaled fish, monofilament nets,

marking ice fishing shacks, herring measurement, sealing boats, taking Pacific salmon, diver's down flags, noncommercial scallop licenses, lobster shipping containers, shrimp labeling and cultchless American oysters; and

3. For motor vehicle violations, certain violations relating to odometers, dealers' licenses and dealers' plates, vehicle auction licenses and records, the time period for obtaining a driver's license, insurance for dealers and transporters, regrooved tires and railroad grade crossings. This Part also corrects language concerning contesting summonses. It also revises the law governing permitting unlawful use. This amendment makes it a traffic infraction for a vehicle owner to allow another person to use the vehicle when the driver commits a traffic infraction with the vehicle. Current law makes all permitted unlawful use a Class E crime.

Chapter 771 applies to violations committed on or after July 1, 2001.

LD 347

An Act to Amend the Installment Payment Order Capability of the Disclosure Court

PUBLIC 587

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNE	OTP-AM MAJ	H-816
BENNETT	ONTP MIN	

LD 347 proposed to amend the law that determines the maximum amount that the Disclosure Court can order a judgment debtor to pay to a judgment creditor in installment payments to pay off a debt that the court has already determined to be due to the creditor. Under current law, a judgment debtor receiving money from sources exempt from attachment and execution may not be ordered to pay any of that money to judgment creditors. LD 347 proposed to allow a court to order installment payments where the money received is exempt from attachment and execution and is, either alone or in combination with nonexempt money, sufficient in quantity to allow the court to order an installment payment, under the calculation provided in current law. The bill does not propose to allow a court to order the garnishment, withholding or attachment of any exempt money. The bill also proposed to repeal an unused provision of current law that permits a court in a small claims action to order a judgment debtor to pay up to \$15 per month if the debtor is shown not to be indigent.

Committee Amendment "A" (H-816) proposed to replace the bill. It proposed to rewrite the section of law relating to installment payment orders to make it easier to read. It also proposed to make a substantive change in law by allowing the court, in determining a debtor's ability to make installment payments, to consider income that is exempt from attachment and execution, such as veterans' benefits and social security benefits. The exempt income would be used to calculate the maximum installment payment the court could order, but would not be subject to attachment. Only nonexempt income would be subject to the order and to potential attachment.

Enacted law summary

Public Law 1999, chapter 587 allows a court, in determining a debtor's ability to make installment payments to a creditor, to consider income that is exempt from attachment and execution, such as veterans' benefits and social security benefits. The exempt income would be used to calculate the maximum installment payment the court could order, but would not be subject to attachment.

LD 470

An Act Requiring Compensation for Loss of Property Value Due to State or Local Regulation

ONTP

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

LD 470 proposed to require the State and its political subdivisions to pay property owners when state or local regulations lower the owner's property value by more than 50%. See also LD 1990 and 2121.

Committee Amendment "A" (H-872), the minority report, proposed to add a fiscal note to the bill. (Not adopted)

LD 687

An Act Regarding Wrongful Death Actions

PUBLIC 772

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER DOUGLASS	OTP-AM MAJ ONTP MIN	H-871 S-606 NUTTING J

LD 687 proposed to remove the current cap of \$150,000 on the amount of damages that may be awarded in a wrongful death action to the family of the deceased to compensate for the loss of comfort, society and companionship of the deceased. Damages would be awarded in an amount the jury considered fair and just.

Committee Amendment "A" (H-871), the majority report, proposed to add an application section to the bill, providing that the repeal of the cap on certain damages in a wrongful death action applies to causes of action arising on or after the effective date of the Act.

Senate Amendment "A" (S-606) proposed to replace the committee amendment. Instead of removing the cap on damages for the loss of comfort, society and companionship, the amendment proposed to raise the cap to \$400,000, to match the limitation on damages for claims against governmental entities allowed under the Maine Tort Claims Act.

Enacted law summary

Public Law 1999, chapter 772 raises from \$150,000 to \$400,000 the cap on the amount of damages that may be awarded in wrongful death actions to the family of the deceased to compensate for the loss of comfort, society and companionship of the deceased.

LD 1010

An Act Regarding the Family Court

ONTP

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

LD 1010 proposed to give the family case management officer in the Family Division of the District Court authority to hear contested family cases and enter final orders if both parties agree.

LD 1251

An Act to Change the Reimbursement Rate for Law Enforcement Personnel Who Testify in Court

INDEF PP

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

LD 1251 proposed to increase the reimbursement fee paid to a municipality by the court for each day a law enforcement officer is physically present for a scheduled trial in District Court from \$25 a day to \$50 a day. The substance of LD 1251 was enacted as Part CCCC of the Supplemental Budget Bill, Public Law 1999 chapter 731.

LD 1294

An Act to Provide for a Limited Waiver of Immunity

PUBLIC 572

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POWERS	OTP-AM MAJ ONTP MIN	H-815

LD 1294 proposed to waive a portion of charitable immunity so that directors, officers and volunteers of charitable organizations may be sued and held liable for harm they cause while operating vehicles, vessels or aircraft, to the extent of their insurance coverage. The bill also proposed to void, as contrary to public policy, any provision in an insurance policy that attempts to limit or exclude coverage for claims authorized by the bill.

Committee Amendment "A" (H-815), the majority report, proposed to exclude umbrella insurance coverage from the limit of recovery in the bill.

Enacted law summary

Public Law 1999, chapter 572 waives immunity from tort liability for directors, officers or volunteers of charitable organizations who cause harm while operating vehicles, vessels or aircraft. Damages against such a person may not exceed the amount of insurance coverage held by that person to cover such claims. The bill also voids, as contrary to public policy, any provision in an insurance policy that attempts to limit or exclude coverage for claims that are authorized by this law.

LD 1303

An Act to Amend the Statute of Limitations for Medical Malpractice

ONTP

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

LD 1303 proposed to amend the statute of limitations relating to health care providers and health care practitioners. The bill proposed to require an action for professional negligence to be commenced within 3 years after a plaintiff discovers, or in the exercise of reasonable diligence should have discovered, the injury but not more than 6 years after the cause of action accrues.

LD 1471

An Act to Amend the Laws Governing Wrongful Death

ONTP

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

Under current law, the statute of limitations for commencement of a lawsuit based on the professional negligence of a health care provider or practitioner is 3 years from the date of the alleged negligent act, whether that act is alleged to have caused an injury or death. LD 1471 proposed to permit an extension of that limitation period in certain circumstances. When the lawsuit results from an alleged wrongful death, the bill proposed that the limitation period be 2 years from the date of death, as currently provided under the Maine Probate Code, if the death occurred within the 3-year period provided under the Maine Health Security Act. In such a lawsuit, all other provisions of the Maine Probate Code's wrongful death statute, including caps on the amount of damages recoverable, would apply.

LD 1557

An Act to Expand a Judge's Powers for Contemptuous Failure to Pay

PUBLIC 743

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM MAJ ONTP MIN	S-668

LD 1557 proposed to expand the remedies a court has when finding a person in civil contempt for failure to pay a fine, surcharge or assessment for the violation of any civil or criminal statute. In addition to a reasonable fine and term of imprisonment, the bill proposed to allow the court to suspend any license or registration issued by the State, including hunting and fishing licenses and drivers' licenses, after finding a person has contemptuously failed to pay a fine or other monetary part of a sentence.

Committee Amendment "A" (S-668) proposed to require the court to provide notice of suspension to the agency that issued the license or other authority. It also proposed to delete changes to the motor vehicle laws. The amendment also proposed to add an appropriation section and a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 743 expands the remedies a court has when finding a person in civil contempt for failure to pay a fine, surcharge or assessment for the violation of any civil or criminal statute. In addition to a reasonable fine and term of imprisonment, the court may suspend any license or registration issued by the State, including hunting and fishing licenses and drivers' licenses.

LD 1603

An Act to Amend the Wrongful Death Laws

ONTP

<u>Sponsor(s)</u> LAFOUNTAIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1603 proposed to eliminate the current cap of \$150,000 that may be awarded in wrongful death actions for loss of comfort, society and companionship and the current cap of \$75,000 that may be awarded in punitive damages.

LD 1620

Resolve, to Establish the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf and to Continue Oversight of Multiagency Cooperation

**RESOLVE 127
EMERGENCY**

<u>Sponsor(s)</u> TOWNSEND		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-979 S-770 MICHAUD
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LD 1620 proposed to allow any person who was a student at the Governor Baxter School for the Deaf between 1974 and 1998 to bring an action against the school notwithstanding any provision of the law limiting the time period for which an action may be commenced or concerning the Maine Tort Claims Act. A person bringing an action pursuant to this resolve would have 3 years from the effective date of the resolve to file the action.

Committee Amendment "A" (H-979) proposed to replace the resolve. It proposed to establish a 5-member committee, consisting of Legislators, to develop a compensation program for victims of abuse at the Governor Baxter School for the Deaf. It also proposed to require reports from the Department of Education, the Department of Labor, the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services concerning their multiagency efforts to address the response to abuse of students at the Governor Baxter School for the Deaf and the provision of services to the Deaf community.

Senate Amendment "A" to Committee Amendment "A" (S-770) proposed to clarify the naming of cochairs and change the convening date of the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf.

Enacted law summary

Resolve 1999, chapter 127 establishes a 5-member committee, made up of Legislators, to develop a compensation program for victims of abuse at the Governor Baxter School for the Deaf. It lists specific items that must be considered in the study process and elements that must be included in the program. It includes resources to make use of consultants and participants from other compensation programs. The study committee must report to the First Regular Session of the 120th Legislature by November 1, 2000 with any implementing legislation. At least partial funding for compensation is included in the Budget Bill, Public Law 1999, chapter 731, Part PPP.

Chapter 127 also requires reports from the Department of Education, the Department of Labor, the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services concerning their multiagency efforts to address the response to abuse of students at the Governor Baxter School for the Deaf and the provision of services to the Deaf community. Reports are due by August 1, 2000 and January 31, 2001.

Resolve 1999, chapter 127 was finally passed as an emergency measure effective May 10, 2000.

LD 1717 An Act to Make Privileged Communication Between a Licensed Counseling Professional and a Patient ONTP

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

LD 1717 proposed to amend the statutory privilege for communication between a licensed professional counselor and a patient made during the course of professional counseling services.

LD 1771 An Act to Establish a Limit on Noneconomic Damages in Medical Malpractice Actions ONTP

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

LD 1771 proposed to set a limit of \$250,000 on non-economic damages in medical liability actions.

<u>Sponsor(s)</u> MILLS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-558
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LD 1795 proposed to restructure the comparative negligence laws and define how they should apply in cases with multiple defendants. The bill also proposed to restructure the laws dealing with release of joint tortfeasors when settlement is not reached and clarify how the judge applies offsets against subsequent verdicts when there have been prejudgment settlements. The bill also proposed to authorize the courts to approve Pierringer release procedures in complex litigation.

Committee Amendment "A" (S-558) proposed to replace the bill. It proposed to authorize the courts to approve Pierringer release and dismissal procedures in multiparty litigation.

Enacted law summary

Public Law 1999, chapter 633 authorizes the courts to approve Pierringer release and dismissal procedures in multiparty litigation. In a Pierringer release, the plaintiff gives up that share of recovery that is proportional to the settling defendant's fraction of responsibility. The purpose of a Pierringer release is to permit one defendant to settle with the plaintiff and to withdraw finally from the suit even when there are cross claims against the defendant. Chapter 633 also contains safeguards to protect nonsettling parties from being prejudiced by the absence of the settling defendant.

<u>Sponsor(s)</u> DUNLAP KILKELLY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1820 proposed to enhance the enforcement of fish and game laws by redefining several crimes as civil violations to allow efficient processing by the courts and to reduce the number of contested cases. Violators would have retained the right to contest the matter in court. The bill also proposed to revise the responsibilities of game wardens by allowing them to take cash or credit card payments for bail in any location when an arrest is made. Game wardens making arrests in Cumberland County would have been permitted to take the defendant to any District Court serving Cumberland County, rather than being limited to the closest court.

This bill was referred to the Judiciary Committee from the Joint Standing Committee on Inland Fisheries and Wildlife. The crimes proposed to be decriminalized in this bill are included in Committee Amendment "A" to LD 260, Public Law 1999, chapter 771.

LD 1941

An Act Regarding Involuntary Commitment for Substance Abuse

ONTP

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

LD 1941 proposed a process for the involuntary commitment of persons in need of treatment for substance abuse or substance addiction.

LD 1961

An Act to Amend the Right of Entry Clauses

INDEF PP

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

LD 1961 proposed to amend the right of entry clauses for the Maine Land Use Regulation Commission, the Bureau of Parks and Lands and the Department of Environmental Protection, and under the forest practices laws. The bill proposed that entry upon private land by an agent or employee of the agencies or department is a trespass unless:

1. The owner or occupant of the land provides express permission;
2. The entry is pursuant to a warrant specifying the scope of the search to be undertaken; or
3. The agent or employee has a good and sufficient reason to suspect a violation, supported by oath or affirmation, and specifying the law violated.

The bill proposed an exception for responding to an emergency in which human life is threatened.

Committee Amendment "A" (H-981), the minority report, it proposed to replace the bill to change the prerequisites that apply to entry on private land by Maine Land Use Regulation Commission staff, forest rangers, employees and agents of the Bureau of Parks and Lands, employees and agents of the Bureau of Forestry and employees and agents of the Department of Environmental Protection. The amendment proposed that entry on property posted for limited entry may be made only if the person has a warrant issued by a court of competent jurisdiction or if the owner has given consent to the entry. If the landowner has been issued a permit by one of these state agencies, then the owner is deemed to have given consent for the entry. The amendment proposed that land is conspicuously posted for limited entry if the posting meets the requirements of the criminal trespass laws in the Maine Revised Statutes, Title 17-A, section 402, subsection 4. Signs meeting the requirements of Title 17-A, section 402, subsection 4 would have been permitted to indicate that access by state employees or consultants for the purposes of making inspections, surveys, examinations and evaluations and otherwise ensuring compliance is prohibited without obtaining a warrant or the consent of the owner. Entry onto private land or waters in violation of these requirements would have been a trespass, unless the entry is part of that agency's emergency response.

LD 1971

An Act Regarding Property Tax Liens

ONTP

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

LD 1971 proposed to require the former owner of real property to notify the State Tax Assessor and the local tax assessor of the transfer of the property within 10 days of the transfer. It also proposed to require a lien on real estate to be placed in the name of the new owner if the assessor has written notice of the change in ownership.

LD 1990

An Act to Require Economic and Taking Impact Analyses to Protect Individual Rights

ONTP

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

LD 1990 proposed to create the Private Property and Individual Rights Protection Act, which would have required economic impact analyses and takings impact analyses to be conducted prior to the adoption or enactment of all laws, policies, regulatory actions or local ordinances. The bill also proposed to require the State and its political subdivisions to comply with the constitutional takings principles espoused in several state and federal court cases. See also LD 470 and 2121.

LD 2014

An Act to Provide for the Establishment of Alcohol and Drug Treatment Programs in Maine Courts

PUBLIC 780

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W AMERO	OTP-AM	H-1047 S-748 MICHAUD

LD 2014 proposed enabling legislation for the creation of substance abuse treatment courts, also known as "drug courts," throughout the State. The bill also proposed to provide continuing financial support for Cumberland County's "Project Exodus," the one existing substance abuse treatment court in the State.

Committee Amendment "A" (H-1047) proposed to replace the bill. It proposed to authorize the Judicial Department to establish alcohol and drug court treatment programs in the Superior Courts and District Courts. The amendment proposed that the Judicial Department establish a Drug Court Committee to plan for and implement the alcohol and drug treatment programs. The plan would have to include at least the specified subjects, including locating an alcohol and drug treatment program in each prosecutorial district. The amendment proposed that the Drug Court Committee report to the 120th Legislature and the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 2001. The amendment proposed to add an appropriation section and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-748) proposed to strike the appropriation section and replace it with a one-time funding of \$20,000 for judicial training.

Enacted law summary

Public Law 1999, chapter 780 authorizes the Judicial Department to establish alcohol and drug court treatment programs in the Superior Courts and District Courts. The Judicial Department is required to establish a Drug Court Committee to plan for and implement the alcohol and drug treatment programs. The plan must include at least the specified subjects, including locating an alcohol and drug treatment program in each prosecutorial district. The Drug Court Committee shall report to the 120th Legislature and the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 2001. The report must include the plan and any legislative recommendations. The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation based on the recommendations. Funding for judicial training is included in chapter 780; funding for the judicial Department's Drug Court Coordinator is included in the Budget Bill, Public Law 1999, chapter 731, Part VV.

LD 2051

An Act to Clarify the Immunity of Law Enforcement Officers in Enforcing Protective Orders

ONTP

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

LD 2051 proposed to clarify that the immunity from civil liability provided under the Maine Tort Claims Act applies to law enforcement officers enforcing protective orders regardless of where those orders were issued.

LD 2067

An Act to Expand Pretrial Services for the Bail and Supervision of Criminal Defendants Statewide

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FRECHETTE MURRAY	OTP-AM MAJ ONTP MIN	H-1070

LD 2067 proposed to direct the State Court Administrator of the Administrative Office of the Courts to establish guidelines for and award contracts to providers of pretrial services. The bill proposed to ensure that alternatives to bail are provided for indigent defendants throughout the State.

Committee Amendment "A" (H-1070) proposed to replace the bill by establishing the Pretrial Services Fund within the Judicial Department. The amendment proposed that the State Court Administrator would award grants from the fund in amounts not exceeding \$20,000 to counties that apply and meet the criteria established by rules adopted by the State Court Administrator. The grants would have to be used to provide pretrial services. The State Court Administrator would have adopted rules to govern the program. The amendment proposed that the Fund would be repealed on July 1, 2002. The amendment proposed an appropriation of \$100,000 to fund the grants.

LD 2072

An Act to Clarify Signature Requirements on Certain Legal Documents

PUBLIC 711

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP-AM	H-1048

LD 2072 proposed to state that electronic signatures and electronic records have the same legal force and effect as manual signatures and non-electronic records. It also proposed to make such records and signatures admissible into evidence in legal proceedings.

Committee Amendment "A" (H-1048) proposed to replace the bill. It proposed to specify that electronic signatures, digital signatures and other signatures effected by electronic means are not valid on documents purporting to affect title to real property or on certain types of powers of attorney. This law would apply, regardless of any general law purporting to validate such signatures.

Enacted law summary

Public Law 1999, chapter 711 provides that electronic signatures, digital signatures and other signatures effected by electronic means are not valid on documents purporting to affect title to real property or on a power of attorney, notwithstanding any general law that validates such signatures.

LD 2121

An Act Regarding Regulations and Compensation to Property Owners

ONTP

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

LD 2121 proposed to allow a property owner to seek compensation from a unit of government in Maine when a regulation imposed by that unit of government reduces the fair market value of the property and there is destruction or damage to or trespass upon the property or a loss of the rightful use of the property. Compensation must be equivalent to the loss in value. The bill proposed to provide exceptions to compensation for regulations that protect public health and safety or that produce benefits to the property owner that equal or exceed the loss in value. See also LD 470 and LD 1990.

LD 2178

An Act to Amend the Act to Implement the Maine Indian Claims Settlement Concerning the Houlton Band of Maliseet Indians

ONTP

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

LD 2178 is a concept draft pursuant to Joint Rule 208. It proposed to amend the Act to Implement the Maine Indian Claims Settlement to give the Houlton Band of Maliseet Indians the same status as the Passamaquoddy Tribe and the Penobscot Indian Nation under that Act.

LD 2213

An Act to Create and Regulate the Profession of Legal Document Technician

ONTP

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

LD 2213 proposed to create and regulate the profession of legal document technician. The bill proposed to define a legal document technician as a person who, for compensation, provides a legal form to a client or fills in, files or serves a legal form pursuant to a specific request by a client. The bill proposed to prohibit a legal document technician from providing advice, explanation, opinion or recommendation to a client concerning legal rights, remedies, defenses, options, strategies or selection of forms or any other service that the legal document technician is not specifically authorized to provide. In addition to specifying the types of services that legal document technicians may provide, the bill proposed penalties for legal document technicians who provide unauthorized services.

LD 2226

An Act Relating to Remedies for Unlawful Housing Discrimination

ONTP

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

LD 2226 proposed to amend the Maine Human Rights Act by removing limitations of attorney's fees and damages for civil actions based upon discrimination in housing.

LD 2239

An Act to Ensure Civil Rights and Prevent Discrimination

PUBLIC 629

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON	OTP-AM A	S-624
SAXL M	ONTP B	
	OTP-AM C	

LD 2239 proposed to amend the Maine Human Rights Act to add “sexual orientation” to the list of prohibited bases for discrimination in employment, housing, public accommodations and credit. The bill proposed to exempt from the prohibition religious organizations that receive no public funding. The bill proposed to make clear that the change in the law does not confer legislative approval of or special rights to anyone or any group. The bill also proposed to require that it be submitted to the voters and approved at the next general election before it takes effect.

Committee Amendment "A" (S-624), the majority report of the committee, proposed to further define the term "sexual orientation" and to expand the exemption to all religious entities, including educational institutions and charitable nonprofit organizations that are wholly or substantially funded, controlled, managed or owned by a religious corporation, association or society. It also proposed to add 3 provisions to the construction section of the Maine Human Rights Act to clarify that, notwithstanding the exemption

for religious entities, a state contract, including a contract with religious entities, may require nondiscrimination as a condition of the contract. It also proposed to clarify that the bill does not require schools to incorporate sexual orientation in curricula; does not require affirmative action based on sexual orientation; and does not require or prohibit the provision of employee benefits to an individual for the benefit of the individual's partner. Finally, the amendment proposed to change the wording of the referendum question to clarify it.

Committee Amendment "B" (S-625), one of the minority reports of the committee, proposed to further define the term "sexual orientation." It also proposed to clarify that the bill does not require schools to incorporate sexual orientation in their curricula, does not require affirmative action based on sexual orientation and does not require nor prohibit the provision of employee benefits to an individual for the benefit of the individual's partner. Finally, the amendment proposed to remove the section requiring approval of the voters at a referendum election.

Enacted law summary

Public Law 1999, chapter 629 proposes to amend the Maine Human Rights Act to prohibit discrimination on the basis of sexual orientation in employment, housing, public accommodation and credit. The law will become effective if approved by voters at a November 2000 referendum.

Religious entities, including certain nonprofit organizations and educational institutions, are exempt from the prohibition against discrimination on the basis of sexual orientation. However, a state agency may include nondiscrimination requirements in any contract with a religious entity. The law does not require schools to include sexuality or sexual orientation in their curricula, nor does it create affirmative action requirements or requirements for employers to provide domestic partner benefits.

LD 2245

An Act to Adopt the Model Revised Article 9 Secured Transactions

PUBLIC 699

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON LONGLEY	OTP-AM	H-1109

LD 2245 proposed to adopt Revised Article 9 of the Uniform Commercial Code, adopted by the National Conference of Commissioners on Uniform State Laws. Part A of the bill proposed to repeal the Maine Revised Statutes, Title 11, Article 9 and enact a new Title 11, Article 9-A. Part B of the bill proposed to make necessary conforming amendments and recommended changes to the other articles of Uniform Commercial Code to provide consistency with the new Article 9-A. The bill proposed that Parts A and B take effect July 1, 2001. Part C proposed to give the Secretary of State rulemaking authority to adopt rules prior to July 1, 2001 to carry out Article 9-A as soon as it is in effect.

Committee Amendment "A" (H-1109) proposed to incorporate recommended changes to Revised Article 9 of the Uniform Commercial Code made by the Office of the Secretary of State and the Maine State Bar Association's Bar Committee Report on Revised Article 9. It also proposed many technical corrections to the original bill, as well as technical and some minor substantive changes to the Uniform Act recommended by the National Conference of Commissioners on Uniform State Laws after the original bill was printed.

The amendment proposed several nonuniform changes. Nonuniform amendments are accompanied by Maine Comments to explain the deviations.

Part D proposed updated cross-references. It also proposed to amend Title 29-A, section 702 by removing the relation back provision in the law governing title to motor vehicles, consistent with the revised operation of sections 9-1303 and 9-1311, and instead incorporating by reference the new, more complex rules found in Part 3 of Article 9-A. The proposed exception to this incorporation is to retain the special treatment Maine has for out-of-state, over-the-road trailers that use Maine as a "safe harbor" for registrations and titling. The special rule proposed to validate a Maine title until it is, in fact, surrendered. This is a nonuniform provision. The uniform rule would allow a newly issued, fraudulent, foreign title to trump a Maine title.

Enacted law summary

Public Law 1999, chapter 699 enacts changes recommended by the National Conference of Commissioners on Uniform State Laws as revisions to the Uniform Commercial Code, Article 9, on secured transactions. Changes recommended by the Office of the Secretary of State and the Maine State Bar Association's Bar Committee Report on Revised Article 9 are included. Several of the changes incorporated are nonuniform; that is, Maine Article 9-A will not be exactly the same as the Uniform Act. Nonuniform provisions are accompanied by Maine Comments to explain the deviations. The "safe harbor" provisions in Title 29-A for out-of-state, over-the-road trailers are updated.

LD 2267

An Act to Amend the Definition of Marital Property

PUBLIC 665

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP-AM MAJ ONTP MIN	H-917

LD 2267 proposed to amend the definition of "marital property" to specifically exclude any increase in the value of an intangible asset, such as stocks or bonds, if the asset was acquired prior to the marriage or by gift, bequest, devise or descent.

Committee Amendment "A" (H-917) proposed to replace the bill. It proposed to exclude the increase in value of nonmarital property from the definition of marital property if no marital effort or money is expended. The amendment also proposed to expand the exception to the marital property presumption to include nonmarital property acquired during the marriage.

Enacted law summary

Public Law 1999, chapter 665 revises the definition of marital property to respond to the decisions of Clum v. Graves, 1999 ME 77 and Harriman v. Harriman, 1998 ME 108 and makes two changes to the operation of Maine's marital property law. First, it excludes the increase in value of nonmarital property from the definition of marital property if no marital effort or money is expended. The portion of the increase resulting from the reinvestment of the property's income or appreciation during the marriage remains nonmarital, so long as neither spouse had a substantial and active role in the management, preservation or improvement of the property during the marriage. On the other hand, if funds invested in a spouse's nonmarital account involved the substantial active involvement of either or both spouses, the increase in

value may be found to be marital property. The determination of what constitutes "substantial and active" involvement by a spouse will depend upon the type of management, maintenance or improvement customarily associated with the type of property at issue. Chapter 665 also expands the exception to the marital property presumption to include nonmarital property acquired during the marriage. The predecessor provision applied to only the "increase in value of property acquired prior to the marriage." This change modifies this limiting language so that it now applies to all nonmarital property, whether acquired prior to marriage or during the marriage through gift, bequest, devise or descent or property excluded by agreement of the parties. Public Law 1999, chapter 790, Part I makes the changes in chapter 665 apply to pending cases.

LD 2268

An Act to Ensure that Reports Commissioned by the State are Submitted in Writing or Other Reproducible Format

PUBLIC 623

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHICK LIBBY	OTP-AM	H-953

LD 2268 proposed to require any report commissioned in whole or in part by the State or any of its political subdivisions to be reduced to writing and delivered to the State or political subdivision that commissioned the report. This bill also proposed to amend the definition of "public records" in freedom of access law to include reports.

Committee Amendment "A" (H-953) proposed to replace the bill. It proposed to apply to state contracts for \$10,000 or more that include a report back to the contracting agency, to require that the contract include a requirement that the report be in writing or in another reproducible nontransitory medium, to require that the report include the substantive conclusions disclosed to the agency contracting for the report, and to require that the report also either include a summary of the information and data on which the conclusions were based or identify the source of the information and data. The amendment proposed that the agency maintain a copy of the report in its custody.

Enacted law summary

Public Law 1999, chapter 623 requires that state contracts for \$10,000 or more require a report back to the contracting agency, and that the report must be in writing or in another reproducible nontransitory medium. Electronic or other media may be used as long as the report can be reproduced. The report must include the substantive conclusions disclosed to the agency contracting for the report. It must also either include a summary of the information and data on which the conclusions were based or identify the source of the information and data. The agency must maintain a copy of the report in its custody.

LD 2271

An Act to Clarify the Laws Governing Service of Protection from Harassment Orders in Court

**PUBLIC 542
EMERGENCY**

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

LD 2271 proposed to allow a court security officer qualified pursuant to the Maine Revised Statutes, Title 4, section 17, subsection 15 to serve a defendant personally with any protective order or consent decree if the defendant is present in the courthouse.

Enacted law summary

Public Law 1999, chapter 542 allows a court security officer qualified pursuant to the Maine Revised Statutes, Title 4, section 17, subsection 15 to serve a defendant personally with any protective order or consent decree if the defendant is present in the courthouse.

Public Law 1999, chapter 542 was enacted as an emergency measure effective March 6, 2000.

LD 2276

An Act to Revise the Spousal Support Statute

PUBLIC 634

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-915

LD 2276 is a recommendation of the Family Law Advisory Commission pursuant to the Maine Revised Statutes, Title 19-A, section 354, subsection 2. This bill proposed to replace the current law on spousal support with more comprehensive requirements concerning the award of spousal support.

Committee Amendment "A" (H-915), the majority report, proposed to clarify the application subsection of the new section that establishes standards and guidelines for spousal support. The Committee Amendment Summary includes a more detailed description of the bill as amended.

Enacted law summary

Public Law 1999, chapter 634 is a recommendation of the Family Law Advisory Commission pursuant to the Maine Revised Statutes, Title 19-A, section 354, subsection 2. It replaces the current law on spousal support with more comprehensive requirements concerning the award of spousal support. Chapter 634 requires the courts to approach the determination of spousal support in a uniform manner. It also establishes two rebuttable presumptions designed to bring greater uniformity and predictability to spousal support determinations. Because the presumptions are rebuttable, the courts will retain their traditional discretion to fashion spousal support awards that are responsive to the particular circumstances of each case.

Chapter 634 also permits a spousal support award to provide that all or a portion of the award, including, but not limited to, the limitations associated with the award, is not subject to future modification. Under existing law, the question of whether a spousal support award may be modified can be the subject of lengthy and expensive litigation even in those cases in which the parties had previously entered into a written antimodification agreement.

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-817
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LD 2285 proposed to remove language from the Maine Probate Code governing the proceedings for reviewing trustees to return it to the version contained in the Uniform Probate Code, amending a nonuniform section so as to reflect current market practices.

Committee Amendment "A" (H-817) proposed to add specific factors that the court may include as guides in its determination whether compensation paid to a testamentary trustee or to other persons employed by the testamentary trustee to provide services is reasonable. The factors are the same as apply to personal representatives under the Maine Revised Statutes, Title 18-A, section 3-721. The amendment proposed to specifically allow compensation calculated on a percentage basis as long as the compensation is reasonable.

Enacted law summary

Public Law 1999, chapter 571 adds specific factors that the court may include as guides in determining whether compensation paid to a testamentary trustee or to other persons employed by the testamentary trustee to provide services is reasonable. The factors are the same as apply to personal representatives under the Maine Revised Statutes, Title 18-A, section 3-721. Because the Supreme Judicial Court in Estate of Davis, 509 A.2d 1175 (Me. 1986) interpreted the order of the factors as implying the relative importance of each factor in determining the reasonableness of fees charged by a personal representative, chapter 571 clearly states that the order does not imply that one factor is necessarily more important than any other factor. Chapter 571 specifically allows compensation calculated on a percentage basis as long as the compensation is reasonable.

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-1032
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LD 2286 proposed to make a jury trial unavailable in a proceeding to establish paternity. The bill also proposed to amend the definition of "applicant" to include those persons receiving services under the Maine Revised Statutes, Title 19-A, section 2108.

Committee Amendment "A" (H-1032) proposed to amend the bill to keep paternity actions within the jurisdiction of both the Superior and District Courts.

Enacted law summary

Public Law 1999, chapter 704 provides that a jury trial is not available in a proceeding to establish paternity. Federal law mandates this change. The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, Section 331, 110 Stat. 2105 amended Title 42 of the

United States Code, Section 666(a)(5) to mandate that each state must have in effect procedures providing that the parties to an action to establish paternity are not entitled to a jury trial.

Chapter 704 also amends the definition of "applicant" to include those persons receiving child support enforcement services under the Maine Revised Statutes, Title 19-A, section 2108.

LD 2290

**An Act to Improve Business Entity Filings and Authorize Mergers,
Consolidations and Conversions of Various Business Entities**

PUBLIC 638

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-965
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LD 2290 proposed to authorize mergers and consolidations between corporations and other business entities; to permit same-entity and inter-entity mergers and consolidations for business entities other than corporations; and to set a fee for these new filings. The bill proposed to allow any business entity other than a general partnership to convert to another type of business entity.

In order to provide consistency in certain fee amounts, this bill proposed to increase the amendment fee for all business corporations; increase the fee for mergers of foreign business corporations; and decrease the amendment fees, as well as the initial fee for organizing or qualifying a limited liability company, limited partnership and limited liability partnership.

The bill proposed to allow limited liability companies, limited liability partnerships and limited partnerships to use an assumed name that does not include the respective designations "LLC," "LLP" and "LP" as part of the name. The bill also proposed to eliminate the rights of 3rd parties to request disclosure of the names of "limited" owners of limited liability companies, limited liability partnerships and limited partnerships. This bill proposed to clarify that there is no right for a withdrawing member of a limited liability company to demand payment for a membership interest, but also proposed to clarify how the membership interest would be paid if the limited liability company elects to pay such withdrawing member's interest.

Committee Amendment "A" (H-965) proposed to broaden the definition of "other business entity" so that the law allowing business entities to convert to other forms and to merge or consolidate will apply to all types of business entities in existence now or created in the future. It proposed to clarify that the shareholder of a corporation participating in a conversion, merger or consolidation retains the right to dissent and be bought out to the same extent as if the transaction were a merger between 2 corporations. It proposed to require that a transaction be approved specifically by any owner whose limited liability would be converted to personal liability by the transaction.

The amendment proposed to clarify that the general law relating to transactions involving limited liability companies and limited partnerships does not supersede laws relating to specific types of business entities, such as banking and insurance companies. It proposed to exempt certain real estate transfers from the transfer tax. Finally, the amendment proposed to change the fee structure in the bill. As in the bill, the new fee structure would lower the fees for noncorporate entities to make them equal to the comparable corporate fees. To compensate for the loss of revenue from the decrease in noncorporate entity filings, the amendment proposed to increase the one-time incorporating fee for domestic corporations from \$105 to \$125, and provide that fees for foreign business entity filings are double that of the comparable fees for domestic entities. The amendment proposed that fees for filing amendments for domestic corporations remain at the same level as in current law, rather than increasing as proposed in the bill.

Enacted law summary

Public Law 1999, chapter 638 allows corporations, partnerships and other business entities to merge or consolidate with each other and to convert to a different legal form. It sets forth the process that must be followed to accomplish the merger, consolidation or conversion and the effect of such changes on the powers, duties and property rights of the resulting business entity. The law exempts deeds made pursuant to mergers or consolidations from the real estate transfer tax if the transfer meets certain criteria. The law also changes the fees for filing of business entity documents with the Secretary of State. It increases the fee for filing Articles of Incorporation for domestic corporations from \$105 to \$125, reduces the fees for filing documents relating to limited partnerships, limited liability companies and limited liability corporations to make them equal to the fees for filing comparable business corporation documents, and provides that foreign entity filing fees are twice the amount of the comparable domestic entity fees.

LD 2307 An Act to Protect the Health and Well-being of a Nursing Infant of Separated or Divorcing Parents PUBLIC 702

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART	OTP-AM MAJ ONTP MIN	S-661

LD 2307 proposed to add the fact of whether the mother is breast-feeding an infant as an additional factor in the list of several factors a judge must consider in deciding parental rights and responsibilities.

Committee Amendment "A" (S-661) proposed to clarify that when a court is awarding parental rights and responsibilities and is considering the factors to determine the best interest of the child, the factor of whether a child is being breast-fed must be considered, but only if the child is under one year of age.

Enacted law summary

Public Law 1999, chapter 702 provides that when a court is awarding parental rights and responsibilities and is considering the factors to determine the best interest of the child, the factor of whether a child is being breast-fed must be considered if the child is less than one year of age.

LD 2314 An Act to Clarify the Maine Human Rights Act Concerning Compensatory and Punitive Damages ONTP

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

Current law specifies that, in cases of intentional employment discrimination, a person may recover punitive and compensatory damages under the Maine Human Rights Act only if the person cannot recover those damages under federal human rights legislation governing race. LD 2314 proposed that such recovery be permissible only if the person is unable to recover under the federal human rights legislation governing race or general federal human rights laws governing intentional employment discrimination.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP-AM	H-818 H-826 CAMERON S-533 GOLDTHWAIT

LD 2333 proposed to make several technical changes to the laws relating to filings by business entities, including changes to the process for filing notice when an entity changes its registered agent or office.

Committee Amendment "A" (H-818) proposed to correct the format of one section of the bill and to add a section inadvertently left out of the bill. The new section proposed to require that notice of resignation of a registered agent be sent to the principal office of a limited liability company, wherever located, instead of being sent to the principal office in the jurisdiction where the company is organized.

House Amendment "A" to Committee Amendment "A" (H-826) proposed to clarify the technical format of the statutes.

Senate Amendment "A" to Committee Amendment "A" (S-533) proposed to clarify the technical format of the statutes.

Enacted law summary

Public Law 1999, chapter 594 clarifies and makes uniform the requirements for filing notice with the Secretary of State of a business entity's change of registered agent or office, changes the laws relating to authorized signatures on foreign entity filings and makes other technical changes in the laws relating to business entity filings with the Secretary of State.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1121 H-1124 THOMPSON H-1161 THOMPSON H-1169 THOMPSON H-1170 THOMPSON H-1171 THOMPSON H-1172 THOMPSON H-1179 THOMPSON H-1182 THOMPSON H-1183 THOMPSON H-1186 THOMPSON H-1188 THOMPSON S – 810 LONGLEY

LD 2334 proposed to make technical corrections of errors and inconsistencies in the laws.

Committee Amendment "A" (H-1121) proposed to make additional technical corrections as well as a few substantive changes.

House Amendment "A" to Committee Amendment "A" (H-1124) proposed to amend the biweekly pay law.

House Amendment "B" to Committee Amendment "A" (H-1161) proposed to make certain corrections in the bill and the Committee Amendment effective 90 days after adjournment of the Legislature to coincide with the effective date of changes made by other public laws enacted by the 119th Legislature.

House Amendment "C" to Committee Amendment "A" (H-1169) proposed to amend the restrictions on a proposed transfer of state land to the Town of Carrabassett Valley to allow up to 25 acres of the 1,203 acres transferred to be used for municipal facilities.

House Amendment "D" to Committee Amendment "A" (H-1170) proposed to resolve an inconsistency in the adoption laws between the definition of "parent" in Title 18-A, section 9-102, subsection (h) and the provisions concerning consent of a putative or legal father with regard to children born in other jurisdictions.

House Amendment "E" to Committee Amendment "A" (H-1171) proposed to revise effective dates in newly enacted laws.

House Amendment "F" to Committee Amendment "A" (H-1172) proposed to amend the new law defining marital property by providing an application section that would apply the changes to all cases in which there is a determination of what property is marital property, including cases pending on the effective date of the new law.

House Amendment "G" to Committee Amendment "A" (H-1179) proposed to amend the laws governing the powers of game wardens to ensure they are consistent with LD 2691, Public Law 1999, chapter 738. It also proposed to correct the spelling of the name of the Native American organization mentioned in Public Law 1999, chapter 558, amend the Maine guide licensing statutes and amend the law concerning shooting from a motor vehicle.

House Amendment "H" to Committee Amendment "A" (H-1182) proposed that only 3 changes implemented by Public Law 1999, chapter 744 governing designation of beneficiaries take effect immediately.

House Amendment "I" to Committee Amendment "A" (H-1183) proposed to correct a potential inconsistency in the submission of the budget for the Governor Baxter School for the Deaf. It also proposed to resolve inconsistencies in Resolve 1999, chapter 130 establishing a study on the recruitment and retention of teachers.

House Amendment "J" to Committee Amendment "A" (H-1186) proposed to postpone certain statutory requirements for local school administrative units in the areas of maximum student-teacher ratios, guidance and counseling services, gifted and talented services and school accreditation until these requirements are integrated into Maine's system of learning results.

House Amendment "K" to Committee Amendment "A" (H-1188) proposed to add Pickerel Pond in the Town of Wayne to the areas where the operation of a watercraft at greater than headway speed is prohibited.

House Amendment "L" to Committee Amendment "A" (H-1189) proposed to make technical corrections to Public Law 1999, chapters 776 and 777. (Not adopted) See also Senate Amendment "A" to Committee Amendment "A" (S-810).

Senate Amendment "A" to Committee Amendment "A" (S-810) proposed to make corrections to Public Law 1999, chapter 776 by repealing duplicative language and repealing sections appropriating General Fund resources in error. It also proposed to make corrections in Public Law 1999, chapter 777 by amending the General Fund appropriation.

Enacted law summary

Public Law 1999, chapter 790 corrects several technical errors and inconsistencies in the laws of Maine. In addition, it makes the following substantive changes.

1. Chapter 790, Part D amends the quorum and voting requirements for the boards of trustees of the Maine Legislative Retirement System and the Maine Judicial Retirement System to be consistent with the statutes governing the board of trustees for the Maine State Retirement System.
2. Chapter 790, Part D amends the Governmental Evaluation Act to delete the Maine Court Facilities Authority from the list of agencies under the review of the Judiciary Committee and to add the Maine Governmental Facilities Authority to the list of agencies under the review of the State and Local Government Committee.
3. Chapter 790, Part D reestablishes the Board of Counseling Professionals Licensure, which was inadvertently repealed.

4. Chapter 790, Part D repeals the section of the Maine Criminal Code dealing with collection and disbursement of court-ordered restitution, which was replaced but inadvertently not repealed.
5. Chapter 790, Part D corrects a reference to the appropriate part of Medicare for individual health insurance policies.
6. Chapter 790, Part D corrects a conflict governing prosecution protocol for the Maine Drug Enforcement Agency.
7. Chapter 790, Part D makes the driver's license reinstatement fee consistent throughout the statutes.
8. Chapter 790, Part D corrects a conflict in the eligibility criteria for burial in the Veterans' Memorial Cemetery.
9. Chapter 790, Part D extends the reporting deadline and makes other reporting modifications to the work of the MCJUSTIS Policy Board to make criminal and civil violations compatible with computerized data bases.
10. Chapter 790, Part E deletes the words "from the coastal waters" in the section of the lobster harvesting laws that establishes closed periods. A recent Superior Court decision ruled that "coastal waters" in a particular rule is limited to the waters up to 3 miles offshore. "Coastal waters" has been used and interpreted to mean any waters off the coast. Chapter 790, Part E amends Title 12, section 6440 to ensure that the restrictions on lobster harvesting at night and on Sunday stay intact.
11. Chapter 790, Part F corrects a deadline for the Maine Science and Technology Foundation to submit a plan for the comprehensive evaluation of state investments in research and development.
12. Chapter 790, Part G resolves an inconsistency in the adoption laws between the definition of "parent" in Title 18-A, section 9-102, subsection (h) and the provisions concerning consent of a putative or legal father with regard to children born in other jurisdictions.
13. Chapter 790, Part H corrects dates within non-emergency legislation enacted during the Second Regular Session.
14. Chapter 790, Part I amends the new law defining marital property (Public Law 1999, chapter 665) by providing an application section. The new law applies to all cases in which there is a determination of what property is marital property, including cases pending on the effective date of the new law.
15. Chapter 790, Part J amends the laws governing the powers of game wardens to ensure they are consistent with Public Law 1999, chapter 738. Chapter 790, Part J provides that the current authority to do anything otherwise prohibited by the fish and wildlife laws if necessary to carry out their duties does not authorize game wardens to stop any person, motor vehicle or watercraft except as specifically provided in the Maine Revised Statutes, Title 12, section 7053, which includes the new language added by Public Law 1999, chapter 738.

Chapter 790, Part J also corrects the spelling of the name of the Native American organization mentioned in Public Law 1999, chapter 558.

Chapter 790, Part J amends the Maine guide licensing statutes to delete disqualifying language for a specialized hunting guide license.

Chapter 790, Part J amends the law concerning shooting from a motor vehicle. It clarifies that paraplegics and single or double amputees of the legs are authorized to shoot from motor vehicles that are not in motion.

16. Chapter 790, Part K clarifies that only 3 changes implemented by Public Law 1999, chapter 744, concerning one-time changes of beneficiaries of retirement benefits take effect immediately.
17. Chapter 790, Part L corrects a potential inconsistency in Public Law 1999, chapter 775 by amending the law to clarify that the school board of the Governor Baxter School for the Deaf must continue to comply with the Maine Revised Statutes, Title 5, sections 1665 and 1666, which require all agencies to submit budget estimates for each biennium to the State Budget Officer and which authorize the Governor to review and revise these budget estimates.
18. Chapter 790, Part M corrects inconsistencies in Resolve 1999, chapter 130. The original bill proposed the establishment of a legislative commission staffed and funded by the Legislative Council. The resolve, as finally passed, instead places the full responsibility for providing research and staffing assistance for the study commission with the Department of Education, and further requires the Commissioner of Education to absorb the costs of conducting the study within the Department of Education budget. Chapter 790, Part M amends the resolve to authorize the Commissioner of Education to select the chair of the study commission and to appoint additional members to the study commission to more adequately represent the interests of schools in different types of school administrative units and different geographic regions of the State.
19. Chapter 790, Part N postpones certain statutory requirements for local school administrative units in the areas of maximum student-teacher ratios, guidance and counseling services, gifted and talented services and school accreditation until these requirements are integrated into Maine's system of learning results.
20. Chapter 790, Part O corrects an inadvertent omission by the Joint Standing Committee on Inland Fisheries and Wildlife. It adds Pickerel Pond in the Town of Wayne to the areas where the operation of a watercraft at greater than headway speed is prohibited.
21. Chapter 790, Part P amends the biweekly pay law, which requires most employers to pay their employees at intervals not greater than 16 days. The provision would allow public sector employees to bank compensatory time and take it in a pay period other than the one in which it was earned, without violating the biweekly pay law. It also would allow school administrative units to spread the pay of school-year employees over 12 months without violating the biweekly pay law.
22. Chapter 790, Part Q amends the restrictions on a proposed transfer of state land to the Town of Carrabassett Valley to allow up to 25 acres of the 1,203 acres transferred to be used for municipal facilities.
23. Chapter 790, Part R corrects errors contained in Public Law 1999, chapter 776 by repealing duplicative language and repealing sections appropriating General Fund resources in error.

24. Chapter 790, Part S corrects an error contained in Public Law 1999, chapter 777 by amending the General Fund appropriation.

Public Law 1999, chapter 790 was enacted as an emergency measure effective May 18, 2000, although some sections have different effective dates.

LD 2348

An Act to Enact the Maine Death with Dignity Act

ONTP

Sponsor(s)

Committee Report

Amendments Adopted

ONTP

LD 2348 was an Initiated Bill. It proposed to create the Maine Death with Dignity Act. It proposed to allow a mentally competent adult who is suffering from a terminal illness to request and obtain medication from a physician to end that patient's own life in a humane and dignified manner, with safeguards to ensure that the patient's request is voluntary and based on an informed decision.

Because the bill was not enacted by the Legislature without change, pursuant to Article IV, Part Third, Section 18 of the Maine Constitution, the proposed language will appear as a referendum question submitted to the voters at the next statewide election.

LD 2354

An Act to Increase the Pay for Jury Duty

**DIED ON
ADJOURNMENT**

Sponsor(s)

Committee Report

Amendments Adopted

DAVIS P
MCALEVEY

OTP-AM

S-576

LD 2354 proposed to increase the rate of compensation for jurors from \$10 to \$25 for each day of required attendance at court.

Committee Amendment "A" (S-576) proposed to add an appropriation section and a fiscal note to the bill.

LD 2394

**An Act to Allow Limited Access to Information Relating to
Investigation of Abuse at the Governor Baxter School for the Deaf**

**P & S 62
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

THOMPSON

OTP-AM

H-784

LD 2394 proposed to give the Joint Standing Committee on Judiciary access to information, including records, relating to any investigation of abuse that occurred at the Governor Baxter School for the Deaf, notwithstanding applicable confidentiality laws. The bill proposed to establish the basic process of review

of the records to ensure that confidential records and information are not disclosed beyond the committee, its nonpartisan staff and the Office of the Attorney General.

Committee Amendment "A" (H-784) proposed to clarify that the confidential information that is subject to review by the Joint Standing Committee on Judiciary is information, including records, relating to previous investigations of abuse at the school, as well as information relating to allegations of abuse at the school. The amendment proposed that the Governor Baxter School for the Deaf, any department and any agency having information relating to previous investigations or allegations of abuse at the school must notify the committee that the information exists and make the information available for review by the committee. The amendment proposed that any employee of the State or the Governor Baxter School for the Deaf who provides information pursuant to this Act is immune from civil and criminal liability for providing that information to the committee.

Enacted law summary

Private and Special Law 1999, chapter 62 gives the Joint Standing Committee on Judiciary access to information, including records, relating to any allegations and investigation of abuse that occurred at the Governor Baxter School for the Deaf, notwithstanding applicable confidentiality laws. It establishes the basic process of review of the records to ensure that confidential records and information are not disclosed beyond the committee, its nonpartisan staff and the Office of the Attorney General. Chapter 62 extends immunity from civil and criminal liability to any employee of the State or the Governor Baxter School for the Deaf who provides the information to the committee. It requires review of the information to be completed by the end of the Second Regular Session.

Private and Special Law 1999, chapter 62 was enacted as an emergency measure effective February 14, 2000.

LD 2418

An Act Concerning Offensive Names

PUBLIC 613

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH PARADIS	OTP-AM MAJ ONTP MIN	H-873

LD 2418 proposed to expand the law prohibiting the use of offensive names to designate places to also prohibit the use of the word "squaw."

Committee Amendment "A" (H-873), the majority report, proposed to replace the bill. It proposed to clarify that use of "squaw" or "squa" as a separate word in the name of a place is offensive, and to require that the name of that place must be changed. Current law provides that the municipal officers, if the place is within a municipality, or the county commissioners, if the place is located in unorganized territory, must take reasonable steps to complete a change in the name. The amendment proposed to allow them to hold public hearings on selecting a new name. Current law provides for a court to order a name change within 90 days if there is no agreement reached between the Maine Human Rights Commission and the municipal officers or the county commissioners, as applicable. The amendment proposed to require the notification about the new name to take place within 6 months of the determination that a place name is offensive if there is no court order specifying a different deadline.

Enacted law summary

Public Law 1999, chapter 613 provides that the use of "squaw" or "squa" as a separate word in the name of a place is offensive, and requires that the name of that place must be changed. The municipal officers, if the place is within a municipality, or the county commissioners, if the place is located in unorganized territory, must take reasonable steps to complete a change in the name. Public hearings may be held on selecting a new name. Current law concerning offensive place names provides for a court to order a name change within 90 days if there is no agreement reached between the Maine Human Rights Commission and the municipal officers or the county commissioners, as applicable. Chapter 613 requires the public notification about the new name to take place within 6 months of the determination that a place name is offensive if there is no court order specifying a different deadline.

**LD 2436 An Act to Permit the Attorney General, a Deputy Attorney General PUBLIC 686
or a District Attorney to Request Records of Internet Service
Providers and Mobile Telecommunications Service Providers**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM MAJ ONTP MIN	H-1026 CAMERON H-982

LD 2436 proposed to allow the Attorney General, a deputy attorney general or a district attorney to request records of Internet service providers and mobile telecommunications service providers in the same way other utility records are requested.

Committee Amendment "A" (H-982), the majority report, proposed to replace the bill. It proposed to rewrite the section of the statutes establishing the procedure for a prosecutor to demand certain records from providers of services to cover a wider range of services. Current law authorizes the procedure for certain public utility records. The amendment proposed to cover the same public utility services plus mobile telecommunications service providers, even if they are not within the jurisdiction of the Public Utilities Commission, and Internet service providers, which are not currently within the jurisdiction of the Public Utilities Commission. The amendment proposed to use the federal definition of "Internet service provider" and to limit records of utility services to subscriber information: name, address, local and long-distance telephone billing records, telephone number or other subscriber number or identity and the length of time the services have been provided to the subscriber or customer. Content of electronic mail and other transmissions would not be included. The amendment proposed to define "utility services" subject to a demand for records.

The amendment proposed to keep the current process the prosecutor must follow, with the addition of a notice requirement. As proposed, within 60 days of the approval of the demand for utility service records, the prosecutor must notify the person who is the subject of the records. The prosecutor may ask the court to extend that period, which the court may do upon a showing of reasonable cause. The period of the extension may not be indefinite but must be to a certain time. Additional extensions could be requested.

House Amendment "A" to Committee Amendment "A" (H-1026) was presented on behalf of the Committee on Bills in the Second Reading to prevent a conflict by incorporating changes made to the Maine Revised Statutes, Title 5, section 200-B, subsection 1 in Public Law 1999, chapter 579.

Enacted law summary

Public Law 1999, chapter 686 allows the Attorney General, a deputy attorney general or a district attorney to request records of Internet service providers and mobile telecommunications service providers in the same way other utility records are requested. It incorporates the federal definition of "Internet service provider" and limits records of utility services to subscriber information: name, address, local and long-distance telephone billing records, telephone number or other subscriber number or identity and the length of time the services have been provided to the subscriber or customer. Content of electronic mail and other transmissions is excluded. The procedure a prosecutor must follow to demand and receive the records is not changed, except that a notice requirement is added. Within 60 days of the approval of the demand for utility service records, the prosecutor must notify the person who is the subject of the records. The prosecutor may ask the court to extend that period, which the court may do upon a showing of reasonable cause. The period of the extension may not be indefinite but must be to a certain time. Additional extensions may be requested.

LD 2453

An Act Regarding the Statute of Limitations for Sexual Misconduct with a Minor

PUBLIC 639

Sponsor(s)
DUDLEY
RAND

Committee Report
OTP-AM

Amendments Adopted
H-914

LD 2453 proposed to apply the removal of the criminal statute of limitations for the crimes of unlawful sexual contact and sexual abuse of a minor, enacted by Public Law 1999, chapter 438, retroactively to any crime of unlawful sexual contact or sexual abuse of a minor regardless of when the crime occurred. The bill also proposed to remove the current 12-year statute of limitations for civil actions based on the crimes of unlawful sexual contact and sexual abuse of a minor.

Committee Amendment "A" (H-914) proposed to replace the bill. It proposed to repeal and replace the current law limiting civil actions for sexual acts toward minors. The amendment proposed to provide that there is no statute of limitations for civil actions based on sexual acts toward minors that are based on sexual acts or sexual contact that either occurred after the effective date of this bill, or occurred prior to the effective date but for which the existing statute of limitations had not yet expired on the effective date of this bill. The amendment would not have revived any case for which the period under the statute of limitations has already expired. The amendment proposed to define "sexual acts toward minors" to include both "sexual act" and "sexual contact" as defined in the Maine Criminal Code.

Enacted law summary

Public Law 1999, chapter 639 repeals and replaces the current law limiting civil actions for sexual acts toward minors. It provides that there is no statute of limitations for such civil actions that are based on sexual acts or sexual contact that either occurred after the effective date of this law, or occurred prior to the effective date but for which the existing statute of limitations had not yet expired on the effective date of this law. This change does not revive any case for which the period under the statute of limitations has

already expired. "Sexual acts toward minors" is defined to include both "sexual act" and "sexual contact" as defined in the Maine Criminal Code.

LD 2474

An Act to Allow the Court Discretion in Providing Information to Parents or Custodians of a Child Removed from Their Home by the Department of Human Services

ONTP

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

Under current law, when the Department of Human Services removes a child from parents or custodians, the parents have the right to know where the child has been placed in foster care. When the foster parents are interested in attempting to adopt that child, the provision of such information dictates an open adoption. LD 2474 proposed to allow the court discretion in providing such information.

LD 2487

An Act to Amend the Jurisdiction of the District Court

**PUBLIC 547
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP-AM	H-861

LD 2487 proposed to amend the jurisdiction of the District Court in 2 ways. First, it proposed to give the District Court the equitable jurisdiction to order the partition of property by sale. Second, it proposed to give the District Court all the jurisdiction, powers and responsibilities of the Administrative Court and eliminate the Administrative Court. The 2 sitting Administrative Court judges would have become District Court judges, serving the remainder of their terms without reappointment or reconfirmation.

Committee Amendment "A" (H-861) proposed to eliminate the vacant Administrative Court Associate Judge immediately. The amendment proposed to create a District Court Judge position immediately. The amendment proposed to eliminate the position of Administrative Court Chief Judge as of March 15, 2001 and create a new District Court Judge position at that time. No loss in total judge positions results. The amendment proposed that the 2 new District Court positions must be filled in the usual way: by nomination by the Governor and confirmation by the Legislature.

The amendment proposed that an expedited hearing on the emergency suspension or revocation of a license must be scheduled, but that such hearings would not take precedence over any other items on the District Court's docket.

Enacted law summary

Public Law 1999, chapter 547 amends the jurisdiction of the District Court in 2 ways. First, it gives the District Court the equitable jurisdiction to order the partition of property by sale. Both the Superior Court and the probate courts currently have this equity jurisdiction in the situation where a life tenancy is followed by a contingent remainder.

Second, chapter 547 gives the District Court all the jurisdiction, powers and responsibilities of the Administrative Court and eliminates the Administrative Court as of March 15, 2001. The Administrative Court Associate Judge position, currently vacant, is eliminated immediately. A District Court Judge position is created immediately, so there is no net loss of judicial resources. Chapter 547 clarifies that an expedited hearing on the emergency suspension or revocation of a license must be scheduled, but that such hearings do not take precedence over any other items on the District Court's docket.

Public Law 1999, chapter 547 was enacted as an emergency measure effective March 9, 2000 except as otherwise provided.

LD 2499 **An Act Concerning the Date by Which Land Must be Acquired by the Penobscot Nation** **PUBLIC 625**

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

LD 2499 proposed to provide that certain land acquired by the Secretary of the Interior of the United States for the benefit of the Penobscot Nation prior to January 31, 2021 be considered Penobscot Indian territory pursuant to the Act to Implement the Maine Indian Claims Settlement, Maine Revised Statutes, Title 30, chapter 601. Current law provides that such land must be acquired prior to January 31, 2001.

Enacted law summary

Public Law 1999, chapter 625 provides that certain land acquired by the Secretary of the Interior of the United States for the benefit of the Penobscot Nation prior to January 31, 2021 is considered Penobscot Indian territory pursuant to the Act to Implement the Maine Indian Claims Settlement, Maine Revised Statutes, Title 30, chapter 601. Current law provides that such land must be acquired prior to January 31, 2001.

LD 2511 **An Act to Preserve the Integrity of Court-ordered Child Support Obligations** **ONTP**

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

LD 2511 proposed that a debt on a child support order continues to be incurred by a responsible parent while that parent receives public assistance for the benefit of a biological or adopted child of that parent until the court modifies the support order that is the basis of the debt. Current law stops the accrual of a debt while the obligated parent receives public assistance.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA JABAR	OTP	

LD 2514 proposed to create the Maine Coordinate System of 2000, which would accommodate global positioning system technological advances and which would be uniformly used for survey work provided to or by state or federal governmental agencies.

Enacted law summary

Public Law 1999, chapter 689 creates the Maine Coordinate System of 2000, which accommodates global positioning system technological advances and which must be uniformly used for survey work provided to or by state or federal governmental agencies.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M	OTP-AM	H-1076 S-752 MICHAUD

LD 2530 proposed to allow state employees to sue the State in state or federal court to seek enforcement of the rights and remedies provided to them as employees by federal employment-related laws. Recent decisions of the United States Supreme Court ruled that state employees may not sue the State as their employer under certain federal employment laws, unless the State consents to be sued. This bill proposed to give consent to be sued under all federal employment-related laws. The bill also proposed to state the Legislature's intent that the plaintiffs in the cases of Alden v. Maine and Mills v. Maine be able to have their claims for overtime pay due adjudicated after the bill becomes law, notwithstanding their dismissal from state and federal courts prior to the State's giving its consent to be sued.

Committee Amendment "A" (H-1076) proposed to replace the bill. It proposed to strike the provision of the bill in which the State consents to be sued under federal employment laws. The issue of State consent to be sued was dealt with in a separate bill, LD 2682, which was enacted but vetoed by the Governor.

The committee amendment proposed to pay the plaintiffs in the Mills and Alden cases the amounts due them as overtime pay, rather than allowing them to re-initiate their suits. The amounts proposed to be paid under the bill were the amounts found by the Special Master to be due in the Mills case before the case was dismissed from federal District Court. The amendment also proposed to require the State to reimburse representatives of the plaintiffs for the cost of the Special Master and for certain transcription and printing costs.

Senate Amendment "A" to Committee Amendment "A" (S-752) proposed to make a technical correction to the committee amendment.

Enacted law summary

Private and Special Law 1999, chapter 87 directs the Department of Administrative and Financial Services to make payments to the 96 employees and former employees who sued the State in the cases of Mills v. Maine and Alden v. Maine, alleging payment due for overtime. Those cases were dismissed from state and federal court on the grounds of sovereign immunity. In the federal court, a Special Master had made preliminary findings of amounts due before the case was dismissed. The sums required to be paid by chapter 87 are the sums found by the Special Master to be due, excluding liquidated damages. The law also requires the State to reimburse representatives of the plaintiffs for the cost of the Special Master and for certain transcription and printing costs.

LD 2563

An Act to Implement the Recommendations of the Court Unification Task Force

INDEF PP

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

LD 2563 contains the legislative recommendations of the court unification task force as submitted to the Chief Justice of the Supreme Judicial Court, as provided in Resolve 1997, chapter 107. The task force's final report was transmitted to the Honorable Daniel E. Wathen, Chief Justice of the Maine Supreme Judicial Court, on December 8, 1999.

The bill proposed to carry out Recommendation I of the task force's report, vesting divorce and other family-law related jurisdiction in the District Court with direct appeal to the Law Court. After the effective date of this bill, all actions concerning paternity, divorce and judicial separation, grandparents visitation and child support, including actions under the Uniform Interstate Family Support Act, would be pursued in the District Court. The Superior Court would continue to have jurisdiction over actions properly filed in the Superior Court prior to the effective date.

The bill proposed to carry out Recommendation II of the task force's report, substantially eliminating the appellate review by the Superior Court of District Court judgments and orders. The Superior Court's appellate jurisdiction would continue to include administrative appeals and appeals from the District Court in forcible entry and detainer actions, small claims cases and certain criminal appeals and petitions.

The bill proposed to address one piece of Recommendation III of the task force's report, removing the \$30,000 damages limitation from District Court actions, which would treat civil nonjury actions equally in the District Court and the Superior Court. Other components of Recommendation III are not appropriately addressed through legislation, but by the Judicial Department directly.

The bill proposed to carry out Recommendation VI, vesting the District Court with jurisdiction, concurrent with the Superior Court, to partition real property by sale. This addresses a discrepancy identified in Boyer v. Boyer, 1999 ME 128 (August 5, 1999).

Recommendations IV, V, VII and VIII are not appropriately addressed through legislation, but by the Judicial Department directly.

Committee Amendment "A" (H-1081), the majority report proposed to do the following:

1. Make technical changes concerning the wording of the District Court's civil jurisdiction;
2. Authorize an appeal from the Superior Court to the Law Court for a specific set of facts;
3. Make corrections consistent with Public Law 1999, chapter 547; and
4. Establish the Court Unification Oversight Committee. The Court Unification Oversight Committee would be charged with overseeing the implementation of the recommendations of the court unification task force. As proposed, it would also be required to review and report on specific issues annually to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The amendment proposed that in the first annual report, the Court Unification Oversight Committee must make assessments and recommendations on workload, an abbreviated and expedited appeal process from the District Court to the Law Court and the shared docket.

The amendment proposed that provisions concerning the Court Unification Oversight Committee and the appropriation section take effect 90 days after adjournment of the Second Regular Session of the 119th Legislature. The rest of the changes in the bill as amended would take effect January 1, 2001.

Committee Amendment "B" (H-1082), the minority report, proposed to make the same changes as the majority report except that the provisions carrying out Recommendation I (shifting family law jurisdiction exclusively to the District Court) not be included. (Not adopted)

The provisions of the bill as amended by Committee Amendment "A" were incorporated into the Budget Bill, Public Law 1999, chapter 731, Part ZZZ.

**LD 2564 An Act Regarding the Payment of Child Support in Cases of
Delayed Parental Notification**

ONTP

<u>Sponsor(s)</u> BERUBE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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Under current law, a father is responsible for liabilities for past education and support retroactively up to 6 years even if the father did not know he was the father. LD 2564 proposed to limit a father's liabilities for past education and support for only the portion of the retroactive 6-year period after he receives knowledge or notice of paternity.

The bill also proposed to provide relief to Richard Bell for child support arrearage he had incurred under current law for a child he did not know existed.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL FERGUSON	OTP-AM	H-1000 H-1085 THOMPSON

LD 2582 proposed to restore a process for municipalities to follow when seeking to dispose of the abandoned personal property that is typically found in tax-acquired or condemned real estate. The process was inadvertently repealed when the Uniform Unclaimed Property Act was enacted as Public Law 1997, chapter 508.

Committee Amendment "A" (H-1000) proposed to clarify the requirements that apply to municipalities, counties and other political subdivisions relating to notifying the owner of abandoned property. The amendment also proposed that if the municipality, county or other political subdivision sells the abandoned property, after applying the proceeds to the costs of storage, notice and sale, the balance and the appropriate records must be turned over to the Treasurer of State in accordance with the Uniform Unclaimed Property Act.

House Amendment "A" (H-1085) proposed to establish the process by which municipalities and other political subdivisions must dispose of abandoned property.

Enacted law summary

Public Law 1999, chapter 667 provides municipalities, counties and other political subdivisions with a process by which to dispose of abandoned personal property that is typically found in tax-acquired or condemned real estate. The process includes specific notice requirements, and establishes the process by which municipalities, counties and other political subdivisions must dispose of abandoned property. If the property is sold, after applying the proceeds to the costs of storage, notice and sale, the political subdivision must turn over the balance and the appropriate records to the Treasurer of State in accordance with the Uniform Unclaimed Property Act.

Public Law 1999, chapter 667 was enacted as an emergency measure effective April 11, 2000.

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

LD 2607 proposed to effectuate Public Law 1991, chapter 720 to include certain lands in Albany Township as Passamaquoddy Indian territory. In response to Kimball v. LURC, 2000 ME 20, the bill proposed to remove the land in question from the provision that required certification by the Secretary of the Interior of the United States by January 31, 1991 and clarify that the land in question is within Passamaquoddy Indian territory. The bill proposed to apply retroactively to the effective date of Public

Law 1991, chapter 720, and provide that decisions of the Maine Land Use Regulation Commission affecting the property are effective.

Committee Amendment "A" (H-1071), the minority report, proposed to amend the Implementing Act to extend the deadline by which the Secretary of the Interior must certify land acquired and held in trust for the Passamaquoddy Tribe to January 31, 2021. This would have the effect of making the Albany Township land acquired by the Passamaquoddy Tribe before January 1, 1991 Indian Territory. (Not adopted)

Senate Amendment "A" to Committee Amendment "A" (S-667) proposed to require, prior to transfer of any land in an unorganized township of at least 100 residents to the Passamaquoddy Tribe or the Penobscot Nation, approval of the residents of that unorganized township and of the State. The country commissioners would be required to hold the referendum. (Not adopted)

Senate Amendment "B" to Committee Amendment "A" (S-673) proposed to clarify that the Passamaquoddy Tribe would have to seek anew the rezoning and development permit from the Maine Land Use Regulation Commission. (Not adopted)

**LD 2682 An Act to Provide Equal Treatment for State Employees under
 Certain Federal Employment Laws**

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ	S-765 MICHAUD
	ONTP MIN	

LD 2682 proposed to give consent for State employees, former employees and employment applicants to sue the State under the following federal employment laws: the Fair Labor Standards Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, Title VII of the Civil Rights Act, and the Jones Act, which provides remedies for maritime employees injured on the job. The United States Supreme Court has recently ruled that individual employees may not sue the State in its capacity as employer for damages under the Fair Labor Standards Act or the Age Discrimination in Employment Act, unless the State has consented to be sued. The bill proposed to consent to suit under those laws and 3 others that may be the subject of future Supreme Court rulings.

LD 2682 addressed an issue originally proposed as part of LD 2530. The Judiciary Committee unanimously approved one part of LD 2530 and sent the bill to the floor for approval. The second part of LD 2530 was included in LD 2682, which was reported out of committee as a committee bill with a divided report.

LD 2693

An Act to Establish Requirements for the Removal of Directors of Certain Maine Business Corporations before the Expiration of Their Established Terms

DIED BETWEEN BODIES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRIMAN	OTP-AM MAJ	S-740
RICHARDSON J	ONTP MIN	S-807 AMERO

LD 2693 proposed to amend the Maine Business Corporation Act to require the approval of holders of at least 50% of the shares entitled to vote in order for the shareholders of a publicly traded company to call a special meeting for the purpose of removing a member of the board of directors within 90 days following a meeting at which a director was last elected. Under current law, the percent required to call a special meeting is determined by the corporation’s bylaws, but if the bylaws call for more than 10%, the holders of at least 10% of the shares may seek court permission to call a special meeting.

Committee Amendment "A" (S-740) proposed to rewrite the bill to clarify that the 50% shareholder vote is the only method by which shareholders may call a special meeting when the meeting is expressly called to remove a director within 90 days after a director or directors last stood for election. The amendment also proposed to repeal this provision 90 days after adjournment of the First Regular Session of the 120th Legislature.

Senate Amendment "A" to Committee Amendment "A" (S-807) proposed to lower the percentage of shares required to call a special meeting to remove a director within 90 days of director elections from 50% of the outstanding shares to 25% of the outstanding shares entitled to vote at such a meeting.

HP 1914

JOINT ORDER – Relative to the Committee to Study the Further Decriminalization of the Criminal Laws of Maine

PASSED

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

HP 1914, a Joint Order, proposed to establish the Committee to Study Further Decriminalization of the Criminal Laws of Maine, to be made up of 5 legislators. The Joint Order proposed that the committee study decriminalizing criminal laws, and proposed a reporting date of November 1, 2000. HP 1914 was passed without reference to any committee. See also LD 260.

Enacted law summary

Joint Order HP 1914 creates the Committee to Study Further Decriminalization of the Criminal Laws of Maine consisting of 5 legislators. The committee will review criminal laws and determine whether it is appropriate to classify the prohibited conduct as criminal. The committee’s reporting date is November 1, 2000. This Joint Order was passed without reference to a committee.

HP 1930

JOINT ORDER – Relative to the Commission on the Study and

PASSED

Prevention of Child Abuse

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	S-723 PINGREE

HP 1930, a Joint Order, proposed to create the Commission on the Study and Prevention of Child Abuse consisting of 15 members. The Joint Order proposed to direct the commission to investigate the mistreatment of children in its various manifestations, report on the occurrence and causes of the mistreatment and recommend feasible measures for the State to intervene.

Committee Amendment “A” (H-1135) proposed to replace the original Joint Order. It proposed to establish the Commission to Study Child Abuse, consisting of five legislators. The amendment proposed to direct the commission to examine the current policies and public and private programs and resources related to physical and sexual abuse of children, and to identify means to coordinate the available programs and resources to prevent and respond to child abuse. The commission would report by November 1, 2000.

Senate Amendment “A” (S-723) proposed to replace the joint order. The amendment proposed to clarify the appointment of members, that the first meeting must be called by June 30, 2000 and that members will be compensated for attendance only at authorized meetings of the commission.

Enacted law summary

Joint Order HP 1930 creates the Commission on Child Abuse consisting of five legislators. The commission will examine the current policies and public and private programs and resources related to physical and sexual abuse of children. The commission may accept public testimony. The commission may identify means to coordinate the available programs and resources to prevent and respond to child abuse. The commission’s reporting date is November 1, 2000.

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Joint Standing Committee on Labor

LD 136

An Act Relating to Employment Contracts

VETO
SUSTAINED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	OTP-AM MAJ	H-1018
PARADIS	ONTP MIN	

LD 136 proposed to repeal the provisions in current law that attempt to restrict an employer's right to hire replacement workers during a labor dispute, since those provisions were found by the state Superior Court Chief Justice to be preempted by the National Labor Relations Act.

The bill also proposed to add a provision requiring that a contract between an employer and replacement workers provide that when the strike is settled or if the employees offer unconditionally to return to work, the replacement workers would not be retained in preference to the strikers.

Committee Amendment "A" (H-1018) proposed to replace the bill. It proposed to invalidate a contract that attempts to prevent an employer from rehiring employees displaced during a labor dispute and from removing workers who were hired to replace striking employees. It proposed to specify that no cause of action lies in state courts to require an employer to retain an employee or employees hired to replace workers who participate in a labor dispute.

LD 357

An Act Raising the Minimum Wage

VETO
SUSTAINED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH	OTP-AM MAJ	H-918
DOUGLASS	ONTP MIN	

LD 357 proposed to raise the state minimum wage to \$5.50 per hour, beginning January 1, 2000 and to \$6.00 per hour starting January 1, 2001. The bill also proposed to adjust the minimum wage on each January 1st thereafter to reflect the percentage change in the Consumer Price Index for the previous 12 months.

Committee Amendment "A" (H-918) proposed to replace the bill. It proposed to raise the minimum wage to \$5.75 per hour beginning January 1, 2001 and to \$6.25 per hour beginning January 1, 2002. It also proposed to adjust the minimum wage every 3rd January 1st thereafter, based on the 3-year average increase in the Consumer Price Index.

LD 586

An Act to Abolish Apportionment in Workers' Compensation Claims

ONTP

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

LD 586 proposed to adopt the "last injury rule" for workers' compensation cases where an employee suffers multiple successive injuries in the employment of 2 or more employers or under 2 or more insurers. Instead of apportioning responsibility among all employers in whose employment the worker was injured, the last injury rule assigns all responsibility to the last employer.

Committee Amendment "A" (S-483) proposed to clarify the bill and to add provisions to ensure that the rights of injured workers would not be impaired by adoption of the last injury rule.

LD 810

An Act to Encourage Responsible Employment Practices

PUBLIC 649

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART SHIAH	OTP-AM MAJ ONTP MIN	S-535

LD 810 proposed to establish employment practices that must be met by all employers who engage in public improvement or public works projects for the State, including a requirement that the employer provide health insurance coverage to employees and pay at least 50% of the cost of that coverage.

Committee Amendment "A" (S-535) proposed to replace the bill. It proposed to authorize the Director of the Bureau of Labor Standards within the Department of Labor to review information relating to an employer's compliance with workers' compensation and unemployment compensation laws during investigations to enforce laws under the jurisdiction of that bureau. It also proposed to require the director to report suspected violations of workers' compensation and unemployment compensation laws to the agencies responsible for enforcing them.

Enacted law summary

Public Law 1999, chapter 649 authorizes the Director of the Bureau of Labor Standards within the Department of Labor to review information relating to an employer's compliance with workers' compensation and unemployment compensation laws during investigations to enforce laws under the jurisdiction of that bureau. It also requires the director to report suspected violations of workers' compensation and unemployment compensation laws to the agencies responsible for enforcing them.

LD 835

**Resolve, to Study Pension Plan Design and Benefits under the
Maine State Retirement System**

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURPHY T	OTP-AM	

LD 835 proposed to establish the Commission to Study the Interrelationship among the Maine State Retirement System, federal Social Security System and Tax-advantaged Accounts. The commission would have consisted of 12 members, 6 with expertise or experience in retirement systems and 6 who are Legislators and would have reported to the Second Regular Session of the 119th Legislature and the Joint Standing Committee on Labor.

Committee Amendment "A" (H-1054) proposed to replace the resolve and to direct the Joint Standing Committee on Labor to study the design of pension plans for state employees and teachers, the level and equity of the benefits and early retirement options available under those plans and submit a report for consideration by the First Regular Session of the 120th Legislature. At the end of the session, the study was not funded and the Labor Committee will conduct the study as part of its monthly meetings during the interim.

LD 987

**An Act to Validate Voluntary Collective Bargaining Provisions that
May Affect Educational Policies**

ONTP

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

LD 987 proposed to allow enforcement of provisions in public school teacher contracts relating to educational policy.

LD 1019

An Act to Limit Mandatory Overtime

PUBLIC 750

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH RUHLIN	OTP-AM A ONTP B OTP-AM C	H-1145 HATCH H-893

LD 1019 proposed to prohibit an employer from requiring an employee to work more than 40 overtime hours in any period of 2 calendar weeks and to count the hours worked over 8 in a day or 40 in a week as overtime. It also proposed to prohibit an employer from retaliating against an employee who does not consent to work those hours.

Committee Amendment "A" (H-893) proposed to replace the bill. It proposed to change the limit on overtime to 80 hours in a 2-week period, to apply the law to all employers including the State and to exempt from the limit certain types of work and certain employees, including essential public service

workers, seasonal employees, certain salaried workers, employed immediate family members and work performed in response to an emergency declared by the Governor under state law.

House Amendment "A" to Committee Amendment "A" (H-1145), proposed to add to the list of employees who are exempt from the overtime limit employees who work during a shut-down operation for annual maintenance and medical interns and residents working in a health care facility.

Enacted law summary

Public Law 1999, chapter 750 prohibits an employer from requiring an employee to work more than 80 overtime hours in any period of 2 calendar weeks and prevents the employer from retaliating against an employee who does not consent to work those hours. The following employees and types of work are exempted from the limit: essential public service workers such as utility workers and road maintenance crews, seasonal employees, executives whose annual salary exceeds 3000 times the minimum wage, employees who work during a shut-down operation for annual maintenance, medical interns and residents working in health care facilities, fisheries employees, agricultural workers, domestic workers, salespeople, camp counselors, cottage industry workers, employed immediate family members and work performed in response to an emergency declared by the Governor under state law.

LD 1091

An Act to Amend Maine State Retirement System Rules to Allow Monthly Partial Direct Service Payments to Purchase Service Credit

PUBLIC 537

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

LD 1091 which was carried over from the First Regular Session of the 119th Legislature proposed to provide that annual payments for purchase of service credits by members of the Maine State Retirement System may be either by a single yearly payment or by periodic payments through payroll deduction. Service credits could also be purchased by a single lump sum, which would be unaffected by this bill.

Committee Amendment "A" (H-785) proposed to provide that annual payments for payment of contributions for back time, repayment of contributions or purchase of service credit by members of the Maine State Retirement System made by single annual payments or periodic payments through payroll deduction be made at a rate that will allow for some progress in the purchase of credit provided for in the bill. The amendment also proposed to provide a delayed effective date for the bill and add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 537 provides that annual payment of contributions for purchase of back time, repayment of contributions or purchase of service credit by members of the Maine State Retirement System may be made by periodic payments through payroll deduction in addition to a single annual payment which was previously authorized by law. Whichever method of payment is used, the new law also requires that payments must be made at a rate that will allow for some progress in the purchase of credit rather than just paying off the interest. The change in the law takes effect March 1, 2001.

LD 1165

An Act Regarding the Retirement Plan for Rangers in the Law Enforcement Bargaining Unit at Baxter State Park

DIED BETWEEN BODIES

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

LD 1165 was carried over from the First Regular Session of the 119th Legislature. It proposed to permit law enforcement officers employed by the Baxter State Park Authority to opt to retire at age 50 after 25 years of service and retain the current option to choose, instead, to retire at age 55 after 25 years of service.

Committee Amendment "A" (S-685) proposed to replace the bill and replace the title. The amendment proposed to extend coverage of Baxter State Park rangers under the 1998 Special Retirement Plan back in time to July 1, 1998. The rangers were covered by the plan last year effective January 1, 2000. The amendment also proposed to provide coverage under the 1998 Special Retirement Plan effective August 6, 2000 for special investigators and researchers in the Attorney General's Office who are sworn law enforcement officers.

The amendment also proposed to add an appropriation section and a fiscal note to the bill.

LD 1166

An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals

ONTP

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

LD 1166 proposed to establish workplace health and safety standards for the use of video display terminals.

LD 1246

An Act to Protect the Rights of Judicial Employees

ONTP

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

LD 1246 proposed to specify that persons who have worked for the Judicial Department for at least 6 months and who meet the common law definition of "employee", are employees for purposes of the Judicial Employees Labor Relations Act, even if they were hired outside the state personnel process.

LD 1262

An Act to Increase the Minimum Wage in Maine

UNSIGNED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE	OTP-AM MAJ	S-534
ROWE	ONTP MIN	S-620 DOUGLASS S-809 DOUGLASS

LD 1262 proposed to increase the minimum wage to \$5.65 per hour beginning January 1, 2000 and to \$6.15 per hour beginning January 1, 2001.

Committee Amendment "A" (S-534) proposed to increase the minimum wage to \$5.65 per hour beginning September 1, 2000 and to \$6.25 per hour beginning September 1, 2001.

Senate Amendment "A" (S-620) proposed to strike the section appropriating funds to reprint and mail the minimum wage poster and to require the Commissioner of Labor to pay those expenses from the department's Special Administrative Expense Fund.

LD 1357

Resolve, to Create a Commission to Study the Hearing Process of the Workers' Compensation Board

ONTP

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

LD 1357 proposed to create a 6-member commission to study the hearing process of the Workers' Compensation Board.

LD 1358

An Act to Promote Stability in Labor Management Relations in the Public Sector **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH	OTP-AM A	
CATHCART	ONTP B	

LD 1358 proposed that the terms and conditions of an expired collective bargaining agreement remain in effect until a new contract is executed.

Committee Amendment "A" (H-433) proposed to replace the bill with language providing that the grievance arbitration provisions of a collective bargaining agreement continue after expiration of the agreement. In interpreting the contract after expiration, the amendment proposed that the arbitrator make decisions consistent with the Maine Labor Relations Board standard for maintaining the status quo after expiration of a contract.

LD 1377 **Resolve, Directing the Department of Labor to Establish Standards for Providing Heat in Buildings** **ONTP**

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

LD 1377 proposed to direct the Department of Labor to develop standards that employers must follow in maintaining heat in buildings that are occupied by employees.

LD 1730 **An Act to Increase Health Insurance Benefits for Retired Educators** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART	OTP-AM MAJ	H-794 HATCH
HATCH	ONTP MIN	S-480

LD 1730 proposed to increase the State's contribution for health insurance for retired educators from 30% to 35% beginning January 1, 2000 and from 35% to 40% beginning January 1, 2001. The bill as amended by Committee Amendment B and House Amendment A was passed in the House but not funded off the Appropriations Table and died on adjournment.

Committee Amendment "B" (S-480) proposed to change the date proposed in the bill on which the State will begin to pay 35% of the cost of retired educators' health insurance from January 1, 2000 to July 1, 2000. The amendment also proposed to add an appropriation section and a fiscal note to the bill.

House Amendment "A" to Committee Amendment "B" (H-794) proposed to correct the amount that represents the State's share of the cost of health insurance premiums.

LD 1767 **An Act to Allow Recovery of Provisional Payments by Employee Benefit Plans** **ONTP**

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

LD 1767 was carried over from the First Regular Session of the 119th Legislature. It proposed to allow an employer or organization making provisional payments through a self-funded health plan or employee welfare benefit plan to recover those payments from the disability retirement benefit due the member from the Maine State Retirement System. An administrative agreement that eliminated the need for the bill was worked out between the Maine State Employees Union and the Retirement System; and the bill was reported out ONTP.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY	OTP-AM	S-684 S-715 MURRAY

Current law requires that a recipient of reduced benefits with a designated beneficiary under the Maine State Retirement System who remarries, either following the death of the recipient's spouse or divorce, and who wants to change the beneficiary must name the recipient's new spouse as beneficiary and obtain the permission of the ex-spouse, if living, or have been remarried for at least 6 months.

LD 1790 which was carried over from the First Regular Session of the 119th Legislature proposed to remove the restrictions on who may be named as a new beneficiary, allowing the recipient to name anyone, not just a spouse. The bill proposed to continue the current requirement that the original beneficiary be informed by the Maine State Retirement System that the recipient is changing the beneficiary.

Committee Amendment "A" (S-684) replaced the bill and proposed to amend benefit options for retirees and notice requirements to spouses of retirees. The amendment proposed to allow a one-time change of a retiree's beneficiary for retirement benefits without the permission of the beneficiary if the beneficiary is not the spouse or ex-spouse of the retiree. The amendment proposed to establish 3 new retirement benefit options that allow a retiree in certain circumstances to have the retiree's reduced benefit restored to full benefits if the named beneficiary dies before the retiree. The amendment proposed to add new language to authorize concurrent payments of retirement benefits to a retiree and a beneficiary during the life of the retiree. The amendment also proposed to require notice to a member's spouse if the member elects a retirement option that does not name the spouse as beneficiary. Finally, the amendment would apply the provisions of the amendment applying to state employees and teachers to judges and employees of participating local districts. The amendment also proposed to add an appropriation section, an allocation section and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-715) proposed to clarify that, if the recipient of a reduced retirement benefit under the Maine State Retirement System utilizes the one-time option provided in the committee amendment to designate a new nonspousal beneficiary, that beneficiary may receive benefits only under the same terms and conditions as and only during the normal life expectancy of the prior designated beneficiary. The amendment also proposed to add an emergency preamble and emergency clause.

After enactment of the bill, the new law was amended retroactively in the Errors Bill (P.L. c. 790, Part K) to provide that only provisions authorizing a one-time change in beneficiary are emergency provisions that take effect immediately. The rest of the law takes effect 90 days after adjournment of the Second Regular Session.

Enacted law summary

Public Law 1999, chapter 744 expands the retirement benefit payment options available to members of the Maine State Retirement System and the notice requirements to spouses of those members. A retiree may make a one-time change of the retiree's previously designated beneficiary for retirement benefits without the permission of the beneficiary if the beneficiary is not the spouse or ex-spouse of the retiree. The new

beneficiary receives benefits under the same terms and conditions as the prior beneficiary and only until the new beneficiary dies or during the actuarially determined expected life of the prior beneficiary, whichever occurs first.

Three new retirement benefit payment options are established that allow a retiree, in certain circumstances, to have the retiree's reduced benefit restored to full benefits if the named beneficiary dies before the retiree. The new law authorizes the option of concurrent payments of retirement benefits to a retiree and a beneficiary during the life of the retiree. Notice to a member's spouse is required if the member elects a retirement option that does not name the spouse as beneficiary

Public Law 1999, chapter 744 was enacted as an emergency measure effective May 3, 2000. However, chapter 744 was amended in the Errors Bill (Public Law 1999, chapter 790, part K) so that only the provisions authorizing a one-time change of a non-spousal beneficiary without the permission of the beneficiary take effect immediately. The other provisions of chapter 744 take effect August 11, 2000.

LD 1864

An Act Concerning the Political Use of Union Dues

ONTP

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

LD 1864 proposed to prohibit an employer from withholding wages to be used for political purposes and to prohibit a labor organization from using dues or fees for political purposes unless the employee whose wages are being used has authorized the withholding or use.

LD 1908

An Act to Establish as an Employee Any Person Who Collects Signatures on Petitions for Direct Initiative or People's Veto Legislation for Any Person, Firm or Organization that Contracts, Subcontracts or Agrees to Collect the Signatures for Anything of Value

ONTP

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

LD 1908 proposed to provide that any person who is paid a wage, salary or anything of value to collect signatures on petitions for direct initiative or a people's veto is an employee of any person, firm or organization that contracted, subcontracted or agreed to provide for the collection of those signatures.

LD 1927

An Act to Ensure that an Eligible Work Force is Promptly Certified for Trade Act Assistance and Has Full Access to Training and Education Services as Provided by Law

INDEF PP

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

LD 1927 proposed to allow a person to receive dislocated worker benefits to provide extended benefits to enable the person to complete a training or educational program following a layoff. Benefits would be paid only after the person exhausted unemployment compensation and federal Trade Act benefits, and only if the person used up some of the 26 weeks of unemployment compensation to which the person is entitled during intermittent periods of layoff before being completely laid off and available for training or education programs. The bill also proposed to require the Department of Labor to make eligibility determinations for workers who apply to participate in training programs under the federal Trade Act within 20 days of the date of the worker's application, or earlier if needed to allow the person to enroll in an educational institution or training program.

Committee Amendment "A" (S-569) proposed to replace the bill. It proposed to create a fund within the Department of Labor to provide weekly benefits to workers who used up some of their unemployment compensation benefits before being finally laid off, rather than paying those benefits out of the Unemployment Compensation Fund as proposed in the bill.

LD 1988

An Act to Provide for Benefits to Surviving Dependents of Employees Who Die as a Result of Work Injuries

ONTP

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

LD 1988 proposed to remove the 500-week cap on death benefits payable to the surviving dependents of an employee who dies as a result of workplace injuries. It also proposed an annual adjustment of the weekly benefit so that the benefit would be the same percentage of the state's average weekly wage as it was at the time of the employee's injury.

LD 1989

An Act to Amend Binding Arbitration to Include Salaries, Pensions and Insurance for State, Legislative and Municipal Employees and to Provide a Process for Voting when a Public Employer's Last Offer is Not Selected

DIED IN CONCURRENCE

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

LD 1989 proposed to allow binding arbitration of matters relating to salary, pensions and insurance for state, legislative and municipal employees. It also proposed a process for sending the arbitrators' determination to municipal voters or the Legislature for approval, when the arbitrators do not select the last best offer of the municipality or Legislature.

LD 1995 An Act to Clarify the Workers' Compensation Laws Regarding the PUBLIC 610
Agricultural Laborer Exemption

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH KILKELLY	OTP-AM	H-857

LD 1995 proposed to clarify the exemption in workers' compensation law for agricultural and aquacultural laborers by specifying that an employer who has employed more than 6 laborers for 240 man hours or more per week is not entitled to the exemption.

Committee Amendment "A" (H-857) proposed to replace the bill. It proposed to rewrite the paragraph relating to the agricultural exemption to clarify it. As amended, the law would exempt employers of agricultural or aquacultural employees if they employ 6 or fewer such laborers or they employ more than 6 but the total number of hours worked by all such laborers in a week does not exceed 240 and has not exceeded 240 in any week during the year prior to an injury.

Enacted law summary

Public Law 1999, chapter 610 revises the provision of law exempting certain agricultural employees from the workers' compensation law. It provides that employers of agricultural or aquacultural employees are exempt from the requirement to provide workers' compensation coverage if they employ 6 or fewer such laborers or they employ more than 6 but the total number of hours worked by all such laborers in a week does not exceed 240 and has not exceeded 240 in any week during the year prior to an injury.

LD 2075 An Act to Amend the Maine Workers' Compensation Act of 1992 as DIED BETWEEN BODIES
it Pertains to Occupational Health

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER DOUGLASS	OTP-AM MAJ ONTP MIN	H-1034

LD 2075 proposed to allow a person suffering from an occupational disease to recover under the occupational disease law for diseases caused by exposure to one or more of 30 chemicals and metals listed in the bill, regardless of when incapacity from the disease occurred. Under current law, a worker is entitled to benefits under the occupational disease law only if the worker becomes incapacitated within 3 years of the last exposure to the disease-causing element, with some exceptions. It also proposed to extend the notice period from 90 days to 180 days, make all employers in whose employment the worker was exposed liable for the disease, require appointment of impartial physicians in all occupational disease cases, and eliminate apportionment in cases where non-employment causes contributed to the incapacity.

and death benefits for participants, require continued payment of the existing unfunded liability of the retirement system by the state contribution on behalf of participants, clarify participant and employer contributions rates, prescribe the bidding process for selection of contract providers to manage the defined contribution plan and appropriate money to contract with providers to perform the calculation of the present value of current members' future retirement benefits necessary for the transition from the current defined benefit plan to the new defined contribution plan provided in the bill. The amendment also proposed to make several technical amendments to the bill to allow implementation by July 1, 2001.

The amendment proposed to add a fiscal note to the bill.

LD 2147 An Act to Ensure Just Cause Termination in Employment INDEF PP

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

LD 2147 proposed to prohibit a private employer from terminating an employee without “just cause,” to define “just cause” and to allow a person to seek remedies for wrongful termination through a civil action.

Committee Amendment "A" (H-1024) proposed to replace the bill. It proposed to require employers to inform each employee in writing of the circumstances under which the employee may be terminated. Unless a collective bargaining agreement, contract or employee handbook covered the employee, the amendment proposed that the employer notify the employee that he or she is an “at-will employee” and may be terminated for any cause not specifically prohibited by law, such as illegal discrimination. If an employee who did not receive the required notice was terminated or if the employee's termination was not consistent with the terms of the handbook, the employee would be allowed to bring suit in Superior Court for reinstatement and back pay.

LD 2177 An Act to Require the Spouse of a Member of the Maine State Retirement System to Receive the Member's Death Benefits ONTP

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

LD 2177 was carried over from the First Regular Session of the 119th Legislature. It proposed to amend the provisions of the Maine State Retirement System to require that all benefits paid on the death of a participating member are paid to the surviving spouse of that member. The spouse of a member could waive this requirement by filing a waiver with the Board of Trustees of the Maine State Retirement System. If the participating member is not married, then the beneficiary designated by that member would receive the benefits. LD 1790 is a related bill.

LD 2185

**Resolve, Relating to Protection from Bloodborne Pathogens for
Maine Workers**

**RESOLVE 115
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER KILKELLY	OTP-AM	H-948 H-999 BULL

LD 2185 proposed to require the Department of Human Services to adopt rules to protect public employees from sharp object injuries. The rules would be at least as prescriptive as the federal Occupational Safety and Health Administration's standard for protection against bloodborne pathogens. The bill also proposed to establish a fund to provide for research, development and product evaluation of needleless systems and sharp object protection.

Committee Amendment "A" (H-948) proposed to replace the bill and change it to a resolve. The resolve proposed to require the State's Board of Occupational Safety and Health, which regulates public-sector places of employment, to adopt rules that are at least as protective of employees as a November 5, 1999 directive published by the federal Occupational Safety and Health Administration, or "OSHA." That directive interprets the OSHA bloodborne pathogen regulation.

The amendment also proposed to require the Department of Labor and the Department of Human Services to survey health care providers to collect information on the use of needleless systems and other safe needle devices, as well as on plans to adopt such systems.

House Amendment "A" to Committee Amendment "A" (H-999) proposed to require the departments conducting the survey to include field health care providers, including, but not limited to, emergency medical technicians, in the survey.

Enacted law summary

Resolve 1999, chapter 115 requires the State's Board of Occupational Safety and Health to adopt rules relating to bloodborne pathogens in public sector places of employment that are at least as protective as the federal directive governing private sector places of employment. The Resolve also requires the Department of Labor and the Department of Human Services to survey health care providers to collect information on the use of needleless systems and other safe needle devices, as well as on plans to adopt such systems. The departments must submit information collected by the survey in a report to the joint standing committee of the Legislature having jurisdiction over labor matters.

Resolve 1999, chapter 115 was finally passed as an emergency measure effective April 14, 2000.

LD 2194

An Act Regarding Doing Business with Burma

ONTP

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

LD 2194 proposed to prohibit investment of public funds in companies doing business with Burma, and to limit the award of public contracts to such companies.

LD 2251

An Act to Provide Health Insurance Benefits to Dwight Parsons

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FERGUSON GAGNE	OTP-AM	

LD 2251 proposed to provide health insurance benefits under the State Employee Health Insurance Program to Dwight Parsons, a 30-year state employee who did not apply for the health benefits in time.

Committee Amendment "A" (S-481) proposed to clarify the level of benefits to be provided to Dwight Parsons and adds an appropriation section and a fiscal note to the bill.

LD 2318

An Act Concerning Eligibility Requirements for State Employees, Teachers and Participating Local District Employees to Purchase Military Service Credit

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1075

LD 2318 was recommended by the Committee to Study Standardized Periods of Military Service and Other Matters Related to the Award of State of Maine Veterans' Benefits. This bill proposed to reduce from 15 to 5 the number of years of creditable service a state employee who is a member of the Maine State Retirement System must have before the employee is eligible to purchase service credit for service in the Armed Forces of the United States. It also proposed to remove a requirement that members joining after January 1, 1976 have served in a federally recognized period of conflict to be eligible to purchase military service credits. Finally it would have allowed a dishonorably discharged member to purchase service credit if the discharge was later upgraded through a general amnesty program.

Committee Amendment "A" (H-1075) proposed to strike from the bill provisions that would have allowed a member of the Maine State Retirement System who was dishonorably discharged from the military to purchase credit for that military service if the discharge was upgraded through a program of general amnesty and would have made the bill applicable to members of the retirement system through participating local districts. The amendment also proposed to add a fiscal note to the bill.

LD 2352

An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2001

**P & S 69
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-844

LD 2352 presented the fiscal year 2000-01 operating budget of the Maine State Retirement System to the Legislature for approval as required by state law. Section 1 of the bill identifies the Maine State Retirement System's personal services costs and its costs for all other operating expenses. Section 2, provided for information purposes, presents the attribution of expenses to the 3 Maine State Retirement System member/employer categories: General Fund, Non-General Fund and Participating Local District.

Committee Amendment "A" (H-844) proposed to reduce the Retirement System's administrative operating budget by \$119,620, increase the amount of the budget to be provided from the system's reserve account by \$108,000 and add a fiscal note.

Enacted law summary

Private and Special Law 1999, chapter 69 establishes the administrative operating budget for the Maine State Retirement System for fiscal year 2000-2001 in the amount of \$8,387,142. Referral of the budget to the Labor Committee and approval by the Legislature has been required since the system was granted independent agency status in 1993.

Private and Special Law 1999, chapter 69 was enacted as an emergency measure effective July 1, 2000.

**LD 2363 An Act Regarding Length of Service, Retirement Age and DIED ON
Retirement Benefits for State Police Officers and Certain Other ADJOURNMENT
State Employees**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP-AM A	
CARR	OTP-AM B	
	OTP-AM C	

LD 2363 proposed that a state police officer would qualify for full benefits under the Maine State Retirement System if the officer was hired after August 31, 1984 and completed 25 years of creditable service. This bill also proposed to remove state police officers from the coverage under the 1998 Special Plan.

Committee Amendment "A" (S-643), the majority report of the committee, proposed to make several technical amendments to the bill to fully implement its intent to remove state police officers from the 1998 special retirement plan and establish a 25-years-of-service and no-age-requirement retirement plan for state police officers. The amendment proposed to clarify that state police officers who elected an option available under prior law to pay increased contributions to purchase an early retirement plan similar to that being established by the bill would have their excess contributions refunded with interest.

The amendment also proposed to add direct care mental health workers in the Department of Mental Health, Mental Retardation and Substance Abuse Services, certain hazardous material responders in the Department of Environmental Protection and Capitol Security officers to the 1998 Special Retirement Plan. Under that existing plan a member qualifies for a service retirement benefit if that worker is at least 55 years of age and has completed at least 10 years of creditable service in a covered capacity. A reduced retirement benefit is available before age 55 if the member has completed at least 25 years of creditable service.

The amendment also proposed to add an appropriation section, an allocation section and a fiscal note to the bill.

The provisions of this amendment affecting state police were incorporated into the budget bill (P.L. c. 731, Part CC).

Committee Amendment "B" (S-644) is a minority report, Report B, of the Labor Committee. The amendment proposed to replace the bill and establish a legislative commission to study the need for early retirement options and special retirement plans for state employees engaged in law enforcement, public safety, institutional direct care services and other dangerous or stressful jobs. The commission would also be directed to consider the costs and benefits to the State and employees of providing early retirement options and special retirement plans for certain categories of state employees and to develop criteria and procedures for deciding which categories of employees should have the options.

The amendment also proposed to add an appropriation section and a fiscal note.

Committee Amendment "C" (S-645) is a minority report, Report C, of the committee. The amendment proposed to make several technical amendments to the bill to fully implement its intent to remove state police officers from the 1998 special retirement plan and establish a 25-years-of-service and no-age-requirement retirement plan for state police officers. The new early retirement plan for state police officers would be retroactive to date of hire for current officers. The amendment proposed to clarify that state police officers who elected an option available under prior law to pay increased contributions to purchase an early retirement plan similar to that being established by the bill would have their excess contributions refunded with interest. The amendment also proposed to add an appropriation section, an allocation section and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-739) proposed to remove the State Police from coverage under the bill (the provisions covering them were included in the budget bill, P.L. c. 731, Part CC) but would have retained the provisions that add direct care mental health workers in the Department of Mental Health, Mental Retardation and Substance Abuse Services, certain hazardous material responders in the Department of Environmental Protection and Capitol Security officers to the 1998 Special Retirement Plan.

LD 2364

An Act to Restore Early Retirement Options for Teachers

ONTP

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

LD 2364 proposed to reduce the early retirement penalty for teacher members of the Maine State Retirement System and provide for a study of the options available for teachers to retire early. See LD 835.

LD 2410

An Act to Amend Requirements for Maine Technical College System Employees Participating in a Defined Contribution Plan

PUBLIC 614

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH DOUGLASS	OTP-AM	H-895

LD 2410 proposed to amend the Maine State Retirement System law pertaining to the defined contribution plan for Maine Technical College System employees in accordance with recent reduction in Maine State Retirement System vesting requirements from 10 to 5 years.

Committee Amendment "A" (H-895) proposed to clarify proposed language in the original bill regarding use of the term “vesting” The amendment also proposed to add a fiscal note.

Enacted Law Summary

Public Law 1999, chapter 614 amends the law establishing a defined contribution retirement plan option for certain employees of the Maine Technical College System to be consistent with the reduction from 10 to 5 years of the amount of creditable service necessary to qualify for a Maine State Retirement System benefit, which was enacted last year. The requirement that eligible MTCS employees who are members of the Retirement System and who do not have at least 10 years of creditable service must apply for a refund of accumulated contributions to the Retirement System is changed to say that any member who has less than the number of years of creditable service required for eligibility for a benefit must seek a refund.

LD 2416

An Act to Limit the Duration that Businesses May Hire Employees as Temporary Employees

ONTP

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

LD 2416 proposed to prohibit a business from hiring a temporary employee for a period greater than 90 days, unless the temporary employee is filling in for a permanent employee on family medical leave.

LD 2419

An Act to Correct Inconsistencies of the Taxable Wage Amount in the Unemployment Compensation Law

PUBLIC 555

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

LD 2419 proposed to amend a definition in the unemployment compensation law to reflect the change in the taxable wage amount from \$7,000 to \$12,000, which was made in the First Regular Session of the 119th Legislature.

Enacted law summary

Public Law 1999, chapter 555 amends a definition in the unemployment compensation law to reflect the change in the taxable wage amount from \$7,000 to \$12,000, which was made in the First Regular Session of the 119th Legislature.

LD 2430 An Act to Provide Pension Equity for Mental Health Workers ONTP

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

LD 2430 proposed to provide that a mental health worker in the Department of Mental Health, Mental Retardation and Substance Abuse Services qualify for a service retirement benefit if that worker is at least 55 years of age and has completed at least 10 years of creditable service under the 1998 Special Plan of the Maine State Retirement System or has completed at least 25 years of creditable service. See also LD 2363. The provisions of LD 2430 were incorporated into the Committee Amendment to LD 2363.

**LD 2431 An Act to Change the Retirement Eligibility Requirements for
Certain Employees of the Department of Environmental Protection ONTP**

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

LD 2431 proposed to provide that an oil and hazardous waste materials worker in the Department of Environmental Protection qualifies for a service retirement benefit if that worker is at least 55 years of age and has completed at least 10 years of creditable service under the 1998 Special Plan of the Maine State Retirement System or has completed at least 25 years of creditable service. See also LD 2363. The provisions of LD 2431 were incorporated into the Committee Amendment to LD 2363.

**LD 2491 An Act to Permit the Option of Retaining Health Insurance
Coverage for Law Enforcement Personnel Who Have 25 Years of
Creditable Service ONTP**

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

LD 2491 proposed to permit law enforcement personnel with 25 years of creditable service who are members of the Maine State Retirement System to maintain their state-paid health insurance coverage if they separate from employment prior to retirement age. In light of the majority committee report on LD 2363, this bill was given an ONTP report.

LD 2498

An Act to Increase Access to High-quality Jobs Through the Federal Workforce Investment Act

PUBLIC 705

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS	OTP-AM MAJ ONTP MIN	S-577

LD 2498 proposed to establish standards and policies for the Department of Labor in the implementation of the federal Workforce Investment Act (WIA), including requirements that service be provided on a first-come, first-served basis and that training and job placement be based on developing self-sufficiency. It also proposed to specify that a person engaged in training under the WIA does not lose eligibility for unemployment compensation benefits.

Committee Amendment "A" (S-577) proposed to strike the provisions of the bill establishing standards and policies for the Department of Labor and the local workforce investment boards to follow in implementing the federal Workforce Investment Act. It also proposed to amend the section providing that a person in training under the Workforce Investment Act is deemed to be in approved training for purposes of qualifying for unemployment benefits, by providing that the law is not effective if inconsistent with federal law.

Enacted law summary

Public Law 1999, chapter 705 provides that a person in training under the federal Workforce Investment Act is deemed to be in approved training for purposes of qualifying for unemployment benefits, but provides that the law is not effective if inconsistent with federal law.

LD 2561

An Act to Ensure Access to Specialists for Injured Workers

DIED BETWEEN BODIES

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

LD 2561 proposed to require an employer to pay for treatment of an injured worker by a specialist until the Workers' Compensation Board rendered a decision on the employer's appeal. If the Board determined that the employer was not required to pay for the treatment, the employer could recover the costs from the employee.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	S-650
	OTP-AM MIN	S-711 LAFOUNTAIN

LD 2588 proposed to establish a method of determining the total amount of contributions needed from employers to maintain the solvency of the Unemployment Compensation Fund. It also proposed to prohibit the Legislature from amending the unemployment compensation law in a way that increases costs without modifying employer contributions to pay for those costs. The bill was submitted in response to Public Law 1999, chapter 464, which directed the Department of Labor to report a method for setting planned yield rates for the Unemployment Compensation Fund.

Committee Amendment "A" (S-650), the majority report of the committee, proposed to replace the bill. It proposed to remove the language in the bill requiring that benefit increase legislation include modifications to employer contributions to offset the increased costs of the benefit increase. Instead, it proposed to require the Department of Labor to conduct a study of benefit change proposals and to report to the Legislature before such a benefit change is enacted. The amendment proposed to repeal this provision in March of 2002.

The amendment also proposed to adopt the table for setting a planned yield that caps the fund at 24 months of benefits, but to provide that the table is effective only for calendar year 2001, after which the planned yield would revert to 1.1%.

Committee Amendment "B" (S-651), the minority report of the committee, proposed to replace the bill. It proposed to remove the language in the bill requiring that benefit increase legislation include modifications to employer contributions to offset the increased costs of the benefit increase. Instead, it proposed to require the Department of Labor to conduct a study of benefit change proposals and to report to the Legislature before such a benefit change is enacted. It also proposed to limit the Unemployment Compensation Trust Fund to 18 months of benefits instead of 24 as provided in the bill.

Senate Amendment "C" to Committee Amendment "A" (S-711) proposed to change the requirement that benefit change proposals be studied by the Department of Labor. It proposed to require that the study be conducted before the public hearing on the bill and changed the content of the study. It also proposed to remove the repeal of the study requirement. It proposed to remove the provision that limits use of the table for determining planned yield to the calendar year 2001 and to provide a table that caps the Unemployment Compensation Fund at between 20 and 21 months of benefits.

Enacted law summary

Public Law 1999, chapter 740 provides a method for determining the total amount that employers must contribute to the unemployment compensation fund each year, based on the number of months of benefits that could be paid by the fund at the time the determination is made. The total amount, known as the "planned yield", is expressed as a percent of total wages paid in Maine for employment covered by the unemployment compensation law. The planned yield is determined by a table, which is designed to cap the fund at between 20 and 21 months of benefits. The law also requires that any legislative measure proposing to change unemployment compensation benefits be reviewed and evaluated by the Department of

Labor before the public hearing on the proposal. The department must report its findings on matters including the impact of the proposed change on total costs, employer contributions, and recipient groups to the legislative committee considering the proposal.

LD 2590

Resolve, Regarding Legislative Review of Chapter 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations, a Major Substantive Rule of the Department of Labor

**RESOLVE 108
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2590 proposed to allow the Department of Labor to finally adopt a rule governing the calculation of administrative civil money penalties for labor law violations.

Enacted law summary

Resolve 1999, chapter 108 authorizes the Department of Labor to finally adopt a rule governing administrative civil money penalties for labor law violations. The rule includes a formula for determining the amount of a penalty, based on gravity of the violation, the employer's size and history of previous violations, and the absence or presence of good faith on the part of the employer.

Resolve 1999, chapter 108 was finally passed enacted as an emergency measure effective April 10, 2000.

LD 2613

An Act to Clarify Application of the Employment Leave Law for Victims of Violence

PUBLIC 659

Sponsor(s)
HATCH
DOUGLASS

Committee Report
OTP

Amendments Adopted

LD 2613 proposed to amend the law requiring employers to give employees who are the victims of violence time off from work to pursue legal protection, legal remedies and medical care and to attend to other needs created by the violence. The bill proposed to add an application section specifying that the law applies to all public and private employers and to remove the law from the subchapter governing family medical leave.

Enacted law summary

Public Law 1999, chapter 659 provides that the employment leave law for victims of violence applies to all employers, not just to employers covered by the family medical leave law.

An Act to Establish Consistent Requirements in Maine State Retirement System Plans for Minimum Creditable Service for Eligibility to Receive Retirement Benefits

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH DOUGLASS	OTP-AM MAJ OTP-AM MIN	H-1110

LD 2614 proposed to provide consistency in the laws governing eligibility to receive retirement benefits. Consistent with the law enacted last year, the bill proposed to change the minimum creditable service for eligibility to receive retirement benefits from 10 years to 5 years for employee members of participating local districts and members of the state legislative retirement system and the judicial retirement system.

Committee Amendment "A" (H-1110) is the majority committee report. It proposed to clarify language in the bill describing the manner by which a state employee, teacher, participating local district employee or judge who is a member of the Maine State Retirement System and who had less than 10 years of creditable service on July 1, 1993 qualifies for a retirement benefit.

Enacted law summary

Public Law 1999, chapter 756 changes the minimum amount of creditable service required for eligibility to receive retirement benefits from 10 years to 5 years for employee members of participating local districts and members of the state legislative retirement system and the judicial retirement system. The reduction in required creditable service was enacted last year for state employees and teachers. This change provides consistency in the laws governing the retirement of legislators, judges and participating local district employees and those governing state employees and teachers.

An Act to Ensure that Maine Citizens Injured While Working in Foreign Countries are Provided with Workers' Compensation Benefits

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

LD 2652 proposed to deny workers' compensation benefits to a resident of a foreign country, province or state who is injured while working for an employer in the State if the foreign country, province or state in which that person resides does not provide for workers' compensation protection for residents of the State who are employed and injured in that foreign country, province or state.

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Joint Standing Committee on Legal and Veterans' Affairs

LD 151

An Act to Prohibit Mandatory Maine National Guard Membership

ONTP

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

LD 151 proposed to prohibit the State from requiring that membership in the Maine National Guard be a condition of obtaining or retaining any position of employment by the State.

LD 873

An Act to Clarify Responsibilities for the Maintenance of Veterans' Grave Sites

PUBLIC 700

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE BERRY R	OTP-AM	H-995 COWGER S-581

LD 873 proposed to update and amend municipal responsibilities for veterans' grave sites, including:

1. Changing the term "soldier or sailor who served in the United States Army, Navy or Marine Corps in any war" to "veterans of the Armed Forces of the United States of America";
2. Changing the liability of the municipality for failing to properly maintain veterans' grave sites from \$100 per town to \$500 per cemetery for each municipality;
3. Changing the term "May 30th" for the decoration of veterans' graves to "the day Memorial Day is observed"; and
4. Requiring municipalities to follow the National Flag Code in the handling and display of American flags.

Committee Amendment "A" (S-581) proposed to clarify the law pertaining to municipal and county responsibility for maintaining veterans' graves. It proposed to provide that a landowner who denies a municipality or county access to an ancient burying ground may be responsible for court costs and fees for legally obtaining access to the graves. This amendment also proposed to remove the municipality's or county's option of erecting a single flagpole instead of placing individual flags on each veteran's grave on Memorial Day. This amendment also proposed to add a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-995) proposed to clarify that municipalities are not responsible for the maintenance and decoration of veterans' graves on land owned by the Federal Government as of January 1, 2000.

Committee Amendment "B" (S-502), which was not adopted, proposed to replace the original bill. It would have defined "push poll" and required anyone conducting push polling by telephone to disclose who financed the poll and, state if the poll is authorized by a candidate, and identify that candidate's name and the office sought by the candidate. Any violation of this provision would be a Class E crime. This amendment was proposed after the bill was carried over from the First Regular Session.

House Amendment "A" (H-1185) proposed to replace the original bill. This amendment proposed to require the Commission on Governmental Ethics and Election Practices to adopt rules regulating push polling.

House Amendment "A" to Committee Amendment "B" (H-1178), which was not adopted, proposed to incorporate the changes made by Senate Amendment "A" to Committee Amendment "B" and would have changed the definition of "push poll" to mean any series of more than 1,000 telephone calls in the case of an election for a statewide office, more than 500 telephone calls in the case of an election to the State Senate or more than 250 telephone calls in the case of an election to the State House of Representatives, commenced within 17 days prior to that election. Under this definition, the poll would be designed to influence a voter's decision with a series of questions that intentionally purport to be an objective opinion poll concerning an issue or issues but would be worded to suggest answers that mislead or misrepresent the position of a candidate or provide false or misleading information regarding a candidate.

This amendment also proposed to add the requirement of a knowing or willful mental state as part of the criminal violation.

Senate Amendment "A" to Committee Amendment "A" (S-345), which was not adopted, proposed to change the definition of "push poll."

Senate Amendment "A" to Committee Amendment "B" (S-712), which was not adopted, proposed to amend the definition of "push poll" to apply only to series of telephone calls that are commenced within 17 days prior to an election. This amendment also proposed to specify the number of telephone calls that would have to be placed in order to come under the definition of "push polling."

Senate Amendment "B" to Committee Amendment "A" (S-353), which was not adopted, changes the definition of "push poll."

Senate Amendment "B" to Committee Amendment "B" (S-808), which was not adopted, proposed to direct the Commission on Governmental Ethics and Election Practices to review current disclosure laws required pursuant to the Maine Revised Statutes, Title 21-A, to develop a proposal to expand such disclosure requirements to other forms of paid political speech, including push polling, and to report its findings to the 120th Legislature.

Senate Amendment "C" to Committee Amendment "A" (S-366), which was not adopted, proposed to changes the definition of "push poll."

Enacted law summary

Resolve 1999, chapter 133 requires the Commission on Governmental Ethics and Election Practices to adopt rules regulating push polling including sanctions for candidates whose campaigns violate those rules. Rules adopted under this provision are considered major substantive rules.

LD 1438

An Act to Allow for Expeditious Improvements to Commercial Tracks

PUBLIC 622

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM	S-541

LD 1438 proposed to allow the Harness Racing Commission to make interim payments to persons licensed to conduct pari-mutuel wagering on horse racing from the fund into which is deposited a portion of the revenue credited to the General Fund that is attributable to total wagers in excess of \$35,000,000. It also allows commercial tracks to accumulate the balance in their share of the fund from year to year, thereby allowing tracks to fund large capital improvements.

Committee Amendment "A" (S-541) clarifies the original bill by specifying that a commercial track may request reimbursements for improvements made during prior years beginning with the year 2000. The amendment also clarifies the definition of "improvements" to differentiate between routine repairs and maintenance and substantial enhancement to property and moveable assets.

Enacted law summary

Public Law 1999, chapter 622 allows the Harness Racing Commission to give interim payments to commercial tracks that are licensed to conduct harness racing. The money for these payments comes from the commercial meet account which is funded by the revenue credited to the General Fund in excess of \$35,000,000. The law allows commercial tracks to request reimbursements for improvements made to their facilities during prior years beginning January 1, 2000. Under this law, a track may accumulate its balance from reimbursements from year to year, allowing them to fund large capital improvements. This law also specifies that capital improvements are a substantial enhancement to property and do not include routine repairs and maintenance.

LD 1439

An Act to Ensure the Preservation of Maine's Commercial Racetracks

ONTP

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

LD 1439 proposed to allow the Harness Racing Commission to make reimbursements to commercial racetracks for expenditures needed to enhance, preserve or restore their facilities or related assets.

LD 1504

An Act to Amend the Lobbyist Registration Fee Provisions

PUBLIC 745

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY	OTP-AM	S-582

LD 1504 proposed to reduce the registration fee paid annually by lobbyists and lobbyist associates and provides for all fees collected to be credited to a dedicated lobbyist registration fee account administered by the Commission on Governmental Ethics and Election Practices. The bill also proposed that the electronic filing system administered by the commission must be funded by the Maine Clean Election Fund; lobbyist registration fees, penalties and certain other revenues; and by other entities that may benefit from the electronic filing system.

Committee Amendment "A" (S-263), which was not adopted, proposed to remove provisions in the original bill pertaining to electronic filing. It proposed to retain only the provisions that reduce lobbying fees and require that the fees be deposited in a dedicated account.

This amendment also proposed to add a fiscal note to the bill.

Committee Amendment "B" (S-582) proposed to remove provisions in the original bill pertaining to electronic filing and the requirement that fees be deposited in a dedicated account. The amendment proposed to retain only the provisions that reduce lobbying fees.

This amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 745 reduces the registration fee paid annually by lobbyists and lobbyists' associates from \$400 and \$200 to \$200 and \$100, respectively.

LD 1544 An Act to Study the Effectiveness of Harness Racing Promotions DIED BETWEEN BODIES

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

LD 1544 proposed to abolish the Harness Racing Promotional Board effective July 10, 2000. The bill also proposed to establish the Commission to Study the Effectiveness of Harness Racing Promotions, which would have reported to the Second Regular Session of the 119th Legislature no later than January 10, 2000.

Committee Amendment "A" (H-1029) proposed to change current law by prohibiting money from the Harness Racing Promotional Fund from being used to pay the administration of the Harness Racing Promotion Board, the expenses of its members or the salary of the executive director. The amendment also proposed to require that the board include in its annual report to the Legislature a marketing plan based on its statutory duties. The amendment proposed to repeal the Harness Racing Promotion Board June 3, 2001 and would have added a fiscal note to the bill.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP-AM	H-807

LD 1644 proposed to amend the limitations on off-track betting facilities to clarify that, by racing the number of days prescribed in the Maine Revised Statutes, Title 8, section 275-N, commercial tracks are entitled to engage in simulcasting during their live race meets.

Committee Amendment "A" (H-807) would clarify proposed language that amends the limitations on off-track betting facilities. The amendment also proposed to amend the liquor laws by permitting a minor on the premises of a Class A lounge where harness horse racing is conducted if the minor is at least 18 years of age.

Enacted law summary

Public Law 1999, chapter 568 states that a commercial track may conduct interstate simulcasting of horse races during a regular race meet at the track. This law also changes the liquor laws by permitting a minor who is at least 18 years of age on the premises of a class A lounge where harness horse racing is conducted.

Public Law 1999, chapter 568 was enacted as an emergency measure effective March 21, 2000.

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

LD 1715 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, Sections 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. Under this proposal, organizations that currently have licenses for electronic video machines but do not qualify under one of those code sections may apply for an initial license while they seek the required federal tax status. The organization applying for the license must own or lease the premises on which the terminals will be placed and must use the premises for its charitable or nonprofit purpose, as proposed by LD 1715.

The bill proposed that video gaming terminal manufacturers, distributors, wholesalers and operators must be licensed by the Chief of the State Police, following background investigations of the applicants and their major business partners. Local approval would be required for a license to operate video gaming terminals under this bill.

As proposed, the license specifies the number of terminals allowed on the premises, and that the maximum number of terminals allowed is 5 per licensee. Terminals would 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. 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, except that the organization may obtain a license to offer the machines for public use once every 6 months for a period of 3 consecutive days. The bill proposed that the maximum dollar amount for each play would be \$2 and the maximum payout would be \$1,000. Each game on each machine would be required to return at least 90% of wagers to players, calculated on an annual basis.

As proposed by this bill, a single distributor would not be able to own more than 300 machines or 15% of the total number of machines in the State, whichever is less. A person could not hold more than one type of license; for example, a distributor would not be able to also act as a licensee or a manufacturer.

Net terminal income, which is income after payback to players, was proposed to be divided as follows: 33 1/3% to the State for payment into the Video Gaming Fund for administrative expenses, municipal revenue sharing and General Fund revenue; 33 1/3% to the distributor; and 33 1/3% to the licensee.

The bill proposed that licenses be issued for one year. Applicants for an initial license must pay the actual costs of processing the application and performing the background investigation.

LD 1728

Resolve, Authorizing the Members of the Sullivan Family to Bring Suit Against Waldo County and the State

ONTP

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

LD 1728, a resolve, proposed to authorize John Sullivan, Demain Sullivan, Kristen Sullivan and Sean Sullivan to bring a civil suit against the State for damages resulting from an automobile accident, which occurred on July 2, 1998 on Route 131 in Waldo.

Committee Amendment "A" (S-154) proposed to do the following:

1. Modify the resolve to authorize a suit against Waldo County rather than the State;
2. Add a mandate preamble to the resolve;
3. Remove language limiting recovery to the applicable insurance policy limits;
4. Change the title to reflect the changes to the resolve; and
5. Add a fiscal note.

Committee Amendment "B" (S-601) proposed to authorize John Sullivan, Demain Sullivan, Kristen Sullivan and Sean Sullivan to bring a civil suit against the State and Waldo County for damages resulting from an automobile accident that occurred on July 2, 1998 on Route 131 in the Town of Waldo. The judgment, including cost and interest, could not exceed a total of \$1,000,000; \$300,000 from the county and \$700,000 from the State, under this amendment.

House Amendment "A" to Committee Amendment "B" (H-1123) proposed to incorporate the changes made by Committee Amendment "B," and clarify that the liability assessed against the State and Waldo County would be limited to \$700,000 for the State and \$300,000 for Waldo County and would limit the waiver of immunity to an increase of the cap on damages from \$400,000 to \$1,000,000.

House Amendment "B" to Committee Amendment "B" (H-1126) proposed to incorporate the changes made by Committee Amendment "B," and clarify that the liability assessed against the State and Waldo County would be limited to \$700,000 for the State and \$300,000 for Waldo County and limits the waiver of immunity to an increase of the cap on damages from \$400,000 to \$1,000,000.

Senate Amendment "A" to Committee Amendment "B" (S-603) was presented on behalf of the Committee on Bills in the Second Reading to correct a technical omission in the committee amendment.

Senate Amendment "B" to Committee Amendment "B" (S-646) proposed that, notwithstanding the Maine Revised Statutes, Title 14, section 8105, subsection 1, the limit on damages, including costs and interest, would be \$1,000,000 in any suit brought by John Sullivan, Demain Sullivan, Kristen Sullivan and Sean Sullivan, who claimed to have suffered damages as a result of an automobile accident that occurred July 2, 1998 on Route 131 in Waldo due to the negligence of an employee of the Waldo County Sheriff's Department. Waldo County could not be ordered to pay more than \$300,000 under this amendment and the State would not be ordered to pay more than \$700,000.

Senate Amendment "C" to Committee Amendment "B" (S-664) proposed that, notwithstanding the Maine Revised Statutes, Title 14, section 8105, subsection 1, the limit on damages, including costs and interest, would be \$1,000,000 in any suit brought by John Sullivan, Demain Sullivan, Kristen Sullivan and Sean Sullivan, who claimed to have suffered damages as a result of an automobile accident that occurred July 2, 1998 on Route 131 in Waldo due to the negligence of an employee of the Waldo County Sheriff's Department. Under this amendment, Waldo County would not be ordered to pay more than \$300,000 and the State would not be ordered to pay more than \$700,000. This amendment proposed that if Waldo County is liable for an amount greater than \$300,000, the State would pay the amount that exceeds \$300,000, except that the amount paid by the State, when added to the amount, if any, the State would be ordered to pay on the basis of its own liability, could not exceed \$700,000.

Senate Amendment "D" to Committee Amendment "B" (S-682) proposed that, notwithstanding any statute or common law to the contrary, John Sullivan, Demain Sullivan, Kristen Sullivan and Sean Sullivan, who claim to have suffered damages as a result of an automobile accident that occurred July 2, 1998 on Route 131 in Waldo due to the negligence of an employee of the Waldo County Sheriff's Department, would be authorized to bring a civil action against Waldo County and the State. The limit on damages, including costs and interest, would be \$1,000,000. Waldo County would not be ordered to pay more than \$300,000. The State would not be ordered to pay more than \$700,000. The amendment proposed that, if Waldo County is liable for an amount greater than \$300,000, the State would pay the amount that exceeds \$300,000, except that the amount paid by the State, when added to the amount, if any, the State is ordered to pay on the basis of its own liability, would not exceed \$700,000.

LD 1743

An Act to Preserve Live Harness Racing in the State

VETO
SUSTAINED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TESSIER	OTP-AM MAJ	H-913
DAGGETT	ONTP MIN	S-638 DAGGETT

LD 1743 proposed to allow commercial tracks to accept over-the-telephone wagers on races conducted at that track, but only from individuals with prefunded accounts established at the track. Monies wagered by telephone account wagering would be subject to the same commissions as wagers placed directly at the track under this proposal. This bill proposed that wagering be limited to bets placed at commercial tracks or races conducted at commercial tracks.

Committee Amendment "A" (H-913) proposed to allow licensed off-track betting facilities and any facilities licensed to conduct simulcast racing to conduct telephone wagering on races. The amendment also proposed to add a minimum deposit requirement and states that accounts may be established only by residents of this State. Under this amendment, money used to place telephone account wagers must be on deposit with the licensed facility in an amount sufficient to cover the wagers.

This amendment also adds an appropriation section and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-638) proposed to allow the deposit which established the telephone betting account to be in the form of a confirmed credit card transaction. This amendment clarifies that the actual telephone account wagers may not be placed using a credit card.

LD 1796

An Act to Improve the Absentee Voting Process

PUBLIC 645
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM	S-515
TUTTLE		

LD 1796 proposed to allow any voter to vote by absentee ballot at any election, and remove the current requirement to state reasons for permitting a person to vote by absentee ballot. This bill also proposed to clarify the procedures for requesting and issuing an absentee ballot. The bill further proposed to amend the procedure for a candidate or a candidate's representative to inspect absentee ballot applications and envelopes on election day before the ballots are processed.

Committee Amendment "A" (S-515) proposed to add a definition of "third person" or "3rd person" to the election laws. It proposed to make several minor technical amendments including: clarifying a reference to residential care facilities; removing references to obsolete punch card voting machines; moving a provision that preserves secrecy for voters to an appropriate section of the election laws; and corrects a section of the Maine Revised Statutes, Title 30-A that mistakenly provides that candidates for municipal office file campaign reports with the Secretary of State instead of the Commission on Governmental Ethics and

Election Practices. The amendment also proposed to add an emergency preamble and emergency clause to the bill.

Enacted law summary

Public Law 1999, chapter 645 allows a voter to vote by absentee ballot at any election and removes past requirements for stating the reason for permitting a person to vote by absentee ballot. This law also clarifies the procedures for requesting an absentee ballot. This law imposes an earlier deadline on candidates who wish to inspect absentee ballots before they are processed. A candidate must notify the clerk by 5 pm the day before an election regarding the intent to inspect. The candidate then has 30 minutes to inspect absentee ballots.

Public Law 1999, chapter 645 was enacted as an emergency measure effective April 10, 2000.

LD 1901

An Act to Prohibit the Scalping of Entertainment Tickets

**DIED IN
CONCURRENCE**

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

LD 1901 proposed to make it unlawful to resell a ticket to a sporting event or other public entertainment at a public facility at an inflated price, a practice commonly known as "ticket scalping."

Committee Amendment "A" (H-774) proposed to strike from the original bill, a section defining a "service charge" for the resale of a ticket to a theatrical exhibition, sporting event or public amusement. It also proposed to exempt ticket-selling businesses that are registered or certified to do business in the State from the provisions set out by the amended bill. The amendment would have added a fiscal note to the bill.

LD 1932

An Act to Create the Beano and Games of Chance Commission

ONTP

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

LD 1932 proposed to create the Beano and Games of Chance Commission. It would have replaced the Chief of the State Police as the administrator of the beano and games of chance laws with the commission. The Chief of the State Police would have remained the enforcement body with regard to beano and games of chance.

Under this proposal, the Beano and Games of Chance Commission would have consisted of 5 members appointed by the Governor and subject to approval by the joint standing committee of the Legislature having jurisdiction over legal and veterans affairs.

LD 2020

Resolve, Directing the Bureau of Liquor Enforcement to License an Agency Liquor Store in the City of Caribou

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEAL	OTP-AM MAJ	
KIEFFER	ONTP MIN	

LD 2020 proposed to direct the Department of Public Safety, Bureau of Liquor Enforcement to license an agency liquor store in the City of Caribou no later than 60 days after the effective date of this resolve.

Committee Amendment "A" (H-777) proposed to remove the 60-day requirement for licensing an agency liquor store in the City of Caribou.

LD 2032

An Act to Clarify Maine's Campaign Finance Laws

DIED IN CONCURRENCE

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

LD 2032 proposed to exempt a candidate for Governor from the limitations on contributions if an opponent or spouse of an opponent lends or contributes an aggregate of at least \$25,000 to the opponent's gubernatorial campaign.

Committee Amendment "A" (S-519) proposed to remove the provision in the bill that exempted an opponent of a candidate for Governor who lends or contributes \$25,000 to that candidate's campaign from all limitations on contributions. The amendment also proposed that the opponent may accept individual contributions not to exceed \$5,000. Under this proposal, the exception applies only to opponents who are not registered as participating candidates in the Maine Clean Election Act funding program. It also would have added a fiscal note.

LD 2133

Resolve, Directing the Commission on Governmental Ethics and Election Practices to Simplify the Reporting Form for Candidates

ONTP

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

LD 2133 proposed to direct the Commission on Governmental Ethics and Election Practices to revert to the format used in the reporting form for candidates in 1996, except that the addition of a check-off box to identify the nature of certain types of expenditures and revenues would have been permitted.

LD 2141

An Act to Remove the Limit on the Amount of Complimentary Wine that a Wine Retailer may Receive Annually

ONTP

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

LD 2141 proposed to remove the limit on the amount of wine samples that certain retailers licensed to sell wine may receive from a small brewery, farm winery or wholesaler.

LD 2148

An Act to Improve Harness Racing in the State

ONTP

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

LD 2148 proposed to authorize the operation of licensed video lottery terminals at facilities licensed to conduct pari-mutuel wagering. Under this proposal, the Harness Racing Commission would have received up to \$250,000 to implement video lottery. This money would have been required to be reimbursed. This bill proposed that no facility could have in excess of 200 licensed machines and that the pay-back from the machine must be at least 80%. The licensee would have had the discretion to place limits on the amount of time and money spent on that licensee's machines. Some funds from the machines would have been distributed as follows:

1. 10% retained for administrative expenses on behalf of the state.
2. 30% deposited to local government.
3. 9% to the Harness Racing Commission to supplement harness racing purses.
4. 2% to agricultural fairs.
5. 1% to the Sire Stakes fund.

The remainder of the money would have been retained by the licensee as profit, lease payments, or for other related expenses.

LD 2153

An Act to Modify the Campaign Finance Laws with Regard to Running for Federal Office

PUBLIC 648

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALLEVEY	OTP-AM	H-892

LD 2153 proposed to require that a state Legislator who is running for federal office file a report with the Commission on Governmental Ethics and Election Practices. It also proposed to re-state a provision in

current law which permits a candidate for federal office to solicit and receive contributions for that candidate's federal campaign even during the state legislative session.

Committee Amendment "B" (H-892) proposed to strike the requirement in the bill that a Legislator running for federal office file a separate form established by the Commission on Governmental Ethics and Election Practices. It proposed to retain the addition to current law that clarifies that a Legislator running for federal office is not prohibited from soliciting or accepting contributions for that office while the Legislature is in session. The amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 1999, chapter 648 clarifies a provision of current law by stating that a legislator running for federal office is not prohibited from soliciting or accepting contributions for that office while the Legislature is in session.

LD 2162

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Allow Persons with Mental Illness to Vote**

CON RES 3

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN DAGGETT	OTP-AM	H-796 H-850 MARTIN

This Constitutional Resolution proposed, upon approval at referendum, to remove the current restriction that prohibits persons under guardianship for reasons of a mental illness from voting.

Committee Amendment "A" (H-796) proposed to clarify the question asked by the constitutional referendum so that it would not be posed in the negative. The amendment also proposed to add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-850) proposed to rephrase the referendum question so it would read: "Do you favor amending the Constitution of Maine to end discrimination against persons under guardianship for reasons of mental illness for the purpose of voting?"

Enacted law summary

Constitutional Resolution 1999, chapter 3, upon approval by a majority of voters at referendum, will remove the current restriction that prohibits persons under guardianship for reasons of mental illness from voting. If a majority of the voters do not approve removing this restriction, this provision of the Constitution will stay the same.

LD 2183

**An Act to Clarify Provisions of the Laws Administered by the
Commission on Governmental Ethics and Election Practices**

ONTP

Sponsor(s)

Committee Report
ONTP

Amendments Adopted

LD 2183 proposed to make several substantive changes to the laws governing legislative disclosure, legislative ethics, campaign practices and campaign finance reporting. Some of those changes proposed include:

1. Expanding the definition of “gift” and “anything of value;”
2. Expanding the provisions governing conflict of interest on behalf of legislators;
3. Increasing the level of confidentiality imposed on evidence presented relating to a ethics complaint against a legislator;
4. Permitting non-legislators to file complaints with the Commission on Governmental Ethics and Election Practices against members of the Legislature;
5. Removes provisions which provide legislators with recourse if a frivolous complaint is filed against them;
6. Repealing current provisions which state that House of Representatives or the Senate may take whatever action it deems appropriate in response to an alleged ethical violation on behalf of a legislator that is a member of that body; and
7. Provides the Commission on Governmental Ethics and Election Practices with greater flexibility when imposing penalties for campaign finance reports which are filed late.

LD 2195

**An Act to Allow a Specialty Wine Store to Provide Free Wine
Samples**

ONTP

Sponsor(s)
MACK

Committee Report
ONTP

Amendments Adopted

LD 2195 proposed to allow an establishment licensed as a specialty wine store to give wine samples. The bill proposed to require the store to have a designated area for the sampling of the wine and also would have established conditions under which the wine sampling may take place. The bill proposed to allow an unlimited number of taste testings per month and require a retail licensee to charge for the wine tasting.

LD 2200

An Act to Permit Persons Out-of-state to Ship Malt Liquor and Wine to Maine Residents

ONTP

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

LD 2200 proposed to allow a person outside of this State to ship to a household in Maine up to 2.4 gallons of malt liquor and 2.4 gallons of wine per month. This bill proposed to repeal the current law prohibiting the interstate shipment of liquor. Under this proposal, a manufacturer would be required to be licensed in its own state in order to ship liquor to Maine. The manufacturers would have been required to obtain a \$50 shipper's license in order to ship liquor to Maine.

LD 2292

An Act to Direct the State Liquor and Lottery Commission to Pursue Partnerships to Enhance Lottery Revenues

PUBLIC 586

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY	OTP-AM MAJ	S-506
LABRECQUE	OTP MIN	

LD 2292 proposed to enable Maine, New Hampshire and Vermont to expand the number of states that may be members of the current Tri-state Lotto Compact.

Committee Amendment "A" (S-506) proposed to alter the title of the original bill. It also proposed to add a section to the bill that directs the State Liquor and Lottery Commission to investigate the State's membership in the "Big Game" Lottery or other similar multi-state lottery compact. The amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 1999, chapter 586 enables Maine, New Hampshire and Vermont to expand the number of states that may be members of the Tri-State Lotto Compact. In order to take effect, such a change to the compact requires approval by the legislatures of New Hampshire and Vermont.

The law also directs the State Liquor and Lottery Commission to examine the possibility and feasibility of the state's membership in the "Big Game" lottery or other similar multi-state lottery compacts.

LD 2293

An Act to Amend the Laws Governing Municipal Elections

PUBLIC 712

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON	OTP-AM MAJ	H-1104 TUTTLE
	ONTP MIN	S-552

LD 2293 proposed to authorize municipal officers to delegate their responsibility to another decision-making entity in the event of disputed or challenged ballots in a municipal election. The bill also proposed to allow candidates who are contesting an election result to agree to extend the current 30-day period within which an appeal to court may be filed.

Committee Amendment "A" (S-552) proposed to specify that an independent panel that may be used to settle disputed or challenged ballots would be made up of 3 members selected by a majority vote of the municipal officers and that no member of the panel may be a municipal officer.

House Amendment "A" to Committee Amendment "A" (H-1104) proposed to clarify the procedure when an independent panel is utilized to resolve a ballot dispute or challenge and strikes language requiring the court to adopt procedures by rule.

Enacted law summary

Public Law 1999, chapter 712 provides municipalities with the option of delegating their responsibility to decide how to count disputed or challenged ballots in a municipal election. To implement this option the municipality may pass an ordinance or execute an order. The decision on how to count the ballots may be delegated to either the Superior Court or an independent panel. The law also allows candidates who are contesting an election result to agree to extend the 30-day period within which an appeal to court must be filed.

LD 2298

An Act to Clarify the Law Relating to the Renewal of Liquor Licenses

PUBLIC 589

<u>Sponsor(s)</u> DAGGETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-509
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LD 2298 proposed to clarify the law by stating that the 60-day automatic renewal of a liquor license provided in current law does not apply when an applicant for renewal has an existing license that is extended while the application is being processed.

Committee Amendment "A" (S-509) to clarify proposed language in the original bill stating that the 60-day automatic renewal does not apply to on-premise licenses that are extended pending renewal. It also proposed to require that municipal officers or county commissioners must make a final decision on the renewal within 120 days.

Enacted law summary

Public Law 1999, chapter 589 states that the provision which automatically grants the renewal of an on-premise liquor license if the municipal officers or county commissioners do not act within 60 days, does not apply when the existing license has been extended while the renewal application is being processed. The law also states that the municipal officers or county commissioners must make a final decision on the renewal within 120 days.

LD 2328

An Act Concerning the Rules of the Maine Veterans' Memorial Cemetery

ONTP

Sponsor(s)

Committee Report
ONTP

Amendments Adopted

LD 2328 proposed to implement one of the recommendations of the Committee to Study Standardized Periods of Military Service and Other Matters Related to the Award of State of Maine Veterans' Benefits. This recommendation designates the rules governing the operation of the Maine Veterans' Memorial Cemetery as major substantive rules subject to the rule-making process. The bill also proposed to require the Commissioner of Defense, Veterans and Emergency Management to develop proposed rules through a consensus-based process in advance of rulemaking.

LD 2329

An Act to Designate as Public Assistance Emergency Assistance for Dependents of Veterans

ONTP

Sponsor(s)

Committee Report
ONTP

Amendments Adopted

LD 2329 proposed to implement one of the recommendations of the Committee to Study Standardized Periods of Military Service and Other Matters Related to the Award of State of Maine Veterans' Benefits. This recommendation proposes to designate as public assistance, the aid provided to veterans and their dependents pursuant to the Maine Revised Statutes, Title 37-B. The bill also proposed to require that the Department of Defense, Veterans and Emergency Management retain administrative responsibility for this aid.

LD 2330

An Act to Require the Department of Defense, Veterans and Emergency Management to Report to the Legislature on Matters Related to State Veterans Laws

PUBLIC 565

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-797

LD 2330 proposed to implement one of the recommendations of the Committee to Study Standardized Periods of Military Service and Other Matters Related to the Award of State of Maine Veterans' Benefits. It proposed to require the Commissioner of Defense, Veterans and Emergency Management to report biennially to the Legislature on recommended changes to the laws governing veterans' affairs. The bill also would require the commissioner to study the laws governing eligibility for state veterans' benefits and to report findings and recommendations by December 31, 2000.

Committee Amendment "A" (H-797) proposed to amend the original bill by specifying that the report of the Commissioner of Defense, Veterans and Emergency Management on laws governing eligibility for state veterans' benefits must be made to the joint standing committee of the Legislature having jurisdiction over legal and veterans' affairs.

Enacted law summary

Public Law 1999, chapter 565 requires the Commissioner of Defense, Veterans and Emergency Management to report biennially to the joint standing committee of the Legislature having jurisdiction over legal and veterans affairs on recommended changes to the laws governing veterans affairs. It also requires the commissioner to study the laws governing eligibility for state veterans benefits and to report findings and recommendations by December 31, 2000.

LD 2349

An Act to Allow Video Lottery Terminals

ONTP

<u>Sponsor(s)</u>		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2349 is a citizen initiated bill. It proposed to authorize the operation of video-lottery terminals at commercial tracks licensed to conduct harness racing. Under this bill, a video lottery terminal is defined as any mechanical electronic or electrical device or machine that, upon insertion of a coin or credit is available to play or operate and by chance, may deliver or entitle the player to cash or merchandise. The pay off could be made automatically or in any other manner under this definition.

LD 2349 proposed that commercial tracks may be licensed to conduct video gambling without prior municipal approval and there would be no limit to the number of machines permitted at a licensed commercial track. Individual terminals would not be required to be licensed but would be required to be registered and would be prohibited from containing any device which could manipulate the probabilities of winning. Fees permitting one to manufacture, wholesale, distribute or operate video lottery machines would be \$1,000 every two years.

Under this bill, funds from video lottery machines would be distributed as follows:

1. 40% to the Treasurer of the State of Maine for the Local Government fund.
2. 26% to the distributor who owns the machine.
3. 5% to the licensee to supplement harness racing purses.
4. 1% to the Sire Stakes fund.
5. 3% to the Department of Public Safety.
6. 2% for the agricultural fairs stipend fund.

This would leave 23% for the licensee.

Since the Legislature voted not to pass LD 2349, it will be placed on the ballot in November 2000. If a majority of the voters approve the proposal it will be enacted.

LD 2371

An Act to Allow a State Agency to Accept a Donated Item and Conduct a Raffle to Benefit Fish and Wildlife Conservation Projects

ONTP

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

LD 2371 proposed to allow a state agency to conduct a raffle for a donated item to benefit fish and wildlife conservation projects.

LD 2407

An Act to Amend the Laws Regulating Farm Wineries

**PUBLIC 535
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRUNO	OTP-AM	H-795

LD 2407 proposed to allow the holder of a farm winery license to fortify wine and import spirits as long as those spirits are used exclusively for the fortification of wine produced by the farm winery license holder. The bill proposed to maintain the current production limitation of 50,000 gallons and prohibits the winery from fortifying the wine beyond an alcohol content of 24%.

Committee Amendment "A" (H-795) proposed to maintain the provision that allows a farm winery to fortify wine and import spirits for the purposes of fortifying wine. It proposed to amend the liquor laws to clarify the difference between fortified wine and spirits. This amendment also proposed to correct some errors in current law regarding the definition of low-alcohol spirits products.

Enacted law summary

Public Law 1999, chapter 535 changes the provisions of a farm winery license. Under this law, the holder of a farm winery license may fortify wine. The licensee may import spirits as long as those spirits are used only for the fortification of wine made by the licensee. PL 1999, chapter 535 also clarifies the difference between fortified wine and spirits and corrects an error in the law regarding the definition and distribution of low-alcohol spirits products.

Public Law 1999, chapter 535 was enacted as an emergency measure effective February 23, 2000.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIZMAR	OTP-AM MAJ ONTP MIN	H-1045 S-647 DAGGETT

LD 2462 proposed to amend the laws regarding games of chance licensed to be conducted by agricultural fair societies and bona fide non-profits during the annual fair of an agricultural society. It proposed that the fair society may pay non-members to operate licensed games of chance as long as those payments would not exceed 300% of the state's minimum wage. It proposed to allow fair societies and bona fide non-profits to lease machines for conducting games of change from licensed distributors as long as the lease amount not exceed 50% of the gross return from the machine. LD 2462 also proposed that games of chance conducted at agricultural fairs be conducted with tickets or tokens and not cash.

Committee Amendment "A" (H-1045) proposed to specify that each gaming apparatus leased to an agricultural fair be required to have a separate individual lease. The maximum amount to be gambled per game on a licensed game of chance would be changed from 50¢ to \$1 by this amendment. Under this amendment proceeds from games of chance conducted agricultural fairs could be used to pay the wages of persons who operate games of chance as long as payment not exceed 300% of minimum wage. The amendment also proposed to specify that games operated by an agricultural fair or bona fide nonprofit may use cash, tokens, tickets or other device approved by the Chief of the State Police. As proposed, beginning January 1, 2001, those games not run solely by the fair or bona fide nonprofit would be required to use tokens, tickets or other device approved by the Chief of the State Police. The amendment also proposed to add a requirement that the joint standing committee of the Legislature having jurisdiction over games of chance review this Act, if passed, by November 15, 2003.

This amendment also proposed to add a fiscal note to the bill.

Senate Amendment "A" (S-647) proposed to add an emergency preamble and clause to the bill.

Enacted law summary

Public Law 1999, chapter 716, specifies that agricultural fair societies licensed to operate games of chance may use the proceeds of those games to pay the wages of those who operate the games as long as the amount does not exceed 300% of the minimum wage established by Maine law. This law states that a licensed distributor of gambling machines may lease equipment to agricultural fair societies licensed to conduct games of chance as long as the lease amount does not exceed 50% of the gross revenue of any licensed game of chance. Under this law, the maximum bet on a game of chance was increased from 50 cents to one dollar.

Public Law 1999, chapter 716 also requires, beginning January 1, 2001, that games of chance at agricultural fairs which are operated by persons other than members of the agricultural fair society or a bona fide nonprofit be conducted using tokens, tickets or some other device approved by the Chief of the State Police by rule.

Public Law 1999, chapter 716 was enacted as an emergency measure effective April 14, 2000.

LD 2503

An Act to Establish a Special Liquor License for Pool Halls and Billiard Rooms

ONTP

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

LD 2503 proposed to establish a special liquor license for pool halls and billiard rooms that have 4 or more pool or billiard tables. Under this new license, a pool hall or billiard room may be issued a license for the sale of malt liquor to be consumed on premises. Unlike the current system, which links the issuance of the license to the percentage of sales of food, this new license would have no such requirement.

LD 2533

An Act to Amend the Liquor Laws to Create a New Category of License for Pool Halls and Exempt Them from the Prohibition Against Smoking

PUBLIC 760

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP-AM	H-1004 H-1168 TUTTLE

LD 2533 proposed to create a definition of pool hall stating that a pool hall must have at least 4 tables. Under this proposal, the Bureau of Liquor Enforcement could issue a Class I license to a pool hall, bowling center and off-track betting facility, which would permit the sale of beer, wine and spirits for on-premise consumption. The bill also proposed to remove the requirement for bowling centers which states that 10% of their gross annual income must come from the sale of food and that liquor be served in an area separate from where bowling is conducted.

Committee Amendment "A" (H-1004) proposed to replace the original bill. It proposed to create definitions for a bowling center lounge, a pool hall and a self-contained lounge. Under this amendment, a bowling center lounge and a self-contained lounge would be considered lounges for the purposes of the Maine Revised Statutes, Title 22, section 1542 and thus would not be subject to the ban on smoking. The amendment includes pool halls with those facilities that may obtain a license to sell beer and wine would be for on-premise consumption. Under this amendment, pool halls would be exempt from the ban on smoking as long as minors are prohibited on the premises.

This amendment also proposed to add a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-1096), which was not adopted, proposed to change the requirements for a self-contained lounge within a Class A restaurant/lounge. It proposed to add to the exceptions to the public smoking ban the following locations: bowling center lounge, pool hall and self-contained lounge.

House Amendment "B" to Committee Amendment "A" (H-1100), which was not adopted, proposed to remove provisions that allow smoking in a lounge portion of a Class A restaurant/lounge. It would have

added bowling center lounges and pool halls to the exceptions to the law which bans smoking in public places.

House Amendment "C" to Committee Amendment "A" (H-1168) As proposed, this amendment incorporates the changes made by the proposed Senate Amendment "A" to Committee Amendment "A", which would strike all provisions pertaining to self-contained lounges in a Class A restaurant/lounge. In addition, this amendment proposed to clarify the definition of a bowling center lounge and remove the provisions that would exempt a bowling center lounge from the ban on smoking.

Senate Amendment "A" to Committee Amendment "A" (S-669), which was not adopted, proposed to remove the provisions of Committee Amendment "A" that would have defined "self-contained lounges" as lounges, thus removing the exemption from smoking restrictions for such lounges.

Senate Amendment "B" to Committee Amendment "A" (S-670), which was not adopted, proposed to remove the provisions of Committee Amendment "A" that would have defined "bowling center lounges" as lounges, thus removing the exemption for bowling center lounges from smoking restrictions.

Senate Amendment "C" to Committee Amendment "A" (S-671), which was not adopted, proposed to require the Department of Human Services to make rules requiring separate ventilation systems for establishments licensed under the Maine Revised Statutes, Title 22 that have designated smoking areas as provided by Title 22, section 1542.

Senate Amendment "D" to Committee Amendment "A" (S-672), which was not adopted, proposed to require that the Bureau of Liquor Enforcement apply a fee to the annual license of an on-premise establishment that permits smoking in accordance with the terms of its license. The fee would be an amount equal to the square footage of floor space in any enclosed area where smoking is permitted multiplied by \$3.

Enacted law summary

Public Law 1999, chapter 760 defines pool hall within the liquor laws and includes pool halls among other facilities which may apply to obtain licenses to serve beer and wine to be consumed on the premises. Under this law, pool halls are exempt from the ban on smoking when persons under the age of 18 are prohibited from being on the premises.

LD 2548

An Act to Raise Production Limits for Microbreweries

ONTP

<u>Sponsor(s)</u> STANWOOD GOLDTHWAIT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2548 proposed to raise the amount of malt liquor a small brewery would be able to produce per year from 50,000 gallons to 100,000 gallons.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M	OTP-AM MAJ ONTP MIN	H-1006

LD 2571 proposed to create a new liquor license for the purpose of promoting Maine brewery and winery products. Under this proposed license, an incorporated civic organization may obtain up to 2 Maine brewery and winery products promotional licenses per year.

Committee Amendment "A" (H-1006) proposed to replace the original bill. It proposed to repeal the special taste-testing festival license in current law and replace it with one that would be applied for jointly by Maine small breweries and wineries. The special taste-testing festival license would be for the purpose of promoting Maine small breweries and wineries. The license fee per brewery or winery would be \$20.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 677 creates a special taste-testing festival license for the purposes of promoting Maine brewery and winery products. The license is applied for jointly by breweries and wineries. The license fee for each brewery or winery participating in the festival is \$20. A brewery or winery may participate in one taste-testing festival annually. A brewery or winery may not offer samples in return for money but the festival may charge an admission fee. A person attending the festival is limited to 12, four-ounce samples or other amounts not to exceed 48 ounces. Persons under the age of 21 are not permitted at the festival unless accompanied by an adult or legal guardian.

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

LD 2576 proposed to amend certain key dates under the election laws by making them uniformly March 15th. The bill proposed to change the deadline for filing paperwork due under the Maine Clean Election Act from March 16th to March 15th beginning in calendar year 2001. The bill also proposed to allow the Secretary of State to accept primary petition filings until 5:00 p.m. on March 16th for election year 2000 only.

Committee Amendment "A" (S-600) proposed to change the deadline for filing paperwork due under the Maine Clean Election Act from June 2nd to June 1st, beginning in calendar year 2001. The amendment would have allowed the Secretary of State to accept nonparty nomination petition filings until 5 p.m. on June 2nd for election year 2000 only.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RUHLIN ROWE	OTP-AM	S-583 S-791 MICHAUD

LD 2585 proposed to give members of the Maine National Guard a full grant of tuition at the University of Maine System, the Maine Maritime Academy, the Maine Technical College System and any other Maine postsecondary education institution as long as the member maintains at least a 2.0 grade point average and serves in the Maine National Guard for at least one year after the tuition assistance is granted. The tuition grant would be given by the Maine National Guard. This bill also proposed that a member of the Maine National Guard attending the University of Maine System, the Maine Maritime Academy or the Maine Technical College System would qualify for in-state tuition rates.

Committee Amendment "A" (S-583), which was not adopted, proposed to add nonsubstantive, clarifying language to the bill. It also proposed to add an appropriation section and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-791) proposed to strike the committee amendment. The amendment would change the original bill to a resolve and create a pilot program that would give members of the Maine National Guard a full grant of tuition at the University of Maine System, the Maine Maritime Academy, the Maine Technical College System and any other Maine postsecondary education institution as long as the member maintains at least a 2.0 grade point average and serves in the Maine National Guard for at least one year after the tuition assistance is granted. The tuition grant would be given by the Maine National Guard.

This amendment also proposed that a member of the Maine National Guard attending the University of Maine System, the Maine Maritime Academy or the Maine Technical College System would qualify for in-state tuition rates.

Enacted law summary

Resolve 1999, chapter 121 creates a pilot program that gives members of the Maine National Guard a full grant of tuition at the University of Maine System, Maine Maritime Academy, the Maine Technical College System and any other Maine post-secondary education institution as long as the member maintains at least a 2.0 grade point average and serves in the Maine National Guard for at least one year after the tuition is granted. If a member attends the University of Maine System, Maine Maritime Academy or the Maine Technical College System then the member qualifies for in-state tuition rates.

Resolve 1999, chapter 121 was finally passed as an emergency measure effective May 5, 2000.

LD 2648

An Act to Enter Into the International Emergency Management Assistance Compact

**PUBLIC 696
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT TUTTLE	OTP-AM	S-631

LD 2648 proposed that the State adopt the International Emergency Management Assistance Compact. As proposed, this compact would provide a framework for mutual assistance between the New England states and the eastern provinces of Canada that adopt the compact in managing emergencies or disasters.

Committee Amendment "A" (S-631) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 696 adopts the International Emergency Management Assistance Compact. The compact provides a framework for mutual assistance between the New England states and the eastern provinces of Canada that adopt the compact in managing emergencies or disasters.

Public Law 1999, chapter 696 was enacted as an emergency measure effective April 13, 2000.

LD 2663

An Act Relating to Reporting Requirements for Political Action Committees on the Flexibility of the Commission on Governmental Ethics and Election Practices to Assess Penalties

PUBLIC 729

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-666

LD 2663 proposed to make changes to the laws governing the filing of campaign finance laws by providing the Commission on Governmental Ethics and Election Practices with more flexibility to accept campaign finance reporting forms late without penalty when the reason is a valid emergency. The bill also proposed to make changes to the laws governing PACs in response to the ruling in Volle v. Webster, which stated that the \$50 threshold that defines someone as a PAC is too low considering the strict reporting requirements for PACs. The bill proposed to raise that threshold to \$1,500 and differentiate between PACs and individuals who solicit contributions and make expenditures for the purpose of influencing the outcome of a ballot question. The amendment also proposed to strike references to the \$1,000 limits on contributions to political candidates that were reduced with passage of the Maine Clean Election Act.

Committee Amendment "A" (S-666) proposed to make changes to the bill regarding the laws governing PACs in response to the ruling in Volle v. Webster. The amendment proposed to maintain the filing threshold at \$1,500 for persons whose major purpose is to solicit contributions and make expenditures for the purpose of influencing a ballot question. The amendment proposed to change the amount at which a person who is not defined as a PAC must itemize contributions and expenditures from \$1,500 to \$500. Any contribution or expenditure that is in excess of \$100 would have to be itemized under this amendment. The amendment also proposed to clarify that creation of or changes to the campaign finance reporting form must be done by rule. Such rules would be considered major substantive rules.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 729 makes changes to the laws governing the filing of campaign finance forms by providing the Commission on Governmental Ethics and Election Practices with more flexibility to accept campaign finance reports late without penalty if the reason is a valid emergency. It also requires that any changes to the campaign finance reporting form be adopted by rule. These rules are considered major substantive rules.

In response to Volle v. Webster, this law changes the threshold at which persons or organizations that are considered Political Action Committees (PACs) must file an itemized report. Under this law, that amount is changed from \$50 to \$1500. Public Law 1999, chapter 729 also requires persons or organizations that are not considered PACs and solicit and receive contributions or make expenditures, other than by contribution to a political action committee, for the purpose of initiating, promoting, defeating or in any way influencing the outcome of a ballot question aggregating in excess of \$1500 to file a report with the Commission on Governmental Ethics and Election Practices. This report is less detailed than those required of PACs.

This law also provides that candidates who have filed a declaration of intent to become certified under the Maine Clean Election Act are not required to file whether or not they accept the voluntary limits on political expenditures. Candidates who do not intend to be certified under the Maine Clean Election Act are required to file this form stating whether or not they agree to limits on political expenditures.

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Joint Standing Committee on Marine Resources

LD 129

An Act to Prohibit the Harvesting of Elvers

ONTP

<u>Sponsor(s)</u> HARRIMAN HONEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 129 proposed to prohibit the harvesting of elvers by making it illegal to take, possess or sell eel that is less than 6 inches in length.

LD 173

An Act to Outlaw the Use of Fyke Nets in the Taking of Elvers

ONTP

<u>Sponsor(s)</u> RUHLIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 173 proposed to prohibit the use of fyke nets to fish for or take elvers.

LD 871

An Act to Amend the Process for Granting Aquaculture Leases

ONTP

<u>Sponsor(s)</u> SMALL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 871 proposed to require the Department of Marine Resources, in considering the issuance of aquaculture leases in areas in which pollution has created conditions that adversely affect traditional fisheries, to make an assessment of any pollution abatement activities that may be occurring and when the area may be suitable again for traditional fisheries. If the department found that a polluted area would be sufficiently cleansed to support fishing uses within a year of the application, it would be required to make this finding clear in all notices of the hearing on the lease. The department could not issue a lease for a polluted area if the area would be suitable for fishing uses within one year of the application and the department found that the aquaculture project would unreasonably interfere with future fishing uses of the area.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT	OTP-AM MAJ ONTP MIN	S-543 S-745 MICHAUD

LD 906 proposed to establish a limitation on the number of elver fishing licenses that may be sold in any year and a mechanism for bringing new people into the elver fishery as licenses become available through attrition. It proposed to establish a fee schedule for licenses and for elver fishing gear, to establish the amount of elver fishing gear that may be used in the years 1999, 2000, 2001 and 2002 and to specify that in the year 2003, only dip nets may be used in the elver fishery. It proposed to specify the open and closed seasons for the elver fishery for the years 2000, 2001, 2002 and 2003 and to increase the number of eels that an individual may take for personal purposes.

Committee Amendment "A" (S-543), the majority report of the committee, proposed to replace the provisions in the bill. The amendment proposed to specify that all elver fishing license fees accrue to the Eel and Elver Management Fund and to apply that change retroactively to January 1, 2000. The amendment proposed to provide funds for 2 positions to enable research and management of the elver fishery and for enforcement.

Senate Amendment "A" to Committee Amendment "A" (S-745) proposed to replace the committee amendment and instead to provide a one-time General Fund appropriation of \$25,000 to support the operational costs of research and management of the elver fishery.

Enacted law summary

Private and Special Law 1999, chapter 94 makes a one-time appropriation of \$25,000 to support the operational costs of research and management of the elver fishery.

Private and Special Law 1999, chapter 94 was enacted as an emergency measure effective May 10, 2000.

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

LD 1634 proposed to allow the Commissioner of Marine Resources to approve by rule certain limited-purpose aquaculture lease applications for commercial research and development or scientific research.

Committee Amendment "A" (S-508) proposed to establish a limited-purpose aquaculture license that would authorize the license holder to utilize approved aquaculture gear to engage in certain aquaculture activities and specify the criteria for a license. The amendment proposed to prohibit a person from molesting approved aquaculture gear and to establish penalties for cutting or damaging gear. The amendment proposed to require the Commissioner of Marine Resources to adopt rules implementing the new license provisions. The amendment also proposed to establish the Aquaculture Research Fund.

Enacted law summary

Public Law 1999, chapter 567 establishes a limited-purpose aquaculture license that authorizes the license holder to utilize approved aquaculture gear to engage in certain aquaculture activities and specifies the criteria for a license. The law prohibits a person from molesting approved aquaculture gear and establishes penalties for cutting or damaging gear. The law also establishes the Aquaculture Research Fund.

LD 1827 An Act to Establish the North Atlantic Cold Water Observatory ONTP

<u>Sponsor(s)</u> LAWRENCE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1827 proposed to establish the North Atlantic Cold Water Observatory to research the conditions of the North Atlantic Ocean, including its fisheries and climate.

LD 2341 An Act to Limit Lobster Management Zones to State Coastal Waters DIED BETWEEN BODIES

<u>Sponsor(s)</u> ETNIER		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u>
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LD 2341 proposed to limit lobster management zones to 3 nautical miles from the coastline of the State.

Committee Amendment "A" (H-949), the majority report of the committee, proposed to clarify how rules adopted for lobster management zones would apply if the zones were limited to the 3-mile nautical line as described on nautical charts. A lobster license holder would not be required to fish a majority of that person's traps within the license holder's declared lobster management zone when fishing beyond the 3-mile nautical line. A license holder would be subject to the most restrictive rules regarding the number of lobster traps allowed on a trawl and the time of day when lobster fishing may occur adopted for any zone in which the license holder fishes only when fishing inside the 3-mile nautical line. A license holder would be subject to the most restrictive rules regarding the number of lobster traps fished adopted for any zone in which the license holder fishes when that license holder is fishing inside the 3-mile nautical line and would be subject to the rules for the license holder's own zone when fishing beyond the 3-mile nautical line.

LD 2351

An Act Concerning the Possession of Marine Organisms by Aquaculturists Outside of the Harvest Season

PUBLIC 575

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER HONEY	OTP-AM	H-809

LD 2351 proposed to exempt an aquaculture leaseholder from any requirement that a particular marine organism not be harvested or otherwise possessed during a closed season.

Committee Amendment "A" (H-809) proposed to clarify that an aquaculture leaseholder is exempt from any requirement regarding the time of taking or possessing any marine organism cultivated on the leased area.

Enacted law summary

Public Law 1999, chapter 575 exempts an aquaculture leaseholder from any requirement regarding the time of taking or possessing any marine organism cultivated on the leased area.

LD 2356

An Act Regarding Elver Fishing Licenses

**PUBLIC 534
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-503

LD 2356 proposed to implement the recommendations of the Department of Marine Resources regarding the 2000 elver fishery. It proposed to freeze the number of elver fishing licenses and gear at 1999 levels. The bill also proposed to raise the fees for elver fishing licenses to \$120 for residents and \$421 for nonresidents and specifies that all license fees accrue to the Eel and Elver Management Fund.

The bill proposed to repeal the provision that authorizes a person to use one net or trap to fish for elvers without paying a gear fee and to change the gear fees to \$25 per elver dip net and \$75 per elver fyke or Sheldon eel trap. These changes to the elver license and gear fees would increase funding to the Eel and Elver Management Fund to support further research on the eel and elver fishery.

Committee Amendment "A" (S-503) proposed to replace the bill and change the eligibility requirements for elver fishing licenses as follows. It proposed to limit the total number of elver fishing licenses in any year to 827. It proposed to authorize a person who held an elver fishing license in the previous calendar year to be issued a license. It proposed to authorize a person who held an elver fishing license in any 2 of the years 1996, 1997 and 1998 to enter a lottery for an elver fishing license for the 2000 elver season. It proposed to require the Commissioner of Marine Resources to hold a lottery for 2000 licenses by March 15, 2000 and to limit the number of licenses that may be awarded through that lottery to 86. It proposed to authorize anyone to enter a lottery for an elver fishing license for the 2001 elver season and subsequent seasons and to specify that the number of persons awarded eligibility in a lottery may not cause the total number of elver fishing licenses issued to exceed 827.

The amendment proposed to authorize a person who held an elver fishing license in the previous calendar year to use the type and amount of gear that person was authorized to use during the previous elver fishing season. It proposed to authorize a person issued a license for the 2000 elver season based on the lottery to use an amount of gear based on that person's historical average amount of gear, but not more than 2 nets or traps. It proposed to authorize a person issued a license for the 2001 elver season or subsequent seasons based on the lottery to use one net or one trap.

Enacted law summary

Public Law 1999, chapter 534 limits the total number of elver fishing licenses in any year to 827 and changes the eligibility requirements for elver fishing licenses. It authorizes a person who held an elver fishing license in the previous calendar year to be issued a license and it authorizes a person who held an elver fishing license in any 2 of the years 1996, 1997 and 1998 to enter a lottery for an elver fishing license for the 2000 elver season. It requires the Commissioner of Marine Resources to hold a lottery for 2000 licenses and limits the number of licenses that may be awarded through that lottery to 86. It authorizes anyone to enter a lottery for an elver fishing license for the 2001 elver season and subsequent seasons and specifies that the number of persons awarded eligibility in a lottery may not cause the total number of elver fishing licenses issued to exceed 827.

The law authorizes a person who held an elver fishing license in the previous calendar year to use the type and amount of gear that person was authorized to use during the previous elver fishing season. It authorizes a person issued a license for the 2000 elver season based on the lottery to use an amount of gear based on that person's historical average amount of gear, but not more than 2 nets or traps. It authorizes a person issued a license for the 2001 elver season or subsequent seasons based on the lottery to use one net or one trap.

Public Law 1999, chapter 534 was enacted as an emergency measure effective February 23, 2000.

LD 2372

An Act to Regulate the Sea Cucumber Fishery

**PUBLIC 672
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT VOLENIK	OTP-AM	S-542

LD 2372 proposed to regulate the season and harvesting method for the sea cucumber industry and to provide for research on the sea cucumber and the appropriate level of harvesting for a sustainable fishery.

Committee Amendment "A" (S-542) proposed to close the sea cucumber fishery to harvesting from July 1st to September 30th of each year. The amendment proposed to prohibit the use of a drag to fish for sea cucumbers that exceeds 5 feet, 6 inches in width and to require the Commissioner of Marine Resources to adopt rules no later than September 30, 2000 that describe the type of drag that may be used to fish for or take sea cucumbers.

The amendment proposed to establish, but not fund, the Sea Cucumber Management Fund to be used to research and manage the State's sea cucumber fishery and to enforce the laws related to sea cucumbers. The amendment proposed to authorize the joint standing committee of the Legislature having jurisdiction

over marine resources matters to report out a bill regarding regulation of the sea cucumber fishery to the Second Regular Session of the 120th Legislature.

Enacted law summary

Public Law 1999, chapter 672 regulates the season and harvesting method for the sea cucumber industry by closing the sea cucumber fishery to harvesting from July 1st to September 30th of each year and prohibiting the use of a drag to fish for sea cucumbers that exceeds 5 feet, 6 inches in width. It requires the Commissioner of Marine Resources to adopt rules that describe the type of drag that may be used to fish for or take sea cucumbers. The law establishes, but does not fund, the Sea Cucumber Management Fund to be used to research and manage the State's sea cucumber fishery and to enforce the laws related to sea cucumbers.

Public Law 1999, chapter 672 was enacted as an emergency measure effective April 12, 2000.

LD 2451

An Act to Prohibit Dragging in a Portion of the Taunton River Area

**PUBLIC 576
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINKHAM	OTP MAJ	H-821 SKOGLUND
GOLDTHWAIT	ONTP MIN	

LD 2451 proposed to prohibit a person from fishing with a drag in the coastal waters inland of the Route 1 bridge that connects the towns of Hancock and Sullivan in Hancock County.

House Amendment "A" (H-821) proposed to add a repeal date of March 1, 2005 to the prohibition contained in the bill. This amendment also proposed to require the Department of Marine Resources to submit a report by February 1, 2004 to the joint standing committee of the Legislature having jurisdiction over marine resources matters regarding whether the prohibition on dragging in the Taunton River area remains necessary or advisable.

Enacted law summary

Public Law 1999, chapter 576 prohibits a person from fishing with a drag in the coastal waters inland of the Route 1 bridge that connects the towns of Hancock and Sullivan in Hancock County until March 1, 2005. The law requires the Department of Marine Resources to submit a report by February 1, 2004 to the Legislature regarding whether the prohibition on dragging in the Taunton River area remains necessary or advisable.

Public Law 1999, chapter 576 was enacted as an emergency measure effective March 22, 2000.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLENIK	OTP-AM	H-827

LD 2464 proposed to change the process for establishing aquaculture sites through public hearings held jointly by the Department of Marine Resources and the municipality in which the site would be established.

Committee Amendment "A" (H-827) proposed to require the Commissioner of Marine Resources, upon determining that an application for an aquaculture lease is complete, to send a copy of the completed application and notice of hearing to the known riparian owners within 1,000 feet of the proposed lease and to the municipalities in which or adjacent to which the lease is proposed. The amendment proposed to require the lease applicant to give at least 2 weeks' notice of the hearing on the lease by advertising in a newspaper of general circulation, stating the location, date, time and purpose of the hearing and indicating how a copy of the application and the department site review may be obtained. The amendment also proposed to require the Department of Marine Resources to submit a report by January 15, 2001 to the joint standing committee of the Legislature having jurisdiction over marine resources matters regarding its ongoing review of the aquaculture lease process.

Enacted law summary

Public Law 1999, chapter 591 amends the aquaculture lease process by requiring the Commissioner of Marine Resources, upon determining that an application for an aquaculture lease is complete, to send a copy of the completed application and notice of hearing to the known riparian owners within 1,000 feet of the proposed lease and to the municipalities in which or adjacent to which the lease is proposed and by requiring the lease applicant to give at least 2 weeks' notice of the hearing on the lease by advertising in a newspaper of general circulation. The law also requires the Department of Marine Resources to submit a report by January 15, 2001 to the joint standing committee of the Legislature having jurisdiction over marine resources matters regarding its ongoing review of the aquaculture lease process.

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

LD 2543 proposed to implement the recommendation of the Task Force to Study Limited Entry in the Shrimp Fishery. The bill proposed to repeal the current commercial shrimp license, replace it with a shrimp trap license and a shrimp drag license and establish eligibility requirements for those licenses based on historical participation in the shrimp fishery between 1994 and 1999. The bill proposed to establish an appeals process for a person who is denied a shrimp trap license or a shrimp drag license because that person does not meet the eligibility requirements. The bill proposed to limit the exemption for fishing for or possessing shrimp for personal use to no more than one peck of shrimp in one day without a license. The bill also proposed to establish the Task Force to Continue Study of a Limited Entry System for the Maine Shrimp Fishery to study issues associated with a long-term limited entry system for the shrimp fishery.

LD 2562

An Act to Grandfather Apprentices in the Lobstering Program for Lobster Management Zone G Entry

ONTP

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

LD 2562 proposed to expand the eligibility criteria for a limited-entry lobster management zone to allow a person to be issued a Class I, Class II or Class III lobster and crab fishing license that authorizes that person to fish a majority of that person’s lobster traps in zone G if that person was enrolled in the apprentice lobster fishing program as of September 19, 1999 and was licensed as an apprentice to fish in zone G.

LD 2577

An Act to Alter Eligibility for Lobster and Crab Fishing Licenses for Persons Who are 65 Years of Age or Older

PUBLIC 658

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ ONTP MIN	H-950

LD 2577 proposed to implement one of the recommendations of the Lobster Advisory Council relating to limiting effort in the lobster fishery. The bill proposed to repeal the provision that allows a person who did not possess a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year to be issued a Class I, Class II or Class III lobster and crab fishing license if that person is 65 years of age or older and has previously held a lobster and crab fishing license. This bill also proposed to resolve a conflict in the current law.

Committee Amendment "A" (H-950), the majority report of the committee, proposed to remove language from the bill correcting a conflict.

Enacted law summary

Public Law 1999, chapter 658 repeals the provision that allows a person who did not possess a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year to be issued a Class I, Class II or Class III lobster and crab fishing license if that person is 65 years of age or older and has previously held a lobster and crab fishing license.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-1042
	OTP-AM MIN	

LD 2583 proposed to implement one of the recommendations of the Lobster Advisory Council relating to limiting effort in the lobster fishery. The bill proposed to clarify the procedure for a person to request to declare a limited-entry zone as that person's declared lobster zone by specifying that a person who holds a Class I, Class II or Class III lobster and crab fishing license shall indicate that person's request to the Commissioner of Marine Resources in writing by December 15th of the previous licensing year and that a person who does not hold a license must be eligible for a license by December 15th of the previous licensing year. The date of eligibility for a license would be the date of that person's request to declare a limited-entry zone for purposes of the chronological waiting list maintained by the commissioner.

Committee Amendment "A" (H-1042), the majority report of the committee, proposed to replace the bill and add an emergency clause and an emergency preamble. The amendment proposed to authorize a lobster management policy council that is proposing to limit new zone entrants to the zone to also propose to the Commissioner of Marine Resources to adopt rules allowing apprentice or student lobster and crab fishing license holders who became eligible for a Class I, Class II or Class III license prior to January 1, 2000 to be issued a license that identifies the limited-entry zone as that person's declared lobster zone.

The amendment proposed to clarify the process for a person to request to declare a limited-entry zone as the person's declared lobster zone and to require the Commissioner of Marine Resources to create a waiting list for a zone at the time the commissioner closes the zone pending rulemaking to establish an exit ratio for that zone. The amendment also proposed to establish a process for people who became eligible for a Class I, Class II or Class III lobster and crab fishing license prior to the effective date of this legislation to be put on a waiting list according to the date they became eligible.

Committee Amendment "B" (H-1043), the minority report of the committee, differed from the majority report by proposing to authorize a lobster management policy council that is proposing to limit new zone entrants to the zone to also propose to the Commissioner of Marine Resources to adopt rules allowing apprentice or student lobster and crab fishing license holders who held an apprentice or student license as of September 19, 1999, as well as those who became eligible for a Class I, Class II or Class III license prior to January 1, 2000, to be issued a license that identifies the limited-entry zone as that person's declared lobster zone. This amendment was not adopted.

Enacted law summary

Public Law 1999, chapter 693 authorizes a lobster management policy council that is proposing to limit new zone entrants to the zone to also propose to the Commissioner of Marine Resources the adoption of rules allowing apprentice or student lobster and crab fishing license holders who became eligible for a Class I, Class II or Class III license prior to January 1, 2000 to be issued a license that identifies the limited-entry zone as that person's declared lobster zone.

The law clarifies the process for a person to request to declare a limited-entry zone as the person's declared lobster zone and requires the Commissioner of Marine Resources to create a waiting list for a zone at the

time the commissioner closes the zone pending rulemaking to establish an exit ratio for that zone. The law also establishes a process for people who became eligible for a Class I, Class II or Class III lobster and crab fishing license prior to the effective date of this legislation to be put on a waiting list according to the date they became eligible.

Public Law 1999, chapter 693 was enacted as an emergency measure effective April 13, 2000.

LD 2584

An Act to Establish an Appeals Process for License Denial Under Limited-entry Fisheries

**PUBLIC 643
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-1003

LD 2584 proposed to establish an appeals process for a person denied a license in a limited-entry fishery, including a lobster and crab fishing license, an elver fishing license and a sea urchin harvesting license, and to repeal the current process for a person to appeal the denial of a lobster and crab fishing license. The bill proposed to establish the License Appeals Board to consider appeals on an individual basis and make recommendations to the Commissioner of Marine Resources regarding the issuance of the license on appeal. The commissioner would make the final decision to approve or deny the appeal. The bill proposed to specify that the commissioner may issue a license on appeal only if the person appealing the license denial has historically participated in the fishery and there was either a medical condition, a period of military service or a license suspension that prevented that person from meeting the eligibility requirements for the license. The bill proposed to authorize the commissioner to transfer the lobster and crab fishing license and trap tags of a deceased or disabled license holder upon recommendation by the License Appeals Board to a member of the license holder's family if the family member fished with the license holder and the family would suffer undue financial hardship if the license and trap tags were not transferred.

Committee Amendment "A" (H-1003) proposed to replace the bill and add an emergency preamble and an emergency clause to the bill. The amendment proposed to change the appeals process for a person who is denied a Class I, Class II or Class III lobster and crab fishing license because that person did not possess a license in the previous calendar year and to establish an appeals process for a person who is denied a handfishing sea urchin license, a sea urchin dragging license or a sea urchin hand-raking and trapping license because that person did not possess the same license in the previous calendar year. The amendment proposed to authorize the Commissioner of Marine Resources to issue a license on appeal if the person meets certain criteria, including having been prevented from meeting the eligibility requirements because of a substantial illness or medical condition or a period of military service and having documented landings while in possession of a license within one year prior to the onset of the illness or medical condition or within one year prior to entering military service.

The amendment proposed to restore the provision that authorized a Class I, Class II or Class III lobster and crab fishing license to be issued to a person who did not possess the license in the previous calendar year because the commissioner had suspended the person's license for a length of time that included the previous calendar year. The amendment proposed to require a person whose Class I, Class II or Class III lobster and crab fishing license has been suspended for more than one year to appear in person before the commissioner prior to being issued a Class I, Class II or Class III lobster and crab fishing license.

The amendment proposed to authorize a lobster and crab fishing license holder who was issued 300 or fewer trap tags for the 2000 license year because that person had purchased no trap tags as of November 20, 1998 because of a substantial illness or medical condition or a period of military service to appeal to the commissioner for additional trap tags.

The amendment proposed to authorize a person who is issued a Class I, Class II or Class III lobster and crab fishing license on appeal based on a substantial illness or medical condition or after a license suspension to declare a limited-entry zone as that person's declared lobster zone if the person was authorized to fish a majority of that person's lobster traps in that zone in the most recent year in which the person held a license. The person would not be counted for the purposes of the exit ratio or the number of new zone entrants that may be authorized for that zone.

The amendment proposed to repeal the current medical exception and license transfer provisions for handfishing sea urchin licenses, sea urchin dragging licenses and sea urchin hand-raking and trapping licenses.

Enacted law summary

Public Law 1999, chapter 643 changes the appeals process for a person who is denied a Class I, Class II or Class III lobster and crab fishing license because that person did not possess a license in the previous calendar year and establishes an appeals process for a person who is denied a handfishing sea urchin license, a sea urchin dragging license or a sea urchin hand-raking and trapping license because that person did not possess the same license in the previous calendar year. The law authorizes the Commissioner of Marine Resources to issue a license on appeal if the person meets certain criteria, including having been prevented from meeting the eligibility requirements because of a substantial illness or medical condition or a period of military service and having documented landings while in possession of a license within one year prior to the onset of the illness or medical condition or within one year prior to entering military service.

The law restores the provision that authorized a Class I, Class II or Class III lobster and crab fishing license to be issued to a person who did not possess the license in the previous calendar year because the commissioner had suspended the person's license for a length of time that included the previous calendar year. The law requires a person whose Class I, Class II or Class III lobster and crab fishing license has been suspended for more than one year to appear in person before the commissioner prior to being issued a Class I, Class II or Class III lobster and crab fishing license.

The law authorizes a lobster and crab fishing license holder who was issued 300 or fewer trap tags for the 2000 license year because that person had purchased no trap tags as of November 20, 1998 because of a substantial illness or medical condition or a period of military service to appeal to the commissioner for additional trap tags.

The law authorizes a person who is issued a lobster and crab fishing license on appeal based on a substantial illness or medical condition or after a license suspension to declare a limited-entry zone as that person's declared lobster zone if the person was authorized to fish a majority of that person's lobster traps in that zone in the most recent year in which the person held a license. The person may not be counted for the purposes of the exit ratio or the number of new zone entrants that may be authorized for that zone.

The law repeals the current medical exception and license transfer provisions for handfishing sea urchin licenses, sea urchin dragging licenses and sea urchin hand-raking and trapping licenses.

Public Law 1999, chapter 643 was enacted as an emergency measure effective April 7, 2000.

LD 2618

An Act to Implement the Recommendations of the Joint Standing Committee on Marine Resources Relating to the Review of the Maine Sardine Council Under the State Government Evaluation Act

**PUBLIC 678
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1033 ETNIER H-963

LD 2618 proposed to implement the recommendations made by the Joint Standing Committee on Marine Resources as a result of the committee's review of the Maine Sardine Council under the State Government Evaluation Act. The bill proposed to retroactively repeal the sardine excise tax on February 1, 2000 and terminate the Maine Sardine Council on March 31, 2000. The bill proposed to require the Maine Sardine Council to remit \$5,000 to the State Treasurer to be credited to the marine research fund at the Department of Marine Resources and to require the transfer of the remaining assets as of March 31, 2000 to the 3 packers represented on the Maine Sardine Council according to their share of the total quantity of sardines, kippers, steaks and other canned herring products packed during calendar years 1998 and 1999.

Committee Amendment "A" (H-963) proposed to require the State Auditor to perform audit procedures rather than an audit on the financial records of the Maine Sardine Council prior to the dissolution of the council. The amendment proposed to repeal the sardine excise tax on March 1, 2000 rather than February 1, 2000 and to require all accrued net assets of the council as of April 15, 2000 to be transferred as a refund of taxes paid to the 3 packers with representatives on the council as of January 31, 2000. The amendment proposed to strike the provision that would have required the council to remit \$5,000 to the State Treasurer to be credited to the marine research fund.

The amendment proposed to specify that the council shall cease its operations and activities on March 31, 2000 and to repeal the laws establishing the council, effective April 15, 2000.

House Amendment "A" to Committee Amendment "A" (H-1033) proposed to provide that the termination of the Maine Sardine Council applies retroactively to March 31, 2000.

Enacted law summary

Public Law 1999, chapter 678 implements the recommendations made by the Joint Standing Committee on Marine Resources as a result of the committee's review of the Maine Sardine Council under the State Government Evaluation Act. The law retroactively requires the council to cease its operations and activities on March 31, 2000 and repeals the laws establishing the council, effective April 15, 2000. The

law retroactively repeals the sardine excise tax on March 1, 2000. The law requires all accrued net assets of the council as of April 15, 2000 to be transferred as a refund of taxes paid to the 3 packers with representatives on the council as of January 31, 2000 according to their share of the total quantity of sardines, kippers, steaks and other canned herring products packed during calendar years 1998 and 1999.

Public Law 1999, chapter 678 was enacted as an emergency measure effective April 12, 2000.

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Joint Standing Committee on Natural Resources

LD 21

An Act Relating to MTBE

PUBLIC 709

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRIPP	OTP-AM MAJ	H-1067
LIBBY	OTP-AM MIN	

LD 21 proposed to prohibit the sale of gasoline or fuel products that are treated with MTBE.

Committee Amendment "A" (H-1067), the majority report of the Joint Standing Committee on Natural Resources, proposed to replace the bill and change the title to reflect the content of the amendment. This amendment proposed:

1. to establish certain labeling requirements for motor fuel dispensers that dispense automobile gasoline containing MTBE;
2. to require the Department of Environmental Protection to monitor and report on the levels of MTBE being brought into the State;
3. to direct the department to undertake all reasonable efforts to promote and be an active participant in regional efforts by state regulatory agencies in the Northeast to develop alternatives to the use of MTBE as a gasoline additive;
4. to establish as a goal for the department in its work in regional forums the elimination of MTBE in gasoline sold in Maine by January 1, 2003 in a manner that adequately accounts for market constraints related to supply and pricing and, based on thorough analysis and evaluation of alternatives to the use of MTBE, ensures the lowest possible total environmental impact;
5. to require the department to make annual reports to the Joint Standing Committee on Natural Resources on progress made in regional efforts to remove MTBE from gasoline; and
6. to authorize the Joint Standing Committee on Natural Resources to report out legislation on MTBE in gasoline.

Committee Amendment "B" (H-1068), the minority report of the Joint Standing Committee on Natural Resources, proposed to replace the bill. This amendment proposed:

1. to establish a maximum contaminant level of MTBE in drinking water of 25 parts per billion;
2. to establish certain labeling requirements for motor fuel dispensers that dispense automobile gasoline containing MTBE;
3. to require the Department of Environmental Protection to monitor and report on the levels of MTBE being brought into the State;

4. to direct the department to undertake all reasonable efforts to promote and be an active participant in regional efforts by state regulatory agencies in the Northeast to develop alternatives to the use of MTBE as a gasoline additive;
5. to establish a prohibition on the use of MTBE in gasoline in the State after January 1, 2003 but to allow the department to suspend or delay this date if the commissioner finds that the prohibition will result in market constraints related to supply and pricing or will result in alternatives to MTBE that will cause greater environmental impact than the use of MTBE;
6. to require the department to make annual reports to the joint standing committee of the Legislature having jurisdiction over natural resources matters on MTBE; and
7. to authorize the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation on MTBE in gasoline.

Enacted law summary

Public Law 1999, chapter 709 establishes certain labeling requirements for motor fuel dispensers that dispense automobile gasoline containing MTBE; requires the Department of Environmental Protection to monitor and report on the levels of MTBE being brought into the State; directs the department to undertake all reasonable efforts to promote and be an active participant in regional efforts by state regulatory agencies in the Northeast to develop alternatives to the use of MTBE as a gasoline additive; establishes as a goal for the department in its work in regional forums the elimination of MTBE in gasoline sold in Maine by January 1, 2003 in a manner that adequately accounts for market constraints related to supply and pricing and, based on thorough analysis and evaluation of alternatives to the use of MTBE, ensures the lowest possible total environmental impact; requires the department to make annual reports to the Joint Standing Committee on Natural Resources on progress made in regional efforts to remove MTBE from gasoline; and authorizes the Joint Standing Committee on Natural Resources to report out to any session of any legislature legislation on MTBE in gasoline.

LD 1080

An Act to Direct State Capital Investments to Locally Designated Growth Areas

ONTP

Sponsor(s)
LONGLEY
COWGER

Committee Report
ONTP

Amendments Adopted

LD 1080 proposed to define growth-related capital investment and to require that growth-related capital investments by the State be made only in locally designated growth areas as identified in local comprehensive plans or, if there is no comprehensive plan, to areas with public sewers capable of handling the development. Exceptions could be made for state investments required to remedy threats to public health and safety; to mitigate nonpoint sources of pollution; to purchase lands for parks, open space or conservation; to assist natural resource-based industries and other activities that are typically located away from other development; to expand highways that meet national, state or regionwide needs; and for tourist and cultural facilities that rely on specific historic, natural or cultural resources.

See P.L. 1999, chapter 776.

LD 1209 **An Act Regarding Property Owners Whose Land Abuts a Solid or Special Waste Landfill** **PUBLIC 691**

<u>Sponsor(s)</u> TRACY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-1028
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LD 1209 proposed to provide that persons who owned property abutting a landfill prior to the development of the landfill would be entitled to receive 5% of the tipping fees as compensation for interference with the use and enjoyment of the property. They would also be entitled to have the licensee of the landfill or the State pay for semiannual water testing.

Committee Amendment "A" (H-1028) proposed to require that biannual testing of private water supply wells be performed at the written request of a person who owns property abutting a commercial solid waste disposal facility that accepts special waste for landfilling and to require the licensee to pay for the testing. The amendment proposed to require a licensee to provide owners of property abutting the facility with written notice of their right to water quality testing. The amendment proposed to require that the testing be conducted by a certified laboratory selected by the property owner and in a manner specified by and meeting criteria developed by the Department of Environmental Protection.

Enacted law summary

Public Law 1999, chapter 691 requires that biannual testing of private water supply wells be performed at the written request of a person who owns property abutting a commercial solid waste disposal facility that accepts special waste for landfilling and requires the licensee to pay for the testing. The law requires the testing to be conducted by a certified laboratory selected by the property owner and in a manner specified by and meeting criteria developed by the Department of Environmental Protection. The law also requires a licensee to provide owners of property abutting the facility with written notice of their right to water quality testing.

LD 1311 **An Act to Repeal the Emissions Testing Program in Cumberland County** **ONTP**

<u>Sponsor(s)</u> FOSTER HARRIMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1311 proposed to repeal the enhanced inspection requirements for motor vehicles registered in Cumberland County and instead to require those vehicles to meet the same inspection standards as vehicles registered in other counties in the State.

LD 1457

An Act to Decrease Restrictions on the Sale of Land

ONTP

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

LD 1457 proposed to permit a landowner to divide a tract or parcel of land into 3 lots within any 5-year period without creating a subdivision as that term is defined in the planning and land use regulation laws if the landowner has owned the parcel to be divided for a period of at least 5 years before the first dividing occurs and both dividings create, at the time of each dividing, a lot no larger than 140% of the minimum size lot on which a structure may be built pursuant to the applicable municipal ordinance. The bill proposed to add language making the Act retroactive to a date 5 years prior to the effective date of the Act.

LD 1506

Resolve, to Require the Department of Environmental Protection to Reimburse Homeowners for Malfunctioning On-site Peat Sewage Disposal Systems

ONTP

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

LD 1506 proposed to require the Department of Environmental Protection and the Department of Human Services to identify all on-site peat sewage disposal systems installed since October 1, 1988 that have failed or are currently malfunctioning due to improper installation. The resolve further proposed to direct the Department of Environmental Protection to reimburse the homeowners from within its existing budgeted resources for all costs associated with fixing or replacing the malfunctioning system.

The resolve also proposed to direct the Department of Human Services, Division of Health Engineering to provisionally adopt major substantive rules by January 31, 2000 that upgrade those systems from experimental to general use status and that establish clear guidelines for installing such systems.

LD 1519

An Act to Encourage Environmental Management Systems

PUBLIC 562

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAIGLE	OTP-AM	H-801

LD 1519 proposed to establish a state policy to encourage facilities to develop and implement environmental management systems that conform to international standards. The bill proposed to require the Commissioner of Environmental Protection to develop and implement an incentives program to encourage facilities to implement environmental management systems by offering regulatory relief to facilities that implement certified environmental management systems.

Committee Amendment "A" (H-801) proposed to require the Commissioner of Environmental Protection to develop and implement an environmental management system incentive program to encourage entities to develop and implement environmental management systems that, at a minimum, conform to international standards, comply with all applicable environmental laws, rules and regulations and prevent and reduce pollution. The incentives could include alternative schedules for routine compliance inspections, alternative record-keeping and reporting systems and public recognition by the commissioner. The amendment proposed that, in order to be eligible for incentives, an entity must have met several requirements. The amendment proposed to require the commissioner to revoke all incentives granted to an entity if the entity no longer meets the eligibility requirements.

The amendment proposed to establish a repeal date of December 31, 2002 for the environmental management system incentive program and to require the Department of Environmental Protection to submit a report to the Legislature by January 15, 2002 with an evaluation of the incentive program and any recommendations for changes to the program.

Enacted law summary

Public Law 1999, chapter 562 requires the Commissioner of Environmental Protection to develop and implement an environmental management system incentive program to encourage entities to develop and implement environmental management systems that, at a minimum, conform to international standards, comply with all applicable environmental laws, rules and regulations and prevent and reduce pollution. The incentives may include alternative schedules for routine compliance inspections, alternative record-keeping and reporting systems and public recognition by the commissioner.

The law establishes a repeal date of December 31, 2002 for the environmental management system incentive program and requires the Department of Environmental Protection to submit a report to the Legislature by January 15, 2002 with an evaluation of the incentive program and any recommendations for changes.

LD 1562 **Resolve, to Create the Commission to Study the Establishment of an Environmental Leadership Program** **RESOLVE 134 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AMERO MURPHY T	OTP-AM	S-516 S-804 AMERO

LD 1562 proposed to establish the Environmental Leadership Program as a voluntary program under which a person could receive incentives, including financial, procedural and recognition incentives, for improving environmental quality if a facility owned by the person meets certain criteria. The bill proposed to require the Board of Environmental Protection to adopt rules to implement the program by July 1, 2000.

The bill also proposed to establish the Environmental Leadership Fund, administered by the Commissioner of Environmental Protection, under which a person who owns a facility may receive a loan at below-market rates for pollution prevention, toxic use reduction, resource use reduction, resource recovery, energy efficiency or development of innovative environmental technologies.

Committee Amendment "A" (S-516) proposed to establish the Commission to Study the Establishment of an Environmental Leadership Program, composed of 8 legislative members. The duties of the commission would be to develop criteria for defining a company or business as an environmental leader, to develop incentives to encourage companies and businesses to become environmental leaders, to attract environmental leaders to the State and to identify opportunities for and obstacles to creating an environmental leadership program. The amendment proposed to require the commission to submit a report to the Legislature by January 15, 2002.

Senate Amendment "B" to Committee Amendment "A" (S-804) proposed to clarify the legislative membership and to change the reporting date to December 1, 2001.

Enacted law summary

Resolve 1999, chapter 134 establishes the Commission to Study the Establishment of an Environmental Leadership Program. The duties of the commission, composed of 8 legislative members, are to develop criteria for defining a company or business as an environmental leader, to develop incentives to encourage companies and businesses to become environmental leaders, to attract environmental leaders to the State and to identify opportunities for and obstacles to creating an environmental leadership program. The commission is required to submit a report by December 1, 2001.

Resolve 1999, chapter 134 was enacted as an emergency measure effective May 18, 2000.

LD 2084

An Act to Reduce the Release of Mercury into the Environment from Consumer Products

PUBLIC 779

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM MAJ	H-1174 TOWNSEND
SAVAGE W	ONTP MIN	S-648

LD 2084 proposed to prohibit the sale of certain products that contain mercury unless they are labeled to inform consumers that mercury is present in the item and that the item may not be disposed of until the mercury is removed and reused, recycled or otherwise managed. Products that would have to be labeled are thermostats and thermometers, switches, medical or scientific instruments, electric relays and other electrical devices and lamps. The bill proposed to ban the sale in the State of toys, games and apparel that contain mercury.

The bill proposed to prohibit the disposal of labeled mercury-added products except as part of a collection system after June 1, 2001 and to require the separation of labeled mercury-added products from other solid waste. It proposed to require municipal and regional association solid waste disposal facilities to develop programs for the collection of mercury-added products by December 1, 2000 and to implement those programs by June 1, 2001. It also proposed to require manufacturers of mercury-added products to establish a system for the proper collection, transportation and management of the products and to prohibit them from charging a fee for the collection system.

The bill proposed to require the Department of Environmental Protection to develop a plan, in consultation with dentists, for reducing mercury pollution from dental procedures and to require the Board of

Environmental Protection to adopt rules to implement mandatory source reduction of mercury from dental procedures.

Committee Amendment "A" (S-648), the majority report of the committee, proposed to define mercury-added products as the following products if they contain mercury added during manufacture: thermostats and thermometers, electrical switches, medical or scientific instruments, electrical devices and lamps. The amendment proposed to require, beginning January 1, 2002, the labeling of mercury-added products other than mercury-added lamps sold in the State and to require a seller of mercury-added lamps to commercial, industrial or other large users to provide information on the invoice or in a separate document to inform the purchaser that the lamps contain mercury and may not be placed in solid waste destined for disposal.

The amendment proposed to ban the disposal of mercury-added products in a solid waste disposal facility after July 15, 2002 and to exempt mercury-added products used in households from that ban until January 1, 2005. The amendment proposed to require a waste mercury-added product to be reused, recycled or otherwise managed to ensure that the product is not disposed of in violation of the ban.

The amendment proposed to exempt automobile component parts from the labeling requirement and the source separation requirement until July 15, 2002 and to require the Department of Environmental Protection to develop, in consultation with the automobile manufacturers and other interested parties, a plan for compliance with those requirements as they relate to automobile components. The amendment also proposed to require the department to work with dentists to develop a pollution prevention plan for mercury from dental procedures by July 15, 2002.

The amendment proposed to require the department and the Executive Department, State Planning Office to implement an education program relating to mercury-added products no later than January 1, 2001 and to assist interested municipalities and regional associations in developing collection programs for mercury-added products. It also proposed to specify that the State Planning Office shall attempt, through the awarding of household hazardous waste grants, to fund capital improvements and operating expenses to facilitate the development of collection programs throughout the State for universal waste generated by households, small-quantity generators, public schools and municipalities. It requires the State Planning Office, at a minimum, to award grants to public schools and municipalities for reasonable additional costs incurred as a result of managing waste mercury-added products generated by them, in compliance with the disposal ban and the source separation requirement.

The amendment proposed to establish the Mercury Products Advisory Committee to advise the department, the State Planning Office and the Legislature on further actions needed to prevent and reduce environmental releases of mercury from consumer products and to require the committee to report annually beginning January 15, 2002 on the effectiveness and extent of established programs for the collection, transportation and recycling of mercury-added products. The amendment proposed to repeal the Mercury Products Advisory Committee in 2006.

The amendment proposed to require the department to submit a report by January 15, 2002 to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the status of mercury releases into the environment and an assessment of the extent to which the infrastructure has been developed to enable collection and recycling of mercury-added lamps.

The amendment proposed to exempt lamps, mercury-containing thermostats, polychlorinated biphenyl ballast and certain batteries from the planning, reporting and fee requirements under the laws relating to toxics use, toxics release and hazardous waste reduction.

House Amendment "A" to Committee Amendment "A" (H-1174) proposed to change the composition of the Mercury Products Advisory Committee to provide that, when making the appointments, the Speaker and the President shall give preference to members from the joint standing committee of the Legislature having jurisdiction over natural resources matters. It also proposed to provide for the reimbursement of necessary expenses incurred by public members who are not otherwise compensated by their employers.

Enacted law summary

Public Law 1999, chapter 779 defines mercury-added products as the following products if they contain mercury added during manufacture: thermostats and thermometers, electrical switches, medical or scientific instruments, electrical devices and lamps. The law requires, beginning January 1, 2002, the labeling of mercury-added products other than mercury-added lamps sold in the State and requires a seller of mercury-added lamps to commercial, industrial or other large users to provide information on the invoice or in a separate document to inform the purchaser that the lamps contain mercury and may not be placed in solid waste destined for disposal.

The law bans the disposal of mercury-added products in a solid waste disposal facility after July 15, 2002 but exempts mercury-added products used in households from that ban until January 1, 2005. The law exempts automobile component parts from the labeling requirement and the source separation requirement until July 15, 2002. The law requires the Department of Environmental Protection to work with dentists to develop a pollution prevention plan for mercury from dental procedures by July 15, 2002.

The law establishes the Mercury Products Advisory Committee to advise the department, the State Planning Office and the Legislature on further actions needed to prevent and reduce environmental releases of mercury from consumer products and requires the committee to report annually beginning January 15, 2002 on the effectiveness and extent of established programs for the collection, transportation and recycling of mercury-added products. The law repeals the Mercury Products Advisory Committee in 2006.

The law establishes requirements for public education and for technical and financial assistance to municipalities. The law also exempts lamps, mercury-containing thermostats, polychlorinated biphenyl ballast and certain batteries from the planning, reporting and fee requirements under the laws relating to toxics use, toxics release and hazardous waste reduction.

LD 2182

An Act to Improve Air Quality through Market Incentives for the Purchase of Cleaner Vehicles

PUBLIC 684

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON PINGREE	OTP-AM	H-1038

LD 2182 proposed to create a Cleaner Car Rebates Program to promote the purchase of new and used low-emission cars and trucks by offering a rebate to the purchaser of a cleaner vehicle.

Committee Amendment "A" (H-1038) proposed to replace the bill. This amendment proposed:

1. to create a pilot incentive voucher program designed to encourage the retirement of older, high-emission vehicles and the purchase of newer, low-emission vehicles;
2. to allow the salvage of useable parts of retired vehicles;
3. to provide for the issuance of higher-value vouchers for the retirement of certain pickup trucks and sport utility vehicles that have a higher market value;
4. to tie the retirement of high-emission vehicles to the purchase of low-emission vehicles by providing that a voucher is issued upon retirement of a high-emission vehicle and is redeemable upon purchase of a low-emission vehicle;
5. to direct the Department of Environmental Protection to administer the voucher program and the Finance Authority of Maine to issue payments upon redemption of vouchers;
7. to require the Department of Environmental Protection and the Finance Authority of Maine to provide annual reports on the program and to require the department in its 2003 report to provide an evaluation of whether the pilot program should be continued;
8. to repeal the pilot incentive voucher program on November 1, 2003;
9. to require the Department of Environmental Protection to undertake an examination of methods and strategies for achieving reductions and maintaining levels of mobile-source emissions that will ensure compliance with federal air quality standards and to develop a mobile-source-emission-reduction plan that includes the most effective and cost-efficient methods and strategies;
10. to authorize the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation concerning mobile-source-emission-reduction methods to the First Regular Session and the Second Regular Session of the 120th Legislature;
11. to provide for use of the Clean Fuel Vehicle Fund, a fund authorized to accept grants from public and private sources, to fund the pilot incentive voucher program; and
12. to add an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 684 creates a pilot incentive voucher program designed to encourage the retirement of older, high-emission vehicles and the purchase of newer, low-emission vehicles; requires the Department of Environmental Protection and the Finance Authority of Maine to provide annual reports on the program and requires the department in its 2003 report to provide an evaluation of whether the pilot program should be continued; repeals the pilot incentive voucher program on November 1, 2003; requires the Department of Environmental Protection to undertake an examination of methods and strategies for achieving reductions and maintaining levels of mobile-source emissions that will ensure compliance with federal air quality standards and to develop a mobile-source-emission-reduction plan that includes the most effective and cost-efficient methods and strategies; authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation concerning mobile-source-emission-reduction methods to the First Regular Session and the Second Regular Session of the 120th Legislature.

LD 2228

An Act to Provide for Alternative Treatment of Biomedical Waste

ONTP

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

LD 2228 proposed to authorize the Department of Environmental Protection to license a type of biomedical waste disposal or treatment facility that uses microwave disinfection technology if, after treatment, the waste no longer meets the definition of biomedical waste.

LD 2278

An Act to Amend the Low-emission Vehicle Program

PUBLIC 582

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY MARTIN	OTP-AM MAJ ONTP MIN	H-839 MARTIN S-486

LD 2278 proposed to repeal the state triggers for the low-emission vehicle program and language concerning the reformulated gasoline program.

Committee Amendment "A" (S-486), which was the majority report of the Joint Standing Committee on Natural Resources, proposed to preserve that portion of the bill that removes the state triggers for the low-emission vehicle program but also to provide that the low-emission vehicle program may not include the adoption, sale or use of California reformulated gasoline. The amendment also proposed to remove obsolete language concerning a study that was due January 1, 2000.

House Amendment "A" to Committee Amendment "A" (H-839) proposed to require that, by December 1, 2000, the Department of Environmental Protection, Board of Environmental Protection evaluate the feasibility of the State's zero-emission vehicle mandate in existence on March 1, 2000. The amendment proposed to specify that, following the evaluation, any rule adopted by the board that contains a zero-emission vehicle mandate would be a major substantive rule.

Enacted law summary

Public Law 1999, chapter 582 repeals the state triggers for the low-emission vehicle program; provides that the low-emission vehicle program may not include the adoption, sale or use of California reformulated gasoline; removes obsolete language concerning a study that was due January 1, 2000; requires that, by December 1, 2000, the Board of Environmental Protection evaluate the feasibility of the State's zero-emission vehicle mandate in existence on March 1, 2000; and specifies that, following the evaluation, any rule adopted by the board that contains a zero-emission vehicle mandate is a major substantive rule.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNCAN	OTP-AM	H-791

LD 2325 proposed to provide that a municipal or regional association landfill that accepted 1,900 tons or more of oil-contaminated soil, gravel, brick, concrete and other aggregate in calendar year 1998 shall pay \$5 per ton for that category of waste.

Committee Amendment "A" (H-791) proposed to provide that a municipal or regional association landfill that has accepted 550 tons, rather than 1,900 tons as proposed in the bill, or more of oil-contaminated soil, gravel, brick, concrete and other aggregate in 1998 shall pay \$5 per ton for that category of waste.

Enacted law summary

Public Law 1999, chapter 564 provides that a municipal or regional association landfill that accepted 550 tons or more of oil-contaminated soil, gravel, brick, concrete and other aggregate in calendar year 1998 shall pay \$5 per ton for that category of waste.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL	OTP-AM MAJ OTP-AM MIN	H-1040

LD 2339 proposed to amend the Wells Waste Oil Clean-up Fund to extend funding to the waste oil site in Plymouth.

Committee Amendment "A" (H-1040), the majority report of the Joint Standing Committee on Natural Resources, proposed to replace the bill and

1. to create an interest-free loan program for persons who have obligated themselves to pay for the remedial investigation and feasibility study at the Plymouth waste oil site; and
2. to add an emergency preamble and emergency clause and a fiscal note to the bill.

Committee Amendment "B" (H-1041), the minority report of the Joint Standing Committee on Natural Resources, proposed to replace the bill and

1. to create a direct payment program for persons who are obligated to pay for the remedial investigation and feasibility study at the Plymouth waste oil site; and
2. to add an emergency preamble and emergency clause and a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 713 creates an interest-free loan program for persons who have obligated themselves to pay for the remedial investigation and feasibility study at the Plymouth waste oil site.

Public Law 1999, chapter 713 was enacted as an emergency measure effective April 14, 2000.

LD 2350

An Act to Clarify the Laws Governing Solid Waste Disposal Districts

PUBLIC 557

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

LD 2350 proposed to clarify the management of a refuse disposal district by specifying that directors from the same municipality do not have to vote together but may vote independently of each other.

Enacted law summary

Public Law 1999, chapter 557 clarifies current law regarding voting by the board of directors of a refuse disposal district by specifying that directors from the same municipality do not have to vote together but may vote independently of each other.

LD 2375

An Act to Rid Maine's Waters of Ocean Vessel Sewage

PUBLIC 655

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J COWGER	OTP-AM	S-567

LD 2375 proposed to require the Department of Environmental Protection to review existing availability of pump-out stations, apply for federal grant money and develop a plan to ensure such facilities are adequate to meet the existing needs and develop a program to educate boaters of the importance of using such facilities. The bill also proposed to require the department to apply to the Federal Government for designation of the first 3 coastal miles of the State as a "no discharge" zone pursuant to 33 United States Code and to require that, beginning August 1, 2000, any new construction of or expansion of public or private marinas must include operational pump-out stations and waste reception facilities. The bill also proposed to regulate, beginning July 15, 2005, the discharge of sewage from watercraft operating on coastal waters of the State.

Committee Amendment "A" (S-567) proposed to require the Department of Environmental Protection to review the availability of pump-out stations at marinas; to develop a plan for the construction, renovation and maintenance of pump-out facilities necessary to meet the needs of watercraft using the coastal waters of the State; to educate vessel owners and operators about the problem of sanitary waste discharges from vessels; and to apply to the United States Environmental Protection Agency by January 15, 2005 for

designation of the first 50 significant harbors or bays in the territorial waters of the State, as identified by the Commissioner of Environmental Protection, as no-discharge zones.

The amendment proposed to expand to noncommercial marinas the requirement in current law for a marina to provide a pump-out facility or, through a contractual agreement, a facility to remove sanitary waste from the holding tanks of watercraft. It proposed to require the Commissioner of Environmental Protection to award grants for the costs of pump-out facilities and contractual agreements using state and federal funds and to specify that marinas are not required to meet the requirement to provide a pump-out facility until a grant is issued to that marina.

Enacted law summary

Public Law 1999, chapter 655 requires the Department of Environmental Protection to review the availability of pump-out stations at marinas, to apply for federal grant money and to develop a plan for the construction, renovation and maintenance of pump-out facilities necessary to meet the needs of watercraft using the coastal waters of the State. The law also requires the department to educate vessel owners and operators about the problem of sanitary waste discharges from vessels and to inform them of the locations of pump-out facilities; to apply to the United States Environmental Protection Agency by January 15, 2005 for designation of the first 50 significant harbors or bays in the territorial waters of the State, as identified by the Commissioner of Environmental Protection, as no-discharge zones; and to submit several related reports to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

The law expands to noncommercial marinas the requirement in current law for a marina to provide a pump-out facility or, through a contractual agreement, a facility to remove sanitary waste from the holding tanks of watercraft. It requires the Commissioner of Environmental Protection to award grants for the costs of pump-out facilities and contractual agreements using state and federal funds. The commissioner shall pay 90% of the costs at municipal marinas and up to 75% of the costs at other marinas. The law specifies that marinas are not required to meet the requirement to provide a pump-out facility until a grant is issued to that marina.

LD 2377

An Act to Prevent Contamination from Home Heating Oil Tanks

PUBLIC 635

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J MARTIN	OTP-AM	S-566

LD 2377 proposed to extend the funding from the Ground Water Oil Clean-up Fund to pay for the replacement of certain substandard home heating oil tanks.

Committee Amendment "A" (S-566) proposed to replace the bill. This amendment proposed:

1. To extend the oil storage tank repair and replacement program funded from the Ground Water Oil Clean-up Fund;
2. To increase funding to \$500,000 annually to retrofit, repair or replace tanks in order to abate an imminent threat to a groundwater restoration project, a public water supply or a sensitive geologic area, including coastal islands and peninsulas and to provide that:

- A. No money may be spent after fiscal year 1999-2000 until a written policy is adopted establishing criteria for disbursements of funds, guidelines that ensure the money will be used in the most cost-effective manner and guidelines for reimbursing cooperating municipalities for administrative costs; and
 - B. No money may be spent after February 2, 2003 until a written policy is adopted that establishes a means test for eligibility for disbursements and a deductible and that limits eligibility to Maine residents;
3. To increase funding to \$2,000,000 annually for grants to retrofit, repair or replace aboveground and underground oil storage tanks and associated piping at single-family residences provided that no money is disbursed after June 30, 2000 until a written policy is adopted establishing guidelines for payments to community action agencies for their administrative costs in administering the funds; and
 4. To require the Department of Environmental Protection to report by January 1, 2002 to the joint standing committee of the Legislature having jurisdiction over natural resources matters on various aspects of the programs.

Enacted law summary

Public Law 1999, chapter 635 extends and increases funding for the oil storage tank repair and replacement program funded from the Ground Water Oil Clean-up Fund. It also requires the Department of Environmental Protection to report by January 1, 2002 to the joint standing committee of the Legislature having jurisdiction over natural resources matters on various aspects of the programs.

LD 2437

An Act Regarding Oil Storage Facilities and Groundwater Protection

PUBLIC 714

Sponsor(s)
DAIGLE

Committee Report
OTP-AM

Amendments Adopted
H-1049 MARTIN
H-877

LD 2437 proposed to make several changes to the Ground Water Oil Clean-up Fund, including changing the standard deductible for certain coverage, reducing the cap on the fund, reducing the assessment of certain fees and changing the amount of the fund that may be disbursed for certain costs. The bill also proposed to allow for the cleanup and recording of minor leaks or spills of oil from underground oil storage facilities and tanks without reporting the leak or spill to the Department of Environmental Protection under certain conditions and to enact a statute of limitations of 3 years on actions against certified underground oil storage tank installers.

Committee Amendment "A" (H-877) proposed to change the statute of limitations provision in the bill to specify that the statute of limitations for the Board of Underground Oil Storage Tank Installers to bring an action against a certified underground oil storage tank installer relating to a tank or equipment installed on or after September 16, 1991 is within 3 years of discovery of a violation but no more than 15 years from the date of installation.

The amendment proposed to strike all the provisions in the bill related to the Ground Water Oil Clean-up Fund and instead to require the Department of Environmental Protection to conduct and report on 3 studies, including a review of the current framework for regulating aboveground oil storage tanks, a review of the insurance coverage available for cleanup of prohibited discharges of oil and a review of the Ground Water Oil Clean-up Fund. The amendment proposed to authorize the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation relating to these studies.

House Amendment "A" to Committee Amendment "A" (H-1049) proposed to remove the authority of the joint standing committee of the Legislature having jurisdiction over natural resource matters to report out legislation regarding the reports received from the Department of Environmental Protection.

Enacted law summary

Public Law 1999, chapter 714 enacts a statute of limitations for the Board of Underground Oil Storage Tank Installers to bring an action against a certified underground oil storage tank installer relating to a tank or equipment installed on or after September 16, 1991. Such an action must be brought within 3 years of discovery of a violation but no more than 15 years from the date of installation.

The law requires the Department of Environmental Protection to convene a task force to review the current framework for regulating aboveground oil storage tanks and submit a report on field-constructed bulk storage tanks by March 1, 2001 and a report on aboveground oil storage tanks by January 2, 2002; it requires the department to review the insurance coverage available for cleanup of prohibited discharges of oil and submit a report by May 15, 2001 with its findings and any recommendations; and it requires the department to review, in consultation with the Fund Insurance Review Board, the Ground Water Oil Clean-up Fund and submit a report by December 15, 2000 with its findings and recommendations.

LD 2442

An Act Regarding the Solid Waste Hauling and Disposal Industry

PUBLIC 773

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH	OTP-AM MAJ ONTP MIN	H-1086 H-1177 TOWNSEND

LD 2442 proposed to require advance notification to the Department of the Attorney General when controlling stock or substantial assets of a business engaged in solid waste hauling, incineration or residue disposal are acquired.

Committee Amendment "A" (H-1086), the majority report of the committee, proposed to change the title of the bill and to limit the application of the notice requirement to those persons acquiring controlling stock or substantial assets used in solid waste or residue hauling from a business that is primarily engaged in solid waste or residue hauling and that employs more than 5 individuals. The amendment also proposed to establish a repeal date of 90 days after adjournment of the First Regular Session of the 120th Legislature for the notice requirement.

The amendment proposed to establish the Task Force to Study Market Power Issues Related to the Solid Waste Hauling and Disposal Industry, composed of 5 members of the Joint Standing Committee on Natural Resources, to conduct a study of market power issues in all aspects of the public and private solid waste hauling and disposal industry. The amendment proposed to require the task force to submit an interim

report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by December 6, 2000 and a final report by December 5, 2001.

House Amendment "B" to Committee Amendment "A" (H-1177) proposed to provide for the replacement of legislative members on the task force and to change the date by which appointments to the task force must be made.

Enacted law summary

Public Law 1999, chapter 773 requires advance notification to the Department of the Attorney General when controlling stock or substantial assets are acquired from a business that is primarily engaged in solid waste or residue hauling and that employs more than 5 individuals. The law establishes a repeal date of 90 days after adjournment of the First Regular Session of the 120th Legislature for the notice requirement.

The law establishes the Task Force to Study Market Power Issues Related to the Solid Waste Hauling and Disposal Industry, composed of 5 members of the Joint Standing Committee on Natural Resources, to conduct a study of market power issues in all aspects of the public and private solid waste hauling and disposal industry. The law specifies that the task force shall submit an interim report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by December 6, 2000 and a final report by December 5, 2001.

LD 2470

An Act to Fund the Lakes Heritage Trust Fund

P & S 98

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE PINGREE	OTP-AM	H-972 S-755 MICHAUD

LD 2470 proposed to allocate penalties levied by the Department of Environmental Protection for violations of laws related to great ponds to the Lakes Heritage Trust Fund.

Committee Amendment "A" (H-972) proposed to replace the bill and change the title. The amendment proposed to appropriate \$20,000 to the Lakes Heritage Trust Fund.

Senate Amendment "A" to Committee Amendment "A" (S-755) proposed to clarify that the funds are appropriated on a one-time basis.

Enacted law summary

Private and Special Law 1999, chapter 98 makes a one-time appropriation of \$20,000 to the Lakes Heritage Trust Fund.

LD 2477

An Act to Amend the Definition of Oil Terminal Facilities

ONTP

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

LD 2477 proposed to amend the definition of "oil terminal facilities" (currently defined to mean only those facilities that receive their petroleum products via waterborne sources) to include terminals that receive their products by pipeline.

LD 2496

An Act to Clarify the Authority of State Environmental and Public Health Officials to Monitor and Regulate Nuclear Power Plant Decommissioning, Site Cleanup and Restoration Activities

**PUBLIC 739
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT SHIAH	OTP-AM	S-617 S-710 TREAT

LD 2496 proposed to modify certain laws relating to the decommissioning of the Maine Yankee Nuclear Facility. The bill proposed

1. To add vehicles leaving the Maine Yankee site to the list of equipment and materials subject to monitoring;
2. To clarify the definition of "monitoring";
3. To add contaminated construction and demolition debris to the definition of "special waste," material that is subject to particular scrutiny by the Department of Environmental Protection;
4. To require notice to a municipality that has a solid waste facility or solid waste disposal facility in its jurisdiction to which decommissioning waste is transferred; and
5. To set a cumulative risk level at the site once decommissioning is complete.

Committee Amendment "A" (S-617) proposed to replace the bill. This amendment proposed

1. To provide that (similar to the original bill) the State Nuclear Safety Inspector be permitted to monitor vehicles or other means of transportation used to remove material from the site of a nuclear power facility, that acceptable monitoring activities by the inspector include taking radiological measurements, provided these are done according to certain standards, and that the facility licensee must provide split samples to the inspector;
2. To require that (as in the original bill) a municipality be notified if decommissioning waste is shipped to a recycling or other solid waste facility in the municipality;

3. To modify the definition of "low-level radioactive waste" to exclude radioactive material remaining at the site of a decommissioned nuclear power plant if the site meets the United States Nuclear Regulatory Commission's requirements for release, is not used to dispose of radioactive material generated by a facility other than the plant and meets the radiation dose standard established by the amendment;
4. To establish a protective radiation dose standard (cleanup standard) for the site at which the decommissioning of a nuclear power plant has been completed;
5. To require an evaluation of the cumulative risk posed by radiological and chemical contaminants that will remain at the site of a decommissioned nuclear power plant;
6. To require the owner of a nuclear power plant or decommissioned nuclear power plant to comply with all applicable environmental laws and to clarify that the Department of Environmental Protection is authorized to require appropriate monitoring, sampling and other measures to assess and ensure compliance with applicable laws;
7. To require the owner of a nuclear power plant or decommissioned nuclear power plant to provide information to the Department of Environmental Protection necessary for it to establish compliance with applicable laws;
8. To repeal the provision of law that requires a low-level radioactive waste disposal facility to be owned by the State of Maine; and
9. To make expressly clear that the above provisions may not be interpreted as legislative approval of any particular method of handling or disposing of radioactive material, including the method known as "rubblization".

House Amendment "A" to Committee Amendment "A" (H-1107) proposed to remove from the committee amendment the provision that modifies the definition of "low-level radioactive waste."

Senate Amendment "A" to Committee Amendment "A" (S-704) proposed to clarify that the Department of Environmental Protection may require liners to contain wastes at the site of a decommissioned nuclear power plant in order to ensure compliance with applicable environmental laws, licenses or permits. It also proposed to remove from the committee amendment the provision that modifies the definition of "low-level radioactive waste" and to remove the emergency preamble and emergency clause.

Senate Amendment "B" to Committee Amendment "A" (S-710) proposed to make the following changes to the committee amendment to the bill:

1. To remove from the committee amendment the section that would have changed the definition of "low-level radioactive waste";
2. To clarify that the Department of Environmental Protection may require use of liners at the site of a decommissioned nuclear power plant to allow the department to assess and ensure compliance with applicable requirements, including the radiation dose standards established by the committee amendment; and

- To remove the provision of the committee amendment that would have repealed the requirement that a low-level radioactive waste disposal facility be owned by the State. Under this amendment, the State would not be required to own such a facility if the facility is developed at the site of a decommissioned nuclear power plant in the course of or as a result of the decommissioning process.

Enacted law summary

Public Law 1999, chapter 739 changes certain laws relating to the Maine Yankee Nuclear Facility. It provides that the State Nuclear Safety Inspector is permitted to monitor the removal or material from the site of a nuclear power facility, including taking radiological measurements; clarifies that a municipality must be notified if decommissioning waste is shipped to a recycling or other solid waste facility in the municipality; establishes a radiation dose standard for the site at which the decommissioning of a nuclear power plant has been completed; requires an evaluation of the cumulative risk posed by radiological and chemical contaminants that will remain at the site of a decommissioned nuclear power plant; requires the owner of a nuclear power plant or decommissioned nuclear power plant to comply with all applicable environmental laws and clarifies that the Department of Environmental Protection is authorized to require appropriate monitoring, sampling and other measures to assess and ensure compliance with applicable laws; requires the owner of a nuclear power plant or decommissioned nuclear power plant to provide information to the Department of Environmental Protection necessary for it to establish compliance with applicable laws; makes expressly clear that the bill may not be interpreted as legislative approval of any particular method of handling or disposing of radioactive material, including the method known as "rubblization"; clarifies that the Department of Environmental Protection may require use of liners at the site of a decommissioned nuclear power plant to allow the department to assess and ensure compliance with applicable requirements, including the radiation dose standards established by this law; and modifies a requirement of law that the State own a nuclear waste disposal facility by providing that the state is not required to own the facility if the facility is developed at the site of a decommissioned nuclear power plant in the course of or as a result of the decommissioning process.

See Public Law 1999, chapter 741.

Public Law 1999, chapter 739 was enacted as an emergency measure effective April 26, 2000.

LD 2509

An Act Regarding Discharges from Small Fish Hatcheries That Operated Prior to 1986

PUBLIC 720

Sponsor(s)
BRYANT
KILKELLY

Committee Report
OTP-AM

Amendments Adopted
H-1039

LD 2509 proposed to allow fish hatcheries existing prior to January 1, 1986 to continue discharges into Class A waters only until practical alternatives exist. The bill also proposed to exempt fish hatcheries existing prior to January 1, 1986 but not licensed from the Maine Revised Statutes, Title 38, section 413 until practical alternatives exist.

Committee Amendment "A" (H-1039) proposed to authorize discharges from fish hatcheries into Class A waters, Class GPA waters and waters having a drainage area of less than 10 square miles to continue until practical alternatives exist, as are discharges licensed prior to January 1, 1986, if the discharge was in

existence prior to January 1, 1986, the hatchery is licensed by the Department of Inland Fisheries and Wildlife and an application for a waste discharge license is accepted as complete for processing within 90 days of notification that a license is required. The amendment proposed to require the Department of Environmental Protection to notify a fish hatchery with an unlicensed discharge within 90 days of the effective date of the amendment or within 90 days of finding the unlicensed discharge that a waste discharge license is required.

Enacted law summary

Public Law 1999, chapter 720 authorizes discharges from fish hatcheries into Class A waters, Class GPA waters and waters having a drainage area of less than 10 square miles to continue until practical alternatives exist, as are discharges licensed prior to January 1, 1986, if the discharge was in existence prior to January 1, 1986, the hatchery is licensed by the Department of Inland Fisheries and Wildlife and an application for a waste discharge license is accepted as complete for processing within 90 days of notification that a license is required. The law requires the Department of Environmental Protection to notify a fish hatchery with an unlicensed discharge within 90 days of the effective date of this Act or within 90 days of finding the unlicensed discharge that a waste discharge license is required.

LD 2526 An Act to Establish Minimum Environmental Compliance Standards for Subsidized Employers ONTP

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

LD 2526 proposed to require an employer receiving economic development incentives to demonstrate that it was in full compliance with federal, state and local environmental laws in order to continue receiving public assistance.

Committee Amendment “A” (H-1066) proposed to prohibit a person convicted of a criminal violation of environmental laws from receiving, for one year, tax reimbursement for qualified business property under the Business and Equipment Reimbursement Program.

LD 2547 An Act to Implement the Recommendations of the Task Force to Study the Operation of and Support for the Board of Environmental Protection PUBLIC 784

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-1027
	ONTP MIN	S-762 MICHAUD

LD 2547 proposed to implement the recommendations of the Task Force to Study the Operation of and Support for the Board of Environmental Protection. The bill proposed to allocate funds for an Executive Director of the Board of Environmental Protection position and to specify that the executive director directs the daily administrative and operational functions of the board and may be removed by majority vote of the

board. The bill proposed to provide for the transfer of funding for the Deputy Commissioner of the Department of Environmental Protection position from the Board of Environmental Protection Fund to the General Fund.

The bill proposed to amend the conflict of interest provision as it applies to the board to require the board to provide a nonbinding advisory opinion as to whether a member has a conflict of interest that may require abstention from a proceeding, unless the member in question objects to the vote.

The bill proposed to amend the rule-making procedures as they apply to the board to require the board to accept and consider additional public comment on a proposed rule following the close of the formal rule-making comment period provided that the additional public comment is directly related to comments received during the formal rule-making comment period or is in response to changes to the proposed rule.

Committee Amendment "A" (H-1027), the majority report of the committee, proposed to change the title of the professional staff position for the Board of Environmental Protection to "executive analyst," to set the salary level at a lower range, to specify that the position is unclassified and to specify that the executive analyst of the board is prohibited from participating in any activity that substantially compromises the executive analyst's ability to discharge effectively and impartially the duties of the position. The amendment proposed to specify that the executive analyst may be hired no earlier than October 1, 2000. The amendment also proposed to specify that the Commissioner of Environmental Protection shall make recommendations to the board regarding matters considered by the board and shall provide the board with the technical services of the department.

The amendment proposed to clarify that public notice of a meeting that is not a public hearing but at which the Board of Environmental Protection will accept additional public comment on a proposed rule must comply with the general public notice requirements for public proceedings.

Senate Amendment "A" to Committee Amendment "A" (S-762) proposed to remove the provisions in the bill regarding the transfer of funding for the Deputy Commissioner of the Department of Environmental Protection. See LD 2510 (P.L. chapter 731, Part HHH).

Enacted law summary

Public Law 1999, chapter 784 establishes and funds the position of Executive Analyst of the Board of Environmental Protection. The law requires the Chair of the Board to hire an executive analyst no earlier than October 1, 2000. The law specifies that the Commissioner of Environmental Protection shall make recommendations to the board regarding matters considered by the board and shall provide the board with the technical services of the department.

The law amends the conflict of interest provision as it applies to the Board of Environmental Protection to require the board to provide a nonbinding advisory opinion as to whether a member has a conflict of interest that may require abstention from a proceeding, unless the member in question objects to the vote.

The law amends the rule-making procedures as they apply to the board to require the board to accept and consider additional public comment on a proposed rule following the close of the formal rule-making comment period provided that the additional public comment is directly related to comments received during the formal rule-making comment period or is in response to changes to the proposed rule.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B DAIGLE	OTP-AM	H-1113 MARTIN S-628

LD 2565 proposed to provide that when the State Planning Office finds that 4 years or less of licensed and available disposal capacity for municipal solid waste or special waste remains within the State or that this capacity will soon be available only at a single facility, the office would be required to submit a report recommending the construction and operation of a state-owned solid waste disposal facility to the joint standing committee of the Legislature having jurisdiction over natural resources matters. The bill proposed to require the office to submit a similar report when, in consultation with a regional solid waste management association, it found that disposal capacity is projected to be needed for certain types of wastes and the regional association is not able to pursue the siting, establishment and operation of a solid waste disposal facility.

Committee Amendment "A" (S-628) proposed to specify that the triggers for when the State Planning Office must submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters recommending the construction and operation of a state-owned solid waste disposal facility are when the office finds that 4 years or less of licensed and available disposal capacity for municipal solid waste or special waste remains within the State or that within 4 years this capacity will be available only at a single facility. The report would recommend the construction and operation of a facility for the disposal of the type of waste for which capacity is needed.

The amendment proposed to require that a report submitted by the office recommending construction of a state-owned facility for either municipal solid waste or special waste or to meet the needs of a regional association for disposal of certain other types of waste must include a review of disposal options outside of the State; a review of existing efforts to reduce, reuse, recycle, compost and incinerate the affected waste streams and the impact of these efforts on capacity requirements; a thorough economic analysis of the facility's expected costs; and commitments from entities to utilize the facility and projected revenues.

House Amendment "A" to Committee Amendment "A" (H-1113) proposed to remove the requirement that the State Planning Office submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters when the office finds that within 4 years licensed and available disposal capacity for municipal solid waste or special waste will be available only at a single facility.

Enacted law summary

Public Law 1999, chapter 736 provides that the trigger for when the State Planning Office must submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters recommending the construction and operation of a state-owned solid waste disposal facility is when the office finds that 4 years or less of licensed and available disposal capacity for municipal solid waste or special waste remains within the State. The report must recommend the construction and operation of a facility for the disposal of the type of waste for which capacity is needed.

The law requires that a report submitted by the office recommending construction of a state-owned facility for either municipal solid waste or special waste or to meet the needs of a regional association for disposal

of certain other types of waste must include a review of disposal options outside of the State; a review of existing efforts to reduce, reuse, recycle, compost and incinerate the affected waste streams and the impact of these efforts on capacity requirements; a thorough economic analysis of the facility's expected costs; and commitments from entities to utilize the facility and projected revenues.

LD 2581

An Act to Prevent the Spread of Invasive Aquatic Plants

**PUBLIC 722
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON TREAT	OTP-AM	H-1105 THOMPSON H-970

LD 2581 proposed to prohibit the importation into state waters of Eurasian water milfoil, a nonnative aquatic plant. The bill also proposed to require that the Commissioner of Environmental Protection, in conjunction with the Commissioner of Inland Fisheries and Wildlife, post at public boat launches in the State notice of the prohibition and the steps necessary to remove milfoil from a boat.

Committee Amendment "A" (H-970) proposed to add an emergency preamble and clause to the bill. The amendment proposed to require the Department of Environmental Protection to prepare and make available educational materials to inform the public about invasive aquatic plants and to investigate and document the occurrence of invasive aquatic plants. It also proposed to authorize the department to undertake activities to control invasive aquatic plants.

The amendment proposed to prohibit the transportation of aquatic plants on public roads, to prohibit the possession, importation, cultivation, transportation or distribution of invasive aquatic plants in a manner that could cause the plant to get into any state waters and to prohibit the sale of invasive aquatic plants after September 1, 2000.

The amendment proposed to require the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife to submit a report on invasive aquatic species control, including recommendations and implementing legislation, to the joint standing committees of the Legislature having jurisdiction over natural resources matters and inland fisheries matters by January 15, 2001.

House Amendment "B" to Committee Amendment "A" (H-1105) proposed to remove from the committee amendment language specifically authorizing law enforcement officers to detain vehicles, boats, personal watercraft, boat trailers or other equipment.

Enacted law summary

Public Law 1999, chapter 722 requires the Department of Environmental Protection to undertake an educational program and a control program related to invasive aquatic plants. The law prohibits the transportation of aquatic plants on public roads, prohibits the possession, importation, cultivation, transportation or distribution of invasive aquatic plants in a manner that could cause the plant to get into any state waters and prohibits the sale of invasive aquatic plants after September 1, 2000.

Public Law 1999, chapter 722 was enacted as an emergency measure effective April 14, 2000.

LD 2587

An Act to Implement the Recommendations of the Joint Standing Committee on Natural Resources Relating to the Review of the Advisory Commission on Radioactive Waste and Decommissioning Under the State Government Evaluation Act

PUBLIC 585

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 2587 proposed to implement the recommendations made by the Joint Standing Committee on Natural Resources as a result of the committee's review of the Advisory Commission on Radioactive Waste and Decommissioning under the State Government Evaluation Act. This bill proposed to:

1. Extend the termination date of the commission from June 30, 2000 to June 30, 2006 and subject the commission to its next State Government Evaluation Act review beginning in 2005; and
2. Require the commission to issue a report in 2002 with recommendations for altering the funding formula in the event the Maine Yankee Atomic Power Company plant in Wiscasset no longer generates low-level radioactive waste.

Enacted law summary

Public Law 1999, chapter 585 implements the recommendations made by the Joint Standing Committee on Natural Resources as a result of the committee's review of the Advisory Commission on Radioactive Waste and Decommissioning under the State Government Evaluation Act. The law extends the termination date of the commission from June 30, 2000 to June 30, 2006, subjects the commission to its next State Government Evaluation Act review beginning in 2005, and requires the commission to issue a report in 2002 with recommendations for altering the funding formula in the event the Maine Yankee Atomic Power Company plant in Wiscasset no longer generates low-level radioactive waste.

LD 2597

An Act to Improve Public Water Supply Protection

PUBLIC 761

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1106
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LD 2597 proposed to implement the recommendations of the Task Force to Study the Improvement of Public Water Supply Protection, established pursuant to Resolve 1999, chapter 80. The bill proposed to strengthen notice requirements for projects that could threaten water supplies and to require a municipality to give a water supplier notice if a project is proposed near its groundwater wells or surface water intakes.

The bill proposed to move the Maine Drinking Water Program from the Department of Human Services to the Department of Environmental Protection and to require the Department of Environmental Protection to hire a consultant to help integrate the program into its overall structure. The bill proposed to allow the Department of Environmental Protection to deny, based on the presence of existing threats, an application to establish a new public water supply. The bill also proposed to require the Land and Water Resources

Council to develop an education strategy for public water supply protection aimed at municipalities and the general public.

Committee Amendment "A" (H-1106) proposed to strengthen the authority of the drinking water program to deny an application for a new water supply in the vicinity of potential sources of contamination that already exist.

The amendment proposed, instead of moving the drinking water program effective July 1, 2001, to require the Department of Human Services and the Department of Environmental Protection to jointly hire a consultant to review the drinking water and plumbing control programs and evaluate the strengths and weaknesses of various agencies to house the programs. The consultant would be required to submit a report outlining the findings of the review to the joint standing committees of the Legislature having jurisdiction over natural resources and human services matters by February 1, 2001.

Enacted law summary

Public Law 1999, chapter 761 strengthens notice requirements for projects that could threaten water supplies and requires a municipality to give written notice to a water supplier if certain projects are proposed near its groundwater wells or surface water intakes. It also strengthens the authority of the drinking water program within the Department of Human Services to deny an application for a new water supply in the vicinity of existing potential sources of contamination. The law requires the Land and Water Resources Council to develop an education strategy for public water supply protection aimed at municipalities and the general public.

The law requires the Department of Human Services and the Department of Environmental Protection to jointly hire a consultant to review the drinking water and plumbing control programs and evaluate the strengths and weaknesses of various agencies to house the programs. The consultant shall submit a report outlining the findings of the review to the joint standing committees of the Legislature having jurisdiction over natural resources and human services matters by February 1, 2001.

LD 2600

An Act to Implement the Land Use Recommendations of the Task Force on State Office Building Location, Other State Growth-related Capital Investments and Patterns of Development

PUBLIC 776

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	S-660
	ONTP MIN	S-792 MICHAUD

LD 2600 proposed to implement the recommendations of the Task Force on State Office Building Location, Other State Growth-related Capital Investments and Patterns of Development that relate to land use policy. The bill proposed to address issues related to downtowns by establishing and capitalizing the Downtown Leasehold Improvement Fund; by establishing the Maine Downtown Center within the Department of Economic and Community Development to encourage downtown revitalization in Maine communities; by authorizing the Maine Municipal Bond Bank to make loans to municipalities from the Municipal Investment Trust Fund for downtown improvements and appropriating \$5,000,000 for downtown improvement loans; and by requiring the Department of Economic and Community Development to develop an investment policy related to downtowns.

The bill proposed to require municipalities in which construction projects for new schools will be located to consider, with the assistance of the State Planning Office, priority locations in selecting a school building site. The bill proposed that if a municipality does not select a priority location, state funds may be used for the project only if the municipality's land use regulations do not prohibit denser residential development within 1/4 mile of the school property.

The bill proposed to add school facilities to the list of infrastructure facilities for which impact fees may be used by municipalities.

The bill proposed to define state growth-related capital investments and direct them to locally designated growth areas as identified in local comprehensive plans, or, if there is no comprehensive plan, to areas with public sewers capable of handling the development, to areas identified as census designated places or to compact areas of urban compact municipalities as defined in transportation law. Exceptions could be made for certain state investments.

The bill proposed to require the Department of Administrative and Financial Services, Bureau of General Services to develop site selection criteria for state facilities that give preference to priority locations, identified as service center downtowns, service center growth areas and downtowns and growth areas in other than service center communities.

The bill proposed to establish the Task Force to Study Growth Management, composed of 16 members, to conduct a review of the growth management laws and issues related to growth management.

The bill proposed to require the Land and Water Resources Council to submit a report to the Legislature with an evaluation of the use of incentives to keep rural land undeveloped. The bill proposed to require the State Planning Office and the Department of Environmental Protection to promote the Maine Municipal Brownfields Revolving Loan Fund and the voluntary response action program and to make recommendations for expanding the redevelopment of "brownfields".

The bill proposed to require the Office of the State Fire Marshal to convene a stakeholders group to review state codes and federal regulations that restrict the reuse of existing structures and to recommend revisions to encourage renovation of existing buildings. The bill also proposed to require the State Planning Office to work with municipalities and regional planning commissions to develop model land use ordinances that accommodate "smart growth" design standards and provide for flexibility in zoning regulations to allow for traditional, compact development in designated growth areas and to preserve and revitalize existing neighborhoods.

The bill proposed to appropriate funds for the position of Statewide Geographic Information System Coordinator within the Office of Geographic Information Systems and funds for grants for financial and technical assistance to municipalities, grants to regional councils and alternative growth management initiatives.

Committee Amendment "A" (S-660), the majority report of the committee, proposed to require the Commissioner of Economic and Community Development to evaluate biennially the extent to which the purposes of the Maine Downtown Center are being met. The amendment also proposed to authorize the commissioner to seek and accept funds to support the center's purpose and to require the commissioner to collaborate with other entities to make maximum use of resources.

The amendment proposed to strike from the bill the requirement that municipalities consider priority locations in selecting sites for new school construction projects and instead to require the State Board of Education to adopt major substantive rules relating to siting of new school construction projects that receive state funding. The amendment also proposed to require the State Planning Office and the State Board of Education to submit a report to the Legislature by February 1, 2001 with recommendations regarding land use ordinances near newly constructed schools.

The amendment proposed to clarify that growth areas identified by a municipality in its comprehensive plan may be designated as areas suitable for any combination of residential, commercial and industrial development.

The amendment proposed to limit the definition of state growth-related capital investments to include investment by the State in 5 types of projects, to clarify what projects are not growth-related capital investment and to clarify the exceptions to the location requirements for projects in which the State makes growth-related capital investments. The amendment proposed to change to January 1, 2001 the date of application of the requirement that state growth-related capital investments must be made in certain locations.

The amendment proposed to exempt certain state facilities from the requirement that site selection criteria for state facilities give preference to priority locations. The amendment also proposed to specify that if a suitable priority location for a state facility does not exist or if a priority location would impose an undue hardship on the occupant or is not within a reasonable distance of the clients and customers served, the facility must be located in certain other areas suitable for growth.

The amendment proposed to change the list of infrastructure facilities for which impact fees may be used by municipalities to include public safety equipment and facilities rather than fire protection facilities.

The amendment proposed to restrict the existing exemption from review under the site location of development laws for certain developments located in municipalities with capacity to only those developments located within areas designated as growth areas in those municipalities.

The amendment proposed to strike the requirement that the Office of the State Fire Marshal convene a stakeholders group to review state codes and federal regulations and instead to incorporate that review into the development of a state downtown investment policy by the Department of Economic and Community Development.

The amendment proposed to change the membership of the Task Force to Study Growth Management and to clarify the requirement that the task force review impact fees.

The amendment proposed to require the Land and Water Resources Council to submit a report to the Legislature with an evaluation of the use of incentives to keep land in productive farming, fishing and forestry use and to require the Maine State Housing Authority to submit a report to the Legislature by February 15, 2001 regarding efforts to implement a home ownership program for service center downtowns.

The amendment proposed to correct an error in the bill by reducing the appropriation to the State Planning Office for growth management initiatives to the amount recommended by the Task Force on State Office Building Location, Other State Growth-related Capital Investments and Patterns of Development and to

clarify the level of funding for planning grants to municipalities, grants to regional councils and alternative growth management initiatives.

Senate Amendment "A" to Committee Amendment "A" (S-792) proposed to strike that portion of the bill, as amended by the committee amendment, that would have established the Task Force to Study Growth Management. The amendment proposed to establish the Maine Downtown Center under the administration of the State Planning Office and to eliminate the appropriation of funds to establish a position of Director of the Maine Downtown Center.

See SP 1090 for the Task Force to Study Growth Management.

See LD 2510 (P.L. chapter 731) for the appropriation to the State Planning Office for growth management initiatives.

See LD 2334 (P.L. chapter 790, Party R) for corrections of errors.

Enacted law summary

Public Law 1999, chapter 776 establishes, but does not fund, the Downtown Leasehold Improvement Fund to assist state agencies in securing space in downtowns whenever possible by providing for capital improvements to real property leases. The law authorizes the Maine Municipal Bond Bank to make loans to municipalities from the Municipal Investment Trust Fund for downtown improvements. The law establishes the Maine Downtown Center to encourage downtown revitalization in Maine communities through advocacy, information, training and technical assistance to communities.

The law limits the State to making certain state growth-related capital investments only in locally designated growth areas as identified in local comprehensive plans, or, if there is no comprehensive plan, to areas with public sewers capable of handling the development, to areas identified as census designated places or to compact areas of urban compact municipalities as defined in transportation law. The law defines state growth-related capital investments as investment by the State in the following 5 types of projects: newly constructed multifamily rental housing; industrial or business parks; sewer, water and other utility lines; public service infrastructure, public facilities and community buildings; and state office buildings, state courts and other state civic buildings. Exceptions are made for certain types of projects. The law requires the Bureau of General Services to develop site selection criteria for state facilities that give preference to priority locations, identified as service center downtowns, service center growth areas and downtowns and growth areas in other than service center communities.

The law requires the State Board of Education to adopt major substantive rules relating to siting of new school construction projects that receive state funding. The law adds school facilities to the list of infrastructure facilities for which impact fees may be used by municipalities.

The law restricts the exemption from review under the site location of development laws for certain developments located in municipalities with capacity to developments located within areas designated as growth areas in those municipalities.

The law directs the Department of Economic and Community Development, the Land and Water Resources Council, the State Planning Office, the Department of Environmental Protection, the Maine State Housing Authority and the State Board of Education to submit reports to the Legislature on various issues related to land use and policies that affect development patterns.

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1072
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LD 2604 proposed to implement the recommendations of the Department of Environmental Protection relating to measures to reduce nonpoint source pollution and improve water quality. The bill proposed to amend the natural resources protection laws to require a permit for the cutting or removal of vegetation, other than for farming or forest management activities, within 25 feet of small mapped streams. The bill proposed to require that sellers of residential real property and real estate brokers disclose additional information regarding subsurface wastewater disposal systems and information regarding land use laws affecting property located within the shoreland zone. The bill also proposed to require the Department of Environmental Protection and the Department of Human Services to submit a report to the Legislature by January 15, 2001 with recommendations for requiring inspections of old subsurface wastewater disposal systems at the time of real estate transfers.

Committee Amendment "A" (H-1072) proposed to direct the Board of Environmental Protection and the Maine Land Use Regulation Commission to adopt major substantive rules to regulate the cutting and removal of vegetation, other than timber harvesting activities, in areas adjacent to rivers, streams, ponds, wetlands and tidal waters. It proposed to require that the rules retain standards established under the laws related to mandatory shoreland zoning and natural resources protection when those standards are consistent. The amendment would not affect current laws and rules, as amended, that regulate the cutting or removal of vegetation prior to final adoption of the rules authorized by this amendment. The amendment proposed to authorize the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out a bill to the Second Regular Session of the 120th Legislature to amend statutes administered by the Department of Environmental Protection and the Maine Land Use Regulation Commission related to the cutting and removal of vegetation.

The amendment also proposed to require the Department of Environmental Protection, the Maine Land Use Regulation Commission and the Bureau of Forestry to jointly develop and implement an educational initiative to inform the public in all areas of the State about the standards for the cutting and removal of vegetation.

Enacted law summary

Resolve 1999, chapter 116 directs the Board of Environmental Protection and the Department of Conservation, Maine Land Use Regulation Commission to adopt and submit to the Legislature major substantive rules to regulate the cutting and removal of vegetation, other than timber harvesting activities, in areas adjacent to rivers, streams, ponds, wetlands and tidal waters. The law authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out a bill to the Second Regular Session of the 120th Legislature to amend statutes administered by the Department of Environmental Protection and the Maine Land Use Regulation Commission related to the cutting and removal of vegetation.

The law also requires the Department of Environmental Protection, the Maine Land Use Regulation Commission and the Bureau of Forestry within the Department of Conservation to jointly develop and implement an educational initiative to inform the public in all areas of the State about the standards for the cutting and removal of vegetation.

LD 2615 **Resolve, Regarding Legislative Review of Chapter 119: Motor Vehicle Fuel Volatility Limit, a Major Substantive Rule of the Department of Environmental Protection** **RESOLVE 100 EMERGENCY**

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

LD 2615 proposed to provide for legislative approval of Chapter 119: Motor Vehicle Fuel Volatility Limit, a major substantive rule of the Department of Environmental Protection.

Enacted law summary

Resolve 1999, chapter 100 provides for legislative approval of Chapter 119: Motor Vehicle Fuel Volatility Limit, a major substantive rule of the Department of Environmental Protection.

Resolve 1999, chapter 100 was finally passed as an emergency measure effective April 5, 2000.

LD 2621 **An Act to Extend the Removal Deadline for Certain Repaired Concrete Underground Oil Storage Tanks** **PUBLIC 640**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
CAREY TESSIER		OTP-AM		S-618

LD 2621 proposed to extend by 15 months the date after which a person may not operate, maintain or store oil in certain underground oil storage facilities and tanks.

Committee Amendment "A" (S-618) proposed to extend the date after which a person may not operate, maintain or store oil in certain underground oil storage tanks to July 1, 2002. It also proposed to provide that the tank piping must be subject to monthly visual inspection.

Enacted law summary

Public Law 1999, chapter 640 extends the date after which a person may not operate, maintain or store oil in certain underground oil storage tanks to July 1, 2002. It also provides that the tank piping must be subject to monthly visual inspection.

LD 2639

An Act Relating to the Cleanup of the Wells Waste Oil Disposal Site

PUBLIC 604
EMERGENCY

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2639, reported by the Joint Standing Committee on Natural Resources pursuant to Public Law 1999, chapter 505, Part B, section 8, proposed to extend the date of final disbursement of funds from the Wells Waste Oil Clean-up Fund from April 1, 2000 to June 30, 2000 and to clarify that eligibility for loans or grants from the fund are limited to persons who are participants in a settlement agreement under which an entity has assumed liability for total response costs at the Wells waste oil disposal site.

Enacted law summary

Public Law 1999, chapter 604, reported by the Joint Standing Committee on Natural Resources pursuant to Public Law, extends the date of final disbursement of funds from the Wells Waste Oil Clean-up Fund from April 1, 2000 to June 30, 2000 and clarifies that eligibility for loans or grants from the fund are limited to persons who are participants in a settlement agreement under which an entity has assumed liability for total response costs at the Wells waste oil disposal site.

Public Law 1999, chapter 604 was enacted as an emergency measure effective March 31, 2000.

LD 2642

An Act to Require Nutrient Management Plans for Fish Hatcheries
Except for Aquaculture

PUBLIC 726

Sponsor(s)

KIEFFER
DUNLAP

Committee Report
OTP-AM

Amendments Adopted

H-1051 MARTIN
S-629

LD 2642 proposed to require fish hatcheries, other than offshore aquaculture operations in estuarine or marine waters, to have a nutrient management plan under the nutrient management laws. It proposed to exempt fish hatcheries from needing a discharge license under the Department of Environmental Protection.

Committee Amendment "A" (S-629) proposed to require fish hatcheries, other than off-shore marine aquaculture operations, to have a nutrient management plan in accordance with rules adopted by the Commissioner of Agriculture, Food and Rural Resources. A nutrient management plan for a fish hatchery would address storage, management and use of fish waste from the hatchery. The amendment proposed to strike the emergency preamble and the emergency clause from the bill.

House Amendment "A" to Committee Amendment "A" (H-1051) proposed to require the nutrient management plan for a fish hatchery to have as its goal the improvement of water quality.

Enacted law summary

Public Law 1999, chapter 726 requires fish hatcheries, other than off-shore marine aquaculture operations, to have a nutrient management plan in accordance with rules adopted by the Commissioner of Agriculture, Food and Rural Resources. A nutrient management plan for a fish hatchery must address storage, management and use of fish waste from the hatchery with the goal of improving water quality.

LD 2674

An Act to Protect Maine Jobs and Natural Resources

ONTP

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

LD 2674 proposed to amend the site location of development laws to place certain restrictions on companies developing a significant groundwater aquifer for the purpose of selling bottled water. It proposed to require that an employer who operates an existing public water system, primarily distributes bottled water, has employees in this State and develops a significant groundwater aquifer may not discriminate against its current employees when hiring for the newly developed facility. The employer would be required to offer existing employees in good standing the opportunity to transfer to the same or a similar position, at the same or a similar wage, in the new facility.

LD 2688

An Act to Establish Clean-up Standards for Decommissioning Nuclear Facilities

PUBLIC 741

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY RINES	OTP-AM	S-713

LD 2688 proposed to change the definition of “low-level radioactive waste” to exclude radioactive material remaining at the site of a decommissioned nuclear power plant if the site meets the United States Nuclear Regulatory Commission's requirements for release, is not used to dispose of radioactive material generated by a facility other than the plant and meets a state radiation dose standard established by the bill (same as that included in the final enacted version of LD 2496). The bill proposed to provide that if radioactive material is relocated and buried on the site and the site only meets less stringent federal standards, the site would be considered a low-level radioactive waste disposal facility subject to approval by the voters in a statewide referendum.

Committee Amendment "A" (S-713) proposed to modify the bill to provide that construction demolition debris at the site of a decommissioned nuclear power plant, other than below-grade, intact structures, must be treated as low-level radioactive waste unless the material can meet federal standards established for unrestricted use. Below-grade, intact structures on the site would be exempted from treatment as low-level radioactive waste only if the site meets the other enhanced state standards established by the bill. This amendment also proposed to remove from the bill language that would classify waste based on whether it is

relocated and a provision making reference to approval by the United States Nuclear Regulatory Commission as a precondition for the application of the Maine Revised Statutes, Title 38, section 1493.

Enacted law summary

Public Law 1999, chapter 741 changes the definition of low-level radioactive waste so as to exclude material left at the Maine Yankee Nuclear Power Plant site if all the following conditions are met: the site is approved by NRC for release (under federal standards); no radioactive material from off-site is disposed at the site; the site meets a specified residual radiation dose standard; and any construction demolition debris remaining at the site, other than below-grade, intact structures, meets federal standards established for unrestricted use. Below-grade, intact structures remaining on the site are exempted from the definition of “low-level radioactive waste” only if the site meets the other enhanced state standards established by the bill. The effect of this is that the site, if it meets these standards, would not be considered a low-level radioactive waste disposal or storage facility. A low-level radioactive waste disposal facility, under Maine law, must be owned by the state, requires specific approval of the Legislature, must be licensed by the NRC, and needs specific approval in a statewide referendum.

See Public Law 1999, chapter 739.

SP 1090

JOINT ORDER – Relative to the Task Force to Study Growth Management

PASSED

Sponsor(s)
TREAT

Committee Report

Amendments Adopted

Joint Order SP 1090 establishes the Task Force to Study Growth Management. The joint order gives the 14 member task force the following responsibilities: to conduct a targeted review of the growth management laws with the goal of improving the laws to make them more responsive to the issues of sprawl, to consider ways to clarify and improve the State’s enabling legislation for impact fees and to establish an advisory working group to review municipal subdivision law and its impact on local planning and growth management. The task force is required to submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters and may submit a bill implementing its recommendations for consideration by the 120th Legislature.

HP 1591

**JOINT RESOLUTION SUPPORTING THE EFFECTS OF THE
DEPARTMENT OF ENVIRONMENTAL PROTECTION IN
PROTECTING THE PEOPLE AND RESOURCES OF MAINE
FROM OIL SPILLS**

ONTP

Sponsor(s)

Committee Report

Amendments Adopted

Joint Resolution HP 1591 proposed to affirm and support, through a resolution to be transmitted to the Governor, the Commissioner of Environmental Protection and the United States Attorney General, the efforts of the Department of Environmental Protection in protecting the people and resources of Maine from unsafe oil tanker operations and oil spills.

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Joint Select Committee on Research and Development

LD 1528

An Act to Encourage Funding for Applied Research and Development Relevant to the Maine Economy

INDEF PP

<u>Sponsor(s)</u> ROSEN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u>
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LD 1528 was carried over from the First Regular Session and proposed to establish the Applied Research and Development Fund to be used for applied research and development relevant to the Maine economy. Under the bill, the fund would receive annual General Fund appropriations equivalent to one percent of actual General Fund revenue for the previous year. The bill also proposed to establish an organization responsible for making awards from the fund and created a 12-member governing board to oversee the activities of the organization.

Committee Amendment "A" (H-927) proposed to replace the bill. It proposed to set forth the intent of the Legislature to provide the equivalent of at least 1% of total actual General Fund revenue of the previous fiscal year for research and development relevant to the State's economy. It also proposed to add a fiscal note to the bill. Committee Amendment "A" was not adopted.

LD 2287

An Act to Expand the Maine Technology Institute Board

PUBLIC 541

<u>Sponsor(s)</u> TESSIER		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 2287 proposed to add the President of the Maine Technical College System, or the president's designee, to the Board of Directors of the Maine Technology Institute.

Enacted law summary

Public Law 1999, chapter 541 adds the President of the Maine Technical College System, or the president's designee, to the Board of Directors of the Maine Technology Institute.

LD 2297

An Act to Appropriate Funds to Match a Federal Department of Energy Research and Development Award

INDEF PP

<u>Sponsor(s)</u> KONTOS COWGER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u>
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LD 2297 proposed to appropriate \$750,000 for fiscal year 2000-01 to match an anticipated federal award for the Maine Experimental Program to Stimulate Competitive Research, a federal-state partnership to

Committee Amendment "A" (H-939) proposed to change the administration of the Maine Patent Program from the Secretary of State to the Center for Advanced Technology Law and Management in the University of Maine System. The amendment also proposed to require the Center for Advanced Technology Law and Management to submit a report on the performance of the program by December 1, 2001. Finally, the amendment proposed to change the appropriation from \$100,000 to \$300,000 and proposed to add a fiscal note to the bill. Committee Amendment "A" was not adopted.

The provisions of this bill were incorporated into the Part II Budget, Public Law 1999, chapter 731, Part WWW.

LD 2631

An Act to Amend the Comprehensive Research and Development Evaluation

INDEF PP

Sponsor(s)

Committee Report

Amendments Adopted

LD 2631 proposed to require the Maine Science and Technology Foundation to prepare an initial evaluation of state investments in research and development by July 1, 2001 and proposed to change the date for each subsequent 5-year evaluation from the first day of each legislative session to July 1st. The bill also proposed to require recipients of state research and development funding to submit certain information on the research and development activity to the Maine Science and Technology Foundation in order to assist the foundation in preparing the comprehensive evaluation. Finally, the bill proposed to appropriate \$145,000 in fiscal year 2000-01 to the Maine Science and Technology Foundation for preparation of the initial research and development evaluation.

The provisions of this bill were incorporated into the Part II Budget, PL 1999, chapter 731, Part XXX.

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Joint Standing Committee on State and Local Government

LD 86 **An Act to Establish a Children's Bureau within the Executive Department to Serve the Department of Human Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Education and the Department of Corrections** **ONTP**

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

LD 86 proposed to establish the Maine Children's Bureau within the Executive Department to serve the Department of Human Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Corrections and the Department of Education. The bureau would provide case management services in cases involving child abuse and neglect and children's mental health and educational and juvenile corrections issues for children within the care of the departments. The bill was introduced in the First Regular Session of the 119th Legislature but was carried over to the Second Regular Session.

LD 253 **Resolve, to Create the Commission to Study the Feasibility of Televising Senate and House Sessions** **INDEF PP**

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

LD 253 proposed to direct the Executive Director of the Legislative Council to develop a system to cable televise the proceedings of the Legislature, to go into effect no later than January 1, 2001.

Committee Amendment "A" (H-771), proposed to replace the original resolve with a 15-member Commission to Study the Feasibility of Televising Senate and House Sessions. It proposed to require the commission to report to the First Regular Session of the 120th Legislature by December 15, 2000. It also proposed to add an appropriation section.

LD 299

Resolve, to Create the Committee to Study the Governance of the Unorganized Territories of Maine

INDEF PP

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

LD 299 was a concept draft pursuant to Joint Rule 208. It proposed to create a governance system for unorganized towns. It also proposed changes to the laws governing unorganized towns, the deorganization of municipalities and the Maine Land Use Regulation Commission. A subcommittee considered a fully-drafted version of the bill during the interim. That draft was the subject of a public hearing and work session in the Second Regular Session.

Committee Amendment "A" (H-782), proposed to establish a 15-member Committee to Study the Governance of the Unorganized Territories of Maine. It proposed that the study committee examine the feasibility of establishing an alternative system of governance for the unorganized territories, such as that proposed in the report of the subcommittee of the Joint Standing Committee on State and Local Government on Legislative Document 299. The amendment proposed to set a reporting deadline of December 15, 2000.

Senate Amendment "A" to Committee Amendment "A" (S-559) proposed to alter the membership and duties of the Committee to Study the Governance of the Unorganized Territories of Maine. It also proposed a change to the committee's reporting date. The amendment proposed that the committee examine and explore options for greater self-governance for the unorganized territories.

LD 391

An Act to Develop a Department of Children

ONTP

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

LD 391 was a concept draft pursuant to Joint Rule 208. The bill proposed to consolidate all services to children provided by the State in one department. It was introduced in the First Regular Session of the 119th Legislature, but was carried over to the Second Regular Session.

Committee Amendment "A" (H-966), which was not adopted, replaced the bill with a resolve that would create the Task Force to Implement the 1991 Report of the President's and Speaker's Blue Ribbon Commission on Children and Families. 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. The task force would be required to report by November 1, 2000. The amendment also proposed adding an appropriation section for funds to support the task force's efforts.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOWNSEND	OTP-AM MAJ	H-793
NUTTING J	ONTP MIN	

LD 448 proposed to amend Maine Revised Statutes Annotated, Title 23, section 3101, which requires members of private road associations to determine what repairs need to be made to the road and to share the cost of those repairs. This bill proposed that members of private road associations could not be required by their association to pay for major improvements to the road, such as paving. LD 448 was introduced in the First Regular Session of the 119th Legislature, but was carried over the Second Regular Session.

Committee Amendment "A" (H-793) was the majority report. It proposed to further define the meaning of "repairs" to private ways and to limit to 1% of an individual property owner's property valuation in any calendar year the amount that the road commissioner of a local road association could assess individual property owners for annual road repairs.

Enacted law summary

Public Law 1999, chapter 552 further defines the meaning of "repairs" to private way in Maine Revised Statutes Title 23, section 3101. Specifically, the law prohibits repairs to include paving unless the paving undertaken is to repair existing pavement or to fix an erosion problem. The law also limits to 1% of an individual owner's property valuation the amount that a road commissioner may assess that individual property owner for road repairs in any calendar year.

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

LD 529 proposed to amend Chapter 153 of Title 5 of the Maine Revised Statutes Annotated with regard to the manner in which retainage would be withheld for state construction projects over \$1,000,000 in value and for school construction projects over \$1,000,000 in value and for which state aid is received. The bill proposed to limit the retention of contract payments on those public improvement construction projects to line items in the project contract and to situations in which unsatisfactory progress had been made by a contractor or subcontractor. In those cases, up to 5% of the payment due under the project contract could be withheld until all contract requirements for the line item have been completed. Following completion of a line item, any retained payments could be paid promptly. At the end of a project, the value of punch list and incomplete items could be retained as well as withholding to cover good faith claims of the owner, including claims for unsatisfactory progress on the project. The bill proposed that over the course of the project, the owner would make the determination of how much of the payment due would be retained up to the 5% limit and as to whether satisfactory progress had been made on the project. LD 529 was introduced in the First Regular Session of the 119th Legislature, but was carried over to the Second Regular Session.

Committee Amendment "A" (S-555), which was not adopted, was the minority report. It proposed to make several changes to the original bill. Among other things, the amendment proposed to change the title of the bill and to strike from the bill any reference to state-owned public improvement projects. The amendment proposed to retain the bill's application to school construction projects in excess of \$1,000,000. It also proposed to add new definitions to section 2 of the bill and to further define how contract line items were to be divided in calculating retainage. The amendment also proposed to change the application date of the bill to January 1, 2001.

LD 533

An Act Concerning State Government Competition with Private Enterprise

PUBLIC 566

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B	OTP-AM A	H-824 AHEARNE
CIANCHETTE	OTP-AM B	S-478
	ONTP C	

LD 533 proposed to prohibit the State from providing services for fees or undertaking enterprises that would compete with private industry. It was introduced in the First Regular Session of the 119th Legislature, but was carried over the Second Regular Session.

Committee Amendment "A" (S-478), was the majority report. It proposed to establish a 9-member advisory committee to handle complaints and issues regarding potentially unfair competition practices by the State with private enterprise. The amendment directed the advisory committee to meet at least once a year and to submit an annual report by January 15th of each year to the Governor and the joint standing committee of the Legislature having jurisdiction over state and local government matters.

Committee Amendment "B" (S-479), which was not adopted, was the minority report. It proposed to establish a 9-member advisory committee to handle complaints and issues regarding potentially unfair competition practices by the State with private enterprise. The amendment also directed the advisory committee to meet at least once quarterly and to submit an annual report by January 15th of each year to the Governor and the joint standing committee of the Legislature having jurisdiction over state and local government matters. The amendment also proposed to require the Department of Administrative and Financial Services, which would provide staff services to the committee, to provide minutes of the committee's meetings to the joint standing committee of the Legislature having jurisdiction over state and local government matters.

House Amendment "A" to Committee Amendment "A" (H-824), proposed to clarify the membership and initial terms of the advisory committee.

Enacted law summary

Public Law 1999, chapter 566 establishes a 9-member advisory committee to handle complaints and issues regarding potentially unfair competition practices by the State with private enterprise. The advisory committee is directed to meet at least once a year and to submit an annual report by January 15th of each year to the Governor and the joint standing committee of the Legislature having jurisdiction over state and local government matters.

LD 852 Resolve, to Study Outdated, Contradictory and Unenforced Laws DIED BETWEEN BODIES

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

LD 852 proposed to require the Commissioner of Labor and Commissioner of Human Services to conduct a study of outdated, contradictory and unenforced laws and to report to the Legislature by January 15, 2000. Introduced in the First Regular Session, the bill was carried over to the Second Regular Session of the 119th Legislature.

Committee Amendment "A" (H-855), which was not adopted, was the minority report. It proposed to require the Commissioner of Labor, the Commissioner of Human Services and the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to acquire feedback from their departments' providers and customers regarding outdated, contradictory and unenforced laws. The amendment also would require the commissioners to report on their findings and to recommend legislation by January 31, 2001 to the joint standing committee of the Legislature having jurisdiction over the reporting department.

LD 1001 An Act to Repeal Term Limits ONTP

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

LD 1001 proposed to repeal term limits. It was introduced in the First Regular Session of the 119th Legislature, but was carried over to the Second Regular Session.

LD 1849 An Act to Amend the Laws Governing Public Easements and the Discontinuance of Town Ways ONTP

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

LD 1849 proposed to amend Maine Revised Statutes, Title 23, section 3026, subsection 1 to require that a municipality may only retain a public easement in a discontinued road by stating in the discontinuance order that a public easement will be retained. LD 1849 was introduced in the First Regular Session of the 119th Legislature, but was carried over the Second Regular Session.

Committee amendment “A” (H-792), which was not adopted, proposed to eliminate the retention of a public easement by a municipality when a town way is discontinued. The amendment proposed that the land occupied by the discontinued town way be rejoined to the abutting property from which it was taken. The amendment also proposed to preserve any existing utility easement over the discontinued town way.

LD 1876 An Act to Reform County Governance ONTP

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

LD 1876 was a concept draft introduced in the First Regular Session of the 119th Legislature pursuant to Joint Rule 208. It proposed to reform county government by amending the Maine Revised Statutes, Title 30-A to create a uniform structure for county governments. Among the proposed changes were: increasing the number of commissioners; making the commissioner districts uniform in size within the county; staggering the terms of the commissioners; and authorizing the commissioners to appoint the sheriff, the register of deeds, the register of probate, the county treasurer, and the Judge of Probate.

The bill was carried over to the Second Regular Session. The committee held a second public hearing on a fully-drafted version of the bill that proposed to increase the number of commissioners elected in each county, to reapportion county commissioner districts in 2001 and to require the Legislature to vote on the plan in 2002, to repeal the election of county treasurers and registers of deeds, and to grant the county commissioners of each county the authority to appoint the treasurer and register of deeds and to set their salaries.

**LD 2087 An Act to Establish the Public Resources and Information for
Maine Foundation INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS WATSON	OTP-AM	

LD 2087 proposed to establish the Public Resources and Information for Maine Foundation with a General Fund appropriation of \$100,000 for fiscal year 1999-00. The bill also proposed that the foundation be scheduled for review under the State Government Evaluation Act in 2004.

Committee Amendment "A" (S-570), proposed to make several changes to the original bill, including:

1. Deleting a section in the original bill establishing a board of corporators;
2. Altering the composition of the Public Resources and Information for Maine Foundation's board of directors;
3. Removing from the services to be developed by the foundation the establishment of dedicated electronic media channels for full-time coverage of legislative and other government proceedings;

4. Requiring the foundation to report to the joint standing committee of the Legislature having jurisdiction over state and local government matters rather than to the Legislature as a whole;
5. Requiring the Governor to call the first meeting of the foundation's directors and to appoint an acting chair;
6. Limiting General Funds for the foundation to its first full year of operation; and
7. Changing the fiscal year for the seed money appropriation section.

The amendment also added an appropriation.

LD 2176 **Resolve, to Require Certain Reports Concerning the Use of Automated Telephone Answering Equipment by State Government** **RESOLVE 90 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KIEFFER	OTP-AM MAJ	S-488
MAYO	OTP-AM MIN	

LD 2176 proposed to require agencies and departments of State Government to have a live operator answer all incoming telephone calls to the agency or department during business hours, except for emergency hot lines and telephone lines that provide general information.

Committee Amendment "A" (S-488), was the majority report. It proposed to convert the original bill into an emergency resolve that would require the Commissioner of Administrative and Financial Services to make both preliminary and final reports to the joint standing committee of the Legislature having jurisdiction over state government matters on the implementation of a new policy on the use of automated telephone answering equipment by state agencies. The amendment also proposed to grant authority to the joint standing committee of the Legislature having jurisdiction over state government matters to report out a bill during the First Regular Session of the 120th Legislature.

Committee Amendment "B" (S-489), which was not adopted, retained the original bill's requirement that agencies and departments of State Government have a live operator answer all incoming calls during business hours, except for emergency hot lines and telephone lines that provide general information. It also proposed to require the Commissioner of Administrative and Financial Services to make both preliminary and final reports to the joint standing committee of the Legislature having jurisdiction over state government matters on the implementation of a new policy on the use of automated telephone answering equipment by state agencies. The amendment also proposed to grant authority to the joint standing committee of the Legislature having jurisdiction over state government matters to report out a bill during the First Regular Session of the 120th Legislature.

Enacted law summary

Resolve 1999, chapter 90 requires the Commissioner of Administrative and Financial Services to make both preliminary and final reports to the joint standing committee of the Legislature having jurisdiction over state government matters on the implementation of a new policy on the use of automated telephone answering equipment by state agencies. It also grants authority to the joint standing committee of the

Legislature having jurisdiction over state government matters to report out a bill in response to the reports during the First Regular Session of the 120th Legislature.

Resolve 1999, chapter 90 was finally passed as an emergency measure effective April 14, 2000.

LD 2261

**An Act to Make Technical Changes in the Law Authorizing the
Capital Riverfront Improvement District**

P & S 68

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM MAJ OTP-AM MIN	S-495

LD 2261 proposed to amend the Private and Special law (1999, chapter 58) that established the Capital Riverfront Improvement District. The bill proposed to allow the Governing Board of the Capital Riverfront Improvement District to add additional members and to alter the boundaries of the district. It also proposed to change the reporting date of the governing board.

Committee Amendment "A" (S-495), was the majority report. It proposed to require the district governing board to elect co-chairs. The amendment also proposed to delete a reporting requirement on the district master plan to the Joint Standing Committee on State and Local Government.

Committee Amendment "B" (S-496), which was not adopted, was the minority report. It also proposed to require the district governing board to elect co-chairs. The amendment also proposed to authorize the district to alter the district's permanent boundaries once prior to August 31, 2000 without legislative approval. The amendment also proposed to delete a reporting requirement on the district master plan to the Joint Standing Committee on State and Local Government.

Enacted law summary

Private and Special Law 1999, chapter 68 amends the law establishing the Capital Riverfront Improvement District (Private and Special Law 1999, chapter 58) to allow the Governing Board of the Capital Riverfront Improvement District to appoint additional members and to alter the boundaries of the district. The law also requires the district governing board to elect co-chairs and deletes a reporting requirement regarding the district master plan to the Joint Standing Committee on State and Local Government.

LD 2275

**An Act to Amend the Laws Governing the Work Center Product
and Services Set Aside**

PUBLIC 543

Sponsor(s)
WESTON

Committee Report
OTP

Amendments Adopted

LD 2275 proposed to amend the definition of "work center" to be consistent with the Federal Government and provider direction. It would accomplish this by removing from State statute a requirement that a work center be a rehabilitation facility or part of such a facility and would broaden the definition of work centers to include private sector businesses. LD 2275 not only proposed to continue a requirement that a program provide vocational rehabilitative services to individuals with disabilities, but also proposed to support the current practice of encouraging rehabilitation providers to offer services in a competitive and integrated environment. The bill also proposed to improve the representation on the Work Center Purchases Committee of disabled persons by increasing to 5 the number of persons with disabilities on the committee.

Enacted law summary

Public Law 1999, chapter 543 amends the definition of "work center" to be consistent with the Federal Government and provider direction. It accomplishes this by removing from State law a requirement that a work center must be a rehabilitation facility or part of such a facility and by broadening the definition of work center to include private sector businesses. The law not only continues to require that a program provide vocational rehabilitative services to individuals with disabilities, but also supports the current practice of encouraging rehabilitation providers to offer services in a competitive and integrated environment. Public Law 1999, chapter 543 also increases the representation of persons with disabilities on the Work Center Purchases Committee. The number of such persons was increased to a minimum of 5 of the board members.

LD 2300

**An Act to Make Minor Changes to the Community Development
Definitions to Maintain Compatibility with Federal Regulations**

PUBLIC 540

Sponsor(s)
DAGGETT

Committee Report
OTP

Amendments Adopted

LD 2300 proposed to change the definition of "blighted area" from an area with a predominance of buildings needing improvement to an area with a substantial number of buildings that need improvement. This proposed change to the Maine Revised Statutes, Title 31-A, chapter 104 would mirror current Federal law.

Enacted law summary

Public Law 1999, chapter 540 updates the State's Community Development Block Grant (CDBG) program guidelines to mirror Federal guidelines. It does this by changing the definition of "blighted area" from an area with a predominance of buildings needing improvement to an area with a substantial number of buildings that need improvement. The change will increase the number of areas in the State that could

be so designated and thus eligible for the CDGB funds. The law also makes other minor wording changes to Maine Revised Statutes, Title 30-A, chapter 104.

LD 2309 **Resolve, Authorizing the Commissioner of Administrative and Financial Services to Transfer or Acquire Property or Interests in Property at the Maine Criminal Justice Academy, Oak Grove Coburn School in Vassalboro and Maine State Prison in Thomaston** **RESOLVE 97**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	OTP-AM	S-550

LD 2309 proposed to authorize the Commissioner of Administrative and Financial Services to acquire or release easements, rights-of-way and other interests in property at the Oak Grove Coburn School in Vassalboro in order to contribute to the value and efficient functioning of the facility.

Committee Amendment "A" (S-550), proposed to amend the resolve by limiting the authority of the Commissioner of Administrative and Financial Services to transfer or to acquire interests in property to nonfee interests such as easements or rights-of-way. The amendment also proposed to include as property subject to the resolve the Maine Criminal Justice Academy in Waterville and the Maine State Prison in Thomaston. It also amends the title to reflect those additional properties. The amendment also proposed to repeal the resolve 3 years after its effective date.

Enacted law summary

Resolve 1999, chapter 97 authorizes the Commissioner of Administrative and Financial Services to transfer or acquire nonfee interests such as easements or rights-of-way in state-owned property at the Oak Grove Coburn School in Vassalboro, the Maine Criminal Justice Academy in Waterville and the Maine State Prison in Thomaston. The authority granted in the resolve is automatically repealed 3 years from the resolve's effective date.

LD 2319 **Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in the Maine State Prison in Thomaston** **RESOLVE 114**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	OTP-AM MAJ ONTP MIN	H-862

LD 2319 proposed to authorize the Commissioner of Administrative and Financial Services to sell or lease the Maine State Prison in Thomaston.

Committee Amendment "A" (H-862), which was adopted, proposed to amend the resolve by extending the repeal date of the resolve from 3 years to 5 years from its effective date.

Enacted law summary

Resolve 1999, chapter 114 authorizes the Commissioner of Administrative and Financial Services to sell or lease the Maine State Prison property in Thomaston. The law is repealed 5 years from its effective date.

LD 2342 An Act to Add Emergency Medical Services to the Municipal Fire Department Authority PUBLIC 570

<u>Sponsor(s)</u> DUPLESSIE RAND	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-822
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LD 2342 proposed to clarify that the terms "resident" and "residence" are applicable to legal entities as well as to individuals for the purpose of the provision of emergency services. It also proposed to specifically authorize municipal fire departments to provide ambulance service, including interfacility ambulance transport, and emergency medical treatment. LD 2342 also proposed to enable the provision of these services pursuant to mutual aid agreements among municipalities.

Committee Amendment "A" (H-822), replaced the original bill. The amendment proposed to expand the definition of "municipal fire department" and to define "emergency services" under the Maine Revised Statutes, Title 30-A. This amendment also proposed to broaden the emergency services that municipal fire departments could provide to other municipalities through mutual aid agreements. It also proposed to make technical changes to Title 30-A, section 5725.

Enacted law summary

Public Law 1999, chapter 570 expands the definition of "municipal fire department" and defines "emergency services" under the Maine Revised Statutes, Title 30-A. The law also expands the number of emergency services that municipal fire departments may provide to other municipalities through mutual aid agreements. It also makes technical changes to Title 30-A, section 5725.

LD 2382 An Act to Require Expenditure of Designated Funds for the Purpose for which the Legislature Designated the Funds PUBLIC 554

<u>Sponsor(s)</u> GOLDTHWAIT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-497
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LD 2382 proposed to address the issue of a county's refusal to spend for a specific purpose funds so designated by the Legislature. LD 2382 proposed that if a county receives a specific amount in its unorganized territory budget that was to be spent for a purpose designated by the Legislature and the county subsequently refuses to spend those funds for that purpose, then the county would have its unorganized territory budget for the following year reduced by an amount equal to the amount of designated funds that the county had refused to spend.

Committee Amendment "A" (S-497), which replaced the original bill proposed to clarify the intent of the original bill. The amendment proposed that the law only apply to Legislatively-designated funds for a specific purpose or purposes that are in addition to the services or projects normally included in a county's annual unorganized territory services budget.

Enacted law summary

Public Law 1999, chapter 554 addresses the issue of the refusal by the county commissioners of a county to spend for a specific purpose funds designated for that purpose by the Legislature. The law requires that an amount equal to the amount of designated funds that the commissioners refused to spend be deducted from the county's unorganized territory services reimbursement for the next fiscal year. The law applies only to Legislatively-designated funds that are for a purpose or purposes that are in addition to the services or projects normally included in a county's annual unorganized territory services budget.

LD 2412

An Act to Clarify the Process for a County Bond Referendum Election

PUBLIC 717

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURPHY T	OTP-AM MAJ	H-805
FERGUSON	OTP MIN	H-889 SAVAGE C

LD 2412 proposed to establish the process for county commissioners or county administrators to follow in conducting a county bond referendum election.

Committee Amendment "A" (H-805), proposed to replace the original bill and to repeal section 936 of the Maine Revised Statutes, Title 30-A. This section required counties to obtain legislative approval before issuing bonds. The amendment also proposed to direct counties to conduct county bond issue referendum elections according to the provisions of Title 21-A. It also proposed to require county commissioners to hold a public hearing in each county commissioner district prior to a bond issue election.

House Amendment "A" to Committee Amendment "A" (H-889), proposed to require that prior to the public hearing on the county bond referendum, each county bond issue must be reviewed by the respective county budget committee.

House Amendment "B" to Committee Amendment "A" (H-910), which was not adopted, proposed to require a review by a county budget committee, if there is one, after the public hearings and a 2/3 affirmative vote by that committee before the county commissioners may conduct a county bond referendum election.

Enacted law summary

Public Law 1999, chapter 717 establishes the process for county commissioners or county administrators to follow in conducting a county bond referendum election. The law repeals section 936 of Title 30-A of the Maine Revised Statutes, which required legislative approval of county bond issuances. Public Law 1999, chapter 717 directs counties to conduct county bond issue referendum elections according to the provisions of Title 21-A. It also requires that county commissioners hold a public hearing in each county commissioner district prior to a bond issue election. The law also requires that, prior to the public hearings

on the county bond referendum, each county bond issue must be reviewed by the respective county budget committee.

LD 2417 **An Act to Improve the Working Effectiveness of the State Employee Health Commission** **ONTP**

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

LD 2417 was a concept draft pursuant to Joint Rule 208 that proposed to enhance the timely distribution of materials and information to all members of the State Employee Health Commission. It also sought to equalize the distribution of information to members and the authority to gather and request information by members of that commission.

LD 2461 **Resolve, to Create a Commission to Study and Establish Moral Policies Regarding Foreign Investments and Foreign Purchasing by the State** **RESOLVE 135**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MATTHEWS	OTP-AM MAJ ONTP MIN	H-870 S-800 KILKELLY

LD 2461 proposed to create a commission to study the establishment of moral investment policies and moral purchasing policies by the State. It proposed that the commission’s study consider such factors as exploitation of workers, frequency of Occupational Safety and Health Administration violations and layoff of Maine employees solely for economic gain. The resolve also proposed that the commission establish standards for moral policies and present these policies to the Legislature for adoption.

Committee Amendment "A" (H-870), was the majority report. In addition to changing the title of the resolve, it proposed to add a requirement that the Executive Director of the Legislative Council call the first meeting of the Commission to Study Economically and Socially Just Policies on Investments and Purchasing by the State. It also proposed to delete a requirement that the study commission establish moral standards that would prohibit the State from making certain investments or purchases. The amendment proposed to direct the commission to study economically and socially just policies for investment and purchase by the State and to make recommendations about such policies to the First Regular Session of the 120th Legislature. It also proposed to add an appropriation section to the resolve.

House Amendment "A" to Committee Amendment "A" (H-954), which was not adopted, proposed to add 2 members to the commission -- one representing labor unions and one representing manufacturing and industry. The amendment also proposed to remove the Treasurer of State and a representative from the Maine State Retirement System as members. It also proposed to replace the representative from the Maine State Retirement System with 2 representatives from retail business. The amendment also proposed to strike and replace the appropriation section.

Senate Amendment "A" to Committee Amendment "A" (S-602), which was not adopted, proposed to change the duties as amended by Committee Amendment "A" of the Commission to Study Economically and Socially Just Policies on Investments and Purchasing by the State. It proposed to require the commission to propose standards concerning companies doing business with the State and to make recommendations as to whether the State should do business with other countries that oppress or mistreat their workers.

Senate Amendment "B" to Committee Amendment "A" (S-636), which was not adopted, also proposed to change the duties as amended by Committee Amendment "A" of the Commission to Study Economically and Socially Just Policies on Investments and Purchasing by the State. It proposed to require the commission to propose standards concerning companies doing business with the State considering such factors as child labor and exploitation of workers under unhealthy conditions and to make recommendations as to whether the State should do business with businesses that oppress or mistreat their workers. This amendment also proposed to delete from the original resolve the duty that the commission consider such factors as exploitation of workers and frequency of Occupational Safety and Health Administration violations by Maine workers. This amendment also proposed to add a preamble to the resolve.

Senate Amendment "C" to Committee Amendment "A" (S-690), which was not adopted, proposed to amend the title of the resolve and to change the duties, as amended by Committee Amendment "A," of the Commission to Study Economically and Socially Just Policies on Investments and Purchasing by the State. It proposed to require the commission to propose standards concerning foreign investments and foreign purchasing by the State, considering such factors as child labor and exploitation of workers under unhealthy conditions, and to make recommendations as to whether the State should do business with foreign businesses that oppress or mistreat their workers. This amendment also proposed to remove the duty that the commission consider such factors as exploitation of workers and frequency of Occupational Safety and Health Administration violations by Maine businesses. This amendment also proposed to add a preamble to the resolve.

Senate Amendment "D" to Committee Amendment "A" (S-790), which was not adopted, proposed to add an emergency preamble and emergency clause to the resolve and to change the name of the commission to the Commission to Study Economically and Socially Just Policies for Foreign Investments and Foreign Purchasing by the State. The amendment also proposed to make minor changes to the appointment process.

Senate Amendment "E" to Committee Amendment "A" (S-800), which was adopted, proposed to amend Committee Amendment "A" by renaming the commission the Commission to Study and Establish Moral Policies Regarding Foreign Investments and Foreign Purchasing by the State. It also proposed to strike out the emergency preamble and emergency clause inserted by Senate Amendment "D." It further proposed to insert a preamble as proposed in Senate Amendment "C". The amendment also proposed to incorporate the membership changes proposed in House Amendment "A" and further proposed to incorporate the changes in the commission's duties proposed in Senate Amendment "C." Senate Amendment "E" also proposed to specify that all commission members be appointed by August 18, 2000, that the initial meeting of the commission occur by August 31, 2000 and that the commission issue its report by November 15, 2000.

Enacted law summary

Resolve 1999, chapter 135 creates the Commission to Study Economically and Socially Just Policies for Foreign Investments and Foreign Purchasing by the State. In examining this issue, the 12-member commission must evaluate the policies of other states, propose standards concerning foreign companies that do business with the State and foreign companies invested in by the State, and make recommendations to the Legislature as to whether the State should do business with and invest in foreign companies that oppress or mistreat their workers. The law requires the commission to consider such factors as child labor and exploitation of workers under unhealthy conditions. The commission also must identify the possible positive and negative impacts of proposed policies on Maine workers, Maine small businesses and Maine taxpayers. The law requires the commission to issue its report by November 15, 2000.

LD 2471

**Resolve, to Recognize Veterans of the Vietnam War in the State
House Hall of Flags**

RESOLVE 113

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL MICHAUD	OTP-AM	H-1037 AHEARNE H-837

LD 2471 proposed to create a special commission to erect a plaque in the Hall of Flags honoring the veterans of the Vietnam War from Maine.

Committee Amendment "A" (H-837), proposed to amend the original resolve by adding a flag or flags to the items that will be displayed in the State House Hall of Flags to honor veterans of the Vietnam War. It also proposed to require that the Maine Historic Preservation Commission develop and recommend to the Legislative Council and to the joint standing committee of the Legislature having jurisdiction over state and local government matters a more formalized, permanent process through which to handle future requests for adding new plaques, flags or other commemorative items to the State House Hall of Flags. The Historic Preservation Commission would be required to report in writing on its proposal to the committee and the Executive Director of the Legislative Council by December 15, 2000. It also proposed to authorize the committee to report out legislation based on the commission's recommendations.

House Amendment "A" to Committee Amendment "A" (H-1037), proposed to make technical changes to bring the resolve into conformance with the Legislative Council's guidelines for commissions. The amendment also proposed to specify that commission members may not be Legislators and must serve without compensation. The amendment also proposed to incorporate the change from Senate Amendment "A" (S-540).

Senate Amendment "A" (S-540), which was not adopted, proposed a technical change in the resolve to ensure consistency with Committee Amendment "A," filing number H-837.

Enacted law summary

Resolve 1999, chapter 113 creates a 5-member commission to erect a plaque and place a flag or flags in the Hall of Flags honoring the veterans of the Vietnam War from Maine. The law specifies that none of the commission members may be legislators and that all must serve without compensation. It also requires that

the Maine Historic Preservation Commission develop and recommend to the Legislative Council and to the joint standing committee of the Legislature having jurisdiction over state and local government matters a more formalized, permanent process through which to handle future requests for adding new plaques, flags or other commemorative items to the State House Hall of Flags. The Historic Preservation Commission must report in writing on its proposal to the committee and the Executive Director of the Legislative Council by December 15, 2000. The law also authorizes the joint standing committee having jurisdiction over state and local government matters to report out legislation based on the commission's recommendations in the First Session of the 120th Legislature.

LD 2480

An Act to Allow Police Assistance in Emergency Situations

PUBLIC 654

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURPHY E	OTP-AM MAJ	H-908
LAWRENCE	ONTP MIN	

LD 2480 proposed to allow a police department to respond to a request for assistance from another police department when there is no liability agreement if the assistance is for a major unplanned incident, in which case liability remains with the responding department except for command or operational decisions made by the requesting department. Current law allows one police department to assist another police department only if their respective municipalities have preexisting agreements concerning liability.

Committee Amendment "A" (H-908), proposed to clarify the meaning of a "major unplanned incident."

Enacted law summary

Public Law 1999, chapter 654, except where expressly prohibited by municipal ordinance or policy, allows a police department to respond to a request for assistance from another police department when there is no preexisting liability agreement among the departments if the assistance is for a major unplanned incident. The law specifies that when the response is for a major unplanned incident, the liability remains with the responding department except for command or operational decisions made by the requesting department. Public Law 1999, chapter 654 also defines a "major unplanned incident" for the purposes of the chapter.

LD 2507

An Act to Establish a Commemorative Day Recognizing Major-General Henry Knox

**PUBLIC 666
EMERGENCY**

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

LD 2507 proposed to establish a commemorative day recognizing Major-General Henry Knox of Thomaston, who was a Revolutionary War general and hero and Secretary of War under President George Washington.

Enacted law summary

Public Law 1999, chapter 666 establishes July 25th of each year as a commemorative day recognizing Major-General Henry Knox of Thomaston, who was a Revolutionary War general and hero and Secretary of War under President George Washington.

Public Law 1999, chapter 666 was enacted as an emergency measure effective April 11, 2000.

LD 2522

An Act to Establish a Memorial Dedicated to the Civilian Conservation Corps

PUBLIC 747

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-940 S-767 MICHAUD

LD 2522 proposed to establish a memorial dedicated to the Civilian Conservation Corps. It proposed that the responsibility to establish and maintain the memorial near the entrance to the Cultural Building that houses the Maine State Library, the Maine State Museum and the Maine State Archives in the State House complex be placed with the Capitol Planning Commission. The bill proposed that funding for the memorial be raised from both the public and private sectors. It also proposed that educational and historical information regarding the Civilian Conservation Corps in Maine be maintained at the Maine State Museum.

Committee Amendment "A" (H-940), proposed to replace the appropriation section in the original bill and to add an allocation section to authorize the expenditure of any private funding received by the Capitol Planning.

Senate Amendment "A" to Committee Amendment "A" (S-767), proposed to clarify that the State funds provided for a portion of the costs of establishing a Civilian Conservation Corps memorial were to be one-time funds.

Enacted law summary

Public Law 1999, chapter 747 establishes a memorial dedicated to the Civilian Conservation Corps. The law places responsibility with the Capitol Planning Commission to establish and maintain the memorial near the entrance to the Cultural Building that houses the Maine State Library, the Maine State Museum and the Maine State Archives in the State House complex. Chapter 747 requires that funding for the memorial come from both the State and private sources and clarifies that the \$10,000 provided by the State for the project represents a "one-time" appropriation. The law authorizes the Capitol Planning Commission to expend any private funds received for the project. It also requires that educational and historical information regarding the Civilian Conservation Corps in Maine be maintained at the Maine State Museum.

LD 2569

Resolve, to Authorize the Waldo County Commissioners to Borrow not more than \$600,000 to Build a Waldo County Communications and 9-1-1 Center

**RESOLVE 98
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LINDAHL LONGLEY	OTP-AM	H-909

LD 2569 proposed to authorize the Waldo County commissioners to borrow up to \$400,000 for the construction of a communications and 9-1-1 center in Waldo County.

Committee Amendment "A" (H-909), proposed to change the title of the resolve, to increase the amount that could be borrowed from \$400,000 to \$600,000 and to require the Waldo County commissioners to hold a county-wide referendum to obtain voter authorization to borrow the funds necessary to build the county communications and 9-1-1 center.

Enacted law summary

Resolve 1999, chapter 98 authorizes the Waldo County commissioners to hold a county-wide referendum to obtain voter approval of a proposal to borrow up to \$600,000 to construct a county communications and 9-1-1 center.

Resolve 1999, chapter 98 was finally passed as an emergency measure effective April 3, 2000.

LD 2655

An Act to Amend and Clarify the Powers and Duties of the Lake Arrowhead Community, Incorporated

P & S 81

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY MCALEVEY	OTP MAJ ONTP MIN	H-1090 AHEARNE

LD 2655 proposed to amend the charter of the Lake Arrowhead Community, Incorporated, to forbid the community from charging the towns of Limerick and Waterboro membership fees and assessments for property owned by the municipalities.

House Amendment "A" (H-1090) proposed to remove the emergency preamble and emergency clause from the bill.

Senate Amendment "B" (S-699), which was not adopted, proposed to replace the language in the bill to clarify that the charter of the Lake Arrowhead Community, Incorporated does not authorize the corporation to charge a fee or assessment to a municipality other than that explicitly authorized by any other law or ordinance.

Enacted law summary

Private and Special Law 1999, chapter 81 amends the charter of the Lake Arrowhead Community, Incorporated, by forbidding the community from charging the Town of Limerick and the Town of Waterboro membership fees and assessments for property owned by the municipalities.

LD 2676

An Act to Repeal Certain Inactive Boards and Commissions and to Amend Certain Laws Governing Boards and Commissions

PUBLIC 668

Sponsor(s)

Committee Report

Amendments Adopted

H-1091 AHEARNE

LD 2676, which was reported by the Joint Standing Committee on State and Local Government pursuant to Joint Order H.P. 1850, proposed to repeal a number of inactive boards and commissions. Board or commissions proposed to be repealed were:

1. Advisory Board to Privatize the Maine Health Program;
2. Advisory Council on Energy Efficiency Building Performance Standards;
3. Board of Trustees, Sludge and Residuals Utilization Research Foundation;
4. Children's Residential Treatment Committee;
5. Commission on Biotechnology and Genetic Engineering;
6. Commission on Nursing Supply and Educational Accessibility;
7. Commodity Marketing Committee;
8. Early Retirement Incentives Review Panel;
9. Interdepartmental Coordinating Council for Early Intervention;
10. Interdepartmental Council;
11. Jail Industry Authority Board of Directors;
12. Maine Advisory Committee on Children with Special Needs;
13. Maine Family Support Council;
14. Maine Highway Safety Commission;
15. Maine Marketing Advisory Board;

16. Maine Potato Marketing Committee;
17. Maine Quality Management Council;
18. Marine Research Board;
19. Medical Specialty Advisory Committee on Anesthesiology;
20. Medical Specialty Advisory Committee on Emergency Medicine;
21. Medical Specialty Advisory Committee on Obstetrics and Gynecology;
22. Medical Specialty Advisory Committee on Radiology;
23. Mental Health Rights Advisory Board;
24. Municipal Capital Investment Advisory Commission;
25. New England Interstate Planning Commission, effective August 1, 2003;
26. Policy Review Board;
27. Region III Crisis Intervention Program Advisory Board;
28. Regional Family Support Councils; and
29. Residential Treatment Center Advisory Group.

LD 2676 also proposed to strike several statutory cross-references to the repealed boards and commissions. It also proposed to make changes to the reporting date for boards or commissions to file annual reports with the Secretary of State and it proposed to repeal an outdated sunset provision of the Maine Revised Statutes, Title 5, chapter 379. LD 2676 also proposed to make minor changes to the auditing requirements for the Lobster Promotion Council and to the appointing requirements for the Board of Trustees, Mining Excise Tax Trust Fund.

House Amendment "A" (H-1091), proposed to make a technical correction to the original bill by repealing only the Municipal Capital Investment Advisory Commission. It also proposed to retain the statutory language for the Municipal Infrastructure Investment Trust Fund.

Enacted law summary

Public Law 1999, chapter 668 repeals a number of inactive boards and commissions. Those repealed boards and commissions are:

1. Advisory Board to Privatize the Maine Health Program;
2. Advisory Council on Energy Efficiency Building Performance Standards;
3. Board of Trustees, Sludge and Residuals Utilization Research Foundation;

4. Children's Residential Treatment Committee;
5. Commission on Biotechnology and Genetic Engineering;
6. Commission on Nursing Supply and Educational Accessibility;
7. Commodity Marketing Committee;
8. Early Retirement Incentives Review Panel;
9. Interdepartmental Coordinating Council for Early Intervention;
10. Interdepartmental Council;
11. Jail Industry Authority Board of Directors;
12. Maine Advisory Committee on Children with Special Needs;
13. Maine Family Support Council;
14. Maine Highway Safety Commission;
15. Maine Marketing Advisory Board;
16. Maine Potato Marketing Committee;
17. Maine Quality Management Council;
18. Marine Research Board;
19. Medical Specialty Advisory Committee on Anesthesiology;
20. Medical Specialty Advisory Committee on Emergency Medicine;
21. Medical Specialty Advisory Committee on Obstetrics and Gynecology;
22. Medical Specialty Advisory Committee on Radiology;
23. Mental Health Rights Advisory Board;
24. Municipal Capital Investment Advisory Commission;
25. New England Interstate Planning Commission, effective August 1, 2003;
26. Policy Review Board;
27. Region III Crisis Intervention Program Advisory Board;

28. Regional Family Support Councils; and

29. Residential Treatment Center Advisory Group.

The law also strikes several statutory cross-references to the repealed boards and commissions. It also makes changes to the reporting date for boards or commissions to file annual reports with the Secretary of State and it repeals an outdated sunset provision of the Maine Revised Statutes, Title 5, chapter 379. Public Law 1999, chapter 668 also makes minor changes to the auditing requirements for the Lobster Promotion Council and to the appointing requirements for the Board of Trustees, Mining Excise Tax Trust Fund.

LD 2677

An Act to Revise the Salaries of Certain Kennebec County Officers

**PUBLIC 662
EMERGENCY**

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

LD 2677 was reported by the Joint Standing Committee on State and Local Government, pursuant to Joint Order H.P. 1822. LD 2677 proposed to increase the salaries of certain county officers in Kennebec County and would apply retroactively to January 1, 2000.

Enacted law summary

Public Law 1999, chapter 662 increases the salaries of certain county officers in Kennebec County. It applies retroactively to January 1, 2000.

Public Law 1999, chapter 662 was enacted as an emergency measure effective April 10, 2000.

LD 2678

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 2000

**RESOLVE 109
EMERGENCY**

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

LD 2678 was reported by the Joint Standing Committee on State and Local Government pursuant to Joint Order H.P. 1822. This resolve proposed to authorize the laying of the county taxes and to authorize expenditures of Kennebec County for the year 2000.

Enacted law summary

Resolve 1999, chapter 109 authorizes the laying of the county taxes and authorizes expenditures of Kennebec County for the year 2000.

Resolve 1999, chapter 109 was finally passed as an emergency measure effective April 10, 2000.

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Joint Standing Committee on Transportation

LD 222 **An Act to Alter the Firefighter License Plate** **ONTP**

<u>Sponsor(s)</u> HONEY KILKELLY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 222 proposed to require the Secretary of State to design a firefighter registration plate that featured the Maltese cross in addition to the current "FF." This bill was carried over from the first session. The Secretary of State began offering this plate in the interim.

LD 265 **An Act to Provide for License Plates in Support of Domestic Violence Prevention Programs** **ONTP**

<u>Sponsor(s)</u> BAGLEY PENDLETON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 265 proposed to establish the Domestic Violence Prevention Fund and the domestic violence prevention registration plate, under which \$14 of the registration fee would be dedicated to domestic violence prevention programs.

LD 311 **An Act to Create a Registration Plate for Members of the Maine Snowmobile Association** **ONTP**

<u>Sponsor(s)</u> BENNETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 311 proposed to authorize the issuance of a special registration plate for members of the Maine Snowmobile Association.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY	OTP-AM MAJ	H-788
KONTOS	ONTP MIN	

LD 1337 proposed to amend the Special Fuel Tax Act by including the definitions of "clean fuel vehicle," "clean fuel" and "gasoline gallon equivalent." The bill also would have set the tax for clean fuel at 1/2 of the amount applicable to a gallon of distillate fuel.

Committee Amendment "A" (H-592) would have lowered the special fuel tax on low-energy fuels to 14.25¢ per gallon and move the place of payment of the tax to the sale at the pump.

Committee Amendment "B" (H-788) proposed to lower the special fuel tax on low-energy fuels so that the tax on a particular fuel is based on the relationship of its BTU value to the BTU value of gasoline. The amendment also proposed to move the place of payment of the tax to the sale at the pump. The bill would take effect on October 1, 2000.

Enacted law summary

Public Law 1999, chapter 733 lowers the special fuel tax on low-energy fuels so that the tax on a particular fuel is based on the relationship of its BTU value to the BTU value of gasoline. This law also moves the place of payment of the tax to the sale at the pump. The bill takes effect on October 1, 2000.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMONT	OTP-AM	H-863

LD 1576 proposed to amend the motor vehicle laws to change the definitions of "resident" and "owner." The bill also would have repealed the provision that exempted a nonresident from registration and licensing laws of this State if the state that nonresident was from offered a reciprocal exemption.

Committee Amendment "A" (H-863) proposed to establish a presumption that a person is a Maine resident if that person has custody of a child enrolled in a Maine public school or declares Maine as that person's state of primary residence on a form, document or application. It also proposed to establish as prima facie evidence, the oral statement of a person stating that Maine is their primary residence.

Enacted law summary

Public Law 1999, chapter 611 establishes a presumption that a person is a Maine resident if that person has custody of a child enrolled in a Maine public school or declares Maine as that person's state of primary residence on a form, document or application. The provision also stipulates that an oral statement by a person that Maine is their primary residence is prima facie evidence of primary residence.

LD 1579

An Act to Evaluate the Compensation of Members of the Maine Turnpike Authority

ONTP

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

LD 1579 was a concept draft pursuant to Joint Rule 208. It proposed to establish a mechanism to evaluate and change the compensation of members of the Maine Turnpike Authority.

LD 1633

An Act to Create a Transporter License Plate for Light Trailers

ONTP

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

LD 1633 proposed to establish transporter plates and licenses to allow a business to transport an unregistered light trailer. A light trailer was defined as a trailer or semi-trailer with an unladen gross weight of 3,000 pounds or less.

LD 2149

An Act to Amend Motor Vehicle Title Laws

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER G O'GARA	ONTP	

LD 2149 proposed to amend the motor vehicle title laws as follows:

1. It distinguished between a salvage vehicle that may be rebuilt for highway use and a total loss vehicle that is not able to be rebuilt and is suitable for parts only. A total loss vehicle would not be able to be registered or retitled.
2. It combined the various certificates issued by the department under one definition unless the context indicated otherwise.
3. It specified that, once a vehicle was declared a "salvage vehicle," the prior certificate of title would be surrendered prior to issuance of salvage title.
4. It specified that, once a vehicle was declared a "total loss," the prior certificate of title or certificate of salvage was required to be surrendered prior to issuance of a certificate of total loss.
5. It clarified the information that would have been required on a certificate.
6. It allowed the Secretary of State to withdraw an application for a certificate for just cause.

7. It clarified the procedure for obtaining a duplicate title.
8. It clarified that a dealer needed a release of lien on any certificate.
9. It specified that a vehicle that was total loss that was sold or displayed at auction was required to be accompanied by a certificate of total loss.
10. It specified that a total loss vehicle could not be registered or retitled in the State.
11. It clarified what the insurer and the owner had to do with a salvage vehicle.
12. It clarified what a recycler had to do to obtain a certificate of salvage or total loss.
13. It specified the legends that had to appear on certificates issued for salvage vehicles, total losses and rebuilt salvage vehicles.

Committee Amendment "A" (H-379) proposed to exempt commercial vehicles with a gross vehicle weight of 26,000 pounds or more from the provisions of the bill that prohibited vehicles from being rebuilt for highway use after sustaining damages equivalent to 80% or more of the fair market value of the vehicle.

LD 2171 **Resolve, to Require the Department of Transportation to Build a Truck Escape Ramp on Route 16 in Bingham** **ONTP**

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

LD 2171 proposed to require the Department of Transportation to construct on Route 16 in Bingham, a truck escape ramp to slow and stop away from the main stream of traffic out of control vehicles that had lost the ability to brake and stop.

LD 2208 **An Act to Remove Restrictions on Changeable Signs** **ONTP**

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

LD 2208 proposed to repeal the prohibition against on-premise moving signs and remove the restrictions on changeable signs.

LD 2265 **An Act to Allow a Person with a Disability to Ride in Vehicles Being Towed** **ONTP**

<u>Sponsor(s)</u> CARR		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2265 proposed to create an exception to the prohibition of riding in a vehicle that is being towed for those people who are disabled.

LD 2270 **An Act to Amend the Law Regarding Disability License Plates** **PUBLIC 544**

<u>Sponsor(s)</u> SANBORN		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 2270 proposed to allow the Secretary of State to issue more than one set of disability registration plates to a qualified applicant.

Enacted law summary

Public Law 1999, chapter 544 allows the Secretary of State to issue more than one set of disability license plates or placards to a qualified applicant.

LD 2303 **An Act to Amend Truck Weights** **PUBLIC 580**

<u>Sponsor(s)</u> LINDAHL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-804
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LD 2303 proposed to repeal the requirement for obtaining a permit to operate at 100,000 pounds, in favor of a 100,000-pound registration. This provision would have become effective April 1, 2001, the scheduled date for entry of several Canadian provinces into the International Registration Program.

The bill proposed to allow the Secretary of State to establish, with the cooperation of the Commissioner of Transportation, a method of issuing long-term overweight permits for nondivisible loads.

The bill would have clarified the application of weight fines.

The bill also proposed to allow the 4-axle truck, 2-axle trailer vehicle to register for its allowable gross vehicle weight limit and would have repealed special certifications previously required for this vehicle.

Committee Amendment "A" (H-804) proposed to maintain the current fine schedule for violations by vehicles registered for 100,000 pounds.

Enacted law summary

Public Law 1999, chapter 580 streamlines the registration process for trucks between 90,000 and 100,000 pounds. It repeals the requirement for trucks to obtain a permit to operate at 100,000 pounds, in favor of a 100,000-pound registration. This provision becomes effective April 1, 2001, the scheduled date for entry of several Canadian provinces into the International Registration Program.

The law permits the Secretary of State to establish, with the cooperation of the Commissioner of Transportation, a method of issuing long-term overweight permits for nondivisible loads.

The law clarifies the application of weight fines and allows the 4-axle truck, 2-axle trailer vehicle to register for its allowable gross vehicle weight limit and repeals special certifications previously required for this vehicle.

The current fine schedule for violations by vehicles registered for 100,000 pounds is retained.

LD 2312

An Act to Amend the Motor Vehicle Laws

**DIED BETWEEN
BODIES**

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

LD 2312 proposed to affect the motor vehicle statutes as follows:

1. It authorized a law enforcement officer who has stopped a vehicle for another violation to demand and inspect the operator's record of duty status and medical examiner's certificate if the operator was required to have those documents.
2. It allowed a permit to be issued by a law enforcement agency to tow an unregistered vehicle using a tow dolly. Currently, a permit can be issued to tow by use of a service wrecker or tow bar.
3. It allowed Department of Public Safety vehicles operated by motor carrier inspectors to be equipped with amber auxiliary lights.
4. It required an operator passing a stationary authorized emergency vehicle using an emergency light to yield the right-of-way to that emergency vehicle by changing lanes, if possible, or passing at a careful and prudent speed.
5. It prohibited an operator from following within 150 feet of an authorized emergency vehicle that is using an emergency light.

Committee Amendment "A" (S-485) proposed that, while any law enforcement officer has the authority to inspect a driver's record of duty status and medical certificate, only a properly trained officer could take enforcement action. This amendment would have removed section 4 of the bill relating to passing stopped emergency vehicles with flashing lights.

House Amendment "A" to Committee Amendment "A" (H-814) would have exempted toll receipts from inspection by law enforcement officers.

House Amendment "B" to Committee Amendment "A" (H-905) would have allowed a law enforcement officer to inspect a driver's toll receipts, but would have prohibited the use of those toll receipts in court as evidence against the driver.

LD 2321 **An Act to Provide Recognition for Korean Conflict Veterans on Special Veterans Registration Plates** **PUBLIC 751 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISHER LAWRENCE	OTP-AM	H-845

LD 2321 would have provided special motor vehicle registration plates for Korean War veterans.

Committee Amendment "A" (H-845) proposed to direct the Secretary of State to design a decal commemorating veterans of the Korean Conflict that may be affixed over the red "V" on special veterans registration plates. These decals would be sold for one year.

The Secretary of State was also directed to convene a task force to examine whether other commemorative decals could be developed and distributed. The amendment proposed that the task force report its findings to the joint standing committee of the Legislature having jurisdiction over transportation matters by January 2, 2001. This amendment was an emergency.

Enacted law summary

Public Law 1999, chapter 751 directs the Secretary of State to design a decal commemorating veterans of the Korean Conflict that may be affixed over the red "V" on special veterans registration plates. These decals may be sold for one year.

The Secretary of State is also directed to convene a task force to examine whether other commemorative decals can be developed and distributed. The task force must report its findings to the joint standing committee of the Legislature having jurisdiction over transportation matters by January 2, 2001.

Public Law 1999, chapter 751 was enacted as an emergency measure effective May 5, 2000.

LD 2322 **An Act to Create a Purple Heart Motorcycle License Plate** **PUBLIC 734**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL	OTP-AM MAJ OTP-AM MIN	H-790

LD 2322 proposed to create a Purple Heart motorcycle registration plate.

Committee Amendment "A" (H-789), the majority report of the committee, would have codified the current practice of making a disabled veterans motorcycle license plate available to qualified veterans. It would have required the Secretary of State to redesign the disabled veterans registration plate for use on motorcycles and allow for space to affix a special decal recognizing Purple Heart medal recipients. It also would have required the Secretary of State to review the feasibility of recognizing other special veterans with decals that can be affixed to the disabled veterans motorcycle license plate.

Committee Amendment "B" (H-790), the minority report of the committee, would have exempted the special Purple Heart medal recipient motorcycle license plate from the current sponsorship requirements for specialty license plates and reformatted the original bill. The amendment also would have codified the current practice of making a disabled veterans motorcycle license plate available to qualified veterans.

Enacted law summary

Public Law 1999, chapter 734 exempts the special Purple Heart medal recipient motorcycle license plate from the current sponsorship requirements for specialty license plates. The amendment also codifies the current practice of making a disabled veterans motorcycle license plate available to qualified veterans.

LD 2323 **An Act to Clarify the Requirements for Certifying Driving Time Prior to Obtaining a License** **PUBLIC 545**

<u>Sponsor(s)</u> WHEELER G		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 2323 would have authorized a stepparent to certify the driving time of a permittee who is under 21 years of age and is applying for an operator's license. The bill also proposed to exempt a person 21 years of age or older from the requirement to submit certification of driving time.

Enacted law summary

Public Law 1999, chapter 545 adds a step-parent to the list of allowable family members that can certify the driving time of a permittee who is under 21 years of age and is applying for an operator's license. This law also exempts a person 21 years of age or older from the requirement to submit certification of driving time.

LD 2332 **An Act Concerning Motor Vehicle Registration and Title Fees for Certain Veterans' License Plates** **ONTP**

<u>Sponsor(s)</u>		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2332 proposed to implement one of the recommendations of the Committee to Study Standardized Periods of Military Service and Other Matters Related to the Award of State of Maine Veterans' Benefits.

It would have reduced from \$23 to \$5 the annual registration fee paid by honorably discharged veterans who use the special veterans registration plates in lieu of regular registration plates.

The bill also would have exempted any qualified veteran who obtains the Purple Heart medal recipient plate, the Pearl Harbor survivor plate or the former prisoner of war plate from paying either an annual registration fee or a title fee for the privilege of acquiring and displaying these special plates.

LD 2338 **An Act to Clarify the Crosswalk Law** **ONTP**

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

LD 2338 would have required an operator of a motor vehicle to yield to a pedestrian anywhere within a marked crosswalk. This bill would have maintained the current law for crosswalks on roads that are fewer than 4 lanes, but required an operator on larger roads to yield only when the pedestrian is in the crosswalk on the same side of the road or so close to the operator's vehicle as to be in danger.

LD 2370 **An Act to Amend Certain Transportation Laws** **PUBLIC 753**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS JABAR	OTP-AM MAJ ONTP MIN	S-532

LD 2370 proposed to make the following changes to the laws governing transportation.

1. It provided that the Department of Transportation may grant or otherwise transfer easements over property taken or acquired for transportation purposes when the department in its sole discretion determined that the conveyance of such easements is appropriate and necessary.
2. It provided that the owners of real property proposed to be acquired for federal, state and federally assisted highway projects were not in all cases required to pay rent in the event that they occupy the property beyond the date of acquisition.
3. It proposed to change the requirements for notice of the time and place of a hearing on a petition to condemn land filed with the State Claims Commission by the Department of Transportation. It would have allowed the commission to send notice to the department, landowners and lienholders by first class mail rather than registered mail and allows service by publication if a party can not be reached by mail.
4. It proposed to codify current practice by providing that the formula for distribution of Urban-Rural Initiative Program funds include roads maintained by a municipality that are not town ways.
5. It proposed to clarify that the Department of Transportation does not have responsibility for designating no-passing zones on roads that are not the responsibility of the department.

6. It would have provided that municipalities have responsibility for regulation of utility facilities in the public way in urban compact areas, regardless of whether or not the highway is a federal-aid highway.
7. It proposed to clarify existing law and provide that the State will relieve certain municipalities of financial obligations for major collector state aid highway reconstruction local match requirements.

Committee Amendment "A" (S-532), the majority report, amended the original bill in several ways.

1. It removed the provision that would have allowed the chair of the State Claims Commission to notify by regular mail the owner, mortgage holder, tax lien holder or holder of any other encumbrance on property with a pending claim before the commission.
2. It clarified that the Maine Port Authority's purpose includes financing for port and rail development. Clarification avoids the need for ongoing statutory interpretation.
3. It proposed to increase the overall combination vehicle length limit for truck tractor and tractor or semitrailer combinations hauling trailers or semitrailers that are more than 45 feet but no more than 48 feet long from 65 feet to 69 feet. For truck tractor vehicles containing trailers or semitrailers that are more than 48 feet long but no more than 53 feet long that travel beyond the national network, the overall length limit was proposed to be increased from 70 to 74 feet. The amendment also clarified that all combinations of vehicles are limited to a maximum overall length of 65 feet unless otherwise allowed by law.
4. It proposed to affirm that a municipality may not regulate the operation of vehicles in the public ways if that regulation conflicts with limits imposed by the Department of Transportation pursuant to the Maine Revised Statutes, Title 23. This change addresses the ability of municipalities to restrict commercial vehicle traffic on state or state-aid highways.
5. It addressed where the Department of Transportation has jurisdiction over utility easements, making it clear that it does not regulate easements on federal-aid highways. It updated references for urban compact areas in several places.
6. It specified that in urban compact municipalities without standards for utility installations the Department of Transportation's rules and policies are the default standards.

Enacted law summary

Public Law 1999, chapter 753 enacts the following provisions:

1. It provides that the Department of Transportation may grant or otherwise transfer easements over property taken or acquired for transportation purposes when the department in its sole discretion determined that the conveyance of such easements is appropriate and necessary.
2. It provides that the owners of real property proposed to be acquired for federal, state and federally assisted highway projects are not in all cases required to pay rent in the event that they occupy the property beyond the date of acquisition.
3. It codifies current practice by providing that the formula for distribution of Urban-Rural Initiative Program funds include roads maintained by a municipality that are not town ways.

5. It clarifies that the Department of Transportation does not have responsibility for designating no-passing zones on roads that are not the responsibility of the department.
6. It stipulates that municipalities have responsibility for regulation of utility facilities in the public way in urban compact areas, regardless of whether or not the highway is a federal-aid highway.
7. It relieves certain municipalities of financial obligations for major collector state aid highway reconstruction local match requirements.
8. It clarifies that the Maine Port Authority's purpose includes financing for port and rail development. Clarification will avoid the need for ongoing statutory interpretation.
9. It increases the overall combination vehicle length limit for truck tractor and tractor or semitrailer combinations hauling trailers or semitrailers that are more than 45 feet but no more than 48 feet long from 65 feet to 69 feet. For truck tractor vehicles containing trailers or semitrailers that are more than 48 feet long but no more than 53 feet long that travel beyond the national network, the overall length limit is increased from 70 to 74 feet. The law also clarifies that all combinations of vehicles are limited to a maximum overall length of 65 feet unless otherwise allowed by law.
10. It affirms that a municipality may not regulate the operation of vehicles in the public ways if that regulation conflicts with limits imposed by the Department of Transportation pursuant to the Maine Revised Statutes, Title 23. This change addresses the ability of municipalities to restrict commercial vehicle traffic on state or state-aid highways.
11. It addresses where the Department of Transportation has jurisdiction over utility easements, making it clear that it does not regulate easements on federal-aid highways. It updates references for urban compact areas in several places.
12. It specifies that in urban compact municipalities without standards for utility installations the Department of Transportation's rules and policies are the default standards.

LD 2381

An Act to Ensure Fuel Deliveries by Allowing Fuel Delivery Vehicles to Travel on Posted Roads

PUBLIC 600

<u>Sponsor(s)</u> HARRIMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-518
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LD 2381 proposed to exempt home heating oil, kerosene and propane delivery vehicles from the requirements of having to obtain permits to traverse posted roads when they are making deliveries. Currently, these vehicles obtain statewide exemption permits from the State for traveling on state roads. However, for local roads, if the municipality has not adopted the Maine Municipal Association model ordinance, the vehicle must apply at each municipality for the exemption to traverse the local roads.

Committee Amendment "A" (S-518) proposed to allow a vehicle that has an overlimit exemption permit issued by the Department of Transportation to travel over any county or town way without a specific

municipal or county permit. The amendment also specified that a municipality could not require a permit for a vehicle to operate on restricted roads.

Enacted law summary

Public Law 1999, chapter 600 allows a home heating oil, kerosene and propane delivery vehicle that has an overlimit exemption permit issued by the Department of Transportation to travel over any county or town way without a specific municipal or county permit. The law also makes it clear that a municipality may not require a permit for a vehicle to operate on restricted roads.

LD 2413 An Act to Maintain Maine's Traditional Town Line Signs ONTP

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

LD 2413 proposed to require that the town line signs erected by the Department of Transportation be the traditional long narrow signs used in the past rather than the newer green metal signs with reflective lettering.

LD 2438 An Act to Clarify Repair and Inspection Standards for Punctured Tires DIED BETWEEN BODIES

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

LD 2438 proposed to prohibit an inspection facility from failing a tire's safety inspection solely on the grounds that the tire was repaired using a tire plug only. This bill also proposed to prohibit the facility from removing a plugged tire from a rim for inspection purposes unless there is some other indication of an unsafe condition.

This bill also proposed to prohibit the Chief of the State Police from adopting a rule to require a repair to a punctured tire be made by removing the tire from the rim if it is not necessary.

LD 2450 An Act to Restrict Passengers in the Vehicle of a Newly Licensed Driver PUBLIC 674

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE C	OTP-AM	H-847 H-904 CLARK S-609 O'GARA

LD 2450 proposed to restrict new drivers under 21 years of age from transporting passengers other than family members for the first 90 days of their license unless another person 21 years of age or older is also in the vehicle.

Committee Amendment "A" (H-847) proposed to prohibit a newly licensed driver under 21 years of age from carrying passengers that are not immediate family members, unless the driver is operating under the same requirements as the instructional permit. This prohibition would be in effect for 90 days after license issuance. It was proposed that this requirement take effect August 1, 2000.

House Amendment "A" to Committee Amendment "A" (H-902) would have provided that a person under 19 years of age who has been issued a driver's license could not carry passengers other than immediate family members unless accompanied by a licensed operator who meets certain requirements for a period of 90 days from license issuance. Committee Amendment "A" would have provided that this restriction applies to a person under 21 years of age.

House Amendment "B" to Committee Amendment "A" (H-904) proposed to provide that a person under 18 years of age who has been issued a driver's license could not carry passengers other than immediate family members unless accompanied by a licensed operator who meets certain requirements for a period of 90 days from license issuance.

House Amendment "C" to Committee Amendment "A" (H-967) would have permitted a person under 21 years of age who has been issued a driver's license to carry passengers other than immediate family members within the restricted period if each passenger has written permission in the motor vehicle from that passenger's parent or guardian to travel with that driver.

House Amendment "D" to Committee Amendment "A" (H-973) would have permitted a person under 18 years of age issued a driver's license to carry passengers other than immediate family members within the restricted period if each passenger has written permission in the motor vehicle from that passenger's parent or guardian to travel with that driver.

Senate Amendment "A" to Committee Amendment "A" (S-563) would have changed the restriction period during which passengers may not be carried in a vehicle operated by a person under 21 years of age from 90 days to 30 days following license issuance.

Senate Amendment "B" to Committee Amendment "A" (S-564) proposed to include in the definition of "immediate family member" a child, stepchild or other child for whom the person is a legal guardian or custodian to allow those persons to be passengers in vehicles driven by a person under 21 years of age who has been licensed for less than 90 days.

Senate Amendment "C" to Committee Amendment "A" (S-565) would have provided that a person under 18 years of age who has been issued a driver's license may not carry passengers other than immediate family members unless accompanied by a licensed operator who meets certain requirements for a period of 90 days from license issuance.

Senate Amendment "D" to Committee Amendment "A" (S-609) proposed to include in the definition of "immediate family member" a child or spouse.

Enacted law summary

Public Law 1999, chapter 674 restricts the passengers a driver under the age of 18 can carry for the first 90 days of licensure. Only members of the driver's immediate family or those qualified to accompany a driver with an instruction permit are allowed in the vehicle.

LD 2472 An Act to Increase the Penalty for Leaving the Scene of a Motor Vehicle Accident PUBLIC 670

<u>Sponsor(s)</u> BENNETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-615
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LD 2472 proposed to increase the classification of the crime of leaving the scene of a motor vehicle accident involving death or personal injury to a Class C crime from a Class D crime.

Committee Amendment "A" (S-615) proposed to create an aggravated punishment category for leaving the scene of an accident when serious bodily injury or death occurs. Specifically, the amendment proposed to make the crime of leaving an accident a Class C crime if a person intentionally, knowingly or recklessly fails to comply with the current statute that requires stopping at the scene and providing certain information and the accident resulted in serious bodily injury, as defined in the Maine Revised Statutes, Title 17-A, section 2, subsection 23, or death.

Enacted law summary

Public Law 1999, chapter 670 creates an aggravated punishment category for leaving the scene of an accident when serious bodily injury or death occurs. Specifically, this law makes the crime of leaving an accident a Class C crime if a person intentionally, knowingly or recklessly fails to comply with the current statute that requires stopping at the scene and providing certain information and the accident resulted in serious bodily injury, as defined in the Maine Revised Statutes, Title 17-A, section 2, subsection 23, or death.

LD 2489 An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2001 P & S 67

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u> S-491 O'GARA
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LD 2489 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, 2001 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

Senate Amendment "A" (S-491) proposed to add a fiscal note to the bill.

Enacted law summary

Private and Special Law 1999, chapter 67 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, 2001 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

LD 2517 An Act to Fund the Local and State Share of Minor Collector Road Reconstruction ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B	ONTP MAJ	
WHEELER E	OTP MIN	

LD 2517 proposed to allow the municipal responsibility for contributing to minor collector capital projects, normally financed from the Rural Road Initiative, to be met by use of General Fund money appropriated for that purpose. The Commissioner of Transportation would have been required to ensure equitable distribution of the funds to those municipalities with a low property tax valuation.

LD 2521 An Act to Promote Safe Mobility for Maine's Aging Population through Education and Community-based, Economically Sustainable Alternative Transportation INDEF PP

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

LD 2521 proposed to create a program within the Department of the Secretary of State to educate the general public, public officials and health and social service personnel about the age-related changes that can impact a person's ability to safely operate a motor vehicle. The bill also would have appropriated funds to the State Planning Office to create a consumer-oriented, community-based, economically sustainable transportation service for seniors who limit or stop driving.

Committee Amendment "A" (H-933) proposed to retain the program on age-related changes.

The amendment also proposed to appropriate funds to the Executive Department, State Planning Office to establish the Innovative Senior Transportation Program to develop a consumer-oriented, community-based, economically sustainable transportation service for seniors who limit or stop driving. The amendment also would have required a study of unmet senior transportation needs and directs that a report containing findings and recommendations be submitted to the Legislature by December 15, 2000. The amendment proposed to appropriate funds to provide transportation services for seniors with priority health care service needs.

House Amendment "A" (H-1001) proposed to strike the bill and replace it with an appropriation section to provide additional funds for existing senior transportation programs.

House Amendment "A" to Committee Amendment "A" (H-1008) proposed to strike all of the amendment except for the appropriation section and replace it with an appropriation section to provide additional funds for existing senior transportation programs.

LD 2550

An Act to Ensure Cost Effective and Safe Highways in the State

PUBLIC 676

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA	OTP-AM MAJ	S-622
JABAR	ONTP MIN	

LD 2550 proposed to expand the purpose of the law governing the regulation of entrances to highways and clarify that the Department of Transportation was directed and municipalities were authorized to make rules establishing priorities that ensure avoidance, minimization and mitigation of the negative impacts of access on highway operations consistent with functional classifications. It specified that no permit was needed for existing driveways unless the grade or location or use served by the driveway was changed and directed the department and municipalities to deny access where access rights were purchased. Unless otherwise provided by rules adopted by the department, the bill limited lots of record in existence on July 1, 2000 that have state highway frontage to one driveway, entrance or approach onto the state highway. The fine for violation of the Maine Revised Statutes, Title 23, section 704 was proposed to be increased from \$100 to \$100 per day of violation.

Committee Amendment "A" (S-622) replaced the original bill. It proposed to replace the current driveway permit requirements and established a 3-tiered process for permitting new driveways, entrances and approaches on Maine's major highways.

On state highways and state aid highways outside urban areas, the Department of Transportation is authorized under current law to review permits for potential safety problems. This amendment proposed to allow for review of drainage as well. For arterial highways outside urban areas, the department would have reviewed permits for the number, spacing, design and location of driveways with a goal of maintaining posted speed limits and ensuring safe travel. For arterial highways with high accident rates, applicants could have been required to avoid, minimize or mitigate safety issues or reduced speed limits prior to construction of a driveway.

Existing driveways, approaches and entrances, as well as forest management roads, were exempted from these requirements unless their use changed. A grade change or location change of an existing driveway, approach or entrance required a permit also. The department was empowered to deny access rights to property where access rights have been acquired through eminent domain, purchase or other mechanisms.

The amendment proposed that if a permit was denied, a permit applicant could have asked the Commissioner of Transportation to reconsider the application. By rule, the department would have developed procedures for enforcing these requirements, establishing penalties and appeals of enforcement action.

Rules developed by the department to implement these new requirements were proposed to be major substantive rules and would have been reviewed by the joint standing committee of the Legislature having jurisdiction over transportation matters before they became effective.

This amendment also proposed to require the department to work with other agencies and municipalities to assist them in addressing "smart growth" techniques and to develop model ordinances for road construction standards. It also required the department to do more strategic planning on transit issues and to work with other departments to identify funding sources to address sprawl and air quality issues.

Enacted law summary

Public Law 1999, chapter 676 replaces the current driveway permit requirements and establishes a 3-tiered process for permitting new driveways, entrances and approaches on Maine's major highways.

On state highways and state aid highways outside urban areas, the Department of Transportation is authorized under current law to review permits for potential safety problems. This law allows for review of drainage as well. For arterial highways outside urban areas, the department will review permits for the number, spacing, design and location of driveways with a goal of maintaining posted speed limits and ensuring safe travel. For arterial highways with high accident rates, applicants may be required to avoid, minimize or mitigate safety issues or reduced speed limits prior to construction of a driveway.

Existing driveways, approaches and entrances, as well as forest management roads, are exempt from these requirements unless their use changes. A grade change or location change of an existing driveway, approach or entrance requires a permit also. The department is empowered to deny access rights to property where access rights have been acquired through eminent domain, purchase or other mechanisms.

If a permit is denied, a permit applicant may ask the Commissioner of Transportation to reconsider the application. By rule, the department will develop procedures for enforcing these requirements, establishing penalties and appeals of enforcement action.

Rules developed by the department to implement these new requirements are major substantive rules and will be reviewed by the joint standing committee of the Legislature having jurisdiction over transportation matters before they become effective.

This law also requires the department to work with other agencies and municipalities to assist them in addressing "smart growth" techniques and to develop model ordinances for road construction standards. It also requires the department to do more strategic planning on transit issues and to work with other departments to identify funding sources to address sprawl and air quality issues.

LD 2553

Resolve, Regarding Legislative Review of Chapter 305: Rules and Regulations Pertaining to Traffic Movement Permits, a Major Substantive Rule of the Department of Transportation

**RESOLVE 94
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2553 provided for legislative review of Chapter 305: Rules and Regulations Pertaining to Traffic Movement Permits, a major substantive rule of the Department of Transportation.

Enacted law summary

Resolve 1999, chapter 94 allowed for legislative review and approval of Chapter 305: Rules and Regulations Pertaining to Traffic Movement Permits, a major substantive rule of the Department of Transportation. These rules were approved without change.

Resolve 1999, chapter 94 was finally passed as an emergency measure effective March 29, 2000.

LD 2601

An Act to Implement the Transportation Recommendations of the Task Force Created to Review Smart Growth Patterns of Development

ONTP

Sponsor(s)

Committee Report
ONTP

Amendments Adopted

LD 2601 proposed to implement the recommendations of the Task Force on State Office Building Location, Other State Growth-related Capital Investments and Patterns of Development that relate to transportation policy. The bill would have expanded the purposes of the access management law and clarified that the Department of Transportation is directed and municipalities are authorized to make rules that establish priorities that ensure avoidance, minimization and mitigation of the negative impacts of access on highway operations consistent with functional classifications.

The bill proposed to further clarify that no permit is needed for existing driveways unless grade or location or the use served by the driveway are changed and that the department and municipalities are required to deny access where access rights have been purchased by the department. Until rules become effective, the bill would have limited lots of record in existence on July 1, 2000 and having state highway frontage to one driveway, entrance or approach onto that state highway. The fine for violation of this law was increased from \$100 in total to \$100 per day per violation.

The bill would have required the Department of Transportation to work cooperatively with the State Planning Office and regional councils to provide training, technical assistance and information to municipalities on road planning, road maintenance, sidewalks and neighborhood involvement. The bill also would have required the department to begin a strategic planning process to address challenges such as administrative streamlining of transit funding; marketing and redesign of transit to appeal to a wider range of customers; innovative financing of transit projects; connectivity to airports and rail; and other issues. The department would have been required to present a status report to the Legislature on the strategic planning process. The bill also would have required the department to work with the Department of Human Services and the Department of Environmental Protection to identify funding sources for innovative transit and transportation projects that address sprawl and air quality issues.

The bill proposed to appropriate \$500,000 to the Department of Transportation, Bureau of Transportation Services to return the level of General Fund support for alternative transportation to 1980's levels, adjusted for inflation according to the Consumer Price Index.

LD 2605

An Act to Eliminate the Requirement that a Person Provide a Social Security Number to Obtain or Renew a Driver's License

DIED IN CONCURRENCE

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

LD 2605 would have removed the requirement that the Secretary of State collect, store and verify a person's social security number upon application or renewal for a noncommercial license or a nondriver identification card number.

Committee Amendment "A" (H-996) would have removed the requirement that nondriver identification cards contain social security numbers. The amendment also would have removed the provision that allowed the Secretary of State to suspend or revoke the driver's license of a person without a hearing for failing to provide a valid social security number. The provision was retained for commercial licenses.

Senate Amendment "A" (S-640) was a resolve that directed the Department of Human Services to request a waiver from the United States Department of Health and Human Services of the requirement that a social security number be collected from an applicant for a driver's license. This request was required to be submitted by September 1, 2000.

Current federal law requires states to have in place a plan for child support enforcement. As part of the plan, the social security number of an applicant for a driver's license must be collected. Any state that fails to implement a plan for child support enforcement is subject to a loss of federal funding.

LD 2617

Resolve, to Direct the Department of Transportation to Review the Opportunities to Avoid the Need to Widen I-295

ONTP

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

LD 2617 proposed to direct the Maine Department of Transportation to conduct a comprehensive review of issues included in the potential widening of I-295 and to explore opportunities to avoid the need for widening. The department would have been required to submit its report to the joint standing committee of the Legislature having jurisdiction over transportation matters and the committee was authorized to report out legislation based on the recommendations in the report to the First Regular Session of the 120th Legislature.

LD 2625

An Act to Strengthen the Habitual Motor Vehicle Offender Law

PUBLIC 641

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

LD 2625 proposed to change the habitual offender law by allowing an habitual offender to seek a work-restricted license only after a period of revocation has been served. Under the Maine Revised Statutes, Title 29-A, section 2554, an habitual offender may petition for relief from habitual offender status one year

after revocation. This bill proposed to only allow a petition for a work-restricted license at least 8 months after revocation.

Enacted law summary

Public Law 1999, chapter 641 changes the habitual offender law by allowing an habitual offender to seek a work-restricted license only after a period of revocation has been served. Under the Maine Revised Statutes, Title 29-A, section 2554, an habitual offender may petition for relief from habitual offender status one year after revocation. This law allows a petition for a work-restricted license only after 8 months from revocation.

LD 2649

An Act to Allow Registration of Low-speed Vehicles on Certain Islands

PUBLIC 660

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY	OTP-AM MAJ	H-1010
LIBBY	ONTP MIN	

LD 2649 proposed to create a new registration for motor vehicles called "low-speed vehicles," which are motor vehicles that cannot exceed 25 miles per hour or be operated on a public way with a posted speed limit of more than 35 miles per hour.

Committee Amendment "A" (H-1010) replaced portions of the original bill that allowed low-speed vehicles throughout the State. It proposed to allow these vehicles to be operated on the 12 Maine islands that do not have any public ways maintained or supported by the State if the municipality chooses to allow them. The amendment combined this new provision with an existing provision for island vehicles to pay a reduced registration fee.

The amendment also would have required the Secretary of State and the Maine State Police to study the issues raised by low-speed vehicle use in Maine.

Enacted law summary

Public Law 1999, chapter 660 creates a new registration for motor vehicles called "low-speed vehicles," which are motor vehicles that can not exceed 25 miles per hour or be operated on a public way with a posted speed limit of more than 35 miles per hour.

It allows these vehicles to be operated on the 12 Maine islands that do not have any public ways maintained or supported by the State if the municipality chooses to allow them. This new provision is combined with an existing provision for island vehicles to pay a reduced registration fee.

The law also requires the Secretary of State and the Maine State Police to study the issues raised by low-speed vehicle use in Maine.

LD 2667

An Act to Implement Recommendations of the Joint Standing Committee on Transportation Relating to the Review of the Department of the Secretary of State, Bureau of Motor Vehicles under the State Government Evaluation Act

PUBLIC 680

Sponsor(s)

Committee Report

Amendments Adopted

LD 2667 proposed to implement the recommendations made by the Joint Standing Committee on Transportation as a result of the committee's review of the Department of the Secretary of State, Bureau of Motor Vehicles under the State Government Evaluation Act. This bill also would have clarified procedures for electronic processing of vehicle registrations.

Enacted law summary

Public Law 1999, chapter 680 implements the recommendations made by the Joint Standing Committee on Transportation as a result of the committee's review of the Department of the Secretary of State, Bureau of Motor Vehicles under the State Government Evaluation Act. This act clarifies procedures for electronic processing of vehicle registrations.

HP 1774

JOINT ORDER - Relative to Establishing the Committee on Gasoline and Fuel Price

PASSED

Sponsor(s)

GOODWIN

Committee Report

OTP-AM MAJ

ONTP MIN

Amendments Adopted

S-719 PINGREE

Joint Order HP 1774 proposed to establish the Committee on Gasoline and Fuel Prices to gather information on the increases in fuel oil and gasoline prices and to study and gauge the effect and impact of these price increases on the people of the State.

Senate Amendment "B" (S-719) proposed to replace the joint order and also proposed to clarify that all appointments must be made within 30 days after passage of the joint study order and that the first meeting must be held no later than June 30, 2000. The amendment also proposed to clarify the duties of the study committee.

Enacted law summary

Joint Order HP 1774 was read and passed as amended in both chambers and establishes the Committee on Gasoline and Fuel Prices to gather information on the change in the prices of fuel oil, diesel fuel, propane, kerosene and natural gas, to gather information on the change in gasoline prices and to study and evaluate the effects and impacts of recent price changes on the people of the State. The joint order also charges the study committee with identifying and recommending appropriate actions that the State may take to minimize the effects of price changes or to minimize future price increases that could be detrimental to businesses or the people of the State.

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Joint Standing Committee on Utilities and Energy

LD 105 **An Act to Clarify Great Northern Paper, Inc.'s Status to Furnish Electricity** **ONTP**

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

LD 105 proposed to repeal the law that allows Great Northern Paper, Inc. to furnish electricity to and from the Millinocket mill, whether or not that mill is owned by Great Northern Paper, Inc., without being considered an electric utility.

LD 553 **An Act to Amend the Charter of the Kennebec Water District** **ONTP**

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

LD 553 proposed to amend the charter of the Kennebec Water District to change certain provisions relating to trustee compensation and to restrict certain outside activities of trustees to reduce potential conflicts of interest.

LD 1464 **An Act to Amend the No Trespassing Zone Around the Water Intake Pipes of the Portland Water District** **P & S 63**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLOUGH RAND	OTP-AM	H-773

LD 1464 proposed to protect the water supply maintained by the Portland Water District by changing the way that the restricted area around the intake pipes in Sebago Lake is measured. The bill proposed that the restricted area be measured from the two intake pipes instead of from a point on the shore.

Committee Amendment "A" (H-773) proposed that the 3,000-foot no trespassing zone be measured from the southernmost intake.

Enacted law summary

Private and Special Law 1999, chapter 63 protects the water supply maintained by the Portland Water District by changing the way that the restricted area around the intake pipes in Sebago Lake is measured. The law provides for a 3,000-foot no trespassing zone measured from the southernmost intake pipe. This ensures continued boating access to the channel surrounding Indian Island in Lower Bay of Sebago Lake.

LD 1500

An Act to Provide Assistance to Low-income Energy Consumers

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M KONTOS	OTP-AM	

LD 1500 proposed to establish a nonlapsing trust fund to finance a statewide low-income electric assistance program using the Maine corporate income taxes derived from the sale of electric utilities' generation-related assets. This bill proposed to allow the Public Utilities Commission to require transmission and distribution utilities to collect funds to augment the trust fund allocation to the extent needed. The bill proposed that the Maine State Housing Authority administer both the trust and the program. The bill proposed to design the program based on the eligibility requirements of Central Maine Power's Electricity Lifeline Program. An advisory board would be established to advise the authority regarding all aspects of the low-income electric assistance program.

Committee Amendment "A" (H-618), which was reported out of the committee during the First Regular Session, proposed to replace most of the bill. This amendment proposed to transfer funds from the General Fund to the Low-income Electric Trust Fund equal to the amount of transfer taxes that were to be deposited in the General Fund as a result of sales or transfers of generation assets required to be divested pursuant to the electric restructuring law; to provide that the electric utility bill payment assistance program funded by the Low-income Electric Trust Fund become active on March 1, 2002; to require that until that date existing utility-administered programs remain in place; and to direct consumer-owned electric utilities to develop and implement programs to provide assistance to low-income consumers between March 1, 2000 and March 1, 2002.

House Amendment "A" (H-692), offered during the First Regular Session, proposed to replace the bill. Under this amendment, that portion of the corporate income taxes collected from electric utilities by the State Tax Assessor attributable to the gain on the sale or transfer of generation assets divested after May 21, 1999 would be required to be paid by the State Tax Assessor to the Maine State Housing Authority for deposit them in the Maine Low-income Energy Assistance Fund. The Maine State Housing Authority would be authorized to apply money in the fund to operate the Maine Low-income Energy Assistance Program to provide weatherization, energy conservation and fuel assistance to persons who qualify for assistance pursuant to the Weatherization Assistance for Low-income Persons Program administered through the United States Department of Energy or the Low-income Home Energy Assistance Program administered through the United States Department of Health and Human Services. The authority would be authorized to use up to 10% of the funds to cover the administrative costs of operating the program. The authority would be required to apply the funds in a manner that maximizes federal assistance under the Weatherization Assistance for Low-income Persons Program and the Low-income Home Energy Assistance Program.

Senate Amendment "A" to Committee Amendment "A" (S-338), offered during the First Regular Session, proposed to amend committee amendment "A" to reduce the amount of funds deposited in the Low-income Electric Consumer Trust Fund. Under this amendment, only taxes attributable to transfers on sales made after May 21, 1999 would be transferred to the fund.

Senate Amendment "A" to House Amendment "A" (S-354), offered during the First Regular Session, proposed to specify that funds in the Maine Low-income Energy Assistance Fund may be used for appliance replacement rather than for fuel assistance.

Committee Amendment "B" (H-891), reported out of the committee during the Second Regular Session, proposed to replace most of the bill. This amendment proposed to provide for an appropriation of \$70,000,000 from the General Fund to the Low-income Electric Consumer Trust Fund, an amount approximately equal to the amount of corporate income taxes and real estate transfer taxes that were deposited in the General Fund as a result of sales or transfers of generation assets required to be divested pursuant to the electric restructuring law; to provide that the low-income program funded by the Low-income Electric Consumer Trust Fund becomes active on March 1, 2002; to require that until that date existing utility-administered programs remain in place; and to direct consumer-owned electric utilities to develop and implement programs to provide assistance to low-income consumers between March 1, 2001 and March 1, 2002.

LD 1810 An Act to Protect the Drinking Water Supply of the Portland Water District ONTP

<u>Sponsor(s)</u> MUSE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1810 proposed to close the existing boat-launching ramp in Standish and replace it with a new boat-launching ramp, also in Standish, at a location selected by the Portland Water District. The bill proposed that that land and funding for the new boat-launching ramp be provided by the Portland Water District.

LD 2140 An Act to Enhance the Economic Security of Low-income Households with Respect to Utility Service PUBLIC 664

<u>Sponsor(s)</u> DAVIDSON	<u>Committee Report</u> OTP MAJ ONTP MIN	<u>Amendments Adopted</u>
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LD 2140 proposed to authorize the Public Utilities Commission to approve discount rates for low-income natural gas customers.

House Amendment "A" (H-920) proposed to permit the Public Utilities Commission to establish a bill payment assistance program for residential low-income customers of natural gas utilities, provided the program was funded by the General Fund.

Enacted law summary

Public Law 1999, chapter 664 authorizes the Public Utilities Commission to approve discount rates for low-income natural gas customers who are certified eligible for welfare assistance.

LD 2282 An Act to Clarify the Treatment of Certain Small Consumer-owned Transmission and Distribution Utilities ONTP

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

LD 2282 proposed to direct the Public Utilities Commission, on the request of a small consumer-owned transmission and distribution utility, to exempt the utility from most provisions of Title 35-A. Current law authorizes the commission to grant such exemptions. The Isle au Haut Electric Power Company ("IAH") had filed and failed to obtain resolution of such a request with the commission. The committee, while voting to kill the bill, sent a letter to the commission requesting that the commission move forward on that case.

LD 2288 An Act to Eliminate Regulation of Public Heating Utilities PUBLIC 579

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

LD 2288 proposed to remove the term "public heating utility" from the definition of "public utility" in the laws governing public utilities, thereby eliminating regulation of these entities by the Public Utilities Commission.

Enacted law summary

Public Law 1999, chapter 579 removes the term "public heating utility" from the definition of "public utility" in the laws governing public utilities, thereby eliminating regulation of these entities by the Public Utilities Commission.

**LD 2289 An Act to Provide Standard-offer Service to Certain Customers PUBLIC 578
EMERGENCY**

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

LD 2289 proposed to allow the Public Utilities Commission to require that transmission and distribution utilities take the necessary steps to secure electricity for some 40 customers that are not physically connected to a bulk power system in the State.

Enacted law summary

Public Law 1999, chapter 578 allows the Public Utilities Commission to require that transmission and distribution utilities take the necessary steps to secure electricity (default standard offer service) for some 40 customers that are not physically connected to a bulk power system in the State.

Public Law 1999, chapter 578 was enacted as an emergency measure effective March 22, 2000.

LD 2294

An Act to Promote Competition in the Natural Gas Industry

PUBLIC 605

<u>Sponsor(s)</u> CAREY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-528
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LD 2294 proposed to authorize gas utilities to exercise the power of eminent domain in the same manner and under the same conditions as natural gas pipeline utilities.

Committee Amendment "A" (S-528) proposed to replace the bill and to:

1. Repeal the eminent domain provisions governing natural gas pipeline utilities;
2. Grant eminent domain authority to natural gas utilities, which are defined as intrastate natural gas pipeline utilities and gas utilities other than gas utilities over which the commission's jurisdiction is limited to safety issues;
3. Establish certain conditions and standards for and limitations on the exercise of eminent domain authority, most of which reflect those that currently govern eminent domain authority exercised by natural gas pipeline utilities;
4. Require that the utility have received appropriate authorizations from the Public Utilities Commission with respect to the proposed pipeline prior to seeking to exercise eminent domain authority;
5. Provide that the commission must approve the location of any taking and find that the taking is necessary and in the public interest;
6. Require the commission to issue its written decision within certain time limits; and
7. To provide for an effective date of 90 days after adjournment or August 1, 2000, whichever is later.

Enacted law summary

Public Law 1999, chapter 605 repeals the eminent domain provisions governing natural gas pipeline utilities and grants eminent domain authority, with certain conditions and limitations, to intrastate natural

gas pipeline utilities and gas utilities other than gas utilities over which the commission's jurisdiction is limited to safety issues.

LD 2317

An Act Increasing the Authorized Indebtedness of the Veazie Sewer District

**P & S 71
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL	OTP-AM	H-832 H-866 DAVIDSON

LD 2317 proposed to increase the debt limit of the Veazie Sewer District from \$1,000,000 to \$2,000,000 subject to referendum.

Committee Amendment "A" (H-832) proposed to replace the bill. The amendment, subject to approval in a district referendum, proposed to:

1. Increase the debt limit of the Veazie Sewer District to \$2,000,000; and
2. Allow the district to increase its debt limit in the future through the referendum process without further legislative approval.

The amendment also proposed to add an emergency to the bill.

House Amendment "A" to Committee Amendment "A" (H-866) proposed to change the wording of the question to be voted on to focus on the increase in the debt limit.

Enacted law summary

Private and Special Law 1999, chapter 71, subject to approval in a district referendum, increases the debt limit of the Veazie Sewer District to \$2,000,000 and allows the district to increase its debt limit in the future through the referendum process without further legislative approval.

Private and Special Law 1999, chapter 71 was enacted as an emergency measure effective March 30, 2000, subject to approval in a district referendum.

LD 2335

An Act to Revise the Charter of the Madawaska Water District

**P & S 66
EMERGENCY**

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

LD 2335 proposed to revise the charter of the Madawaska Water District to delete references to a section of the Maine Revised Statutes, Title 35-A that has been repealed and to clarify the procedures under which the district may establish a higher debt limit and issue its notes and bonds.

3. to designate the numerals "9-1-1" as the primary telephone number to request emergency services following the activation of the E-9-1-1 services for a telephone exchange;
4. to prohibit the use of the numerals "9-1-1" for purposes, including commercial advertising, other than to request emergency services and to require 9-1-1 to be in block lettering when used to advertise the number and its use to the public;
5. to require telephone companies to publish 9-1-1 as the primary emergency telephone number for those exchanges in which E-9-1-1 services have been activated.

Committee Amendment "A" (S-560) proposed to replace the bill, though several substantive provisions of the bill were incorporated in the amendment. The amendment proposed:

1. to remove that portion of the bill that would have retroactively reinstated the E-9-1-1 surcharge and instead to reenact the surcharge and provide for delayed collection of the surcharge by those telecommunications service providers who continued to collect the surcharge after its repeal. Monies collected after the repeal of the surcharge would be directed to be deposited in the E-9-1-1 fund as payment in lieu of the surcharge amounts that would have been imposed and collected but for the delayed collection schedule;
2. to remove that portion of the bill that would have allowed public safety agencies access to the audio recordings of E-9-1-1 calls for purpose of investigation of complaints;
3. to consolidate and clarify those portions of the bill relating to the inclusion of the number 9-1-1 in telephone directories;
4. to narrow and clarify the portion of the bill limiting the use of the number 9-1-1 for commercial purposes;
5. to provide that certain costs incurred by local exchange carriers in providing database development services for the development of the E-9-1-1 system be reimbursed from the E-9-1-1 fund, provided the expenses are approved by the Public Utilities Commission; and
6. to require the Department of Public Safety, Emergency Services Communication Bureau to undertake an examination of issues related to possible reimbursement of costs incurred by wireless service providers related to the development of the E-9-1-1 system.

Enacted law summary

Public Law 1999, chapter 651 reenacts the E-9-1-1 surcharge and provides for delayed collection of the surcharge by those telecommunications service providers who continued to collect the surcharge after its repeal; establishes certain requirements relating to the inclusion of the number 9-1-1 in telephone directories; prohibits confusing commercial use of number 9-1-1; provides that certain costs incurred by local exchange carriers in providing database development services for the development of the E-9-1-1 system are reimbursed from the E-9-1-1 fund; and requires the Department of Public Safety, Emergency Services Communication Bureau to undertake an examination of issues related to possible reimbursement of costs incurred by wireless service providers related to the development of the E-9-1-1 system.

Public Law 1999, chapter 651 was enacted as an emergency measure effective April 10, 2000.

<u>Sponsor(s)</u> COLWELL KONTOS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-856
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LD 2397 proposed to allow affiliates of transmission and distribution utilities to take an ownership interest in generation facilities on the premises of a customer if such facilities are for the sole use of the customers or their tenants or associates and not for retail sales of electricity.

Committee Amendment "A" (H-856) proposed to make the bill a resolve and replace the title to reflect the content of the amendment. This amendment proposed to direct the Public Utilities Commission to undertake an examination of distributed generation and its effects on the electric industry and consumers. The commission would be directed to issue a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters not later than October 1, 2001. The committee would be authorized to report out legislation on distributed generation in response to the report of the commission.

Enacted law summary

Resolve 1999, chapter 107 directs the Public Utilities Commission to undertake an examination of distributed generation and its effects on the electric industry and consumers. The commission is directed to issue a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters not later than October 1, 2001. The committee is authorized to report out legislation on distributed generation in response to the report of the commission.

<u>Sponsor(s)</u> DAVIDSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-831
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LD 2403 proposed to extend the start-up date for implementing metering and billing competition within Maine's electric industry and to limit such competition to customers using at least 500 kilowatts of distribution service in one hour in a year.

Committee Amendment "A" (H-831) proposed to replace the bill and to accomplish the following:

1. Change the title to reflect the content of the amendment;
2. Remove the dates currently governing the establishment of competitive electric billing and metering services;
3. Provide that the Public Utilities Commission is authorized to provide for competition in the provision of electric billing and metering services through the adoption of major substantive rules;

4. Require the commission to establish terms and conditions for such competition including which services are subject to competition and which customers will receive competitive services; and
5. Preserve those portions of current law governing consumer protections and the unbundling from transmission and distribution utility rates of the charges associated with any billing and metering services that are made subject to competition.

Enacted law summary

Public Law 1999, chapter 601 removes the dates currently governing the establishment of competitive electric billing and metering services; authorizes the Public Utilities Commission to provide for competition in the provision of electric billing and metering services through the adoption of major substantive rules; and requires the commission to establish terms and conditions for such competition including which services are subject to competition and which customers will receive competitive services.

LD 2409

An Act to Amend the Renewable Resources Requirement for Electricity Providers under the Electric Restructuring Laws

ONTP

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

LD 2409 proposed that a hydroelectric dam not qualify for inclusion under the renewable resources requirements in the electric restructuring laws unless the dam has all necessary and applicable regulatory approvals for upstream and downstream fish passage, a federal license for a minimum of 30 years, and operational fish passage facilities.

LD 2411

An Act to Allow Certain Public Utilities to Extend Their Service into Areas Serviced by Other Public Utilities

ONTP

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

LD 2411 proposed to provide that, if a utility was serving a portion of a municipality on October 8, 1967, the Public Utilities Commission's approval is not required for the utility to extend service to other portions of the municipality.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIDSON	OTP-AM	H-1025

LD 2427 proposed to vest "dig-safe" enforcement responsibility for underground facilities with the Public Utilities Commission and to revise certain safety provisions. It also proposed to add a definition of "liquid gas system" and to clarify which gas utilities are subject to safety oversight by the commission

Committee Amendment "A" (H-1025) proposed to replace the bill. The amendment proposed:

1. to require the so-called "dig-safe" system to maintain adequate operations at all times to receive and process emergency notices;
2. to require an underground facility operator to mark facilities in a manner that does not extend more than 1 1/2 feet on each side of the underground facility;
3. to prohibit the use of mechanical means of excavation within 18 inches of marked underground facilities;
4. to require an excavator to undertake reasonable steps to notify the system and mark the excavation site prior to undertaking an emergency excavation;
5. to create exemptions, with certain limitations, from the notice requirements for excavations undertaken in conjunction with commercial timber harvesting activity or borrow pit operations;
6. to create exemptions from the notice requirements and the prohibition on the use of mechanical means of excavation for excavations undertaken in conjunction with timber harvesting activities if the excavator undertakes the excavation in accordance with written agreements with the underground facility owners;
7. to repeal provisions providing for one-year written clearances;
8. to authorize the Public Utilities Commission to impose penalties for violations of the "dig-safe" law and to seek injunctions to prevent unsafe excavations;
9. to modify the definition of "gas utility" in the Maine Revised Statutes, Title 35-A and Public Utilities Commission jurisdiction over gas utilities.

Enacted law summary

Public Law 1999, chapter 718 requires the so-called "dig-safe" system to maintain adequate operations at all times to receive and process emergency notices; establishes standards for the marking of underground facilities; prohibits the use of mechanical means of excavation within 18 inches of marked underground facilities; requires an excavator to undertake reasonable steps to notify the system and mark the excavation site prior to undertaking an emergency excavation; creates exemptions, with certain limitations, from the notice requirements for excavations undertaken in conjunction with commercial timber harvesting activity or borrow pit operations; creates exemptions from the notice requirements and the prohibition on the use of

mechanical means of excavation for excavations undertaken in conjunction with timber harvesting activities if the excavator undertakes the excavation in accordance with written agreements with the underground facility owners; repeals provisions providing for one-year written clearances; authorizes the Public Utilities Commission to impose penalties for violations of the "dig-safe" law and to seek injunctions to prevent unsafe excavations; and modifies slightly the definition of "gas utility" in the Maine Revised Statutes, Title 35-A and thus slightly the Public Utilities Commission's jurisdiction over gas utilities.

LD 2428 **An Act to Make Certain Public Utility Commission Rules Routine Technical Rules** **PUBLIC 577**

<u>Sponsor(s)</u> DAVIDSON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 2428 proposed to change the Public Utilities Commission rules governing divestiture of generation and provision of standard-offer service from major substantive rules to routine technical rules.

Enacted law summary

Public Law 1999, chapter 577 changes the Public Utilities Commission rules governing divestiture of generation and provision of standard-offer service from major substantive rules to routine technical rules.

LD 2446 **An Act to Encourage Energy Efficiency in Government Facilities** **PUBLIC 735**

<u>Sponsor(s)</u> DAVIDSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-1098
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LD 2446 proposed to encourage the use of performance-based contracting to achieve energy efficiency in government facilities. The bill proposed to set a goal for governmental units of 25% reduction in energy consumption by 2010. The bill proposed to define the qualifications for an energy service company that may enter into a performance-based contract with a governmental unit and to establish terms of the contract. Governmental units would be required develop implementation plans for fulfilling the goals defined in this bill. Progress reports would be made every 2 years to the joint standing committee of the Legislature having jurisdiction over state and local government matters.

Committee Amendment "A" (H-1098) proposed to replace the bill. This amendment proposed to establish an energy savings goal for state-owned facilities and to require the Department of Administrative and Financial Services:

1. To develop a pilot energy savings project using performance-based contracts with energy service companies to achieve significant energy savings at 10 state facilities;
2. To report annually to the Joint Standing Committee on Utilities and Energy on the status of plans or efforts to achieve the energy savings goal and of the pilot energy savings project; and

3. To provide a report to the Joint Standing Committee on Utilities and Energy by January 1, 2001 detailing how it has complied with the provisions of the existing Energy Conservation in Buildings Act in each year since the Act became effective, how it is currently assessing and addressing energy conservation in the buildings it manages and a proposed plan for achieving the goal established by the amendment.

Enacted law summary

Public Law 1999, chapter 735 establishes an energy savings goal for state-owned facilities. It also requires the Department of Administrative and Financial Services to develop a pilot energy savings project using performance-based contracts with energy service companies to achieve significant energy savings at 10 state facilities; to report annually to the Joint Standing Committee on Utilities and Energy on the status of plans or efforts to achieve the energy savings goal and of the pilot energy savings project; and to provide a report to the Joint Standing Committee on Utilities and Energy by January 1, 2001 detailing how it has complied with the provisions of the Energy Conservation in Buildings Act in each year since the Act became effective, how it is currently assessing and addressing energy conservation in the buildings it manages and a proposed plan for achieving the energy savings goal established by this law.

LD 2473

An Act to Promote the Use of an Advocate Staff

PUBLIC 602

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS COLWELL	OTP-AM	S-530

LD 2473 proposed to require the Public Utilities Commission to assign an advocate staff in an adjudicatory proceeding whenever all of the parties to the proceeding request an advocate staff. If a request were made by fewer than all of the parties to the proceeding, then the commission could decline to assign an advocate staff but only if the assignment of an advocate staff would have a materially adverse effect on the public interest.

Committee Amendment "A" (S-530) proposed to replace the bill. This amendment proposed to provide that if the Public Utilities Commission receives a written request from all of the parties in an adjudicatory proceeding that one or more staff advocates be appointed to facilitate a negotiated settlement in the proceeding, the commission must either grant the request or issue a written order explaining the reasons why the commission denies the request.

Enacted law summary

Public Law 1999, chapter 602 provides that if the Public Utilities Commission receives a written request from all of the parties in an adjudicatory proceeding that one or more staff advocates be appointed to facilitate a negotiated settlement in the proceeding, the commission must either grant the request or issue a written order explaining the reasons why the commission denies the request.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE	OTP-AM	H-830

LD 2482 proposed to require a public utility that owns poles and wires along a street in a designated historic district to place those wires underground when that street is reconstructed. The governing body of the municipality in which the historic district is located could waive this underground placement requirement or approve a plan that provides utility services for structures located in the historic district by connecting the rear of those structures to the facilities.

Committee Amendment "A" (H-830) proposed to replace the bill and change the title to reflect the intent of the amendment. The amendment proposed to permit a municipality to direct that utility facilities in a historic district be relocated. Costs of the relocation would be borne by the municipality unless the facility owner agrees in writing to share the costs.

Enacted law summary

Public Law 1999, chapter 596 provides that a municipality may direct that utility facilities in a historic district be relocated. Costs of the relocation are borne by the municipality unless the facility owner agrees in writing to share the costs.

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

LD 2488 was a concept draft pursuant to Joint Rule 208. This bill proposed to accomplish the following:

1. To provide for the payment to local exchange carriers for their assistance in transforming the current customer information maintained by the local exchange carrier into a format usable by the E-9-1-1 database and also for costs incurred by updating customer information in the State's E-9-1-1 databases on an ongoing basis; and
2. To lower the fee charged to users for replacement equipment costs in the E-9-1-1 system.

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-935
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LD 2508, which was reported by the Joint Standing Committee on Utilities and Energy pursuant to Public Law 1997, chapter 316, section 12, proposed to bring various provisions of law into conformity with changes made by electric industry restructuring. Specifically, the bill proposed:

1. to delete an obsolete reference to "electric public utility" in the Maine Revised Statutes, Title 5 in a provision concerning the use of certain fuels in state facilities;
2. to change a reference to "electric utility" to "transmission and distribution utility" in a provision of law concerning the electric rate stabilization program;
3. to delete an obsolete provision concerning sales of electricity to an "electric public utility" in a provision of law concerning revenue obligation programs administered by the Finance Authority of Maine;
4. to change a reference to "electric utility" to "transmission and distribution utility" in a provision of law concerning building standards;
5. to change a reference to "public service corporation" to "public utility" in a provision of law concerning zoning by the Maine Land Use Regulation Commission;
6. to update a provision of law concerning the provision of estimates of electric consumption and cost by an "electric utility";
7. to clarify that the Sunday closure law does not apply to competitive electricity providers;
8. to include theft of the services of competitive electricity providers in the criminal code provisions regarding theft of utility services;
9. to modify provisions relating to the determination of vocational education tuition services to maintain the inclusion of electricity costs;
10. to change a reference to "electric utility" to "transmission and distribution utility" in a provision of law relating to municipal self-funded pools;
11. to change several references to "utility corporation" to "public utility" in provisions of law relating to electrical inspections;
12. to change a provision relating to unclaimed deposits or refunds owed by a public utility to include those owed by a competitive electricity provider;
13. to change a reference to "electric utility" to "transmission and distribution utility" in a provision of law relating to the sales tax exemption for residential electric use;

14. to strike a provision providing special air emissions fees for generators owned by electric utilities;
15. to change a reference to "electric utility" to "transmission and distribution utility" in a provision concerning Public Utilities Commission approval requirements for site location of development permits and to delete a reference to "electric utility generation facilities";
16. to delete a provision providing special low sulfur fuel use standards for facilities owned by regulated electric utilities;
17. to change references to "electric utility" to "transmission and distribution utility" in provisions of law relating to investments of public waste disposal corporations; and
18. to change a reference to "electric utility" to "transmission and distribution utility" in a provision of law relating to revenues of incineration facilities.

Committee Amendment "A" (H-935) proposed:

1. to modify the provision of the bill concerning theft of utility services to make it clear that competitive service providers are not public utilities;
2. to clarify the wording in a provision of the bill regarding investments of public waste disposal corporations;
3. to modify the electric industry restructuring law provisions regarding consumer protection by establishing certain protections that apply to all consumers; to modify existing consumer protections provisions so that instead of applying to customers with a demand lower than 100 kilowatts they apply to residential and small commercial consumers; to specify that the Public Utilities Commission must resolve disputes between competitive electricity providers and consumers concerning any consumer protections established by law or by the commission by rule; and to direct the Public Utilities Commission to modify certain rules to make them consistent with these changes; and
4. to change the emergency clause to make the bill effective immediately upon approval.

Enacted law summary

Public Law 1999, chapter 657 brings various provisions of law into conformity with changes made by electric industry restructuring. It also modifies the electric industry restructuring law provisions regarding consumer protection by establishing certain protections that apply to all consumers; modifies existing consumer protections provisions so that instead of applying to customers with a demand lower than 100 kilowatts they apply to residential and small commercial consumers; and specifies that the Public Utilities Commission must resolve disputes between competitive electricity providers and consumers concerning any consumer protections established by law or by the commission by rule.

Public Law 1999, chapter 657 was enacted as an emergency measure effective April 10, 2000.

LD 2525

An Act to Amend the Charter of the Small Point Water Company

P & S 75
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER SMALL	OTP-AM	H-936

LD 2525 proposed to allow the Small Point Water Company to convert to a nonprofit water company.

Committee Amendment "A" (H-936) proposed to make technical corrections to the bill and to add a fiscal note.

Enacted law summary

Private and Special Law 1999, chapter 75 allows the Small Point Water Company to convert to a nonprofit water company.

Private and Special Law 1999, chapter 75 was enacted as an emergency measure effective April 10, 2000.

LD 2529

An Act to Amend the Charter of the Moscow Water District

P & S 76
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCGLOCKLIN MILLS	OTP-AM	H-937 H-955 DAVIDSON

LD 2529 proposed to increase the debt limit of the Moscow Water District and to permit the district, in accordance with the procedures established under the standard district enabling law, to increase the debt limit in the future through a referendum process. The bill also proposed to change a provision of the charter regarding rates to bring it into conformity with the standard district enabling law.

Committee Amendment "A" (H-937) proposed to require the increase in the debt limit of the Moscow Water District proposed by the bill to be approved in a district referendum.

House Amendment "A" to Committee Amendment "A" (H-955) proposed to add an emergency.

Enacted law summary

Private and Special Law 1999, chapter 76 increases the debt limit of the Moscow Water District, subject to approval in a district referendum.

Private and Special Law 1999, chapter 76 was enacted as an emergency measure effective April 10, 2000.

LD 2554

An Act to Implement the Recommendations of the Joint Standing Committee on Utilities and Energy Arising from its State Government Evaluation Act Review of the Public Utilities Commission

PUBLIC 584

Sponsor(s)

Committee Report

Amendments Adopted

H-838 DAVIDSON

LD 2554 implements the recommendations of the Joint Standing Committee on Utilities and Energy arising from its State Government Evaluation Act review of the Public Utilities Commission. This bill requires the commission to provide to the committee annual reports on rural and regional issues related to the restructuring of utility industries and the creation of competitive markets. In order to ensure that the committee has the ability to respond quickly and effectively to developments in the restructuring of utility industries, the committee is provided standing authorization to report out legislation on the restructuring of utility industries and the creation or maintenance of competitive markets.

House Amendment "A" (H-838) removes the language authorizing the committee to report out legislation to any session of any Legislature.

Enacted law summary

Public Law 1999, chapter 584 implements the recommendations of the Joint Standing Committee on Utilities and Energy arising from its State Government Evaluation Act review of the Public Utilities Commission. It requires the commission to provide to the committee annual reports on rural and regional issues related to the restructuring of utility industries and the creation of competitive markets.

LD 2566

An Act to Repeal the Fort Kent Utility District

P & S 73

Sponsor(s)

MARTIN

PARADIS

Committee Report

OTP

Amendments Adopted

LD 2566 proposed to repeal the Fort Kent Utility District Charter.

Enacted law summary

Private and Special Law 1999, chapter 73 repeals the Fort Kent Utility District. Pursuant to law passed in 1999, the operations of the district have been transferred to the town of Fort Kent.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS LIBBY	OTP-AM	H-938

LD 2586 proposed to create the Alfred Water District to allow it to acquire the properties, franchises, etc. of the Alfred Water Company.

Committee Amendment "A" (H-938) proposed to clarify that if the Alfred Water District acquires the plants, properties, franchises, rights and privileges owned by the Alfred Water Company, the district assumes and becomes responsible for all debts and liabilities of that company.

Enacted law summary

Private and Special Law 1999, chapter 77 creates the Alfred Water District and authorizes the district to acquire the plants, properties, franchises, rights and privileges owned by the Alfred Water Company.

Private and Special Law 1999, chapter 77 was enacted as an emergency measure effective April 10, 2000, subject to approval in a district referendum.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-998

LD 2591, reported by the Joint Standing Committee on Utilities and Energy pursuant to a joint order, proposed to amend the transient sales law with respect to telemarketers and to modify the law regarding the use of automated telephone calling devices. Specifically, the bill proposed:

1. to incorporate the Federal Trade Commission's Telemarketing Sales Rule into the transient sales law;
2. to prohibit a transient seller of consumer merchandise who is a telemarketer and who initiates telephone contact with a consumer from obtaining or submitting for payment a check, draft or other form of negotiable paper drawn on a consumer's checking, savings or bond or other account without the consumer's express, verifiable written authorization;
3. to prohibit a transient seller of consumer merchandise who is a telemarketer and who initiates telephone contact with a consumer from procuring the services of any professional delivery courier or other pick-up service to obtain immediate receipt or possession of a consumer's payment, unless the goods are delivered with the opportunity to inspect before any payment is collected;
4. to require a transient seller of consumer merchandise who is a telemarketer to obtain subscription listings of consumers who have arranged to be included on the Direct Marketing Association's do-not-

call list and prohibit, with a good faith exception, the telemarketer from calling consumers whose names are on the list; and

5. to repeal the registration requirement for users of automated telephone calling devices and to enact a new provision requiring the users of such devices to maintain transcripts of solicitation messages and to provide these transcripts to the Attorney General upon request.

Committee Amendment "A" (H-998) proposed the following changes to the bill:

1. To reduce the period a person using an automated telephone calling device must maintain a transcript of the call message from 36 months to 24 months;
2. To remove that portion of the bill prohibiting a transient telemarketer from obtaining payment from a consumer without written authorization from the consumer and to incorporate the Federal Trade Commission provisions that allow express, verifiable, oral authorization of payment;
3. To reduce the frequency with which a transient telemarketer must consult the do-not-call list of the Direct Marketing Association from quarterly to semiannually;
4. To create an exception to the prohibition on transient telemarketers calling consumers whose names appear on the do-not-call list of the Direct Marketing Association; the prohibition would not apply to sellers who have an established business relationship with the consumer at the time the call is made;
5. To make expressly clear that transient telemarketers are subject to and must comply with Maine's consumer solicitation sales law, which requires that sales initiated by a seller over the phone must be consummated in a written contract, that the writing must inform the consumer that the consumer can avoid the contract and allows the consumer to avoid the contract by sending notice to the seller's address, which must be printed on the contract.

Enacted law summary

Public Law 1999, chapter 694 amends the transient sales law with respect to telemarketers and modifies the law regarding the use of automated telephone calling devices. It incorporates the Federal Trade Commission's Telemarketing Sales Rule into the transient sales law; prohibits, with certain exceptions, certain telemarketers from using a pick-up service to obtain immediate receipt of a consumer's payment; prohibits, with certain exceptions, certain telemarketers from calling consumers who have arranged to be included on the DMA's do-not-call list; repeals the registration requirement for users of automated telephone calling devices; requires the users of such devices to maintain transcripts of solicitation messages; and makes expressly clear that transient telemarketers are subject to and must comply with Maine's consumer solicitation sales law, which requires that sales initiated by a seller over the phone must be consummated in a written contract.

LD 2592

An Act to Amend the Charter of the Kennebunk Sewer District

P & S 74
EMERGENCY

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

LD 2592 proposed to amend the charter of the Kennebunk Sewer District to authorize the district to provide sewer service outside the territory of the district to school buildings and facilities owned by Maine School Administrative District No. 71 and municipal buildings and facilities owned by the Town of Kennebunk.

Enacted law summary

Private and Special Law 1999, chapter 74 amends the charter of the Kennebunk Sewer District by authorizing the Kennebunk Sewer District to provide sewer service outside the territory of the sewer district to school buildings and facilities owned by Maine School Administrative District No. 71 and municipal buildings and facilities owned by the Town of Kennebunk.

Private and Special Law 1999, chapter 74 was enacted as an emergency measure effective April 10, 2000, subject to approval in a district referendum.

LD 2620

An Act to Amend the Farmington Falls Standard Water District

P & S 80
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOOLEY BENOIT	OTP-AM	H-959

LD 2620 proposed to amend the charter of the Farmington Falls Standard Water District by changing the number of trustees from 3 to 5 and balancing the distribution of the trustees between the Town of Farmington and the Town of Chesterville.

Committee Amendment "A" (H-959) proposed to add a mandate preamble, an emergency preamble, an emergency clause and a fiscal note to the bill.

Enacted law summary

Private and Special Law 1999, chapter 80 amends the charter of the Farmington Falls Standard Water District by changing the number of trustees from 3 to 5 and balancing the distribution of the trustees between the Town of Farmington and the Town of Chesterville.

Private and Special Law 1999, chapter 80 was enacted as an emergency measure effective April 13, 2000.

LD 2624

Resolve, to Improve the Services Provided by the Emergency Services Communication Bureau

RESOLVE 110

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	OTP-AM	H-1012

LD 2624 proposed to allow a municipality that receives dispatch services from an agency approved as a public safety answering point to choose that agency as its public safety answering point.

Committee Amendment "A" (H-1012) proposed to replace the bill and convert it into a resolve. The resolve proposed to require the Director of the Emergency Services Communication Bureau within the Department of Public Safety to develop and implement a plan for monitoring, evaluating and making appropriate adjustments to the E-9-1-1 system as it is implemented and operated; to develop and implement a plan for improving the bureau's relationship and communications with providers of emergency services and dispatching services and with community leaders and the public; and to provide copies of these plans to the Joint Standing Committee on Utilities and Energy by August 1, 2000.

Enacted law summary

Resolve 1999, chapter 110 requires the Director of the Emergency Services Communication Bureau within the Department of Public Safety to develop and implement a plan for monitoring, evaluating and making appropriate adjustments to the E-9-1-1 system as it is implemented and operated and a plan for improving the bureau's relationship and communications with providers of emergency services and dispatching services and with community leaders and the public. The bureau is directed to provide copies of the plans to the Joint Standing Committee on Utilities and Energy by August 1, 2000.

LD 2656

An Act to Provide Affordability in New Home Construction for Maine Families

ONTP

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

LD 2656 proposed to require electric utilities to provide the first 300 feet of a single-phase overhead distribution line extension to a customer for free and to allow for installment payments for up to 5 years for extensions of up to 2,000 feet. This bill also proposed to require electric utilities to submit a proposed standard per-foot installation charge for single-phase overhead distribution line extensions within 90 days after the effective date of this bill.

Though this bill was not passed, the committee sent a letter to the Public Utilities Commission requesting that it examine issues related to electric line extension policies.

Sponsor(s)Committee ReportAmendments Adopted

H-1136 DAVIDSON

LD 2668, reported by the Joint Standing Committee on Utilities and Energy pursuant to joint order, proposed the following:

1. To require the State Planning Office to report to the Joint Standing Committee on Utilities and Energy:
 - A. Annually on petroleum product inventories; and
 - B. On any significant heating oil supply inventory shortfalls that the office anticipates based on information available to it; and
2. To establish a heating oil crises response mechanism under which, in the event of sharp increases in heating oil prices, the Maine State Housing Authority would be required to estimate the funding needed to provide adequate fuel assistance to residents. The authority would be required to provide this information to the Legislature and to the Governor. The Governor would be directed to submit for legislative consideration emergency legislation to appropriate the needed funding and to work with the state Congressional Delegation and the governors of the northeastern states to petition the Federal Government to release sufficient funds to meet the anticipated need.

House Amendment "A" (H-1136) proposed to remove the language that directs the Governor to submit emergency legislation to appropriate the needed funding for a heating oil emergency management program and to work with the Maine Congressional Delegation and the governors of the northeastern states to petition the Federal Government to release sufficient funds to meet the anticipated needs of the program.

Enacted law summary

Public Law 1999, chapter 758 requires the State Planning Office to report to the Joint Standing Committee on Utilities and Energy as follows: annually on petroleum product inventories and at any time on any significant heating oil supply inventory shortfalls that the office anticipates based on information available to it. The law also establishes a heating oil crises response mechanism under which, in the event of sharp increases in heating oil prices, the Maine State Housing Authority is required to estimate the funding needed to provide adequate fuel assistance to residents. The authority is required to provide this information to the Legislature and to the Governor.

Sponsor(s)Committee ReportAmendments Adopted

LD 2680, which was reported out by the Joint Standing Committee on Utilities and Energy pursuant to Public Law 1997, chapter 316, section 12, proposed to amend a provision of law governing certain qualifying facility contracts affected by electric industry restructuring. Under this bill, the Public Utilities Commission would be given authority, within certain parameters, to establish contract rates based on the type of contract and the factual context.

Enacted law summary

Public Law 1999, chapter 730 amends a provision of law governing certain qualifying facility contracts affected by electric industry restructuring. Under this law, the Public Utilities Commission is given authority, within certain parameters, to establish contract rates based on the type of contract and the factual context.

Public Law 1999, chapter 730 was enacted as an emergency measure effective April 14, 2000.

LD 2689

An Act to Allow the St. Agatha Sanitary District to be Dissolved and Combined with the Town of St. Agatha

**P & S 86
EMERGENCY**

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

LD 2689 proposed to allow the St. Agatha Sanitary District to be dissolved and the Town of St. Agatha to take over the district's duties.

Enacted law summary

Private and Special Law 1999, chapter 86 allows the St. Agatha Sanitary District to be dissolved and the Town of St. Agatha to take over the district's duties.

Private and Special Law 1999, chapter 86 was enacted as an emergency measure effective April 25, 2000, subject to approval in a district referendum.

SP 709

JOINT ORDER - Relative to Establishing the Task Force to Study the E-911 System

ONTP

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

Joint Order SP 709, proposed to establish a task force to study the E-911 system.

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